



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

Statement for Immediate Release March 26, 2024

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

The Town Council and Town Manager continue to work diligently to protect this vital natural resource for the benefit of the Town as a whole and, particularly, for the residents most directly impacted by the ownership of Soscia Holding, LLC.

Town Government shares the concerns and anxiety of its residents in light of the expiration of the Town's lease with Soscia on at the end of this month. The recent favorable ruling by the U.S. District Court for the District of Rhode Island (C.A. No. 22-cv-266-LM-AKJ) upholding Rhode Island's Dam Permitting Act and dismissing Soscia's case provides some clarity. However, there remains a lack of certainty with respect to the effect of that ruling on the temporary order preserving the status quo. What should be clear is that Soscia may not take action inconsistent with the law upheld by the federal court requiring Soscia to follow RI DEM's dam permit regulations and to maintain water levels in Johnson's Pond at historic levels. In the event that this is not clear to Soscia, the Town has acted preemptively to seek clarity from the Superior Court.

In anticipation of the lease expiration, on March 6th the Town filed a complaint for declaratory and injunctive relief (KC-2024-0219) with the aim of obtaining a Court order preventing Soscia from altering or removing the dam, from deviating from the RI DEM-established historic water levels in the pond, and ordering Soscia to comply with state and local law and regulations as they apply to the alteration, breach, or removal of the dam and the water level in the pond.

In light of recent developments in the federal lawsuit and other recent developments, the Town not only intends to take additional legal action by the end of this week, but it is committed to its long-term strategy of preserving the natural splendor of this natural resource and the way of life on and around the pond.

The press and the public have been made aware that the Solicitor will be available at 4:30 pm on March 26, 2024, in Council Chambers to address this matter of vital importance.
