



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
93 Narragansett Avenue  
**Monday, January 5, 2015**  
**7:00 PM**

*The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.*

*Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.*

**I. ROLL CALL**

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS AND PROCLAMATIONS**

- A) Resolution No. 2015-01 Purchase of 138 Narragansett Avenue by Bond Financing

**IV. PUBLIC HEARINGS, LICENSES AND PERMITS**

*All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.*

- A) One Day Event/Entertainment Licenses, continued from December 1, 2014
- 1) Applicant: Eident Sports Marketing
  - Event: Jamestown Half Marathon
  - Date: July 11, 2015
  - Location: Streets circling the Island

**V. OPEN FORUM**

*Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue*

- A) Scheduled to address  
B) Non-scheduled to address

**VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

- A) Administrator's Report: Town Administrator Andrew E. Nota
- 1) Employee Evaluation forms

- 2) North Road update
- B) Planning Department Initiatives Update: Town Planner Lisa Bryer
- C) Police Department Initiatives Update: Police Chief Edward Mello

**VII. UNFINISHED BUSINESS**

- A) Videotaping of Town Council meetings; discussion and possible action
- B) East Ferry Lease; discussion and possible action
- C) Fort Getty Discussion; discussion and possible action
  - 1) Operating Plan
  - 2) Fee Schedule
  - 3) CISF Agreement

**VIII. NEW BUSINESS**

- A) January Calendar
  - 1) Date for Water & Sewer Meeting and Town Council Agenda Setting Work Session (Monday, January 26, 2014)
- B) Harbor Budget – Marine Development Fund; adoption of amendment for FY 2014-2015; discussion and possible action
- C) Town Council Goals update; discussion and possible action
- D) Charter Review Commission; discussion and possible appointment

**IX. ORDINANCES AND APPOINTMENTS**

- A) Ordinances
  - 1) Amendment of the Jamestown Code of Ordinances, Chapter 22 Environment, Article III. Noise, Sec. 22-61 through Sec. 22-68; Article IIIA. Construction Activities Sec. 22-69 through Sec. 22-85; discussion and possible vote to proceed to advertise in the *Jamestown Press* January 22<sup>nd</sup> edition for public hearing on February 2, 2015
  - 2) Amendment of the Jamestown Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article II. Conduct, Sec. 38-37 through Sec. 38-42; Article IV. Alcoholic Beverages, Sec. 38-91 through Sec. 38-92; discussion and possible vote to proceed to advertise in the *Jamestown Press* January 22<sup>nd</sup> edition for public hearing on February 2, 2015
  - 3) Amendment of the Jamestown Code of Ordinances, Chapter 42, Parks and Recreation, Article II. Regulations Division 3 Beaches and Other Water Related Facilities, Sec. 42-51 through Sec. 42-58; discussion and possible vote to proceed to advertise in the *Jamestown Press* January 22<sup>nd</sup> edition for public hearing on February 2, 2015
  - 4) Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Article III. Specific Street Regulations, Sec. 70-52 through Sec. 70-54; and Article IV. Stopping, Standing and Parking Sec. 70-84 through Sec. 70-87; discussion and possible vote

to proceed to advertise in the *Jamestown Press* January 22<sup>nd</sup> edition for public hearing on February 2, 2015

- B) Appointments and Vacancies
  - 1) Beavertail State Park Advisory (One vacancy with a three-year term ending date of December 31, 2017)
    - a) Third Term Limit Reached
      - i) Linda Warner
    - b) Request for Appointment
      - i) Robert Lambert
      - ii) Paula Samos
      - iii) Suzann Andrews
  - 2) Conservation Commission (Two vacancies with a three-year term ending date of December 31, 2017)
    - a) Request for Reappointment
      - i) Maureen Coleman
      - ii) Bruce DeGennaro
  - 3) Harbor Commission (Three vacancies with a three-year term ending date of December 31, 2017)
    - a) Third Term Limit Reached
      - i) Michael DeAngeli
    - b) Request for Reappointment
      - i) J. William Harsch
      - ii) Patrick Bolger
    - c) Request for Appointment
      - i) Robert Lieberman
      - ii) Mark Grosby
      - iii) Clifford Kurz
  - 4) Jamestown Housing Authority (One vacancy with a five-year term ending date of December 31, 2019)
    - a) Letter of Resignation
      - i) Valerie Topp
    - b) Request for Appointment
      - i) Carroll Pruell
  - 5) Juvenile Hearing Board (Two vacancies with a three-year term ending date of December 1, 2017)
    - a) Request for Reappointment
      - i) Gary Cournoyer
      - ii) Susan Earley
    - b) Letter of Resignation
      - i) Susan Pratt
    - c) Request for Appointment
      - i) Richard Mulcahey
  - 6) Library Board of Trustees (Three vacancies with a three-year term ending date of December 31, 2017)
    - a) Third Term Limit Reached

- i) Katherine Wineberg
    - ii) Delia Klingbeil
  - b) Request for Reappointment
    - i) Laura Yentsch
  - c) Request for Appointment
    - i) Christopher Walsh
    - ii) Cristina Harsch
  - d) Letter of Recommendation
    - i) From Eugene Mihaly
- 7) Planning Commission (One vacancy with a four-year term ending date of December 31, 2018)
  - a) Request for Reappointment
    - i) Michael Jacquard
- 8) Tree Warden (One year term per RIGL)
  - a) Request for Reappointment
    - i) Steve Saracino
  - b) Letter of Recommendation
    - i) From James Rugh
- 9) Tree Preservation & Protection Committee (Three vacancies with a three-year term ending December 31, 2017)
  - a) Term Ending December 31, 2014 – No Response
    - i) Lydia Thomas
  - b) Request for Reappointment
    - i) Roger Birn
    - ii) Lois Migneault
- 10) Zoning Board of Review (One vacancy with a remaining five-year term ending December 31, 2016)
  - a) Letter of Resignation
    - i) David Nardolillo
  - b) Request for Reappointment (Alternate positions with a one-year term ending December 31, 2015) **\*Alternates move up as Alternate 1 fills Regular member position**
    - i) Richard Allphin – \*(Appoint as regular member)
    - ii) Judith Bell – \*(Appoint as Alternate 1)
    - iii) Terrance Livingston – \*(Appoint as Alternate 2)
  - c) Request for Appointment
    - i) Edward Gromada (Alternate 3 position open)

## X. CONSENT AGENDA

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.*

- A) Adoption of Council Minutes
  - 1) December 1, 2014 (special meeting)
  - 2) December 1, 2014 (special executive session)

- 3) December 1, 2014 (work session)
  - 4) December 1, 2014 (regular meeting)
  - 5) December 1, 2014 (regular executive session)
  - 6) December 29, 2014 (work session)
- B) Minutes from Boards, Commissions and Committees
- 1) Jamestown Affordable Housing Committee (09/10/2014)
  - 2) Jamestown Affordable Housing Committee (10/08/2014)
  - 3) Jamestown Affordable Housing Committee (11/19/2014)
  - 4) Jamestown Harbor Commission (11/12/2014)
  - 5) Jamestown Philomenian Library Board of Trustees (10/14/2014)
  - 6) Jamestown Philomenian Library Board of Trustees (11/12/2014)
  - 7) Jamestown Planning Commission (10/15/2014)
  - 8) Jamestown Planning Commission (11/05/2014)
  - 9) Jamestown Planning Commission (11/19/2014)
  - 10) Jamestown Planning Commission (12/03/2014)
- C) CRMC Notices
- 1) Public Notice of RESCHEDULED Rule-Making Public Hearing for proposed amendments to CRMC Program Table 1 Water Type 6 Matrix and Sections 110 and 210.3 to Tuesday, January 13, 2015, 6:00 pm, Conference Room A, Department of Administration, One Capitol Hill, Providence
- D) Office of Code Enforcement abutter notification:
- 1) Proposed Accessory Family Dwelling: Notice is given to inform you as an abutter that the Office of Zoning Enforcement has received a completed application from Catherine Northrup, 386 Beacon Avenue, proposing an Accessory Family Dwelling Unit in accordance with Article 14, Section 82-1400 of the Town of Jamestown Zoning Ordinance. The proposed unit will be located within the existing single family dwelling; no exterior changes are proposed. The existing three bedroom OWTS has been deemed adequate for the proposed use. The completed application is available for viewing at the Building Official's Office in Town Hall. You have the right to object to this proposal. Objections must be in writing and received within ten days receipt of said notice. If no written objection is received, the proposal for an Accessory Family Dwelling Unit shall be granted. Per order of Frederick W. Brown, Zoning Enforcement Officer
- E) Abatements/Addenda of Taxes
- F) Finance Director's Report
- G) Award of Bid: for two (2) new 6-ton Tilt Equipment Trailers to Wright Trailers, Inc. for an amount not to exceed \$12,800 as recommended by Public Works Director Michael Gray
- H) Award of Bid: for two (2) Sanders to ATS Equipment, Inc. for an amount not to exceed \$11,990 as recommended by Public Works Director Michael Gray

## **XI. COMMUNICATIONS AND PETITIONS**

### **A) Communications**

- 1) Memorandum of Beavertail Road area residents opposing permitting to commercial winery activities as of right on all properties in RR-80 and RR-200 zoning districts re: PBH Realty, LLC and PBH Vineyards, LLC (dba: Jamestown Vineyards), 334 Beavertail Road
- 2) Letter of Jeff and Abby Boal of Fox Hill Farm re: consideration to extend camping season at Fort Getty
- 3) Letter of Bill Munger, Conanicut Marine President re: lease of water and dock space at East Ferry
- 4) Letter of David and Jennelle Goodburn re: proposal to add a street light at the intersection of Hamilton Avenue, Southwest Avenue, and Beavertail Road

## **XII. EXECUTIVE SESSION**

*The Town Council may seek to go into Executive Session to discuss the following items:*

- A) Pursuant to RIGL §42-46-5(a) Subsection (2) collective bargaining (IBPO contract negotiations); discussion, and/or potential action and/or vote in executive session and/or open session

## **XIII. ADJOURNMENT**

***Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library.***

***In addition to the two above-mentioned locations, notice also may be posted, from time to time, at the following location: Jamestown Police Station; and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).***

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to [cfernstrom@jamestownri.net](mailto:cfernstrom@jamestownri.net) not less than three (3) business days prior to the meeting.

**MARINE DEVELOPMENT FUND  
JULY 1, 2014 - JUNE 30, 2015  
YTD Ending November 30, 2014**

JHC Approved 12/10/2014

TC Approved: 4/7/2014

Amended:

Account Number & Description		Annual Budget	PTD Revenues	YTD Revenues	Remaining \$	% of Budget
40400051	Resident Moorings	\$64,000.00	\$0.00	\$3,355.98	\$60,644.02	5.24%
40400052	Commercial Moorings	\$99,000.00	\$0.00	\$50,008.69	\$48,991.31	50.51%
40400053	Non-Resident Moorings	\$14,500.00	\$0.00	\$0.00	\$14,500.00	0.00%
40400054	West Ferry Outhauls	\$4,800.00	\$0.00	\$0.00	\$4,800.00	0.00%
40400055	Ft Getty Outhauls	\$11,000.00	\$0.00	\$500.00	\$10,500.00	4.55%
40400056	Beach Permits	\$7,000.00	\$0.00	\$919.00	\$6,081.00	13.13%
40400057	Ft Getty Dock	\$4,000.00	\$0.00	\$625.00	\$3,375.00	15.63%
40400058	Misc Rev. Admin/Late fee	\$6,000.00	\$0.00	\$3,304.85	\$2,695.15	55.08%
40400059	Wait List Fees	\$3,500.00	\$20.00	\$100.00	\$3,400.00	2.86%
40400060	Club Moorings	\$8,680.00	\$0.00	\$0.00	\$8,680.00	0.00%
40400061	Enforcement Fines	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	Retained Earnings	\$24,355.00				
<b>Harbor Mgmt Operating Revenue</b>		<b>\$246,835.00</b>	<b>\$20.00</b>	<b>\$58,813.52</b>	<b>\$188,021.48</b>	<b>23.83%</b>
Account Number & Description		Annual Budget	PTD Expenses	YTD Expenses	Remaining \$	% of Budget
70000214	Administrative Fees To Town	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
70000220	Legal Fees	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
70000252	Worker's Compensation	\$4,500.00	\$0.00	\$3,500.00	\$1,000.00	77.78%
70000257	Boat & Liability Ins.	\$3,000.00	\$0.00	\$2,750.00	\$250.00	91.67%
70002220	Office Supplies	\$2,000.00	\$85.37	\$424.36	\$1,575.64	21.22%
70700100	Unemployment	\$11,000.00	\$0.00	\$0.00	\$11,000.00	0.00%
70700200	Harbormaster Salary	\$32,261.00	\$0.00	\$19,829.02	\$12,431.98	61.46%
70700201	Harbormaster Asst Salary	\$9,692.00	\$0.00	\$3,675.52	\$6,016.48	37.92%
70700209	Harbor Clerk Salary	\$32,052.00	\$0.00	\$12,187.35	\$19,864.65	38.02%
70700221	Office Equip Purchase	\$2,000.00	\$0.00	\$1,811.34	\$188.66	90.57%
70700222	Gas for Harbor Car	\$1,100.00	\$0.00	\$593.24	\$506.76	53.93%
70700250	FICA	\$5,661.38	\$0.00	\$2,809.42	\$2,851.96	49.62%
70700251	Blue Cross/Dental	\$5,500.00	\$316.20	\$1,581.00	\$3,919.00	28.75%
70700253	Retirement	\$9,000.00	\$212.52	\$3,285.04	\$5,714.96	36.50%
70700700	Transfer to Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
70700763	Car Repair	\$1,000.00	\$0.00	\$444.43	\$555.57	44.44%
70702220	Boat Dockage	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
70702221	Boat Fuel	\$2,500.00	\$0.00	\$712.61	\$1,787.39	28.50%
70702222	Contingency Fund	\$8,613.62	\$0.00	\$648.73	\$7,964.89	7.53%
70702223	Training & Dues	\$1,000.00	\$0.00	\$75.00	\$925.00	7.50%
70702225	Uniforms	\$500.00	\$0.00	\$120.00	\$380.00	24.00%
70702226	Boat Maint/Repairs	\$8,000.00	\$1,256.60	\$1,476.11	\$6,523.89	18.45%
70702227	Printing & Mailing	\$4,000.00	\$0.00	\$156.28	\$3,843.72	3.91%
70702228	Mooring Database Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
70702230	Telephone	\$2,000.00	\$79.45	\$398.94	\$1,601.06	19.95%
70706257	Channel Markers & Buoys	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
70706260	Maint Docks & Harbor	\$10,000.00	\$22.58	\$110.24	\$9,889.76	1.10%
70706269	Pumpout Maintenance	\$2,500.00	\$160.36	\$34,008.88	-\$31,508.88	1360.36%
70706271	Patrol Craft Purch/Fixtures	\$2,500.00	\$7.49	\$44.04	\$2,455.96	1.76%
70706299	Data Package	\$600.00	\$40.01	\$200.05	\$399.95	33.34%
	East Ferry Boat Ramp	\$14,177.50	\$0.00	\$0.00	\$14,177.50	0.00%
	Old Ferry Landing	\$14,177.50	\$0.00	\$0.00	\$14,177.50	0.00%
	Floating Docks	\$10,000.00	\$0.00	\$0.00	\$10,000.00	0.00%
	Uniform Maintenance	\$500.00	\$0.00	\$0.00	\$500.00	0.00%
	Boat Capitalization Fund	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
<b>Harbor Mgmt Operating Expense</b>		<b>\$246,835.00</b>	<b>\$2,180.58</b>	<b>\$90,841.60</b>	<b>\$155,993.40</b>	<b>36.80%</b>

**MARINE DEVELOPMENT FUND**  
**JULY 1, 2014 - JUNE 30, 2015**  
**YTD Ending October 31, 2014**

Account Number & Description		Annual Budget	PTD Revenues	YTD Revenues	Remaining \$	% of Budget
40400051	Resident Moorings	\$64,000.00	\$74.70	\$3,355.98	\$60,644.02	5.24%
40400052	Commercial Moorings	\$99,000.00	\$20,650.73	\$50,008.69	\$48,991.31	50.51%
40400053	Non-Resident Moorings	\$14,500.00	\$0.00	\$0.00	\$14,500.00	0.00%
40400054	West Ferry Outhauls	\$4,800.00	\$0.00	\$0.00	\$4,800.00	0.00%
40400055	Ft Getty Outhauls	\$11,000.00	\$0.00	\$500.00	\$10,500.00	4.55%
40400056	Beach Permits	\$7,000.00	\$0.00	\$919.00	\$6,081.00	13.13%
40400057	Ft Getty Dock	\$4,000.00	\$0.00	\$625.00	\$3,375.00	15.63%
40400058	Misc Rev. Admin/Late fee	\$6,000.00	\$400.00	\$3,304.85	\$2,695.15	55.08%
40400059	Wait List Fees	\$3,500.00	\$0.00	\$80.00	\$3,420.00	2.29%
40400060	Club Moorings	\$8,680.00	\$0.00	\$0.00	\$8,680.00	0.00%
40400061	Enforcement Fines	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	Retained Earnings	\$24,355.00				
<b>Harbor Mgmt Operating Revenue</b>		<b>\$246,835.00</b>	<b>\$21,125.43</b>	<b>\$58,793.52</b>	<b>\$188,041.48</b>	<b>23.82%</b>
Account Number & Description		Annual Budget	PTD Expenses	YTD Expenses	Remaining \$	% of Budget
70000214	Administrative Fees To Town	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
70000220	Legal Fees	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70000252	Worker's Compensation	\$4,500.00	\$0.00	\$3,500.00	\$1,000.00	77.78%
70000257	Boat & Liability Ins.	\$3,000.00	\$0.00	\$2,750.00	\$250.00	91.67%
70002220	Office Supplies	\$2,000.00	\$128.30	\$338.99	\$1,661.01	16.95%
70700100	Unemployment	\$11,000.00	\$0.00	\$0.00	\$11,000.00	0.00%
70700200	Harbormaster Salary	\$32,261.00	\$5,657.51	\$19,829.02	\$12,431.98	61.46%
70700201	Harbormaster Asst Salary	\$9,692.00	\$272.75	\$3,675.52	\$6,016.48	37.92%
70700209	Harbor Clerk Salary	\$32,052.00	\$3,371.13	\$12,187.35	\$19,864.65	38.02%
70700221	Office Equip Purchase	\$2,000.00	\$1,811.34	\$1,811.34	\$188.66	90.57%
70700222	Gas for Harbor Car	\$1,100.00	\$145.38	\$593.24	\$506.76	53.93%
70700250	FICA	\$5,661.38	\$686.87	\$2,809.42	\$2,851.96	49.62%
70700251	Blue Cross/Dental	\$5,500.00	\$316.20	\$1,264.80	\$4,235.20	23.00%
70700253	Retirement	\$9,000.00	\$646.28	\$3,072.52	\$5,927.48	34.14%
70700700	Transfer to Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70700763	Car Repair	\$1,000.00	\$311.93	\$444.43	\$555.57	44.44%
70702220	Boat Dockage	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
70702221	Boat Fuel	\$2,500.00	\$0.00	\$712.61	\$1,787.39	28.50%
70702222	Contingency Fund	\$8,613.62	\$390.20	\$648.73	\$7,964.89	7.53%
70702223	Training & Dues	\$1,000.00	\$75.00	\$75.00	\$925.00	7.50%
70702225	Uniforms	\$500.00	\$0.00	\$120.00	\$380.00	24.00%
70702226	Boat Maint/Repairs	\$8,000.00	\$0.00	\$219.51	\$7,780.49	2.74%
70702227	Printing & Mailing	\$4,000.00	\$86.06	\$156.28	\$3,843.72	3.91%
70702228	Mooring Database Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70702230	Telephone	\$2,000.00	\$82.04	\$319.49	\$1,680.51	15.97%
70706257	Channel Markers & Buoys	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
70706260	Maint Docks & Harbor	\$10,000.00	\$63.70	\$87.66	\$9,912.34	0.88%
70706269	Pumpout Maintenance	\$2,500.00	\$7,628.52	\$33,848.52	-\$31,348.52	1353.94%
70706271	Patrol Craft Purch/Fixtures	\$2,500.00	\$36.55	\$36.55	\$2,463.45	1.46%
70706299	Data Package	\$600.00	\$40.01	\$160.04	\$439.96	26.67%
	East Ferry Boat Ramp	\$14,177.50	\$0.00	\$0.00	\$14,177.50	0.00%
	Old Ferry Landing	\$14,177.50	\$0.00	\$0.00	\$14,177.50	0.00%
	Floating Docks	\$10,000.00	\$0.00	\$0.00	\$10,000.00	0.00%
	Uniform Maintenance	\$500.00	\$0.00	\$0.00	\$500.00	0.00%
	Boat Capitalization Fund	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
<b>Harbor Mgmt Operating Expense</b>		<b>\$246,835.00</b>	<b>\$21,749.77</b>	<b>\$88,661.02</b>	<b>\$158,173.98</b>	<b>35.92%</b>

**MARINE DEVELOPMENT FUND**  
**JULY 1, 2014 - JUNE 30, 2015**  
**YTD Ending September 30, 2014**

Account Number & Description		Annual Budget	PTD Revenues	YTD Revenues	YTD Revenues	Remaining \$	% of Budget
40400051	Resident Moorings	\$64,000.00	\$323.70	\$3,281.28	\$2,957.58	\$60,718.72	5.13%
40400052	Commercial Moorings	\$99,000.00	\$20,650.73	\$50,008.96	\$29,358.23	\$48,991.04	50.51%
40400053	Non-Resident Moorings	\$14,500.00	\$0.00	\$0.00	\$0.00	\$14,500.00	0.00%
40400054	West Ferry Outhauls	\$4,800.00	\$0.00	\$0.00	\$0.00	\$4,800.00	0.00%
40400055	Ft Getty Outhauls	\$11,000.00	\$0.00	\$500.00	\$500.00	\$10,500.00	4.55%
40400056	Beach Permits	\$7,000.00	\$189.00	\$919.00	\$730.00	\$6,081.00	13.13%
40400057	Ft Getty Dock	\$4,000.00	\$0.00	\$625.00	\$625.00	\$3,375.00	15.63%
40400058	Misc Rev. Admin/Late fee	\$6,000.00	\$800.00	\$2,904.85	\$2,104.85	\$3,095.15	48.41%
40400059	Wait List Fees	\$3,500.00	\$10.00	\$80.00	\$70.00	\$3,420.00	2.29%
40400060	Club Moorings	\$8,680.00	\$0.00	\$0.00	\$0.00	\$8,680.00	0.00%
40400061	Enforcement Fines	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
40400100	Investment Income	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	Retained Earnings						
<b>Harbor Mgmt Operating Revenue</b>		<b>\$222,480.00</b>	<b>\$21,973.43</b>	<b>\$58,319.09</b>	<b>\$36,345.66</b>	<b>\$164,160.91</b>	<b>26.21%</b>
Account Number & Description		Annual Budget	PTD Expenses	YTD Expenses	YTD Expenses	Remaining \$	% of Budget
70000214	Administrative Fees To Town	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.00%
70000220	Legal Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70000252	Worker's Compensation	\$4,500.00	\$0.00	\$3,500.00	\$3,500.00	\$1,000.00	77.78%
70000257	Boat & Liability Ins.	\$3,000.00	\$0.00	\$2,750.00	\$2,750.00	\$250.00	91.67%
70002220	Office Supplies	\$2,000.00	\$26.30	\$210.69	\$184.39	\$1,789.31	10.53%
70700100	Unemployment	\$11,000.00	\$0.00	\$0.00	\$0.00	\$11,000.00	0.00%
70700200	Harbormaster Salary	\$32,261.00	\$3,706.64	\$14,171.51	\$10,464.87	\$18,089.49	43.93%
70700201	Harbormaster Asst Salary	\$9,692.00	\$1,227.39	\$3,402.77	\$2,175.38	\$6,289.23	35.11%
70700209	Harbor Clerk Salary	\$32,052.00	\$2,277.41	\$8,816.22	\$6,538.81	\$23,235.78	27.51%
70700221	Office Equip Purchase	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	0.00%
70700222	Gas for Harbor Car	\$1,100.00	\$130.58	\$447.86	\$317.28	\$652.14	40.71%
70700250	FICA	\$5,661.38	\$535.24	\$2,122.55	\$1,587.31	\$3,538.83	37.49%
70700251	Blue Cross/Dental	\$5,500.00	\$316.20	\$948.60	\$632.40	\$4,551.40	17.25%
70700253	Retirement	\$9,000.00	\$725.40	\$2,426.24	\$1,700.84	\$6,573.76	26.96%
70700700	Transfer to Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70700763	Car Repair	\$1,000.00	\$0.00	\$132.50	\$132.50	\$867.50	13.25%
70702220	Boat Dockage	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	0.00%
70702221	Boat Fuel	\$2,500.00	\$441.40	\$712.61	\$271.21	\$1,787.39	28.50%
70702222	Contingency Fund	\$8,613.62	\$258.53	\$258.53	\$0.00	\$8,355.09	3.00%
70702223	Training & Dues	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0.00%
70702225	Uniforms	\$500.00	\$0.00	\$120.00	\$120.00	\$380.00	24.00%
70702226	Boat Maint/Repairs	\$8,000.00	\$15.46	\$219.51	\$204.05	\$7,780.49	2.74%
70702227	Printing & Mailing	\$4,000.00	\$70.22	\$70.22	\$0.00	\$3,929.78	1.76%
70702228	Mooring Database Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70702230	Telephone	\$2,000.00	\$76.14	\$237.45	\$161.31	\$1,762.55	11.87%
70706257	Channel Markers & Buoys	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.00%
70706260	Maint Docks & Harbor	\$10,000.00	\$0.00	\$23.96	\$23.96	\$9,976.04	0.24%
70706269	Pumpout Maintenance	\$2,500.00	\$26,220.00	\$26,220.00	\$0.00	-\$23,720.00	1048.80%
70706271	Patrol Craft Purch/Fixtures	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	0.00%
70706299	Data Package	\$600.00	\$40.01	\$120.03	\$80.02	\$479.97	20.01%
	East Ferry Boat Ramp	\$14,177.50	\$0.00	\$0.00	\$0.00	\$14,177.50	0.00%
	Old Ferry Landing	\$14,177.50	\$0.00	\$0.00	\$0.00	\$14,177.50	0.00%
	Floating Docks	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0.00%
	Uniform Maintenance	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	0.00%
	Boat Capitalization Fund	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.00%
<b>Harbor Mgmt Operating Expense</b>		<b>\$246,835.00</b>	<b>\$36,066.92</b>	<b>\$66,911.25</b>	<b>\$30,844.33</b>	<b>\$179,923.75</b>	<b>27.11%</b>

**MARINE DEVELOPMENT FUND - CAPITAL**  
**JULY 1, 2014 - JUNE 30, 2015**  
**YTD Ending October 31, 2014**

Account Number & Description		Annual Budget	PTD Revenues	YTD Revenues	Remaining \$	% of Budget
<b>Account Number &amp; Description</b>		<b>Annual Budget</b>	<b>PTD Revenues</b>	<b>YTD Revenues</b>	<b>Remaining \$</b>	<b>% of Budget</b>
40400101	E Ferry CMS Lease	\$39,000.00	\$0.00	\$0.00	\$39,000.00	0.00%
40400103	W Ferry DHBV Lease	\$16,000.00	\$0.00	\$0.00	\$16,000.00	0.00%
40400104	FWBOA Lease	\$27,500.00	\$0.00	\$0.00	\$27,500.00	0.00%
<b>Infrastructure Revenues</b>		<b>\$82,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$82,500.00</b>	<b>0.00%</b>
Account Number & Description		Annual Budget	PTD Expenses	YTD Expenses	Remaining \$	% of Budget
70706262	Consultant/Engineering Fees	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706264	EF Wharf Repairs	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706267	WF Wharf Repairs	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706272	Ft. Getty Boat Launch	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	WF Touch and Go	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	EF Touch & Go	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	EF Seawall Repayment	\$58,145.00	\$0.00	\$0.00	\$58,145.00	0.00%
	Ft. Getty Pier Assessment	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	Administrative Fees	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
<b>Infrastructure Operating Expenses</b>		<b>\$58,145.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$58,145.00</b>	<b>0.00%</b>

**MARINE DEVELOPMENT FUND - CAPITAL**  
**JULY 1, 2014 - JUNE 30, 2015**  
**YTD Ending September 30, 2014**

Account Number & Description		Annual Budget	PTD Revenues	YTD Revenues	YTD Revenues	Remaining \$	% of Budget
<b>Account Number &amp; Description</b>		<b>Annual Budget</b>	<b>PTD Revenues</b>	<b>YTD Revenues</b>	<b>YTD Revenues</b>	<b>Remaining \$</b>	<b>% of Budget</b>
40400101	E Ferry CMS Lease	\$39,000.00	\$0.00	\$0.00	\$0.00	\$39,000.00	0.00%
40400103	W Ferry DUBY Lease	\$16,000.00	\$0.00	\$0.00	\$0.00	\$16,000.00	0.00%
40400104	FWBOA Lease	\$27,500.00	\$0.00	\$0.00	\$0.00	\$27,500.00	0.00%
<b>Infrastructure Revenues</b>		<b>\$82,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$82,500.00</b>	<b>0.00%</b>
Account Number & Description		Annual Budget	PTD Expenses	YTD Expenses	YTD Expenses	Remaining \$	% of Budget
70706262	Consultant/Engineering Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706264	EF Wharf Repairs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706267	WF Wharf Repairs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
70706272	Ft. Getty Boat Launch	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	WF Touch and Go	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	EF Touch & Go	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	EF Seawall Repayment	\$58,145.00	\$0.00	\$0.00	\$0.00	\$58,145.00	0.00%
	Ft. Getty Pier Assessment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
	Administrative Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
<b>Infrastructure Operating Expenses</b>		<b>\$58,145.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$58,145.00</b>	<b>0.00%</b>

**FY 2014/2015 MDF PROPOSED BUDGET**  
*Amended and Approved by the Town Council 4/7/2014*

	<u>Actual</u>	<u>Approved</u>	<u>Approved</u>	<u>Approved Budget</u>	<u>Notes:</u>
<u>Operating Revenue</u>	<u>2012-2013</u>	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	
Resident Moorings	\$ 66,593.39	\$ 63,200.00	\$ 64,820.00	\$ 64,000.00	
Commercial Moorings	\$ 99,347.98	\$ 96,800.00	\$ 105,000.00	\$ 99,000.00	
Non-Resident Moorings	\$ 14,975.26	\$ 14,000.00	\$ 16,000.00	\$ 14,500.00	
Club Moorings	\$ 8,680.00	\$ 7,200.00	\$ 8,680.00	\$ 8,680.00	
West Ferry Outhauls	\$ 4,984.50	\$ 5,600.00	\$ 5,600.00	\$ 4,800.00	
Ft. Getty Outhauls	\$ 11,220.00	\$ 8,500.00	\$ 10,600.00	\$ 11,000.00	
Beach Permits	\$ 7,995.00	\$ 6,000.00	\$ 6,000.00	\$ 7,000.00	
Misc Rev. Admin Late Fee	\$ 7,090.25	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	
Enforcement Fines	\$ -	\$ -	\$ -	\$ -	
Wait List Fees	\$ 3,740.00	\$ 3,500.00	\$ 3,300.00	\$ 3,500.00	
<b>Total</b>	<b>\$ 224,626.38</b>	<b>\$ 210,800.00</b>	<b>\$ 226,000.00</b>	<b>\$ 218,480.00</b>	
	<u>Actual</u>	<u>Approved</u>	<u>Approved</u>	<u>Approved Budget</u>	
<u>Operating Expenses</u>	<u>2012-2013</u>	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	
Harbormaster Salary	\$ 28,695.33	\$ 30,706.00	\$ 31,474.00	\$ 32,261.00	salaries*1.025 per contract
Asst. Harbormaster Salary	\$ 7,139.30	\$ 9,225.00	\$ 9,456.00	\$ 9,692.00	salaries*1.025 (COLA increase)
Harbor Clerk Salary	\$ 30,094.54	\$ 28,451.00	\$ 29,163.00	\$ 32,052.00	salaries*1.025 per contract
FICA	\$ 4,992.05	\$ 5,232.00	\$ 5,365.00	\$ 5,661.38	salaries*0.0765
Administrative Fees To Town	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	
Benefits	\$ 3,588.13	\$ 8,000.00	\$ 8,000.00	\$ 5,500.00	Town's contribution for staff enrolled in health insurance and dental plan and opt out payment
Retirement	\$ 8,503.82	\$ 8,500.00	\$ 8,500.00	\$ 9,000.00	
Unemployment	\$ 7,280.00	\$ 11,180.00	\$ 12,000.00	\$ 11,000.00	Unemployment for seasonal staff, based on current year amounts
Worker's Comp	\$ 3,500.00	\$ 3,900.00	\$ 4,500.00	\$ 4,500.00	
Gas for Harbormaster Car	\$ 1,108.52	\$ 1,000.00	\$ 1,000.00	\$ 1,100.00	
Repairs for Harbormaster Car	\$ 694.18	\$ -	\$ 1,000.00	\$ 1,000.00	
Boat & Liability Ins.	2,750.00	2,750.00	\$ 3,000.00	\$ 3,000.00	
Office Supplies	1,423.16	2,000.00	\$ 2,000.00	\$ 2,000.00	
Office Equip Purchase	\$ 1,055.40	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
Contingency Fund	\$ 1,500.00	\$ 5,756.00	\$ 4,442.00	\$ 8,613.62	
Training & Dues	\$ 310.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	
Uniforms	\$ 156.47	\$ 500.00	\$ 500.00	\$ 500.00	

**FY 2014/2015 MDF PROPOSED BUDGET**  
*Amended and Approved by the Town Council 4/7/2014*

	<u>Actual</u>	<u>Approved</u>	<u>Approved</u>	<u>Approved Budget</u>	
<b>Operating Expenses</b>	<b>2012-2013</b>	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>	
Uniforms Maintenance	\$ -	\$ 500.00	\$ 500.00	\$ 500.00	
Boat Maintenance/Repairs	\$ 4,000.87	\$ 8,000.00	\$ 10,000.00	\$ 8,000.00	
Boat Fuel	\$ 1,300.76	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	
Boat Dockage	\$ 1,782.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
Printing & Mailing	\$ 3,288.69	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	
Telephone	\$ 968.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	
Data Package	\$ -	\$ 600.00	\$ 600.00	\$ 600.00	
Maint Docks & Harbor	\$ 5,034.87	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	
Channel Markers and Buoys	\$ 4,961.97	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	
Floating Docks	\$ 8,382.36	\$ 12,000.00	\$ 18,000.00	\$ 10,000.00	
Pumpout Maintenance	\$ 1,560.00	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	
Patrol Craft Purch/Fixtures	\$ -	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	
Boat Capitalization Fund	\$ -	\$ 9,000.00	\$ 13,000.00	\$ 15,000.00	
Transfer to Infrastructure	\$ -	\$ -	N/A		
Boat Depreciation	\$ 11,813.13				
<b>Total</b>	<b>\$ 160,883.55</b>	<b>\$ 210,800.00</b>	<b>\$ 226,000.00</b>	<b>\$ 218,480.00</b>	

**FY 2014/2015 MDF PROPOSED BUDGET**  
*Amended and Approved by the Town Council 4/7/2014*

	<u>Actual</u>	<u>Approved</u>	<u>Approved</u>	<u>Approved Budget</u>	
<b>Infrastructure Revenue</b>	<b>2012-2013</b>	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>	
Ft. Getty Dock	\$ 4,190.00	\$ 1,200.00	\$ 4,000.00	\$ 4,000.00	
EF CMS Lease	\$ 37,000.00	\$ 36,000.00	\$ 36,500.00	\$ 39,000.00	
WF DHBV Lease	\$ 15,000.00	\$ 15,000.00	\$ 15,500.00	\$ 16,000.00	
FWBOA Lease	\$ 26,500.00	\$ 26,500.00	\$ 27,000.00	\$ 27,500.00	
<b>Total</b>	<b>\$ 82,690.00</b>	<b>\$ 78,700.00</b>	<b>\$ 83,000.00</b>	<b>\$ 86,500.00</b>	
	<u>Actual</u>	<u>Approved</u>	<u>Approved</u>	<u>Approved Budget</u>	
<b>Infrastructure Expenses</b>	<b>2012-2013</b>	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>	
Consultant/Engineering Fees	\$ 95.00	\$ -	\$ -		
Ft. Getty Boat Launch	\$ -	\$ 5,000.00	\$ -		
WF Wharf Repairs	\$ 500.00	\$ 30,000.00	\$ -		
Outhaul Repairs	\$ 74,226.71	\$ -	\$ -		
WF Touch and Go Water			\$ 18,000.00		
EF Touch and Go Water			\$ 5,000.00		
Ft. Getty Pier Assesment			\$ 15,000.00		
East Ferry Boat Ramp				\$ 14,177.50	
Old Ferry Landing		\$ 5,000.00		\$ 14,177.50	
Ft. Getty Pier Road	\$ 2,497.65				
EF Seawall Repayment	\$ 38,700.00	\$ 38,700.00	\$ 45,000.00	\$ 58,145.00	
Dumpling Seawall Repair	\$ 43,880.56				
<b>Total</b>	<b>\$ 159,899.92</b>	<b>\$ 78,700.00</b>	<b>\$ 83,000.00</b>	<b>\$ 86,500.00</b>	

\*Town Council amended 4-7-2014: Reallocated \$14,177.50 from proposed Ft. Getty Assessment to Old Ferry Landing

**TOWN OF JAMESTOWN  
TAX ASSESSOR  
93 Narragansett Avenue  
Jamestown, RI 02835**

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR **JANUARY 5, 2015** MEETING

**ABATEMENT TO 2014 TAX ROLL**

#14-0440-00 Notarantonio, James	Plat 1, Lot 311 - Tax abatement included as part of property purchase and sale agreement	\$5,221.13
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<b>TOTAL ABATEMENT</b>	<b>\$5,221.13</b>
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RESPECTFULLY SUBMITTED,

*Kenneth S. Gray*

KENNETH S. GRAY,  
TAX ASSESSOR

**TOWN OF JAMESTOWN**  
**TAX ASSESSOR**  
**93 Narragansett Avenue**  
**Jamestown, RI 02835**

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR **JANUARY 5, 2015** MEETING

**ABATEMENTS TO 2014 TAX ROLL**

#01-0001-75 A-1 Properties, LLC	Plat 8, Lot 232 - Property transfer 12-10-14 to Account #19-0254-00	\$6,282.25
#03-0063-17 Calabretta, Christopher J.	Plat 5, Lot 467 - Property transfer 12-4-14 to Account #16-1249-00	\$2,832.25
#03-0370-00 Carton Family Trust	Plat 10, Lot 70 - Property transfer 11-26-14 to Account #07-0269-40	\$21,951.88
#03-1543-00 Cressy, Sarah	Plat 3, Lot 47 - Property transfer 11-21-14 to Account #13-1026-54	\$2,439.38
#09-0028-00 Infantolino, Barbara A.	Plat 3, Lot 485 - Tax Appeal - Assessment reduced based on sales history - New Value \$2,991,700	\$2,954.00
#10-0410-10M Junge, Michael	Motor Vehicle - 2013 VW Reg. #423470 Soldier/Sailor Exemption	\$75.68
#13-0036-00 MacColl, Angus D.	Plat 8, Lot 647 - Tax Appeal - Assessment reduced based on re-inspection, lower Grade N/V \$895,900	\$928.38
#13-0326-10 Malouin, Fernand E.	Plat 5, Lot 126 - Property transfer 12-1-14 to Account #08-0267-75	\$2,009.75
#14-0303-00 Newman, James L., Trustee	Plat 8, Lot 788 - Property transfer 12-16-14 to Account #05-0311-85	\$3,480.20
#16-1261-25 Prip, Janet	Plat 5, Lot 433 - Property transfer 12-4-14 to Account #03-0063-18	\$2,563.75
#20-0606-05 Turillo, Laura A. & Deitrich, Wayne A.	Plat 8, Lot 56 - Marriage Certificate as of 8-8-14 Transfer to Account #04-0297-70	\$3,948.63
#23-0100-00 Wallace, Walter & Diane	Plat 2, Lot 19 - Property transfer 11-25-14 to Account #11-0301-50	\$3,880.63

**ADDENDA TO 2014 TAX ROLL**

#03-0063-18 Calabretta, Christopher J. & Sullivan, J.	Plat 5, Lot 433 - Property transfer 12-4-14 from Account #16-0269-40	\$2,563.75
#03-1036-55 Cofone, Anthony W.	Plat 3, Lot 157 - New Construction Prorated 82 Days - New Value \$381,300	\$379.58
#04-0297-70 Deitrich, Wayne & Laura A.	Plat 8, Lot 56 - Marriage Certificate as of 8-8-14 Transfer from Account #20-0606-05	\$3,948.63
#05-0311-85 Entenmann, Jacqueline Mary	Plat 8, Lot 788 - Property transfer 12-16-14 from Account #14-0303-00	\$3,480.20
#07-0269-40 George, Charlton L. & Nancy R.	Plat 10, Lot 70 - Property transfer 11-26-14 from Account #03-0370-00	\$21,951.88

#08-0145-75 Hansen, Jay B. & Pamela	Plat 9, Lot 858 - New Construction Prorated 61 Days - New Value \$853,500	\$507.87
#08-0267-75 Hatch, Jamie Lynn	Plat 5, Lot 126 - Property transfer 12-1-14 from Account #13-0326-10	\$2,009.75
#08-0383-45 Hehman, David C. & Sarah S.	Plat 8, Lot 180 - New Construction Prorated 125 Days - New Value \$1,211,400	\$953.21
#10-0344-65 Jones, Richard C. & Dang Gai, Trustees	Plat 12, Lot 49 - New Construction Prorated 121 Days - New Value \$1,392,500	\$421.47
#11-0301-50 King, Pamela L. & Pike, Christopher D.	Plat 2, Lot 19 - Property transfer 11-25-14 from Account #23-0100-00	\$3,880.63
#12-0448-16 Lentz, Rebecca & Joshua A.	Plat 2, Lot 190 - New Construction Prorated 247 Days - New Value \$774,100	\$1,229.24
#12-0793-99 Lombardi, John A. & Jerilynn A.	Plat 14, Lot 147 - New Construction Prorated 190 Days - New Value \$333,900	\$313.37
#13-1026-54 McDonell, Katherine N.	Plat 3, Lot 47 - Property transfer 11-21-14 from Account #03-1543-00	\$2,439.38
#16-1249-00 Prest, Joseph E. & Susan M.	Plat 5, Lot 467 - Property transfer 12-4-14 from Account #03-0063-17	\$2,832.25
#19-0254-00 Scartabello, Albert C. & Renae M.	Plat 8, Lot 232 - Property transfer 12-10-14 from Account #01-0001-75	\$6,282.25
#23-0042-00 Wadsworth, Walter E., Trustee	Plat 9, Lot 691 - New Construction Prorated 161 Days - New Value \$2,008,600	\$418.77

<b>TOTAL ABATEMENTS</b>	<b>\$53,346.78</b>
<b>TOTAL ADDENDA</b>	<b>\$53,612.23</b>

RESPECTFULLY SUBMITTED,

*Kenneth S. Gray*

KENNETH S. GRAY,  
TAX ASSESSOR

**Town of  
Jamestown, Rhode Island**

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PO Box 377  
Jamestown, RI 02835- 1509  
Phone: (401) 423-7220  
Fax: (401) 423-7229



**Date:** December 29, 2014

**To:** Andrew Nota  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
Two (2) Sanders

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The annual budget included capital funding to purchase two (2) new 2.5 Cubic Yard sanders for the new one (1) Ton dump trucks that were awarded in December.

Bids were advertised and received on December 3, 2014 where they were opened and read in public. Two Bids were received as listed below:

ATS Equipment	\$11,990
Dejana Truck & Utility Equipment	\$12,250

I have reviewed the bids received and I am recommending that the bid be awarded to **ATS Equipment, Inc. as the lowest responsive and responsible bidder, for an amount not to exceed \$11,990 for two (2) 2.5 Cubic Yard sanders.**

**Town of  
Jamestown, Rhode Island**

---

PO Box 377  
Jamestown, RI 02835- 1509  
Phone: (401) 423-7220  
Fax: (401) 423-7229



**Date:** December 29, 2014

**To:** Andrew Nota  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
Two (2) New 6-Ton Tilt  
Equipment Trailers

---

The annual budget included capital funding to purchase new equipment trailers, one for the highway department and a second trailer for the recreation department. The trailer for the highway department will be used for smaller pieces of equipment and can be towed with one ton-trucks and pick-up trucks. The trailer for the recreation department will be used to move the tractor and can be towed by the pick-up truck. Both trailers are low profile and have tilting decks for easy loading and safety.

Bids were advertised for Two (2) New 6-Ton Tilt Equipment Trailers and received on December 3, 2014 where they were opened and read in public. Three Bids were received as listed below:

Wright Trailers, Inc.	\$12,800
ATS Equipment	\$13,790
Verde, Inc	\$14,990

I have reviewed the bids received and I am recommending that the bid be awarded to **Wright Trailers, Inc. as the lowest responsive and responsible bidder, for an amount not to exceed \$12,800 for two trailers.**

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on February 2, 2015 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 22 – Noise. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 22, Noise, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance;  
words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_  
Publication Source: Jamestown Press  
Hearing Date: \_\_\_\_\_  
Action: \_\_\_\_\_  
Certified: \_\_\_\_\_

## Exhibit A

### **Sec. 22-61. - Statement of public policy.**

The town council finds and declares that extreme and excessive noise affects the health, safety and welfare of its residents and citizens.

### **Sec. 22-62. - Purpose, title and scope.**

(a) The purpose of this article is to establish objective standards to control extreme and excessive noise by setting maximum permissible sound levels for certain times and places in town.

(b) This article may be cited as the "Noise Ordinance of the Town of Jamestown."

(c) This article applies within the town limits as specified below.

### **~~Sec. 22-63. - Measurement of sound.~~**

~~Decibel measurement under this article shall be made with a sound level meter, which shall be an instrument in good operating condition, meeting the requirements of a type I or type II meter, as specified by American National Standards Institute (ANSI) standard 1.4-1971. For purposes of this article, a sound level meter shall contain A-weighted scale and both fast and slow meter response capability.~~

### **Sec 22-63 Definitions**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meanings shown. Definitions of technical terms used shall be obtained from publications of acoustical terminology used by the American National Standards Institute (ANSI) or its successor body.

**A-SCALE (dBA)** The sound level in decibels measured using the A-weighted network as specified in ANSI S1.4-1971 for sound level meters. The level is designated "dB(A)" or "dBA."

**CONSTRUCTION** Any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipping of buildings, roadways, infrastructure, or utilities, including drilling, blasting, mining, land clearing, grading, excavating and filling.

**DECIBEL (dB)** A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**DEMOLITION** Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, impervious surfaces, or similar property.

**EMERGENCY WORK** Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

**EXTERIOR GENERATOR** Gas-, propane- or diesel-powered engine designed to generate electricity outside the confines of a building.

**LOT** Any area, a tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting platted lots under the same ownership shall be considered a lot. The lot line or boundary is an imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.

**MOTORCYCLE** Any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles and motor scooters.

**MOTOR VEHICLE** Any motor-operated vehicle designed for use on the public highways.

**NOISE DISTURBANCE** Any sound which:

- A. Exceeds the dBA level for such sound set out in this chapter.
- B. Injures or endangers the safety or health of humans.
- C. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable person of normal sensitivities.
- D. Endangers or injures personal or real property.

**OFF-ROAD RECREATIONAL VEHICLE** Any motor vehicle, including road vehicles but excepting watercraft, used off public roads for recreational purposes.

**PERSON** Any individual, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the Town.

**PLAINLY AUDIBLE (SOUND)** Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

**PORTABLE COOLING/HEATING COMPRESSOR**

The gas, propane or diesel compressor attached to a truck, trailer or temporary storage unit whose purpose is to heat or cool the space to which it is attached.

**POWERED MODEL VEHICLE** Any self-propelled airborne, waterborne or land borne model plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

**PUBLIC RIGHT-OF-WAY** Any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public government entity.

**PUBLIC SPACE** Any real property, including any structure thereon, which is owned or controlled by a governmental entity.

**PURE TONE** Any sound which can be distinctly heard as a single pitch or set of single pitches.

**REAL PROPERTY BOUNDARY** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

**RECEIVING LAND USE** The use or occupancy of the property which receives the transmission of sound as defined in this section.

**RESIDENTIAL** Any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

**SOUND** An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

**SOUND LEVEL** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**SOUND LEVEL METER** An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute Standard 1.4-1971.

**ZONING DISTRICTS** Those districts established by and defined in Chapter 200, Zoning, of the Code of the Town of Jamestown.

**Sec. 22-64. - Freedom of speech and expression unaffected.**

This article should not be interpreted, construed or applied in a manner that is inconsistent or violative of the First Amendment to the U.S. Constitution or article I, section 21 of the Rhode Island Constitution.

**Sec. 22-65. - Prohibited noises.**

No person shall make, continue or cause to be made or continued, except as permitted, any noise in excess of the decibel limits set forth in this article.

**Sec 22-66 Permitted activities and hours**

A. Fireworks displays. Fireworks displays licensed by the State of Rhode Island are permitted between the hours of 7:00 a.m. and 11:00 p.m.

B. Loading and unloading. Any person shall be permitted to load, unload, open, close or handle crates, containers, garbage cans and dumpsters, building materials or similar objects outdoors between the hours of 6:00 a.m. and 9:00 p.m.

C. Construction and manufacturing.

(1) Drilling, blasting, mining, manufacturing or demolition work. The operation of any tools or equipment in drilling, blasting, mining, manufacturing or demolition work or in preventive maintenance work for public service utilities is permitted between the hours of 7:00 a.m. and 5:00 p.m., except on Sundays or legal holidays. The terms of this section shall not apply to emergency work or repair work performed by or for governmental entities or public service utilities for public safety and welfare.

(2) Building construction activities. The operation of building construction, alteration or repair activities is permitted between the hours of 7:00 a.m. and 9:00 p.m., provided that on Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m.

D. Domestic power tools. The use of small, domestic power tools or equipment, such as a saw, drill, sander, grinder or similar device, used outdoors in residential areas is allowed but subject to the noise levels set out in Sec. 22-68.

E. Lawn care and grounds maintenance equipment. The use of lawn care and grounds maintenance equipment, such as a lawnmower, leaf blower, lawn or garden tool, if used and maintained in accordance with the manufacturer's specifications, is permitted between the hours of 7:00 a.m. and 9:00 p.m., provided that on Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m.

F. Operation of snow-removal and street cleaning equipment. The operation of snow-removal and street cleaning equipment by the Department of Public Works is allowed at any time, provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds being emitted there from.

G. Town-permitted activities:

(1) Parades or processions for which a parade permit has been issued, provided the conditions of the permit are complied with.

(2) Any athletic event or recreational activity which is conducted and sponsored or funded in part by any elementary or secondary school or the Town of Jamestown, on property owned and controlled by the Town of Jamestown.

(3) Band concerts or music provided, sponsored or funded, in whole or in part, by the Town of Jamestown or by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or on property owned and controlled by the Town of Jamestown for which a valid permit has been obtained.

H. Church or clock carillons, bells or chimes. The emission of sound from church or clock carillons, bells or chimes is permitted at any time.

I. Emergency signaling devices. The testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds. The emission of sound for the purpose of alerting persons to the existence of an emergency is permitted at any time.

J. The operation of an external generator or portable cooling/heating compressor is permitted at any time during a power outage or a power reduction, or for testing or routine maintenance of the generator or compressor only between the hours of 10:00 a.m. and 6:00 p.m. Such testing or maintenance shall be restricted to no more 30 minutes during any seven day period.

K. The operation of an external generator or portable cooling/heating compressor is permitted at any time for use on or in conjunction with an active construction site, provided all other provisions of the Noise Ordinance are met with respect to hours of construction, and provided further that continuous operation of a generator or compressor at a construction site is permitted where said operation is integral to the nature of the construction project itself and industrial activities otherwise permitted in an industrial zone.

L. Aircraft. The movements of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations are permitted.

**Sec. 22-67. -- Maximum permissible sound levels.**

**22-67. Specific activities prohibited.**

The following acts and the causing thereof are declared to be in violation of this chapter:

A. Radios, television sets, musical instruments and similar devices. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device, or any combination of the same, which produces, reproduces or simulates amplified sound:

(1) In such a manner as to create a noise disturbance across a real property boundary.

(2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or space, or in a boat on public waters.

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device when operated by any person on either a common carrier, public beach, park, playground or other public recreational area.

B. Animals and birds. No person shall own, possess or harbor any animal or animals, bird or birds which frequently or for continued duration howls, barks, meows, squeaks, or makes other sounds which create a noise disturbance across a real property boundary or within a noise-sensitive area.

C. Vehicle or motorboat repairs and testing. No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a real property boundary.

D. Motorboats, jet skis and similar devices. No person shall operate or permit the operation of any motorboat, jet ski or other similar device in any lake, river, stream or other waterway in such a manner so as to cause a noise disturbance and/or as to exceed a sound level of 50 dBA at 200 feet or the nearest shoreline, whichever is less.

F. Motor vehicles.

(1) Motor vehicle maximum sound levels. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner as to create a noise disturbance.

(2) Adequate mufflers or sound-dissipative devices.

(a) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or sound-dissipative device in good working order and in constant operation.

(b) No person shall remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound-dissipative device on a motor vehicle or motorcycle.

(3) Motor vehicle horns and signaling devices. The following acts and the causing thereof are declared to be in violation of this chapter:

(a) The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger or as provided in the Vehicle Code.

(b) The sounding of any horn or other auditory signaling device so as to create or cause a noise disturbance.

**Sec 22-68 Penalties Sec 22-68 Sound Levels by receiving land use**

A. Maximum permissible sound levels by receiving land use. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, no person shall operate or cause to be operated, make, continue or cause to be made or continued any noise or source of sound as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property boundary of the receiving land use.

Maximum permitted sound levels are as follows:

Table 1

<u>Zoning Category</u>	<u>Time</u>	<u>Decibel Limit</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>8:00 a.m. to 10:00 p.m.</u>	<u>70</u>
<u>OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8</u>	<u>10:00 p.m. to 8:00 a.m.</u>	<u>60</u>
<u>CL, CD, CW, DC, P</u>	<u>All</u>	<u>75</u>

B. Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Subsection A shall be reduced by five dBA.

### C. Measurement of sound.

(1) Decibel measurements shall be made with a sound level meter, which shall be an instrument in good operating condition meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this chapter, a sound level meter shall contain an A-weighted scale and both fast and slow meter response capability.

(2) If the measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy is at least that called for in ANSI Standard 1.4-1971 for Type II instruments.

(3) When the location or distance prescribed in this chapter for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this chapter.

### **Sec. 22-69. -- Construction activities.**

~~No person shall operate or permit the operation of any tools, vehicles or equipment involved or related to any construction or demolition work during the following hours: Monday through Friday between 8:00 p.m. to 7:00 a.m. the following day; Saturday from 6:00 p.m. to 7:00 a.m. the following day; and Sunday from 7:00 a.m. to 7:00 a.m. the following day. Such activities are also prohibited from 7:00 a.m. to 7:00 a.m. the following day on all federal and state holidays.~~

### **Sec. 22-69. Sound variances.**

A. Council shall have the authority, consistent with this section, to grant sound variances from this chapter after public hearing.

B. Any person seeking a sound variance under this section shall file an application with Council. The application shall contain information which demonstrates that bringing the source of sound or activity for which the sound variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons.

C. All applications shall be subject to a fee of \$50 per day if granted and, whether granted or denied, an amount sufficient to cover the cost of advertising and notification to all residents and property owners within 100 feet of the noise source. Advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the Town. Notification shall be by regular mail at least seven days prior to the public hearing.

D. In determining whether to grant or deny an application or revoke a variance previously granted, Council shall balance hardship to the applicant, the community and other persons if the sound variance is not allowed against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact, if the sound variance is allowed. Applicants for sound variances and persons contesting sound variances may be required to submit any information that Council may reasonably require. In granting or denying an application or in revoking a sound variance previously granted, Council shall place on public file a copy of the decision and the reasons for granting, denying or revoking the sound variance.

E. Sound variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The sound variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the sound variance was granted.

F. Determination of modification of a granted variance shall be made in accordance with the rules and procedures set forth in the section for original applications.

**Sec. 22-70. -- Definitions.**

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Construction* means any and all outside activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, roadways, infrastructure, or utilities including drilling, blasting, mining, land clearing, grading, excavating and filling.~~

~~*Demolition* means any dismantling, intentional destruction or removal of structures, infrastructure, utilities, public or private right-of-way surfaces, or similar property.~~

**Sec. 22-70- Enforcement.**

This article shall be implemented, administered and enforced by the town police department.

**Sec. 22-71. -- Exemptions.**

~~The provisions of this article shall not apply to:~~

(1)

~~The operation of snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise. Noise~~

~~discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds.~~

~~(2)~~

~~Lawn care and grounds maintenance equipment in normal daytime use if used and maintained in accordance with the manufacturer's specifications.~~

~~(3)~~

~~Public emergency activities required to ensure the health, safety and welfare of the citizenry.~~

~~(4)~~

~~The normal day to day agricultural activities associated with the raising of livestock and crops.~~

~~(5)~~

~~Ordinary or routine maintenance and/or repair performed by the owner or resident of a property.~~

### **Sec. 22-71– Fines and Penalties.**

(a) Any person found to be in violation of this article shall be punished as follows:

(1) The first offense shall be punished by the issuance of a written warning to immediately cease and desist the violation.

(2) The second offense within one-year, caused by the same source shall be punished by a fine of ~~\$25.00.~~ \$75.00.

(3) The third offense and each subsequent offense within one-year, caused by the same source shall be punished by a fine of ~~\$100.00.~~ \$200.00.

(b) Any such person charged with a violation of this article shall pay said fine as prescribed within 5-days or shall be summonsed to appear before the District Court.

### **Sec. 22-72.– Enforcement.**

~~This article shall be implemented, administered and enforced by the town police department.~~

### **Sec. 22-73.– Penalties.**

~~Any person found to be in violation of this article shall be punished as follows:~~

~~(1)~~

~~The first offense shall be punished by the issuance of a written warning to cease and desist the violation.~~

~~(2)~~

~~The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist the violation.~~

~~(3)~~

~~The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a notice to cease and desist the violation.~~

**~~Sec. 22-74. -- Sunset clause.~~**

~~The provisions of this article shall expire on December 14, 2010, unless the town council takes affirmative action to extend this article.~~

**Sec. 72-85 Reserved.**

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on February 2, 2015 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 38 – Alcoholic Beverages. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 38, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 38 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_

Publication Source:   Jamestown Press  

Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_

Certified: \_\_\_\_\_

## Exhibit A

### **Sec. 38-91. – Consumption and possession of open container.**

(a) In motor vehicle, on public beach, park or street. No person shall possess an open container of consume any alcoholic beverage in any motor vehicle. ~~No person shall consume any alcoholic beverages,~~ upon any public beach, park or street in the town.

(b) In public place. No person shall consume, serve or provide any alcoholic beverage in any public place other than premises licensed to serve alcoholic beverages or on any public property in the town, unless such premises are exempted from the provisions of this subsection by authority of the town council. Such authority may granted by the town council by making application of a special event license to include the provision of a Class F, Class F1 or Class P liquor license as defined under R.I.G.L. 3-7.

(c) In Town owned building. No person shall consume, serve or provide any alcoholic beverage in any Town owned building without authority of the town council. Such authority may granted by the town council by making application of a special event license .

### **Sec. 38-92. – ~~Indecent intoxication creating disorderly disturbance.~~**

~~It is unlawful for any person to become intoxicated under such circumstances as to amount to a violation of decency, or to expose the person, commit any nuisance or mischief or to revel, quarrel, engage in fighting, or in any manner otherwise behave in a disorderly or indecent manner to the disturbance of the orderly people of the town. No person shall aid, incite or encourage any of such unlawful acts to be done by any person. Any person who violates this section shall be fined not more than \$20.00.~~

### **Sec. 38-92– Fines and Penalties.**

(a) Any person found to be in violation of this article shall be punished as follows:

(1) The first offense shall be punished by a fine of \$75.00.

(2) The second offense within one-year, caused by the same source shall be punished by a fine of \$150.00.

(3) The third offense and each subsequent offense within one-year, caused by the same source shall be punished by a fine of \$200.00.

(b) Any such person charged with a violation of this article shall pay said fine as prescribed within 5-days or shall be summonsed to appear before the District Court.

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on February 2, 2015 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 38 – Offenses and Miscellaneous Provisions. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 38, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 38 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_

Publication Source:   Jamestown Press  

Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_

Certified: \_\_\_\_\_

## Exhibit A

### **Sec. 38-37. Animals prohibited.**

Except as otherwise provided in G.L. 1956, § 11-24-2.1, no dogs, horses or other animals shall be allowed on any of the town beaches.

### **Sec. 38-38. Littering.**

Littering is prohibited, and the receptacles provided shall be used for all refuse.

### **Sec. 38-39. Sleeping on beaches or parking areas at night; permit to build fires.**

Overnight sleeping is prohibited on all beaches or parking areas. No open fires on beaches or parking areas are allowed without a permit.

### **Sec. 38-40. Tents, lean-tos and shelters.**

No tents shall be allowed on any of the town beaches, and no improvised tents, lean-tos or shelters made of blankets or other substances shall be permitted on any of the town beaches.

### **Sec. 38-41. Operation of motor vehicles.**

(a) *Prohibited generally.* No motor vehicle shall be operated or driven on any beach within the town.

### **Sec. 38-42– Fines and Penalties.**

(a) Any person found to be in violation of this article shall be punished as follows:

(1) The first offense shall be punished by a fine of \$75.00.

(2) The second offense within one-year, caused by the same source shall be punished by a fine of \$150.00.

(3) The third offense and each subsequent offense within one-year, caused by the same source shall be punished by a fine of \$200.00.

(b) Any such person charged with a violation of this article shall pay said fine as prescribed within 5-days or shall be summonsed to appear before the District Court.

\*Note: This changes move a number of nuisance and disorderly violations within the code to allow for enforcement. It also adds an enforcement clause which allows a police officer to issue a pay-by-mail ticket as opposed to requiring a violator to appear in the District Court.

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on February 2, 2015 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 42 – Parks and Recreation. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 42, Parks and Recreation, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 42 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_

Publication Source: Jamestown Press

Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_

Certified: \_\_\_\_\_

## Exhibit A

### **Sec. 42-51. Reserved ~~Animals prohibited.~~**

~~Except as otherwise provided in G.L. 1956, § 11-24-2.1, no dogs, horses or other animals shall be allowed on any of the town beaches.~~

### **Sec. 42-52. Reserved ~~Littering.~~**

~~Littering is prohibited, and the receptacles provided shall be used for all refuse.~~

### **Sec. 42-54. Reserved ~~Consumption of alcoholic beverages.~~**

~~No alcoholic beverages shall be consumed on any of the town beaches.~~

### **Sec. 42-55. Reserved ~~Sleeping on beaches or parking areas at night; permit to build fires.~~**

~~Overnight sleeping is prohibited on all beaches or parking areas. No open fires on beaches or parking areas are allowed without a permit.~~

### **Sec. 42-56. Reserved ~~Tents, lean-tos and shelters.~~**

~~No tents shall be allowed on any of the town beaches, and no improvised tents, lean-tos or shelters made of blankets or other substances shall be permitted on any of the town beaches.~~

### **Sec. 42-58. Operation of motor vehicles.**

- ~~(a) Prohibited generally. No motor vehicle shall be operated or driven on any beach within the town.~~
- (a) Types and size of vehicles allowed to park. Parking areas are restricted to passenger vehicles and up to three-quarter-ton trucks, unless otherwise authorized.
- (b) Parking at Mackerel Cove Beach. No motor vehicles shall be allowed on Mackerel Cove Beach except in the areas designated thereon for parking and except upon payment of the posted charge therefor as designated by the town council from time to time. There shall be charged a fee as provided in appendix C for the privilege of parking motor vehicles upon that portion of Mackerel Cove Beach designated by the town council as parking areas. Residents of the town who display a resident sticker on their vehicle shall not be charged for the privilege of such parking in such areas for the season. No trucks or buses shall be permitted to park in the parking areas. It shall be unlawful for any person to stand or park a motor vehicle on Mackerel Cove Beach without paying the fee for such parking as provided in this section.
- (c) Vehicles at Fort Getty, Conanicut Battery, Beavertail and Taylor's Point; speed limit, registration and licensing. No vehicle shall exceed the speed of ten miles per hour on any road or way at Fort Getty, Conanicut Battery, Beavertail and Taylor's Point.

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on February 2, 2015 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 70 – Traffic and Vehicles. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 70, Traffic and Vehicles, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance;  
words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): \_\_\_\_\_

Publication Source: Jamestown Press

Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_

Certified: \_\_\_\_\_

## Exhibit A

### Sec. 70-52. Stop intersections.

Stop signs shall be erected and traffic controlled in conformance with section 70-51 on the following streets and highways within the town:

Intersection:	Location of Sign/Street Stopped:
Helm Street and Stern Street	Stern Street <u>both directions</u>
<u>Helm Street and Mast Street</u>	<u>4 way stop</u>
Helm Street and Bow Street	<del>Bow Street</del> <u>4-way stop</u>
<del>Mast Street and Helm Street</del>	<del>Helm Street</del>

\*Note: These changes will institute two four-way stop intersections on Helm Street, at both Stern and Mast Streets.

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### Sec. 70-54. - Streets closed to traffic from specific direction.

Arnold Avenue-all vehicular traffic shall be prohibited from travelling in a westerly direction on Arnold Avenue between the intersection of Westwind Drive and Melrose Avenue.

Bay View Drive-all vehicular traffic shall be prohibited from traveling in a southerly direction on Bay View Drive from that portion of said avenue bounded on the south by the Newport Bridge and a "Do Not Enter" sign shall be erected at such location.

Reservoir Circle-all traffic is prohibited from travelling clockwise on Reservoir Circle.

Watson Avenue, all vehicular traffic, excluding school buses and those persons residing on Watson Avenue between the intersections of Lawn Avenue and Washington Street, is prohibited on Watson Avenue between the intersections of Washington Street and Lawn Avenue, between 2:15 p.m. and 2:45 p.m., Monday through Friday annually from September 1 to July 1.

\*Note: This change will codify the existing one-way conditions as they are already indicated by signage. It will move the language of the temporary road closure of Watson Avenue to the appropriate location within the code of ordinances.

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**Sec. 70-84. - Ban on parking during weather emergencies and special events.**

(a) The director of public works ~~and/or~~ the town administrator and/or the chief of police is hereby authorized and empowered to declare a ban on the parking of all vehicles on the streets and highways of the town for such period as it is necessary to remove snow from such streets and highways or temporarily as may be deemed necessary for a public safety

(b) In declaring such ban on parking, the director of public works ~~and/or~~ the town administrator and/or the chief of police shall give notice by posting notice of the ban ~~at three public places in the town~~ on the town's public website and causing such other notification as is reasonable under the circumstances.

(c) Motor vehicles parked on any town street or highway one hour after the posting of the notice may be towed to a place of storage at the owner's expense and/or fined \$10.00. \$25.00.

\*Note: These changes will allow the Chief of Police to declare a parking ban for snow emergencies and impose parking restrictions for special events. It also amends the notification process and increases the fine to \$25.

---

**Sec. 70-87. - Prohibited or restricted parking on specified streets.**

~~Broad Street, no parking on north side for its entire length.~~

~~Broad Street, no parking on south side from East Shore Road to Orient Street.~~

Broad Street, no parking either side, with the exception of the seven designated parking spaces of which four shall be restricted and designated as resident recreation sticker required pursuant to section 70-90.

North Road, no parking on either side from its intersection with East Shore Road westerly for a distance of 200 feet.

North Road Driveway to Water Treatment Plant, no parking either side, with the exception of the two designated parking spaces located at the northwest corner.

~~Watson Avenue, no parking on the north side from its intersection with Lawn Avenue to a point 300 feet westerly therefrom.~~

~~Watson Avenue, no parking on the South side of Watson Avenue and no parking on the North side within 30 feet of the intersection with North Road or 40 feet from the intersection with Pemberton Avenue.~~

Watson Avenue, no parking south side entire length.

Watson Avenue, no parking on the north side of Watson Avenue from the intersection of Pemberton Avenue to the intersection of Washington Street, between 6:00 a.m. and 6:00 p.m. Such prohibition shall apply to all vehicles except school buses serving the Jamestown Elementary School.

~~Watson Avenue, all vehicular traffic, excluding school buses and those persons residing on Watson Avenue between the intersections of Lawn Avenue and Washington Street, is prohibited on Watson Avenue between the intersections of Washington Street and Lawn Avenue, between 2:15 p.m. and 2:45 p.m., Monday through Friday annually from September 1 to July 1.~~

\*Note: These changes create seven designated parking spaces at Park Dock-four of which will require a resident recreation sticker. It prohibits parking on North Road for 200 feet west of East Shore Road. It codifies the current parking restrictions at the entrance to the water treatment plant. It clarifies language to parking restrictions near the Lawn Avenue School.

November 22, 2014

MEMORANDUM

To: Kristine S. Trocki  
Mary E. Meagher  
Thomas P. Tighe  
Michael G. White  
Blake A. Dickinson

From: Don Wineberg  
William P. Skinner  
David Booth

Re: PBH Realty, LLC and PBH Vineyards, LLC (doing business as Jamestown Vineyards),  
334 Beavertail Road

We are a subcommittee of the 42 Jamestown residents who were named as co-defendants by PBH Realty, LLC and PBH Vineyards, LLC (collectively "PBH") in the lawsuit that PBH filed in Newport Superior Court for the purpose of appealing a unanimous decision by the Jamestown Zoning Board of Review concerning the permitted and prohibited uses of 334 Beavertail Road under the Jamestown Zoning Ordinance. We want to make sure that you are aware of our concerns about PBH's current efforts to circumvent that decision through litigation or by trying to persuade the Town to amend the zoning ordinance to permit the manufacture and sale of wine on property that is zoned RR-80 or RR-200. David Booth and Don Wineberg had a meeting with the Town Administrator on Friday, November 14, to discuss these concerns, and he had no objection to our communicating directly with you on this subject.

If PBH's appeal is successful, the result would be that an unlimited number of wineries, with retail, wholesale and manufacturing operations could operate in Jamestown's RR-80 and RR-200 zoning districts. The Appeal is not just about whether PBH can do these things in one location. It is about whether commercial winery activities are permitted as of right on all properties in these districts. The case therefore presents an important planning decision for Jamestown.

We think it is important for you to know that there is widespread opposition to permitting commercial wineries in the rural districts of Town. We have attached to this Memo lists (all of which are in the public record) of:

- a) The 30 Jamestown residents who joined in opposing the issuance of a state farmer-winery license to PBH (Attachment A);

- b) The 42 Jamestown residents who were appellants in the Zoning Board appeal (Attachment B); and
- c) The 39 additional Jamestown residents who submitted letters supporting our position in the Zoning Board appeal (Attachment C).

### **Background**

PBH has grown grapes and vegetables at 334 Beavertail Road for approximately 8 years, having purchased the land in an existing residential neighborhood on November 4, 2005. A farm growing crops on this lot is a permissible use under the Jamestown Zoning Ordinance. In 2013, PBH applied to the state for a "farmer-winery license," under the terms of which PBH would be allowed to manufacture wine on premises, bottle the product and sell it at wholesale and retail on the property. The license allows for on-premises consumption and sales by the bottle in addition to transporting the product for sale elsewhere. However, the license is expressly conditioned upon PBH's conforming to Jamestown zoning law.

A group of neighbors opposed this expansion of use at the state hearing. The 30 residents mentioned above opposed the license, which nevertheless was granted. In response to that, the 42 Jamestown residents referred to above initiated an action before the Jamestown Zoning Board, asking for "guidance, clarification and information" concerning uses of 334 Beavertail that are permitted and uses that are not permitted under the zoning code. We did this because we oppose the expansion of a simple farm (which we all support) into an active winery that: manufactures and bottles wine on the premises; sells wine at wholesale and retail on the premises, including sales by the glass or the bottle for consumption onsite as well as offsite; conducts wine-tastings on the premises; and will likely also have related events that often take place at wineries, including weddings, dinners, concerts and other promotional activities. None of these commercial activities is appropriate in a rural area surrounded by private residences. All of them will cause substantial increased traffic on Beavertail Road. An additional 39 people submitted letters to the Zoning Board in support of our position that the manufacture and sale of wine should be prohibited at 334 Beavertail Road.

In a ruling reached at its April 22, 2014 meeting, the Jamestown Zoning Board unanimously held that the processing of grapes into wine constitutes manufacturing that is prohibited in the relevant RR-80 zoning district. The board also held that on premises retail sales of wine, wholesale sales of wine, wine tastings, and commercial catered events (such as weddings and parties) are prohibited in this zoning district. (See Attachment D)

PBH filed a lawsuit this summer that asks the court to void the decision of the Jamestown Zoning Board, and named not only the members of the Zoning Board but also all of the residents who participated in the Zoning Board proceeding as defendants.

### **Our Point of View**

The Jamestown Zoning Board wrote a very thorough opinion, which we encourage you to read and have attached to this memorandum as Attachment D. In our opinion, their decision is plainly correct under the Jamestown Zoning Ordinance. The manufacture and sale of alcohol, both retail and wholesale, is prohibited at 334 Beavertail Road and in all of the rural districts of

Jamestown. This is different from other farms in Jamestown that sell meat, wool and other products that are not specifically prohibited in the express way alcohol sales are prohibited. This is not a question of putting other farms out of business. We strongly support farming on Jamestown. We support PBH in growing and selling grapes and vegetables. We oppose making and selling wine. Thankfully, the Zoning Ordinance, as correctly interpreted, permits growing and selling grapes but prohibits the manufacture and sale of wine.

This is not just an issue that concerns PBH and 334 Beavertail Road. If PBH is permitted to operate a winery, to sell wine at wholesale or retail, or to have wine tastings on the property, so will every other property owner in the RR-80 or RR-200 districts. Thirty years ago, the North Fork of Long Island was rural. Today, there are numerous wineries, with tour busses, weddings, and attendant traffic all over the area. Virtually no residential properties remain on the main road on which the wineries are located. Operating a winery can be very profitable, and it is easy to foresee a string of properties on Beavertail Road and North Road/North Main Road turning into wineries. This is a serious planning issue for Jamestown, and should not be viewed as a "one off."

There is no such thing as a winery that is a small, quiet, good neighbor. Inevitably, they all want to offer live music, host events such as weddings, and promote maximum on-site consumption and sales. The operator of the Jamestown Vineyards stated at the State farmer-winery license hearing that he wants the winery to be a source of employment and income for his grandchildren. It cannot be small and do this. Moreover, if winery operations are permitted by the zoning ordinance, the Town will have no legal ability to restrict the scale of such operations.

Beavertail Road and North Road/North Main Road are busy enough. Do we want alcohol related tourism on these roads? The 42 residents who initiated the zoning action and the 39 residents who wrote letters in support of our position clearly do not. In addition, since the zoning action we have been asked by many residents what they can do to stop this. We told them to hold off letter writing, etc. but the opposition to wineries in the rural districts of Jamestown runs far, wide and deep.

The Town and the neighbors are now involved in PBH-initiated litigation aiming to reverse the zoning decision. Apparently, PBH says that it is optimistic about their chances in litigation. In reality, their chances are very poor. A very respected Providence litigator, who is not involved in the litigation and is not a Jamestown resident, called Don to tell him he thought the Zoning Board decision "was bulletproof." PBH has also asserted that the Rhode Island Right to Farm Act allows them to operate a winery. That is not true. The Right to Farm Act does not override local zoning ordinances, including but not limited to zoning ordinances that prohibit the manufacture and sale of alcohol. All the statute does is to prevent common law nuisance lawsuits against farms that are based on such concerns as noise, dust, or odors generated by farming operations. (*See* RI General Statutes, § 2-23-5.) Since no one is making a common law nuisance claim against PBH, the Right to Farm Act does not apply.

Please keep in mind that PBH does not come to this debate with clean hands. This property has been the subject of significant and multiple CRMC notices of violation, including both unauthorized buffer zone clearing and interference with wetlands. PBH fought these claims

for years until the state legislature changed CRMC enabling legislation to divest the CRMC of jurisdiction for violations occurring on farms.

To repeat, we know PBH has the right to grow grapes. But they developed their vineyard knowing they were in a district that prohibits the manufacture and sale of alcohol. The RR-80 district is a huge component of the Town's tax base, and the people who live in it are counting on the Town Government and the Zoning Ordinance to preserve the area's agricultural and residential character, and to prevent its becoming a commercial district. The PBH winery, and the likely follow-on of other winery properties, is ultimately a threat to the tax base of the Town. Their proposal will very likely diminish residential real estate values all around them (and then again wherever wineries sprout up) and force a higher tax burden on the rest of the island.

PBH has initiated conversations with the Town Administrator about "settling" this litigation. The Administrator tells us that PBH's settlement proposal is that it be allowed the right to manufacture wine, to sell wine at retail and wholesale, and to conduct wine tastings on its property. This is not a "settlement proposal" but a demand for unconditional surrender by the Town. Moreover, no "settlement" can allow PBH to do what it wants to do on 334 Beavertail Road unless the zoning ordinance is amended. You should understand that there will be substantial public opposition to any such amendment to the zoning ordinance.

We are disappointed that PBH is not talking to us about a possible settlement. Instead, they are attempting to implement a "divide and conquer" strategy by trying to persuade the Town's management to support activities that are prohibited by the zoning ordinance as interpreted by the Zoning Board and opposed by a very large group of Jamestowners. We know that the Town is concerned about the potential cost of litigating against PBH. We want to assure you, as co-defendants and people who love Jamestown the way it is, that we are prepared to contribute substantial legal and financial resources to make it possible for the Town to resolve this issue on the merits of the relevant zoning, planning and use perspectives rather than based on fear of litigation costs. The members of our group own properties they love, worth literally tens of millions of dollars of assessed value. We intend to ensure that our homes are protected based on the terms of the existing Zoning Ordinance as interpreted by the Jamestown Zoning Board. We are fully prepared to participate actively in the pending litigation and to bear the cost of having our counsel fully brief all of the relevant issues. If the Town chooses to do so, it could reduce its legal costs by having its counsel join in the briefs filed by our group to the extent that the Town agrees with the positions taken in those briefs. More importantly, protecting Jamestown's zoning ordinance from attack is essential to preserving the value of Jamestown for all of its residents. The Town's ultimate costs to protect itself will be small compared to the issues at stake. The issue is nothing less than should Beavertail Road and North Road/North Main Road be transformed from their current agricultural and residential uses to commercial uses that involve the manufacture and sale of wine, wine tastings, weddings, concerts and other events that promote the consumption and sale of alcohol.

### **Conclusion**

We strongly encourage the Town to decide to support and defend the well-thought out decision of its Zoning Board. This issue is a major inflection point for the Town. Do we want to

be the farm and residential community of today or do we prefer to use our tax-abated open space to enrich commercial winery interests at the cost of all Jamestowners who pay property tax?

We also have a simple answer to this issue. PBH should place its tasting room and sales operation downtown, where it can be accessed by pedestrians, transient sailors and be in a commercial district where alcohol sales are a permitted use.

Thank you. Please let us know how we can continue the dialogue.

Attachment A

List of Jamestowners Who Opposed PBH's Application For A Farmer-Winery License\

Nicholas Biddle III  
215 Beavertail Road

Pam and Jeff LoGioco  
2 Bayberry Road

Jennifer Walsh and Bernard Wharton  
255 Beavertail Road

Agnes Filkins  
3 Bayberry Road

Margaret Crowley  
298 Beavertail Road

Margaret and Ronald Gauthier  
17 Bayberry Road

Richard Trask  
304 Beavertail Road

Carl and Elizabeth Helgerson  
18 Bayberry Road

Sarah and Craig Richardson  
305 Beavertail Road

Lydia Capobianco  
22 Bayberry Road

Constance Thomas  
320 Beavertail Road

Raymond Capece  
32 Bayberry Road

Jane Garnett and David Booth  
333 Beavertail Road

Peter Leary  
32 Bayberry Road

Joan and Leon Goldstein  
340 Beavertail Road

Janet and Michael Westcott  
38 Bayberry Road

Elaine and Bradford Whitman  
343 Beavertail Road

Katherine and Don Wineberg  
354 Beavertail Road

Karen and William Skinner  
360 Beavertail Road

Attachment B -- List of ZBR Appellants

Exhibit A

Nancy Bennett  
48 Bonnet View Drive  
Jamestown, RI 02835

George Boyer  
53 Whale Rock Road  
Jamestown, RI 02835

Jacquelyn Deinert  
Clifford Deinert  
17 Whale Rock Road  
Jamestown, RI 02835

Joan Goldstein  
Leon Goldstein  
344 Beavertail Road  
Jamestown, RI 02835

Rita Reamer  
Norton Reamer  
435 Beavertail Road  
Jamestown, RI 02835

Karen Skinner  
William Skinner  
360 Beavertail Road  
Jamestown, RI 02835

Rodney Thomas  
8 Arnold Street  
Jamestown, RI 02835

Elaine Whitman  
Bradford Whitman  
343 Beavertail Road  
Jamestown, RI 02835

Raymond Capece  
28 Bayberry Road  
Jamestown, RI 02835

Margaret Crowley  
Dan Crowley  
298 Beavertail Road  
Jamestown, RI 02835

Elizabeth Boyer  
Blair Boyer  
412 Beavertail Road  
Jamestown, RI 02835

Abigail Campbell-King  
11 Friendship Street  
Jamestown, RI 02835

Jane Garnett  
David Booth  
333 Beavertail Road  
Jamestown, RI 02835

Pam LoGioco  
Jeff LoGioco  
2 Bayberry Road  
Jamestown, RI 02835

Sarah Richardson  
Craig Richardson  
305 Beavertail Road  
Jamestown, RI 02835

Constance Thomas  
320 Beavertail Road  
Jamestown, RI 02835

Jennifer Walsh  
Bernard Wharton  
255 Beavertail Road  
Jamestown, RI 02835

Katherine Wineberg  
Don Wineberg  
354 Beavertail Road  
Jamestown, RI 02835

Lydia Capobianco  
22 Bayberry Road  
Jamestown, RI 02835

Agnes Filkins  
3 Bayberry Road  
Jamestown, RI 02835

Marie Krupinski  
7 Bayberry Road  
Jamestown, RI 02835

Nicholas Biddle III  
The Treetops Partnership  
215 Beavertail Road  
Jamestown, RI 02835

Margaret and Ronald Gauthier  
17 Bayberry Road  
Jamestown, RI 02835

Peter Leary  
Irene Leary  
32 Bayberry Road  
Jamestown, RI 02835

Annice Kenan Smith  
Jesse Smith  
277 Beavertail Road  
Jamestown, RI 02835

Linda Peterson  
Per Peterson  
282 Beavertail Road  
Jamestown, RI 02835

ATTACHMENT C

LIST OF ADDITIONAL JAMESTOWN RESIDENTS WHO  
WROTE LETTERS SUPPORTING THE POSITION OF THE APPELLANTS  
IN THE APPEAL RE PBH AND 334 BEAVERTAIL ROAD

1. Lynn and William Berman  
136 Southwest Avenue
2. J. Scott Biddle, Jr  
former Jamestown property owner, current Jamestown summer renter  
Northhampton, MA resident
3. Lydia Biddle  
17 Walnut Street
4. Thomas Chiginsky  
18 Collins Terrace
5. Peter Converse  
162 Narragansett Avenue
6. Kathryn and Timothy Conway  
605 Beavertail Road
7. Julie Gaither  
34 Emerson Road
8. Ann Maynard Gray  
585 Beavertail Road
9. Wayne A. Grover  
29 Bayberry Road
10. Kimberly Holcomb  
18 Collins Terrace
11. Elizabeth B Lippincott  
216 Highland Street
12. Donna M. Luzi  
3 Meadow Lane
13. Mary and John Madden  
530 Beavertail Road

14. Judith Malcom  
45 Blueberry Lane
  15. Elizabeth and Clarke Moody  
9 Conanicus Avenue
  16. Sarah and Phillip Mueller  
243 Beavertail
  17. Suzanne and Daniel O'Donnell  
192 Racquet Road
  18. Betsy Outerbridge  
28 Hawthorne Road
  19. William M. Pratt  
101 Longfellow Road
  20. Elizabeth and Larry Richardson  
28 Hawthorne Road
  21. Nicole Shalette and William Chew, Jr.  
53 Maple Avenue
  22. David Slingluff  
19 Prudence Road
  23. Martha and Jeff Tuff  
10 Racquet Road
  24. Sarah Bay Williams  
243 Beavertail Road
  25. James Wright  
2 Meadow Lane
  26. Josephine and Harrison Wright  
86 Clarke Street
  27. Natalie and Rod Wright  
20 Whittier Road
  28. Thomas F. Wright  
240 Highland Drive
-

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
TOWN OF JAMESTOWN**

**IN THE MATTER OF:**

<b>APPEAL OF DON E. WEINBERG, ET AL, RELATING TO PROPERTY LOCATED AT 334 BEAVERTAIL ROAD, LOT 41, PLAT 12</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>JAMESTOWN ZONING BOARD OF REVIEW</b>
<b>PBH REALTY, LLC</b>	<b>:</b>	

**Decision of the Town of Jamestown Zoning Board of Review**

This case is before the Jamestown Zoning Board of Review for decision on an appeal from a group of Jamestown residents known as the "Concerned Neighbors of 334 Beavertail Road", in order to obtain guidance, information and clarification regarding the permitted and prohibited uses of the property located at 334 Beavertail Road owned by PBH Realty, LLC and leased to an entity known as PBH Vineyards, LLC.

**I. Facts and Travel.**

The property located at 334 Beavertail Road is located in an RR/80 zone and consists of approximately 20 acres. The property itself is owned by PBH Realty, LLC and leased to PBH Vineyards, LLC d/b/a Jamestown Vineyards. The manager of PBH Vineyards is Frank DiZoglio.

Prior to May 1, 2013, Frank DiZoglio inquired of Frederick W. Brown, the Jamestown Zoning Official, as to Mr. Brown's opinion whether a proposed use of a winery is permitted under the Jamestown Zoning Ordinance. Mr. DiZoglio was requesting an opinion letter that Mr. DiZoglio could bring to the Rhode Island Department of Business Regulation as a supplement to an application for a license to operate a farmer-winery on 334 Beavertail Road.

On May 1, 2013, Fred Brown, on Jamestown Office of Code Enforcement stationery, hand wrote a document which stated:

**"To Whom It May Concern:**

**Re: Winery: 334 Beavertail Road**

**A proposed use of a winery is permitted under Jamestown zoning code.**

**Respectfully,**

**Frederick W. Brown"**

On or about June 21, 2013, PBH Vineyards, LLC d/b/a Jamestown Vineyards, through its' manager, Frank DiZoglio, applied to the Department of Business Regulation for a license to operate a farmer-winery on 334 Beavertail Road In Jamestown. A hearing was conducted before the Department of Business Regulation on August 12, 2013 wherein the handwritten May 1, 2013 letter was presented as a submission to the Department of Business Regulation hearing officer.

On August 8, 2013, four days before the Department of Business Regulation hearing, certain members of the "Concerned Neighbors of 334 Beavertail Road" notified the hearing officer at Department of Business Regulation that the concerned neighbors objected to the farmer-winery license.

At the Department of Business Regulation hearing on August 12, 2013, which was attended by both DiZoglio and members of the "Concerned Neighbors of 334 Beavertail Road", the hearing officer instead of immediately closing the hearing, gave anybody the opportunity of a week to submit in writing any additional documents.

On August 15, 2013, two members of the "Concerned Neighbors of 334 Beavertail Road" sent a letter to Frederick Brown, the Zoning Officer, requesting "a letter that certain commercial, retail, and Industrial uses pertaining to a winery are prohibited at 334 Beavertail Road or if Mr. Brown thinks such uses are permissible that Mr. Brown provide a written explanation of the basis for that view". Mr. Brown did not respond to the August 15, 2013 letter from the "Concerned Neighbors of 334 Beavertail Road".

On October 24, 2013, the Department of Business Regulation officer issued a Decision and Order and recommended that the application of PBH Vineyards, LLC d/b/a Jamestown Vineyards be approved and that a farmer-winery license be issued pursuant to R.I.G.L. § 3-6-1.1.

On October 25, 2013, the Rhode Island Department of Business Regulation granted a farmer-winery license to PBH Vineyards, LLC for 334 Beavertail Road by

adopting the hearing officer's recommendation.

On November 8, 2013, William Skinner, an abutter and member of the "Concerned Neighbors of 334 Beavertail Road" sent a letter to Frederick Brown, the Zoning Officer, noting that Mr. Brown did not respond to the August 15, 2013 letter to him and requested that Mr. Brown reply to this letter and the letter dated August 15, 2013 seeking clarification no later than November 15, 2013.

Mr. Brown did not respond to the November 8, 2013 letter.

On December 3, 2013, the "Concerned Neighbors of 334 Beavertail Road" appealed to the Zoning Board of Review on two grounds (1) that the May 1, 2013 letter from the Zoning Officer should be vacated or reversed, and (2) the Zoning Officer has failed to respond to the appellants letters dated August 15, 2013 and November 8, 2013. The relief sought by the appellants is to request that the Zoning Board of Review issue a ruling that a farmer-winery is not a permitted use and to vacate or reverse the statement of the Zoning Officer as set forth in his May 1, 2013 letter.

On or about January 23, 2014, the "Concerned Neighbors of 334 Beavertail Road" amended their basis for the appeal (Exhibit "B") by requesting (1) that the Jamestown Zoning Board of Review decide whether the May 1, 2013 letter sent by the zoning official constitutes a zoning certificate and the extent to which it constitutes approval for the operation of a winery, and (2) that the Jamestown Zoning Board of Review provide the requested guidance, clarification, and information concerning which uses of 334 Beavertail Road are permitted and which uses are prohibited under the Jamestown Zoning Ordinance.

On February 26, 2014, an evidentiary hearing on the appeal was heard before the Zoning Board of Review.

## **II. Jurisdiction.**

Does the Zoning Board of Review have jurisdiction to render a decision?

The "Concerned Neighbors of 334 Beavertail Road" claim in their appeal that the Jamestown Zoning Board of Review has jurisdiction to provide guidance, clarification, and information concerning which uses of 334 Beavertail Road are permitted and which uses are prohibited under the Jamestown Zoning Ordinance.

The "Concerned Neighbors of 334 Beavertail Road" rely upon Jamestown Zoning Ordinance Section 82-501.A.7, R.I.G.L. § 45-24-57(1)(viii), and R.I.G.L. § 45-24-54.

Both zoning ordinance 82-501.A.7, and R.I.G.L. § 45-24-57(1)(viii) provide that a zoning board of review shall: (1) have the following powers and duties: to hear and decide other matters according to the terms of the ordinance or other statutes, and upon which the board may be authorized to pass under the ordinance or other statutes.

R.I.G.L. § 45-24-54 provides *Inter alia* that:

"In order to provide guidance or clarification, the zoning enforcement officer or agency shall, upon written request, issue a zoning certificate or provide information to the requesting party as to the determination by the official or agency within 15 days of the written request. In the event that no written response is provided within that time, the requesting party has the right to appeal to the zoning board of review for the determination."

It is the "Concerned Neighbors of 334 Beavertail Road" position that since the zoning officer did not in the first instance "provide guidance or clarification" by written response within 15 days, the "Concerned Neighbors of 334 Beavertail Road" have the right to appeal to the zoning board of review for the determination, and pursuant to Section 82-501.A.1.7 and R.I.G.L. § 45-24-57(a)(viii), the zoning board of review in the exercise of its' discretion "to make such order, requirement, or determination as ought to be made, and to that end shall have all the powers of the zoning enforcement officer."

In response, PBH Vineyards, LLC d/b/a Jamestown Vineyards argues that the "Concerned Neighbors of 334 Beavertail Road" have no standing pursuant to R.I.G.L. § 45-24-54.

For purposes of this decision, if the "Concerned Neighbors of 334 Beavertail Road" have no standing, then *vis-à-vis* the "Concerned Neighbors of 334 Beavertail Road", the Zoning Board of Review does not have jurisdiction.

Jamestown Vineyards argues that R.I.G.L. § 45-24-54 has no applicability to an abutter or neighbor and that the words "requesting party" is limited to someone

who either owns the real estate or has an interest in the real estate, such as a purchaser under agreement or lender.

In its' simplest terms, does R.I.G.L. § 45-24-54 grant the Zoning Board of Review independent jurisdiction to provide guidance or clarification with respect to the interpretation of the Jamestown Zoning Ordinance where the zoning enforcement officer has failed or declined to render such guidance or clarification?

Although the facts in *Franco v. Wheelock*, 750 A.2d 957 (R.I. 2000) are not identical to the facts in this matter, the facts in *Franco* are of such similarity that the review of that Rhode Island Supreme Court decision bears discussion. In *Franco*, the East Greenwich Town Council approved the transfer of the Blue Parrott's alcoholic beverage license to a new entity subject to the Town's zoning requirements relative to parking, which limits the restaurant's occupancy to 193 patrons. The restaurant sued in Superior Court to obtain a declaratory judgment that they were not limited to the 193 person occupancy restriction. After the Superior Court granted the restaurant's Motion for Temporary Restraining Order, the town council voted to have the zoning enforcement officer request a ruling from the Town's zoning board of review that would indicate what parking restrictions apply to the restaurant. The zoning officer believed that the zoning board of review had the authority to decide the matter pursuant to R.I.G.L. § 45-24-57(i)(vii). The zoning board of review conducted a hearing and designated its' decision "An Advisory Opinion". The Rhode Island Supreme Court held that there is nothing in R.I.G.L. § 45-24-57, which authorizes zoning boards of review to render advisory opinions whenever the zoning officer or the Town Council requests such advice. In fact, the Rhode Island Supreme Court held that although R.I.G.L. § 45-24-57(1)(viii) authorized boards to herein decide matters relating to capacity restrictions as those that are at issue in the *Franco* case, that language does not go so far as to authorize advisory opinions - - let alone opinions that the Town can later assert were binding on all interested parties after assuring the participants that the opinions would be merely advisory. (*emphasis added*)

In *Tompkins v. Zoning Board of Review*, 2003 R.I. Super. LEXIS 133 (2003 WL 22790829), a Little Compton resident owned a parcel of land that straddled both Little Compton and Westport, MA. The landowner had a dwelling on the Little Compton side of his property and wanted to place a cottage on the Westport side of the property, which would result in two dwellings existing on the property which would be a violation of the Little Compton Zoning Ordinance. The landowner requested a letter from the building inspector. The building inspector complied and advised the landowner that any questions regarding the Westport part of the

property is left to be judged by the Town of Westport, and that the Town of Little Compton has no jurisdiction. A neighbor filed an application with the zoning board of review appealing the letter of the building official. The zoning board of review heard the matter in a public hearing and rendered a decision which was appealed to the Superior Court. In her analysis, Judge Patricia Hurst of the Superior Court stated that it is clear from the statutory language of R.I.G.L. § 44-24-54 that either the zoning official or the zoning board of review, upon appeal in the event that the zoning official fails to respond to an informational request, may provide the requested information for the limited purpose of supplying guidance or clarification. (*emphasis added*)

This language in *Tompkins* is the clearest language setting forth the role of the zoning board of review when a zoning official fails to respond to an informational request. However, Judge Hurst goes on to hold that when furnishing information, the zoning board of review is doing so for the limited purpose of "guidance or clarification" and in supplying that information does not affect the enforceable rights of any individual.

From an analysis of the statutes, the Rhode Island Supreme Court case of *Franco v. Wheelock*, the Rhode Island Superior Court case of *Tompkins v. Zoning Board of Review*, and *Olean v. Zoning Board of Review of Lincoln*, 220 A.2d 177, it would appear that the Jamestown Zoning Board of Review does have the authority and jurisdiction, upon appeal in the event that the zoning official fails to respond to an informational request, to provide the requested information for the limited purpose of supplying guidance or clarification. However, such guidance or clarification cannot be in the nature of an advisory opinion, a declaratory judgment, and that such guidance or clarification will not affect the enforceable rights of any individual, including both the "Concerned Neighbors of 334 Beavertail Road" or Jamestown Vineyards.

### **III. Timely Notice of Appeal.**

Section 82-503 of the Jamestown Zoning Ordinance provides that appeals to the zoning board may be taken by any person affected by any decision of the zoning officer in the enforcement of the zoning ordinance. Such appeal shall be taken within 30 days by filing a notice of appeal. (*emphasis added*)

R.I.G.L. § 45-24-64 provides:

"An appeal to the zoning board of review from a decision of any other zoning enforcement agency or officer may be taken by an aggrieved party. The appeal shall be taken within a reasonable time of the date of the recording of the decision by the zoning enforcement officer or agency by filing with the officer or agency from whom the appeal is taken and with the zoning board of review a notice of appeal specifying the ground of the appeal." (*emphasis added*)

It is interesting to note that both Section 82-503 in the Jamestown Zoning Ordinance and R.I.G.L. § 45-24-64 set forth that an appeal is taken from a "decision".

As set forth herein in Section IV of this Decision, the May 1, 2013 letter from Frederick Brown is neither a decision nor a zoning certificate. No appeal lies from that letter.

However, R.I.G.L. § 45-24-54 provides *inter alia*:

"In order to provide guidance or clarification, the zoning enforcement officer or agency shall, upon written request, issue a zoning certificate or provide information to the requesting party as to the determination by the official or agency within 15 days of the written request. In the event that no written response is provided within that time, the requesting party has the right to appeal to the zoning board of review for the determination."

On August 15, 2013, two members of the "Concerned Neighbors of 334 Beavertail Road" requested a letter that certainly can be considered that it was pursuant to R.I.G.L. § 45-24-54.

When no response was received within 15 days, the two members of the "Concerned Neighbors of 334 Beavertail Road" did not take an appeal, but sent a second letter on November 8, 2013. Within 30 days of the second letter, the appeal was filed.

Is the appeal untimely? Should the appeal have been taken within 30 days of 15 days after August 15, 2013, i.e., September 29, 2013?

Noting that there are two differences between Zoning Ordinance Section 82-503 (30 days to appeal) and R.I.G.L. § 45-24-64 (appeal to be taken within a

reasonable time), which controls?

Statutory law would initially suggest that the Jamestown Zoning Ordinance would control. However since R.I.G.L. § 45-24-54 has no counterpart in the Jamestown Zoning Ordinance, it would be reasonable to conclude that an appeal from the Zoning Board of Review from "no response" after 15 days of the written request, should be the reasonable time standard in R.I.G.L. § 45-24-64.

Here, approximately 90 days elapsed from the expiration of the 15 days after August 15, 2013 to the appeal filed on or about December 3, 2013.

Ninety days is a reasonable time. The "Concerned Neighbors of 334 Beavertail Road" are not time barred.

#### **IV. Res Judicata.**

It is the position of Jamestown Vineyards that the "Concerned Neighbors of 334 Beavertail Road" are barred and precluded from litigating the issues decided by the Department of Business Regulation.

Res Judicata, which is also known as claim preclusion, bars the re-litigation of all issues that were tried or might have been tried in an earlier action. The Doctrine of Res Judicata is usually claimed in a subsequent action based upon the same claim or demand and precludes the re-litigation of all the issues that were tried or might have been tried in the original suit, so long as there is (1) identity of parties, (2) identity of issues, (3) finality of a judgment in an earlier action.

Here, PBH Vineyards, LLC d/b/a Jamestown Vineyards applied to the Department of Business Regulation for a farmer-winery license pursuant to R.I.G.L. § 3-6-1.1.

Clearly, two members of the "Concerned Neighbors of 334 Beavertail Road", i.e., Don Weinberg and William Skinner appeared and testified in opposition to the farmer-winery application.

Does the fact that two abutters, i.e., Don Weinberg and William Skinner, personally appeared at the Department of Business Regulation hearing and testified on their own behalf, constitute Res Judicata?

Further, and most importantly, the Department of Business Regulation decision clearly states:

"The department, which lacks any independent zoning or building jurisdiction, will not refuse to issue a license or issue restrictions thereon based solely on the opinions of the neighbors that, despite having all necessary approvals, the location or facilities are unsuitable in light of the character of the surrounding area." *(emphasis added)*

In the hearing officer's footnote 17, which accompanies the above statement, the hearing officer notes that the "Concerned Neighbors of 334 Beavertall Road" raised a number of zoning issues and concerns and that these are zoning concerns, not dispositive under the department's liquor licensing jurisdiction. *(emphasis added)*

Moreover, in the hearing officer's recommendation, he states:

"Nothing in this decision and order should be construed as exempting the applicant or the property owner from compliance with all applicable, federal, state, and local law."

Finally, the Department of Business Regulation, rendering a decision regarding a farmer-winery license, would not have any jurisdiction whatsoever to preclude the Jamestown Zoning Board of Review from rendering a decision on those issues that are solely within the purview of the Zoning Board of Review.

Under all of the above circumstances, the Doctrine of Res Judicata does not preclude the Jamestown Zoning Board of Review from providing guidance or clarification solely with respect to the Jamestown Zoning Ordinance.

## **V. Analysis and Discussion.**

### **A. Jamestown Zoning Board of Review guidance, clarification and information as to whether the May 1, 2013 letter of the zoning official constitutes a zoning certificate.**

Pursuant to R.I.G.L. § 45-24-54, a zoning officer shall, upon written request, issue a zoning certificate. It has been conceded that there has been no written request by Frank DiZoglio or anyone else connected with PBH to issue a zoning certificate.

Likewise, and perhaps of greater import, Section 82-402 of the Jamestown Zoning Ordinance requires that a zoning certificate be issued on the basis of an application and accompanying written plan.

Clearly, there has been no written request, no application, and no accompanying plans - - albeit, no zoning certificate.

It further bears noting that that even if the May 1, 2013 letter was a zoning certificate, such a letter does not and cannot operate to create any enforceable rights or to divest any existing rights. A zoning official may not lawfully issue a zoning certificate for the purpose of making a binding or enforceable determination about whether or not a proposed use would be legal. See Tompkins v. Zoning Board of Review, 2003 RI Super LEXIS 133, 2003 WL 22790829.

**B. Jamestown Zoning Board of Review guidance, clarification and information concerning which uses are permitted and which are prohibited at 224 Beavertail Road.**

- The property located at 334 Beavertail Road is in an RR 80 Zone.
- Section 82-301 of the zoning ordinance provides:  
Uses and Districts.  
The uses listed in table 3-1 are permitted only in the zoning districts marked "Y". Uses permitted by special use permit under the provisions of article 6 are marked with an "S". Where the letter "N" appears, the use is prohibited in that district. Any use which is not specifically included in the use provisions of this section is prohibited, unless the zoning enforcement officer rules that such use is included in any of the general classifications or subclassifications set forth herein. Appeals from a decision of the zoning enforcement officer may be made to the zoning board of review in accordance with the provisions of article 5.
- Table 3-1, Part III, Agricultural, permits "field crop farms" in an RR 80 Zone, without a special use permit.
- Table 3-1, Part VI, Commercial Retail, permits the "sale of horticultural and agricultural products raised on premises" in an RR 80 Zone, without a special use permit.

- Table 3-1, Part VII, Commercial Services, prohibits catering services in an RR80 Zone.
- Table 3-1, Part IX, Industrial Manufacturing Zone, prohibits manufacturing industries, except for 11 categories, of which the manufacture of wine is not one of the specific industries.
- Neither liquor stores nor any eating and drinking places are permitted in an RR80 Zone.

Frederick Brown, the zoning official, testified that in his opinion <sup>1</sup>a winery is a permitted use based upon the following:

- a) A use not included is specifically prohibited unless the zoning official rules that such use is included in some other classification.
- b) That wine is produced from grapes and therefore is the "sale of an agricultural product raised on premises."
- c) Fred Brown's opinion is that a winery is permitted pursuant to Table 3-1, Part VI, 10, the sale of horticultural and agricultural products raised on premises.
- d) Fred Brown does not consider wine a manufactured product, but a produced product.

At the Department of Business Regulation hearing, which transcript is an exhibit in this matter, Frank DiZoglio testified that 5 acres of land has been planted with grape vines and that Jamestown Vineyards is likely to plant additional acreage. Frank DiZoglio further testified that Jamestown Vineyards installed wine making equipment and plans to use the premises for public wine tastings and for the actual sale of wine.

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<sup>1</sup> It is interesting to note that Fred Brown's testimony could constitute an opinion pursuant to Section 82-301 that would be appealable to the zoning board of review and constitute an independent basis for zoning board of review jurisdiction.

In direct contradiction to Frederick Brown, Samuel Shamon, an expert in community planning, testified that for a "winery" to be permitted, the zoning ordinance would have to explicitly list "winery" in the use tables. Further, Ms. Shamon opined that a "winery" is a manufacturing use and is not the sale of horticultural and agricultural products raised on the premises.

One issue for determination by this board in giving guidance, information, and clarification is whether "wine" can be considered an agricultural product or a manufactured product.

Secondly, if the term "winery" is not included as a use in any district, is a "winery" prohibited?

Title 3 of the General Laws of Rhode Island is entitled "Alcoholic Beverages".

R.I.G.L. § 3-1-1 is entitled "Definitions".

- (6) "Farmer-winery" means any plant or premise where wine is produced, rectified, blended or fortified from fruit, flowers, herbs or vegetables.
- (13) "Winegrower" means any person licensed to operate a farmer's winery under § 3-6-1.1.
- (14) "Wines" means all fermented alcoholic beverages made from fruits, flowers, herbs, or vegetables and containing not more than twenty-four percent (24%) of alcohol by volume at sixty degrees Fahrenheit (60 degrees F), except cider obtained by the alcohol fermentation of the juice of the apples and containing not less than five tenths of one percent (.05%) or containing not more than six percent (6%), of alcohol by weight at sixty degrees Fahrenheit (60 degrees F) including but not limited to flavored, sparkling, or carbonated cider.

Section 3-6-1.1 is entitled "Farmer-Winery License".

- (a) For the purpose of encouraging the development of domestic vineyards, the department shall issue a farmer-winery license to any applicant of the state and to applying partnerships and to applying corporations organized under the laws of any other state of the United States and admitted to do business in this state.

- (e) A winegrower may sell wine or winery products under his or her label and fermented by him or her or another winegrower licensed by the state. He or she may sell wine or winery products:
- (1) At wholesale to any person holding a valid license to manufacture alcoholic beverages;
  - (2) At wholesale to any person holding a valid wholesaler's and importer's license under §§ 3-6-9 -- 3-6-11;
  - (3) At wholesale to any person holding a valid farmer-winery license under this section;
  - (4) At retail by the bottle to consumers for consumption off the winery premises; provided, however a winegrower shall not sell wine at retail for delivery off the site of the winery premises in Rhode Island directly to Rhode Island residents, except in the manner provided for like sales and shipment in § 3-4-8;
  - (5) At wholesale to any person in any state or territory in which the importation and sale of wine is not prohibited by law;
  - (6) At wholesale to any person in any foreign country;
  - (7) At wholesale to liquor dealers holding a valid license under the provisions of title 3;
  - (8) At wholesale to restaurants holding a valid license under the provisions of title 3; and
  - (9) At retail by the bottle or by the glass for consumption on the winery premises.
- (g) A winegrower may serve complimentary samples of wine produced by the winery where the wine is fermented in the state and sold under the winery brand name.

Although the following cites are not necessarily legally recognized, they are instructive in differentiating a vineyard from a winery.

Difference Between.com

"A winery and vineyard are two components of wine making. A vineyard is a plantation of grape growing vines. A winery is a facility for the processing of grapes to become wine."

A Taste of Wine.com

"A vineyard is a 'yard' where grapes are grown. A winery is a place where grapes are processed, stems and leaves removed, fruit crushed, juice fermented and aged, and then bottled. A winery is basically where every part of the process of creating wines takes place once the grapes have finished growing and been harvested."

Wikipedia Encyclopedia

"A class of winery license known as the farm winery allows farms to produce and sell wines on site."

In summary, a vineyard is land for the cultivation of grapes. A winery is a place for the processing of grapes into wine. A farm-winery, both definitionally, and under R.I.G.L. § 3-6-1-1, allows for not only the processing of grapes into wine, but the wholesale and the retail sale by the bottle or glass for consumption on the winery premises.

Here we have 6 different potential zoning uses at 334 Beavertail Road:

- The growing of grapes.
- The processing of grapes into wine.
- The wholesale sale of wine by the bottle.
- The retail sale of wine by the bottle on the premises.
- The retail sale of wine by the glass on the premises.
- The serving of complimentary samples of wine by the glass on the premises.

Clearly, the growing of grapes is a "field crop farm", permitted in an RR80 Zone without a special use permit.

Setting aside for the moment, the sale and/or consumption of wine on the premises, is the processing of grapes into wine a permitted use on the premises?

Should the question rise or fall based upon the fact that the word "winery" is not explicitly mentioned in the zoning ordinance?

In Little Compton, agricultural uses include the growing, processing - - and sale of agricultural products including but not limited to wineries."

There is no such explicit language pertaining to wineries in the Jamestown Zoning Ordinance.

A "winery" is a place where grapes are processed, stem leaves are removed, the grapes are crushed, the juice fermented and aged, and then bottled. That constitutes manufacturing which is not one of the 11 categories permitted in Table 3-1, Part IX.

From a common sense approach, Part VI of the use tables which permits the "sale of horticultural and agricultural products raised on the premises" envisions a fruit and vegetable stand where cut flowers and harvested fruit and vegetables are sold.

The growing of grapes to the fermenting and bottling of wine has gone through such a process that the end product is no longer the same agricultural product grown on the premises.

Further, from an ordinance analysis, even if "wine" could be considered the "sale of an agricultural product raised on the premises", the sale of any alcoholic beverage in an RR80 Zone would be prohibited. Likewise, for catering services.

C. **Jamestown Zoning Board of Review guidance, clarification, and information whether the operation of a winery is an accessory use to the growing of grapes.**

Both R.I.G.L. § 45-24-31(3) and Jamestown Zoning Ordinance Section 82-103(6) defines an accessory use as:

"A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related."

In *Wallack v. Zoning Board of Review of Little Compton*, 2003 WL 22803492 (R.I. Super. 2003), the court in analyzing the prior Supreme Court decisions noted:

"The general definition of accessory use, though seemingly redundant, requires that the accessory use be patently accessory, that is, is one that plainly and unmistakably stands as secondary, subordinate or attendant to the predominant use or structure on the lot. Therefore, determining whether an activity is an 'incidental' use is a fact-dependent inquiry, which both compares the effect of the incidental use to that of the primary use and evaluates the reasonableness of the relationship between the incidental and permissible primary use."

Here, the operation of a winery which includes the crushing of grapes, processing of grapes, fermenting, bottling the wine, and then the wholesale and retail sale of wine, is not an accessory use as it is not customarily incidental and subordinate to the principal use on the premises which is the growing of grapes. In other words, the winery itself would be the primary use and would not be subordinate to the agricultural use.

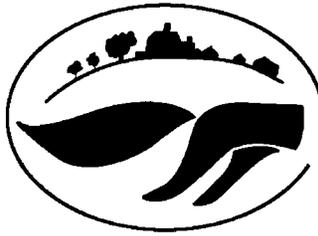
## **VI. Conclusion**

In providing guidance, clarification and information concerning which uses are permitted and which uses are prohibited at 334 Beavertail Road, the Jamestown Zoning Board of Review states the following:

1. 334 Beavertail Road is in an RR 80 Zone.
2. PBH has been granted a farmer-winery license by the Department of Business Regulations per Decision and Order.
3. The Decision and Order specifically holds that nothing in the Decision and Order should be constituted as exempting the applicant or property owner from compliance with all applicable federal, state and

local law.

4. Field crop farms including a vineyard is a permitted use in an RR80 Zone.
5. The processing of grapes into wine, including but not limited to, the crushing, fermenting and bottling constitutes manufacturing and is therefore a prohibited use in an RR80 Zone.
6. The sale of alcoholic beverages is prohibited in an RR80 Zone, whether wholesale or retail.
7. Catering services are prohibited in an RR80 Zone.
8. The complimentary serving of samples of wine on the premises are prohibited in an RR80 Zone.



FOX HILL FARM  
994 FORT GETTY ROAD  
JAMESTOWN, RI 02835  
FOXHILLFARM1670@GMAIL.COM

December 8<sup>th</sup> 2014

Ms. Kristine S. Trocki  
President  
Jamestown Town Council  
93 Narragansett Avenue  
Jamestown, RI 02835

Dear President Trocki:

My wife and I moved full time to Jamestown about a year ago and have enjoyed getting to know the community and the fantastic people that this beautiful spot attracts. We have been involved in the Conservation Commission and in particular helping to restore Mackerel Cove.

We were concerned to read in the Jamestown Press of the Recreation Director's consideration to extend the length of the camper permits at Fort Getty Park by two weeks. We think that this is a mistake for the following reasons:

*Revenue Uncertainty* - It was unclear from Mr. Piva's report that extending the camping season would be more attractive to campers or if this was just his conjecture. With school beginning mid-September it seems unlikely that simply extending the season would make a substantive difference in attendance. The case needs to be made that adding weeks to the schedule would substantially increase net revenue.

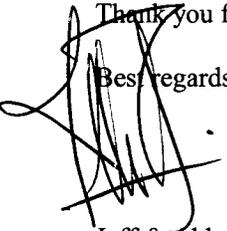
*Timing Considerations* - As Andy Nota indicated at the December 1<sup>st</sup> town meeting: "the Fort Getty issue is complicated because it's not just about revenue." We completely agree and believe that a balanced approach that includes both of town use and camper revenue is appropriate. However, the last two weekends of September are when town residents could have access to the water and grab the end of the summer prior to October when colder weather arrives. Adding two weeks to the camper season removes this opportunity.

*Ft Getty Plan Reassessment* - I took some time to review what's being said online and how the campers themselves view the park. Overall the reviews about the facility are sobering. 2014 reviews on Yelp and Trip Advisor ranked Ft Getty at the bottom of all attractions in Jamestown and campers used words like - "atrocious", "crappy" and "just OK" to describe their experience. Without major capital investment the park's facilities will continue to deteriorate and demand will follow. I believe that maybe it's time to reassess the Fort Getty Master Plan which was last done ten years ago (1994 & 2005).

As Vice President Meagher wrote in the 2005 report - "*Fort Getty is a jewel among the many jewels of Conanicut Island. But as the only waterfront park that the town owns, the opportunities presented by the park are numerous and daunting.*" Despite the challenges maybe now is time to take a fresh look at those opportunities and the parks potential. I am available to discuss or volunteer to help make this happen.

Thank you for your consideration!

Best regards,

  
Jeff & Abby Boal



20 NARRAGANSETT AVENUE • JAMESTOWN, RHODE ISLAND 02835  
PHONE: 401.423.1556 • FAX: 401.423.7159 • www.conanicutmarina.com

Hand Delivered  
December 22, 2014

Kristine Trocki, President  
Jamestown Council  
93 Narragansett Avenue  
Jamestown, RI 02835

RE: Lease of water and dock space at East Ferry

Dear Kristine:

I understand that sometime soon the Council will discuss a plan which will set the course for its East Ferry waterfront assets for the immediate and more distant future. In part, that process will involve making a decision as to whether to publish an RFP, or continue to work with the Town's tenant of long-standing, our company, Conanicut Marine Services.

We urge you to carefully consider before adopting any course which might disrupt the shared approach that has been carefully worked out, and tested in practice for many years. This approach is, in effect, a partnership between the Town and CMS.

The division of responsibility has worked well, and is working well, for the benefit of Jamestowners, and others who visit and use our waterfront and its adjacent marine facilities. Small boats are accommodated in the Town's open water area, which is leased to CMS. Larger vessels, with deep draft, are accommodated on the piers that CMS has built, at substantial expense, in the south riparian area which fronts CMS's shore-side real property.

This entire campus has long been operated, from the boaters' perspective, as a single entity. All boaters using these facilities have been granted access to CMS's supporting shore-side infrastructure which includes restrooms, fueling service, and other things necessary to boating.

I will be available any time on Tuesday, 12/23 OR Monday, January 5<sup>th</sup> if you believe it would be helpful to have a better understanding how this intertwined system operates, and the Town and CMS assets fit together, and any adjustments that need to be made to make the partnership work better from the Town's perspective.

Very truly yours,

William S. Munger  
Founder & President

CC: Andy Nota

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To whom it may concern;

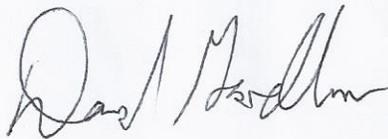
December 22, 2014

As the homeowner at the corner of Hamilton Ave, Southwest Ave and Beavertail Road (173 Hamilton), I wish to express my objections to the proposal to add a street light at the intersection. My wife and I have negotiated that intersection in all conditions- day, night, rain, and snow- and we reject the characterization that it is dangerously dark. There already exist two streetlights that bracket the intersection. Additionally, the recent work by the State Department of Transportation in re-stripping the lanes and adding reflective signs has made it even easier to navigate.

In all the years we have lived there, neither my wife nor I have seen any accidents at night by cars turning left from Southwest Ave to Hamilton Ave. The only accidents we have seen were during the daylight hours and caused by excessive speed.

The addition of a streetlight at the intersection would impact my family's quality of life, as well as that of wildlife in Sheffield's Cove and Mackerel Cove. There is already light pollution from existing lights. With three young children, if we felt the intersection was unsafe, we would be the first in line to request additional safety measures.

David and Jennelle Goodburn  
173 Hamilton Ave

A handwritten signature in black ink, appearing to read "David Goodburn". The signature is written in a cursive style with a large initial "D".



# TOWN OF JAMESTOWN

COUNCIL MEETING RECORDING & PUBLISHING

MICHAEL GLIER

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# Video & Audio Recording of Council Chambers Meetings

## Project Scope

This project shall provide a Council Chambers video and audio recording system and services that will meet these primary objectives:

- Provide public transparency of the activities of the Town Council, it's Boards, Commissions and Committees and any other activities that are held in the Council Chambers through the use of video and audio recordings
- Select system components that minimize the initial capital investment while providing an easy to use recording system that has simple user controls, video content editing, publishing and storage management
- Implement a recording system that allows meeting recordings to be easily accessed and played from the Town's or other selected websites
- Through the use of appropriate security and access controls, enable this recording system to be utilized by non-governmental civic organizations when there is a demonstrated need
- Within funding constraints, provide an initial system and set of services that can be expanded in the future to permit the Town to deploy and/or use recording resources in other Town facilities and support live video streaming of events

### ***Project Overview***

This section provides system design goals and objectives, functional descriptions of possible project components and other requirements and information that must be considered for this project.

This section is not intended to limit any design and implementation approach.

### **Design Goals**

The proposed system shall implement and provide:

- A system that can be operated by one person and requires a minimum number of steps to setup, record and manage camera positioning during a meeting or event.
- Capabilities to remotely view, operate and manage all video/audio recording system components from a laptop, tablet or workstation using IP-based camera and recording technology
- Functions that provide setup and capture of video and audio streams, editing and storage of recordings, future expansion that supports live video streaming, including insertion of electronic documents and images of documents using industry-accepted content formats
- Camera control that provides one click remote positioning of the camera
- Video/audio storage and management on the Town system using commercial, off the shelf technology
- System components and methods that minimize recording storage and archiving requirements
- Published recordings that can be appended into the published Meeting Agenda document on the Town website and enable visitors to play or download video clips
- Future expansion capability to support simultaneous use of the video and audio recording stream for multiple purposes, including live streaming to the public
- Modular components that permit new features and functions with the purchase of software upgrades and/or additional components that are compatible with and can be integrated into the system
- Minimum of two distinct levels of system security controls for key system components and any software applications

## ***Site Description & Existing Infrastructure***

### **Council Chambers**

The Town Council Chambers is the site for deployment of the system components and interconnect cabling that are required by this project.

The Town Administrator's and Town Clerk's primary and alternate desk locations are currently served by multiple floor boxes that each contain three Cat6 Ethernet jacks, one RG6 cable with an F-type connector and four 120 V power outlets.

The Council dais has 6, 4-position wall boxes that provide eight Cat6 Ethernet jacks and two RG6 cables with F-type jacks. There are no additional Ethernet or coax jacks installed elsewhere within the Council Chambers.

All Ethernet and RG6 coax cables are "home run" wired and terminated in the Town's Server room located on the second floor of the south side of the Town Hall building.

### **Existing Audio System**

There is an existing audio system consisting of six wired and two wireless microphones, a mixer, a dual cassette recorder, two wireless microphone receivers/power supplies and all of the cabling associated with this equipment.

It is not a requirement under this project to upgrade or replace the existing audio system as it is considered to be state of the art. The mixed audio feed from all microphones that is required for this project will originate from the existing mixer/amplifier and be cabled to the proposed camera location.

### **Cameras**

A single PTZ IP camera will be provided for imaging. The minimum set of capabilities and functions that the camera will provide includes:

1. Pan: +/-170 deg min
2. Tilt: -30 to -90 deg min.
3. Zoom: 16x optical min.
4. Nominal range of horizontal angle of view: 4 deg – 50 deg.
5. Minimum illumination (color): 0.3 lux at 30 IRE, F1.4
6. Video compression: MJPEG, MPEG-4
7. Resolution: 160x120 to 704x576
8. Frame rate: MPEG-4 up to 30 fps at 2CIF/CIF/QCIF
9. Video streaming: Simultaneous MPEG-4 and Motion JPEG, controllable frame rate and bandwidth
10. Audio streaming: one-way

11. Audio compression: (min) AAC-LC 8/16 kHz, (opt) G.711 PCM 8 kHz, G.726 ADPCM 8 kHz, configurable bit rate
12. Security: minimum 2 level password access control, IP address filtering, IEEE 802.1X network access control, https encryption
13. Supported protocols (min): IPv4/v6, HTTP, HTTPS, FTP, SMTP, UPnP, SNMPv1/v2c/v3 (MIB-II), DNS, NTP, RTSP, RTP, TCP, UDP, IGMP, RTCP, ICMP, DHCP, ARP
14. Image recording/retrieval: support both file based storage on a laptop or network-based storage array
15. Preset positions, minimum 10
16. Power: POE, mid-span

The Town can provide all hardware, software, mechanical accessories and cabling as required to support the proposed camera, interconnection with the Town's existing network, connection to the existing audio system in the Council Chambers and other interconnections as specified in this plan.

### ***Controls, Primary & Backup Recording***

The primary video system control software will be capable for installation on any specified computer, subject to licensing requirements. This software will provide all controls required for the operation of the system.

At a minimum, the following functions will be required for the primary recording system:

- One click Select of camera to start or stop recording
- One click, dedicated button Select of preprogrammed camera views (preshots) from a minimum of 4 preshots
- Manual control of camera positioning using a joystick or software-based cursor control overlaid on the camera's image
- Zoom and focus controls
- Advanced camera controls (image appearance, exposure settings, white balance, auto focus and dynamic range)
- Means to record and store audio/video to the Town's existing network storage array, specified storage device or laptop

If implemented, the following functions will be required for the backup recording system:

- One click control of camera to begin and continuously record with unattended operation
- Advanced camera controls (image appearance, exposure settings, white balance, auto focus and dynamic range)
- Means to record and store locally on this backup recorder for a minimum of 5 hours at a reasonable video resolution and frame rate.
- Support offline transfer of the recording to the Town's existing network storage array or alternate, specified storage device

### ***Equipment Installation, Cabling***

One permanent mount camera shall be installed in the Council Chambers. It will be ceiling mounted in the southwest corner of the Chambers to permit the best possible camera recording angle for most known meeting types.

If implemented, the backup camera shall be mounted on a tripod with sufficient height to record above a seated audience, also in the south wall of the Council Chambers. An audio jack will be provided in the existing floor box at this location.

Primary camera power shall be provided using a POE mid-spin power adapter located in the Town's server room. The backup camera shall be self-powered and have a minimum 5 hour runtime.

### ***Documentation***

Documentation and a training video must be available for system technical personnel, system administrators and Town Users. Users may or may not be skilled computer users.

Comprehensive, high quality documentation and a step by step training video is essential for the success of this project. Documentation must provide a complete description of all system hardware, system and application software. All documentation provided must be delivered in both written and electronic form.

In addition to the functional documentation described above, As-built signal flow drawings showing all wires, cables, connections, and wire tag numbers will be generated. A facility plan showing location of all devices installed, including approximate cable paths used will also be provided. These items will be documented in both hardcopy and electronic forms.

### ***System and End User Licensing***

The Town requires hardware, software and system component licensing to be enterprise class in order to enable upgrades, provide continuous availability of end user support and permit future growth.

### ***Hardware and Software Support & Maintenance Requirements***

The Town requires that any selected products must have manufacturer's help desk personnel to provide troubleshooting and problem solving after the Town has determined that a problem lies within any hardware, system software or application software component.

### **Project Implementation**

It is proposed that the initial phase of this project will implement basic video recording, video clip editing and video clip links into each Council Meeting Agenda document posted on the website. Additional features and functions will be considered after this initial phase of this project is evaluated for its effectiveness.

This section also provides an estimated project timeline for this project phase. It is assumed that all project and video editing/publishing work will be done using existing Town resources and staff.

### ***Proposed Project Schedule***

The following schedule is anticipated for this project:

<b>Milestones</b>	<b>Date</b>
Initial Phase, internal plan scope approval	December 1, 2014
Council plan approval; allocation of Phase I funding	December 2, 2014
Project components, installation plan and procurement	December 18, 2015
Installation & testing	December 29, 2015
Begin User Training	January 14, 2014
Available for Use	January 25, 2014

### ***Training***

The Town requires that the following types of users will be trained:

- System administrators who will provide technical support to the user community and will perform such duties as configuration maintenance, component upgrades and problem troubleshooting/isolation
- Super Users (ex: Meeting Clerks) who will use the system on a regular basis to record, edit and publish the recordings on the Town website

- Selected staff who must substitute for the Meeting Clerks from time to time and who will also record, edit and publish the recordings on the Town website

## Risks & Issues

There are certain components of this plan that are risks:

- If we need a dedicated camera operator
- What video clip editing method to use to minimize the amount of staff time to do the work
- How many website visitors will plan to use the published recordings (capacity planning)
- What is a reasonable elapsed time to publish each meeting video without substantially adding to the post meeting staff workload
- Project schedule is dependent on resources to be available throughout the holiday season; probability of schedule slip is very high

Other issues include:

- Interacting with the staff to choose the least labor intensive video editing method; critical if we are to control operating cost
- Need to establish a reasonable project evaluation timeframe to determine if we should continue, expand or stop recording and publishing
- Possibility of "Feature Creep" for this first phase of the project

LEASE AGREEMENT

COPY

This Lease is made on this 6<sup>th</sup> day of June, 1995 by and between **THE TOWN OF JAMESTOWN**, a municipal corporation organized under the laws of the State of Rhode Island, herein called Lessor, and **CONANICUT MARINE SERVICES, INC.**, a Rhode Island Business Corporation, herein called Lessee, upon the following **TERMS** and **CONDITIONS**.

LEASE / USE

Lessor does by these presents lease and demise unto the Lessee that certain area and water rights bounded by the south face of the Town owned steel pier breakwater, hereinafter called "steel pier", south to the north face of the Town owned wood pier and Town owned property on the East Ferry waterfront in the Town of Jamestown, State of Rhode Island, as is more particularly shown on the attached Marina Perimeter Plan dated 12/05/94, which is incorporated by reference herein, for the construction, maintenance and operation of a marina together with the right of the Lessee to place dockage attachments to the steel pier and the right to use the basin for a marina.

Lessee shall have the right to use the steel pier surface, subject to the right of the general public to have reasonable use of the same as may be regulated from time to time by Lessor. Lessee shall also have the right to keep and maintain the dock master building and associated equipment in its current location.

Further, Lessee shall also have the right to use the Town owned wood pier, subject to the right of the general public to have reasonable use of the same as may be regulated from time to time by Lessor, and the northern face of the steel pier as it exists as of the date hereof for use as a rental for commercial vessels and pleasure vessels in concert, either on a seasonal rental or on a daily rental basis; provided, however, that the dockage fee rate for the Town wood pier and the northern face of the steel pier shall be set each year by the Jamestown Harbor Management Commission.

TERM OF LEASE

The initial term of this Lease shall be Ten (10) Years from the date hereof. The Lessee shall have the right to renew this lease for one (1) Ten Year renewal period; provided that Lessor and Lessee shall mutually agree on the rent and other terms for the

renewal term. Such option to renew shall be exercised by the Lessee by giving written notice to the Lessor not more than six (6) nor less than three (3) months prior to the expiration of the then existing term.

### RENT

The Lessee covenants and agrees to pay rent as follows:

(a) To pay an initial fixed rent of Fourteen Thousand Dollars (\$14,000.00) per year for the entire demised premises. This fixed rent shall be subject to increase each year, by February 1 of each year, based upon the percentage increase in Lessee's published or actual seasonal per foot slip rental fees and dockage fees, whichever is higher, with slip rentals being weighted ninety percent (90%) and dockage fees being weighted ten percent (10%), over the rate currently in effect. Rent payable under this Lease shall be payable by February 1 of each year. Lessee shall provide to Lessor a report by February 1 of each year listing the published slip rental and dockage fees.

(b) Lessee shall continue to pay all real estate taxes, personal property taxes and other charges assessed by the Town of Jamestown, the State of Rhode Island and the United States of America and shall maintain proper insurance upon its properties with the Town of Jamestown being named as an additional named insured.

### CHANGES TO DEMISED PREMISES

If Lessor changes the Marina Perimeter Plan so as to make available to Lessee more or less linear feet of floating slips from the current amount, which is approximately 1,270 linear feet, the fixed rental shall be adjusted, based upon the percentage increase or decrease in such linear feet, as the case may be. The Lessor reserves the right to change or modify said Marina Perimeter Plan; provided Lessor shall not reduce the number of linear feet of floating slips to below 953 linear feet.

### CARE AND MAINTENANCE OF PREMISES

Lessee acknowledges that the premises are in good order and repair, unless otherwise indicated on the attached listing. Lessee, shall, at its own expense and at all times, maintain the premises in good and safe condition, and shall surrender the same at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all maintenance and repairs required except for major capital

repairs to the steel pier or the wood pier, as may be approved by the Jamestown Harbor Management Commission in the future. A major capital repair is defined as any single item in excess of \$2,500.00 at Lessee's actual cost for such item, said \$2,500.00 figure shall be in December 1994, dollars and shall be adjusted annually in accordance with the Consumer Price Index published for Boston, Massachusetts. Lessee shall be responsible for all repair, maintenance and, if necessary, removal or replacement of the three (3) fuel tanks presently located under Memorial Square. If Lessor changes the demised premises in such a way as to significantly increase the protection of the basin from wave action, the rent shall be increased by an amount equal to (i) One Thousand Dollars (\$1,000.00) plus (ii) any percentage increase in slip rental rates as determined under that paragraph entitled "Rent", above. Such additional rent shall thereafter be subject to further increase on the basis set forth in said paragraph entitled "Rent", above.

#### PUMP OUT STATION

Lessee shall continue to have access to the sewage pump-out station at the wood pier, subject to the payment of the same fee charged to the general public, if any.

#### ALTERATIONS

Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, or improvements, in, to or about the premises.

#### ORDINANCES AND STATUTES

Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by Lessee.

#### ASSIGNMENT AND SUBLETTING

Lessee shall not assign this lease or sublet any portion of the demised premises without the prior written consent of the Lessor. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this Lease. Assignment or sublet shall be deemed to include any transfer of stock of CONANICUT MARINE SERVICES, INC. which results in William S. Munger and Marilyn

Munger, and/or their children or grandchildren, owning less than 51% of the issued stock of the corporation.

### UTILITIES

All applications and connections for necessary utility services on the demised premises shall be made in the name of the Lessee only, and Lessee shall be solely liable for all utility charges for the demised premises, including both the steel pier and the wood pier, as they become due, including those for water, sewer, gas, and/or electricity as long as electric metering is provided by Lessor.

### ENTRY AND INSPECTION

Lessee shall permit Lessor or Lessor's agents to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this lease, if not renewed, to place upon the premises any usual "For Lease" signs, and permit persons desiring to lease the same to inspect the premises thereafter.

### INDEMNIFICATION OF LESSOR

Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised premises or any part thereof, unless any damage or injury occurs as a direct result of an act or omission of Lessor, and Lessee agrees to hold Lessor harmless from any claim for damages, no matter how caused.

### PUBLIC LIABILITY INSURANCE

Lessee shall, at its own expense, obtain and maintain, in continuous effect during the term of this lease, a policy or policies of insurance with such company or companies satisfactory to Lessor, insuring against public liability on the demised premises, in amounts of not less than One Million (\$1,000,000.00) Dollars per person, and Two Million (\$2,000,000.00) Dollars per accident, and against property damage in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars. The Lessor shall be named as an insured in such insurance, and the certificate or certificates of such insurance shall be

delivered to the Lessor. Said insurance shall not be cancelable, except upon ten (10) days' written notice to the Lessor.

### **DESTRUCTION OF PREMISES**

In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor may elect to repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this Lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the premises. In the event that repairs cannot be made within sixty (60) days, Lessor, may, at its option, either make the repairs within a reasonable time, this Lease continuing in effect with the rent proportionately abated as aforesaid, or terminate the Lease.

### **LESSOR'S REMEDIES ON DEFAULT**

If Lessee defaults in the payment of rent, or any additional rent, or defaults in the performance of any of the other covenants or conditions hereof, Lessor may give Lessee notice of such default and, if Lessee does not cure any such default within ten (10) days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within that period, if Lessee does not commence such curing within such 10 days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease. On the date specified in such notice the term of this Lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. If the Lessee shall be declared insolvent according to law, or if a receiver or other similar officer shall be appointed to take charge of the Lessee's property, or a substantial part thereof, then, and in each of the said cases, the Lessor lawfully may (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance) immediately or at any time thereafter while such default or other situation as aforesaid continues, and without further demand or notice, enter into and upon the demised premises or any part thereof in the name of the whole and repossess the same and expel the Lessee and those claiming through or under the Lessee and remove its effects, at Lessee's expense, without being deemed guilty of any

manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant; and, upon entry as aforesaid, this Lease shall terminate, and the Lessee shall remain obligated for all rental monies due for the remainder of the term. No failure to enforce any term of this Lease shall be deemed a waiver. Lessee agrees that Lessor shall have a security interest in, and a lien upon all docks and personal property of Lessee for any and all monies due to Lessor, which are, from time to time during the time hereof, outstanding, which lien and/or security interest may be enforced by the sale of said property in accordance with the provisions and procedures set forth in Title 6A, Chapter 9 of the General Laws of Rhode Island 1956, as amended.

**ATTORNEY'S FEES**

In case suit should be brought for the recovery of the premises, or for any sum due hereunder, or because of any act which may arise out of the possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.

**ENTIRE AGREEMENT**

The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

**IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS LEASE IN TRIPLICATE ON THE DATE FIRST ABOVE WRITTEN.**

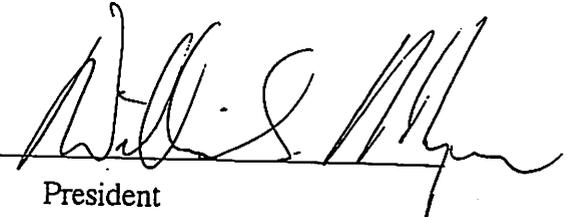
**TOWN OF JAMESTOWN**

  
\_\_\_\_\_  
Witness

BY:   
\_\_\_\_\_  
President of Town Council

CONANICUT MARINE  
SERVICES, INC.

  
\_\_\_\_\_  
Witness

BY:   
\_\_\_\_\_  
President



**EXTENSION OF LEASE AGREEMENT**

That certain Lease Agreement, dated June 6, 1995, between The Town of Jamestown (Lessor) and Conanicut Marine Services, Inc. (Lessee) shall be and is hereby extended for the one (1) Ten Year renewal term provided for therein , with the renewal term to expire on June 6, 2015, on the same terms and conditions, except that the rent shall be Thirty Thousand Dollars (\$30,000) for the first year of the renewal term and shall be increased by One Thousand Dollars (\$1,000) on June 6, 2006, and again on each succeeding June 6 of the Ten Year renewal term.

Executed in Jamestown, Rhode Island, on this 17<sup>TH</sup> day of March, 2005:

Witness: CD Collins

Town of Jamestown

Mark W. Hadden  
by its duly authorized official

Witness: John A. Murphy

Conanicut Marine Services, Inc.

Richard S. Murphy Pres  
by its duly authorized official

## Andrew Nota

---

**From:** Karen Zyons <karen@eidentracing.com>  
**Sent:** Tuesday, December 30, 2014 4:19 PM  
**To:** Edward A. Mello  
**Cc:** Andrew Nota  
**Subject:** Re: Please forward to Andy and chief Mello I don't have their info  
**Attachments:** JTN w new start.pdf; Untitled attachment 00055.htm

Ed,

Please see the attached route.

Also, John had a typo in his e-mail. The date would be Saturday, September 19th, not the 21st. The 21st is a Monday.

Please let me know if you have any further questions.

Thank you.

## Andrew Nota

---

**From:** Karen Zyons <karen@eidentracing.com>  
**Sent:** Tuesday, December 30, 2014 3:27 PM  
**To:** Andrew Nota; Edward A. Mello  
**Cc:** John Mathews; Susan Rancourt  
**Subject:** Fwd: Please forward to Andy and chief Mello I don't have their info

Andy & Ed,

I hope you both had a nice Christmas.

Below is a recap of what we discussed previously regarding the Jamestown Half Marathon. Please let us know if you have any questions.

Wishing you & your families a happy & healthy New Year.

All the best,

Karen Zyons  
Vice President of Operations

[karen@eidentracing.com](mailto:karen@eidentracing.com)  
401-223-5875  
19 Weaver Avenue  
Newport, Rhode Island 02840

Gentleman,

Thank you for the opportunity to revise our proposal for a permit for the Jamestown half marathon. Please see the following items that we would like to address on the January 5 town Council meeting

- 1) we would like to propose moving the date of the race to September, preferably on September 21.
- 2) we will offer \$7500 for the use of Fort Getty for the weekend.
- 3) We will offer two dollars per runner for other town initiatives and charities, or four dollars per Runner or if those charities want to man all of our water stops
- 4) we will create a Taste of Jamestown at the finish line , where we will offer the first 20 businesses the right to come out and coupon , sample their foods and beverages, and we'll give them Athlete Guide Ads for FREE. This will drive up Economic impact on an off-season weekend.

5) Photo ops, Welcome message in the Athlete guide, and entries that the town can use at their disposal

6) Leap-frogging Police plan that will lessen the stress on Jtown Police and keep all of the Police dollars from Eident budget in Jtown (not NK and Npt)

7) We will meet all of the towns demands on medical plan

8) Free advertising and promoted posts for hotels and B and B's in Jamestown Exclusive listings until they sell out). Given its the off season hopefully this will have great economic impact.

9) Pre-paid Police estimate.

10) Create a Crowdrise page for Jamestown based charities and organizations only to keep all charitable dollars in Jamestown.

Hopefully all of these items will address what the town has been looking for in granting us a permit for the Jamestown half marathon in 2015. Thank you very much for your consideration.

--

John Mathews  
President  
Eident Racing  
1016 Collier Center Way Suite 104  
Naples, FL  
34110  
239-653-7881 x107  
mobile 401-297-1055  
[jfm@eidentracing.com](mailto:jfm@eidentracing.com)

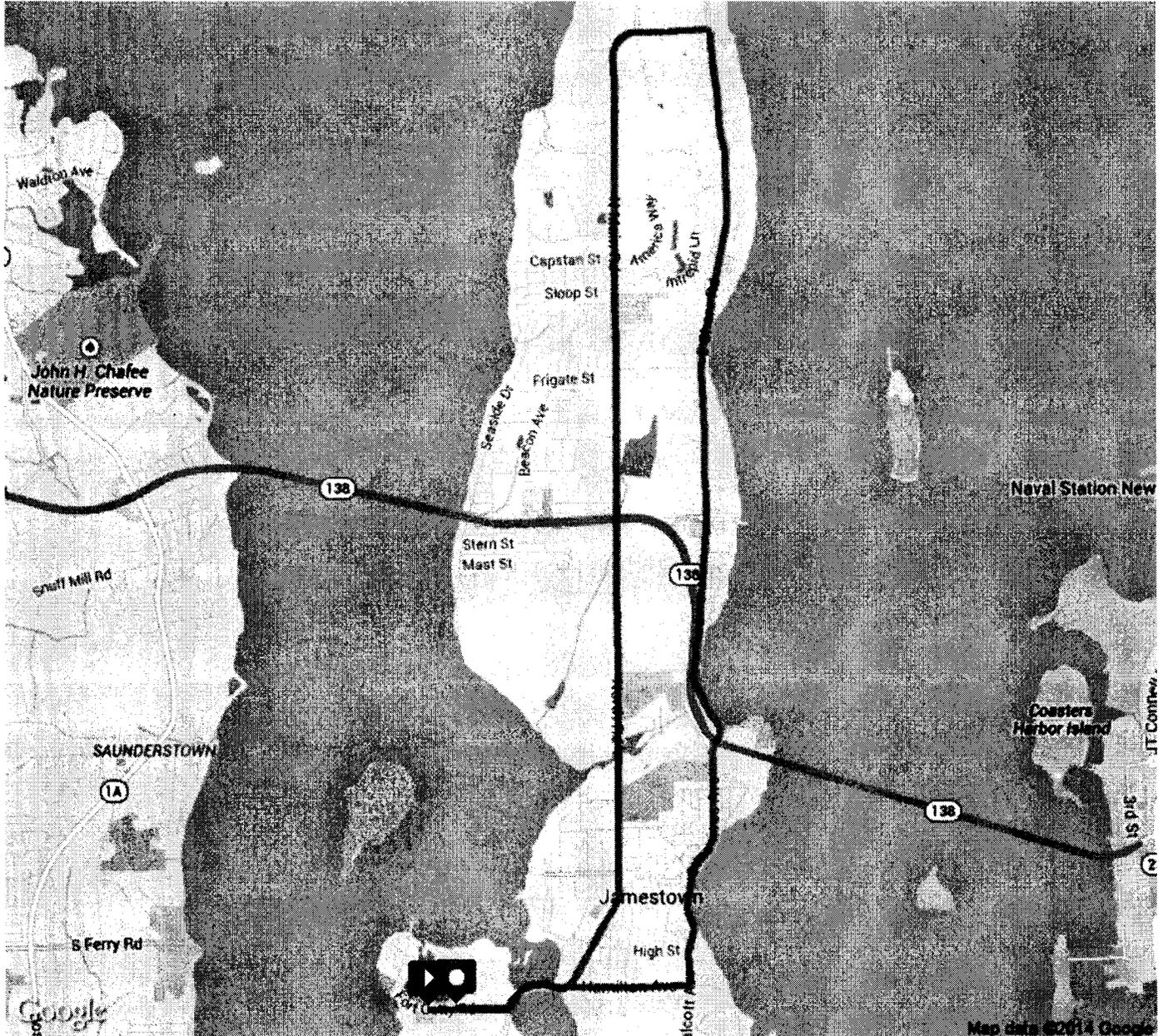


### Jamestown Half w new start location

Distance: 13.37 mi

Elevation: 525.06 ft (Max: 72.47 ft)

mapmyrun





# CERTIFICATE OF LIABILITY INSURANCE

OP ID: JM

DATE (MM/DD/YYYY)  
07/07/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Doorley Agency, Inc. 17 Sixth Avenue East Greenwich, RI 02818 Jennifer Medieros	<b>CONTACT NAME:</b>		
	<b>PHONE (A/C No, Ext):</b>	<b>FAX (A/C, No):</b>	
<b>E-MAIL ADDRESS:</b>			
<b>PRODUCER CUSTOMER ID #: EIDEN-1</b>			
<b>INSURED</b> Eident Sports Marketing, Inc. John Matthews 10 Dorrance Street Suite 650 Providence, RI 02903	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A : Riverport Insur. Co.</b>		
	<b>INSURER B : Associated Int'l Ins Co</b>		
	<b>INSURER C : Berkley Life &amp; Health Ins. Co.</b>		
	<b>INSURER D :</b>		
	<b>INSURER E :</b>		
<b>INSURER F :</b>			

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			FLDG 180412	03/18/2014	03/18/2015	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT)	\$
	<input type="checkbox"/> HIRED AUTOS							\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
B	UMBRELLA LIAB		<input checked="" type="checkbox"/> OCCUR	X0BW3394511	03/18/2014	03/18/2015	EACH OCCURRENCE	\$ 3,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB		<input type="checkbox"/> CLAIMS-MADE				AGGREGATE	\$ 3,000,000
	<input type="checkbox"/> DEDUCTIBLE							\$
	<input checked="" type="checkbox"/> RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
C	Medical/Accident			PAI L00233540-001	03/18/2014	03/18/2015	Limit per Person	10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER**

The Town of Jamestown  
 93 Narragansett Ave  
 Jamestown, RI 02835

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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<b>TURNS / Mile Location (Approx.)</b>	<b>MILE</b>	<b>FASTEST TIME</b>	<b>SLOWEST TIME</b>
START - Bay View Dr (heading South)	<b>0</b>	6:30 AM	6:30 AM
LEFT - Conanicus Ave	<b>0.64</b>	6:03 AM	6:40 AM
CONT - Walcott Ave	<b>1.33</b>	6:37 AM	6:51 AM
RIGHT- Highland Dr	<b>2.01</b>	6:41 AM	7:02 AM
LEFT- Hamilton Ave	<b>3.4</b>	6:48 AM	7:24 AM
RIGHT - Southwest Ave	<b>3.48</b>	6:49 AM	7:26 AM
CONT- North Rd	<b>4.04</b>	6:52 AM	7:34 AM
CONT - N. Main Rd.	<b>6.09</b>	7:03 AM	8:07 AM
RIGHT - East Shore Rd	<b>9.28</b>	7:20 AM	8:58 AM
LEFT - Freebody Ave	<b>13</b>	7:39 AM	9:58 AM
FINISH-Freebody Rd	<b>13.1</b>	7:40 AM	10:00 AM



# Marketing firm to pay for dune damage

The company that runs the Newport Marathon says it will pay to repair grass destroyed by pedestrians.

By Sean Flynn  
Staff writer

**NEWPORT** — The president of Eident Sports Marketing said Monday that his firm soon would pay for the damage done to the Easton's Beach sand dunes during the Newport Marathon road races on Oct. 12.

"We did what we could to keep spectators, families and runners off the dunes," said Sean Matthews, whose firm manages and organizes the Rhode Races that take place in Easton's Beach and Providence in addition to Newport. "I will be paid by the end

of the week."

The online registration for the race said, "Help us keep Newport beautiful — don't trample!" and then, "PLEASE STAY OFF THE SAND DUNES!" in capital letters.

William R. Riccio Jr., the city's director of public utilities, sent the firm, which has an office on Weaver Avenue, a registered letter on Dec. 4 with an invoice totaling \$4,989. The letter asked that the full amount be paid within 15 days of the date of the notice and said the city "will not entertain any further event licenses ... with Eident Sports Marketing until this matter is resolved."

"Majoring stinks during the day of the week, but we've exceeded our goal of 100% compliance in control of the dunes," Matthews said in a text message that he sent to a friend and a car bent and

damaging these plants/vegetation thereby requiring corrective replanting," the letter said.

The damaged dunes are between Memorial Boulevard and the beach, close to the Middletown line. The city requested \$2,998 to pay for enough American dune grass, to plant 1,350 culms per 1,000 square feet. The damaged area covers 3,634 square feet of area. The remainder of the costs would pay for a front-end loader operator to redistribute and prepare the sand and its reimburse Save The Bay volunteers to dig holes and plant, water and fertilize the dune grass.

Matthews said he committed publicly to paying for the damage before the registered letter was sent.

He said Eident has managed the Marathon events over the Columbus

the events are now part of Rhode Races.

Matthews and Brewer Rowe started Eident in Newport in 2006. They chose the name Eident, which is Scottish for hard-working and diligent, and for many years had an office in Providence. Now the firm is based in Newport and Naples, Fla.

"The Newport Marathon serves as a Boston Marathon qualifier," the company says on its website. "The USA Track & Field certified races take advantage of Newport and Middletown's rich history and beautiful oceanside scenery, providing some of the most breathtaking runs in the country."

Eident signed a letter of agreement with the city before the race that said Eident Racing shall protect and safeguard all sensitive areas, including dunes, vegetation and wildlife. Such areas will be identified by the Beach Manager (Erik Rejs) and Eident Racing is required to provide the resources necessary to protect such areas."

Matthews said Eident Sports Marketing hopes to stage the marathon events in Newport in 2015 for the seventh consecutive year.

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Tuesday, December 16, 2014 **A7**

## Damage

Continued from A1

Day weekend for six years, and there never have been problems before this.

Newport police did not have any problems with the event this year. Sgt. Christopher Hayes, who at the time oversaw the department's traffic unit, wrote an "after action report" on the event that was forwarded to the City Council last month.

"In the final analysis, the event went off on time and with little disruption to the community along the route," Hayes wrote. "As to issues at the staging area, no problems or concerns were raised to me as Event OIC (Officer in Charge) or to any other Newport Police Department staff prior to, during or after, the event took place."

Hayes wrote that there were more than 5,000 participants in this year's event and that the organizers hired police details for the Easton's Beach staging area and "some previously identified problem spots along the route."

The marathon, half marathon and 5K races held on the Columbus Day weekend have had different names over the years, but Matthews said that

the events are now part of Rhode Races.

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Sections of dunes surrounding the Easton's Beach parking lot in Newport were damaged during the Newport Marathon in October.

Dave Hansen | Staff photographer



**TOWN OF JAMESTOWN**  
**EMPLOYEE PERFORMANCE EVALUATION FORM**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

DEPT. : \_\_\_\_\_ DATE: \_\_\_\_\_

The Town of Jamestown is committed to providing all of its employees with the opportunity to develop their professional potential through various development opportunities, trainings and an annual performance evaluation process. In order to further this effort, the Town will be conducting annual performance appraisals that will also require employees to conduct an annual self-assessment of their performance. Your responses will aid in providing a complete and accurate performance review, and allow your supervisor to gain a better understanding of your responsibilities, accomplishments and challenges.

The attached Performance Appraisal Form will be used by your supervisor to evaluate your performance. Section I of the appraisal document includes (10) base questions that will be used in the evaluation of all Non-Supervisory employees. An additional (6) questions will be added to the appraisal in Section II that will be used in the evaluation of all Supervisory/Management personnel. Employees are asked to evaluate themselves using the same format based on their supervisory/non-supervisory status. This form will be attached to your annual appraisal.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

## Section I

### Productivity/Performance

**Attendance:** Individual is a dependable employee; reports to work on time and follows all department protocol to schedule time off.

1. Not dependable, uses excessive paid time off
2. Frequently absent with/without prior approval or authorization
3. Dependable and has infrequent unplanned absences
4. Coordinates and schedules time off per department protocol
5. Schedules time off well in advance while accommodating the needs of the department

Comments:

**Punctuality:** Regularly on time and ready to work upon start of scheduled workday.

1. Reports to work late on a regular basis
2. Reports to work late several times per month
3. Reports to work on time and ready to work on a regular basis
4. Reports on time, or early, and ready to begin work on a regular basis
5. Reports to work ahead of schedule and begins tasks without delay on a regular basis

Comments:

**Job Knowledge/Skill Set:** Possesses and uses skills required for position; complies with department policies and seeks clarification when necessary.

1. Does not demonstrate a thorough understanding of basic job requirements
2. Repeated and detailed instructions are needed to perform basic job requirements
3. Possesses the necessary knowledge of the job and performs duties satisfactorily
4. Demonstrates a thorough understanding of all phases of position
5. Demonstrates exceptional job knowledge and takes initiative to improve upon it

Comments:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Quality of Work/Accuracy:** Performs work correctly and thoroughly.

1. Produces poor quality work on a regular basis
2. Makes frequent errors and work product is not thorough
3. Produces a neat and accurate work product on a regular basis
4. Performs high quality work with minor supervision
5. Produces exceptional quality work without supervision

Comments:

**Quantity/Volume of Work:** Meets workload deadlines and completes tasks as assigned; manages work in an orderly and efficient manner.

1. Does not keep pace with department workload
2. Completes workload on time but with frequent errors
3. Makes effective/efficient use of time in completing work product
4. Completes work product on time and consistent with department deadlines
5. Regularly completes all assignments ahead of schedule without sacrificing quality

Comments:

**Self-Motivation/Initiative:** Successfully establishes and prioritizes personal work goals, utilizes resources available to address department priorities.

1. Does not establish work-related goals, shows little or no initiative and demonstrates a limited understanding of department priorities
2. Shows initiative occasionally; inconsistent effort with basic understanding of department priorities
3. Self motivated and sets achievable personal work goals consistent with department priorities
4. Demonstrates a strong work ethic; prioritizes work effectively and strives hard to achieve personal work goals that are compatible with department priorities
5. Exhibits exceptional resourcefulness, creativity and initiative; prioritizes work effectively and focuses on outcomes to accomplish results compatible with department priorities

Comments:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Cooperation/Teamwork:** Works cooperatively within their department, as well as with other Town departments, the public and others; contributes to group efforts; is considered a valued team member of work group.

1. Does not work well with others, can be an obstacle to accomplishing goals
2. Works independently, does not effectively share information or resources
3. Supports and demonstrates concept of teamwork and volunteers to assist others
4. Regularly contributes to group efforts and is considered a valued team member and leader
5. Exceptional at building work teams and consensus; devotes time and energy to maintaining excellent working relationships

Comments:

**Adaptability:** Successfully embraces the changing environment of the workplace.

1. Exhibits a rigid, inflexible work ethic
2. Does not regularly contribute to implementation of new processes
3. Accepts change and addresses problems in a positive manner
4. Actively contributes to the implementation of new ideas; shows flexibility
5. Generates new and creative ideas, and shows a high capacity to adapt quickly to change

Comments:

**Professional/Technical Knowledge:** Possesses knowledge of the relevant professional/technical field and applies it to job responsibilities; seeks new technical professional knowledge to remain current on professional/technical developments in relevant areas of expertise.

- 1) Does not seek to learn new technology or gain further knowledge in functional area
- 2) Does not regularly apply newly learned technology or knowledge
- 3) Demonstrates sufficient knowledge to perform essential duties of functional area
- 4) Seeks to expand expertise and knowledge in professional field/job responsibilities
- 5) Exceeds expectations in applying professional/technical knowledge to job responsibilities

Comments:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Safety:** Demonstrates the desire and ability to avoid injury to him/herself and others.

1. Careless; does not regularly use applicable job related safety practices or PPE (personal protective equipment), if required
2. Generally follows applicable safety rules; does not keep area clean and orderly; does not consistently apply safety practices or PPE requirements
3. Abides by all safety rules as required; uses necessary tools and applicable PPE, if needed
4. Shows respect for property and safety of others; uses applicable PPE without direction
5. Exceptionally good housekeeping habits, and use of health/safety resources; follows all safety protocols and uses applicable PPE at all times without direction

Comments:

## Section 2

### Supervisory/Management Staff

**Communication/Collaboration:** Communicates department and organization priorities in a clear and consistent manner to establish and maintain effective working relationships with fellow employees, subordinates and the general public. Demonstrated ability to set and communicate goals and objectives to staff in written and oral form to attain department and organization goals; Fosters environment where questions, ideas and feedback are valued and acted upon; is accessible and approachable.

1. Poor communication skills; does not clearly define goals/objectives to staff
2. Written and/or verbal communication skills need improvement; does not effectively delegate tasks to subordinates or keep them well informed
3. Uses written and verbal communication skills to effectively explain ideas and provide instruction to others; actively listens and shares information; responds within agreed time frames
4. Works to promote positive connections and establish valuable relationships with subordinates and others; provides clear direction and purpose
5. Clearly defines goals and objectives of department/organization, demonstrates effective mediation and negotiation skills, keeps employees up-to-date, solicits input, ideas and expertise of others, encourages collaborative teamwork, maintains open door policy with subordinates

Comments:

**Decision Making/Judgment/Problem Solving:** Demonstrated ability to respond to challenges, distinguish between relevant and irrelevant data, make sound decisions, and commit resources to implementing decisions.

1. Avoids the decision making process; is not proactive and does not anticipate possible work issues; lacks accountability
2. Does not make decisions in a timely manner; demonstrates limited ability to analyze data and take appropriate action to avoid workplace challenges
3. Makes appropriate decisions and provides solutions based on information gathering and analysis
4. Assumes ownership of problems; arrives at the appropriate decision/solution after thoroughly weighing options and with minimal delay
5. Resolves problems with minimum impact on staff and the public with satisfactory results; maintains a firm, fair, objective and unbiased approach in determining the most appropriate action; maintains a positive can-do attitude; anticipates possible impacts on attaining results, both external and internal, and responds accordingly

Comments:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Leadership:** Clearly communicates the mission of the department in attaining the goals of the organization and seeks to mobilize staff and resources in successfully achieving end results.

1. Does not have confidence of staff; unable to motivate, coach and develop subordinates
2. Struggles with communicating the mission/goals of the department/organization clearly; staff is uncertain of their responsibilities; ineffective use of staff resources
3. Self-motivated with a strong work ethic; effectively motivates staff to achieve goals of the organization
4. Builds trust and credibility; regularly motivates others; identifies methods to improve level of performance for him/herself as well as key staff
5. Confident and decisive; leads by example; provides clear direction and guidance to staff; fosters exemplary achievement of staff by effectively utilizing their contributions; totally committed to goals of the organization; concentrates on outcomes

Comments:

**Managing Change:** Understands the “big picture” and strategic direction of the organization and is successful in communicating these goals to subordinates.

1. Does not communicate organizational changes to staff; provides no advance planning
2. Has difficulty defining changes to staff; is ineffective in managing change
3. Clearly communicates and shows support for organizational changes to staff and others
4. Adapts quickly to changes in the work environment; coaches and fosters a positive climate for change with staff; produces optimistic feedback from staff regarding changes
5. Manages effectively in a climate of uncertainty; embraces organizational changes and successfully motivates employees to do the same; modifies plans and goals to meet these changes as needed; models an encouraging/affirmative attitude toward the future

Comments:

**Planning/Organization:** Successfully plans and organizes his/her duties and manages department/unit in a competent, efficient manner ensuring goals and objectives are met within budgetary constraints.

1. Does not manage department operations in a capable manner; disorganized and does not demonstrated commitment to meeting goals; does not effectively plan ahead, regularly misses deadlines
2. Has difficulty planning, organizing and prioritizing work; inadequate supervision of staff to ensure projects are accomplished
3. Well organized and submits work product on time consistent with priorities; efficiently prioritizes work with minimal guidance; understands daily activity of staff
4. Resourceful; commits fully to the job; results oriented and uses staff capabilities to ensure goals are met within budget; understands staff strengths and utilizes same

Name: \_\_\_\_\_ Date: \_\_\_\_\_

5. Capitalizes on opportunities to reduce costs, improve customer service and lessen waste; well organized and needs no direction from supervisor to meet project milestones on time; has an excellent understanding of staff day to day activities and duties necessary to meet or exceed project milestones

Comments:

**Supervising/Motivating Employees:** Provides effective supervision and motivates staff to achieve desired level of performance.

1. Is not engaged in actively encouraging subordinates to work together to achieve department goals; does not provide effective direction; does not regularly set goals and objectives for staff;
2. Does not demonstrate a clear understanding of subordinates responsibilities, daily activities; inconsistently sets goals and objectives for his/her staff.
3. Communicates performance expectations clearly; motivates and helps staff maintain a productive work environment; sets goals and objectives and understands basic daily activities of personnel
4. Acts to motivate, coach and develop subordinates; encourages flexibility and personal initiative; has extensive knowledge base of subordinates job responsibilities; sets goals and objectives for staff and ensures objectives are met;
5. Models ethical workplace behavior; encourages joint problem solving, openness and candor; steers conflict away from people and towards issues; builds team spirit and promotes employee accomplishment; empowers subordinates to achieve objectives

Comments:

**TOWN OF JAMESTOWN**  
**EMPLOYEE PERFORMANCE APPRAISAL**

**EMPLOYEE INFORMATION**

Name:	Position:
Date of Hire:	Department:
Grade/Step:	Supervisor:
Annual                  Probationary:	Date of Last Appraisal:
Current Educational Level:	

**INSTRUCTIONS**

The performance appraisal is designed to be a management tool which facilitates communication between supervisors and staff. The supervisor should review the employee's previous performance appraisals, the job description and then appraise the employee's performance by completing this form. After completing this form the supervisor must meet with the employee and discuss the areas being appraised.

There are seven (7) sections to this appraisal form. **Section 1 - Primary Abilities** is for rating of general job skills and knowledge. **Section 2 - Evaluation Criteria** for Supervisory/Management Staff. **Section 3 - Overall Performance Appraisal** - each supervisor determines overall performance which is not necessarily an average. **Section 4 - Comments and Recommendations** - the employee and supervisor should use this area to provide feedback to each other regarding the performance appraisal, and to suggest ways in which the employee could be empowered to attain higher ratings and future goals such as skills gained through computer training or other development. **Section 5 - Goals/Career Development Plan** - use this section to plan for the employee's future career goals, list prior and future accomplishments. **Section 6 - Action/Development Plan** - Outline what action needs to be taken to improve performance. A category with a score of 2 or less must include a comment. In addition, an action plan must be completed for non-supervisors with a total score of less than 30 and supervisors/management staff with a score less than 48. **Section 7 - Signatures** - after meeting and discussing the appraisal with the employee it should be signed by the supervisor conducting the performance appraisal and the employee being appraised. Signing of the form does not indicate agreement by the employee with the contents of the appraisal.

## TOWN OF JAMESTOWN EMPLOYEE EVALUATION PROCEDURAL INSTRUCTIONS

All supervisory personnel involved in the evaluation process should familiarize themselves with the following procedural steps as a guide to the performance evaluation process. There are (10) performance elements in Section I for non-supervisory employees and an additional (6) elements, totaling (16) in Section I and II for supervisors and managers.

- 1) **Timeline:** The evaluation process is designed to be completed within a maximum of a three to four-week period from the employee's corresponding date of hire. Within the first two weeks, the employee self-assessment, supervisor's appraisal and employee review meeting should be completed. Any follow-up meetings that may be required and the finalization of the document are to be completed within weeks three and four.
- 2) **Employee List:** Each Town Department will be provided with an updated employee listing with corresponding hire date, in advance of when a performance appraisal is required and periodically throughout the year as personnel changes occur. The individual departments are required to monitor the process during the year and will receive reminders from the Personnel Division, if needed, should certain requirements of the process not be fulfilled within the required timeline.
- 3) **Self-Assessment:** The supervisor will notify the employee that an annual performance appraisal is due and request that the individual complete the self-assessment component within a (1) week timeframe. The employee's job description should accompany the self-assessment document. The self-assessment should be rated by the employee using the same rating system as the supervisor's appraisal. It should be recommended that the employee prepare in a similar fashion to the evaluator for the upcoming review and discussion. It should be recommended that employee develop a list of key work accomplishments, recommendations, and even work related concerns to be shared with the supervisor prior to and/or during the review meeting. Upon completing the self-assessment, the employee is to return the appraisal form to the supervisor. If the employee chooses not to complete the assessment, the process should continue with this fact being noted.
- 4) **Appraisal:** The supervisor is to complete Section I of the appraisal document when evaluating a non-supervisory employee and Section I and II if the employee's work is supervisory in nature. The evaluator could be an immediate supervisor, mid-level supervisor or Department Head, depending on the internal structure of a given department. It is recommended that the supervisor with the most direct contact with the employee and their work product, complete the initial appraisal with input to be provided by other supervisors in the department.
- 5) **Rating Format:** Upon calculating the final appraisal rating, a review meeting should be scheduled with the employee. During the first evaluation for each employee using the new format, it is anticipated that the meeting should take on average 30 to 45 minutes to complete. The format of the appraisal questions has been structured such that a rating of a (3) on any question, represents a mid-level of satisfactory employee performance. A higher rating of (4) or (5) represents performance beyond the Town's base expectations and a lower rating of (1) or (2) represents a sub-performance rating. A satisfactory score for non-supervisory employees is (30) and a score of (48) represents the average for supervisory employees.

- 6) **Action Plan:** If an overall rating of less than (30) for a non-supervisory employee or less than (48) for a supervisor employee is achieved, a development action plan is required for the employee. The plan must outline a specific set of actions, timeline tied to goal achievement, method of goal achievement, and who will provide oversight of the employee's progress. The plan must indicate specific performance concerns and how they are to be improved upon and corrected. The final action plan should be mutually agreed upon with the employee and take into account job responsibilities, career aspirations (if applicable), department and organizational priorities, and the reviewed strengths and weaknesses. The plan can be staged, if necessary, with short, medium and long term aspects, although it must be realistic and achievable. The plan will be customized in time, scope and goal requirements based on the specific circumstances involved.

Upon completing the appraisal (Section I or (I&II) and receiving the employee self-assessment, the evaluator is to proceed with a comparison of both documents. The evaluator should use any similarities and/or differences between the two documents as discussion points during the review meeting with the employee. All evaluations prior to being shared with the employee require the Department Director's review and approval.

- 7) **Progress Review Meeting:** The review meeting should be performed privately and ideally without interruption. It is important to create a non-adversarial environment and one that is conducive to open discussion. It may prove helpful to open the dialogue with some general discussion about how things have been going and avoid specifics which will be covered during the formal review. Review of the employee's functional job description together with expectations and standards established and communicated at the beginning of the performance period should be part of the discussion. Discuss the completed appraisal allowing for significant opportunity for employee input. The employee should be encouraged to provide written comments on the completed form whenever possible. These written comments will accompany the approved appraisal in the employees personnel file.
- 8) **Optional Meeting:** If further discussion is requested by the employee out of concern regarding the appraisal results, a second meeting should be scheduled with the Department Director and the Town Administrator or his/her designee, (if needed).
- 9) **Rating Limitations:** If an evaluator selects a score of (1) low on the rating scale or a (5) high on the scale, this specific rating is required to be reviewed by the personnel division prior to the employee meeting and the finalization of the evaluation. Upon the score being clarified by the supervisor, you can then proceed with the review meeting. This requirement represents a check and balance in the system to verify that all scoring at the rating criteria extremes are an accurate reflection of the individual employee's performance.
- 10) **Filing:** Upon final completion of the evaluation and all signatures having been secured on the document, all evaluation materials including the original employee evaluation are to be filed with the Town Administrator's Office. If an employee chooses not to sign the appraisal in agreement with the results, it is their option not to do so, although please note this fact in the material to be filed with the appraisal results.

Assistance will be available at any time should support and further clarification be required as part of the programs implementation. It is anticipated that various updates and process changes will be made in the coming months as the program is implemented on a town-wide basis.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3 - OVERALL PERFORMANCE RATING**

Total Score: \_\_\_\_\_

Non-Supervisory/Management Staff earning a score of less than 30 and Supervisory/Management Staff earning a score of less than 48 must have a development plan. Any category in which the employee has earned a score of 2 or less must have comments and a specific plan for that skill set.

**SECTION 4 - COMMENTS AND DEVELOPMENT PLAN**

Employee Comments:

Supervisor Comments:

**SECTION 5 - PERFORMANCE GOAL REVIEW/CAREER DEVELOPMENT PLAN**

Evaluation of the accomplishment of goals during the past twelve (12) months:

Establishment of the goals for the next evaluation period:

Career Development:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 6 - DEVELOPMENT PLAN**

Recommended Development Plan – For individuals whose overall appraisal score is less than 30 (non-supervisory) or 48 (supervisory/management staff), a specific action plan must be established listing a time period to accomplish goals, how they will be achieved and who is responsible for ensuring they are met. Identify specific performance issues and how these deficiencies are to be corrected (list as needed).

Area of needed development:

Action Plan:

Who responsible:

Area of needed development:

Action Plan:

Who responsible:

Date established to meet to review development plan: \_\_\_\_\_

**SECTION 7 - SIGNATURES**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

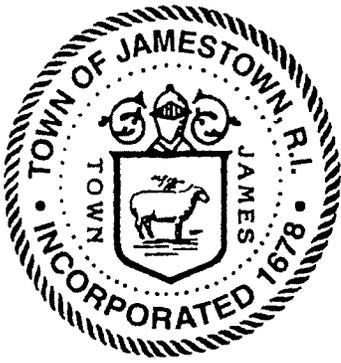
Note: The employee's signature on this form does not necessarily indicate agreement with the appraisal, but confirms that the contents have been discussed and reviewed.

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Administrator's Signature

\_\_\_\_\_  
Date



## TOWN OF JAMESTOWN

93 NARRAGANSETT AVENUE  
P.O. Box 377  
JAMESTOWN, RHODE ISLAND 02835

Town Offices - 423-7201  
Fax - 423-7229

**TO:** HONORABLE TOWN COUNCIL  
**FROM:** ANDREW E. NOTA, TOWN ADMINISTRATOR  
**SUBJECT:** PERFORMANCE EVALUATION SYSTEM  
**DATE:** December 31, 2014

The newly implemented Performance Appraisal System is being provided for implementation beginning January 1, 2015. The packet includes the following elements:

- 1) Instructions
- 2) Procedural Instructions
- 3) Employee Self-Evaluation Instructions
- 4) Section 1 Appraisal: – General Employee Appraisal made up of 10 questions
- 5) Section 2 Appraisal: – Supervisory Employee Appraisal – made up of an additional 6 questions, totaling 16
- 6) Section 3: Overall Performance Rating
- 7) Section 4: Comments and Recommendations
- 8) Section 5: Performance Goal Review/Career Development Plan
- 9) Section 6: Development Plan
- 10) Section 7: Signature Section

This appraisal is designed to provide for ease of use and understanding by the Town's employees and management personnel. In the area of Public Safety, the appraisal will apply only to those employees that perform a civilian-based function holding a Building Maintenance status working at the Jamestown Fire Department and those support staff at the Jamestown Police Department. All other Public Safety employees will have their appraisals performed in accordance with the individual department process and format already established.

The purpose of the appraisal is to provide a periodic process that assesses each employee's job performance and productivity in relation to certain pre-established criteria and organizational objectives. In this review, other aspects of individual employees are considered as well, such as organizational conduct, accomplishments, potential for future improvement, strengths and weaknesses, etc. Through the use of this process and in answering the following questions, we hope to make it transparent and understandable to each employee;

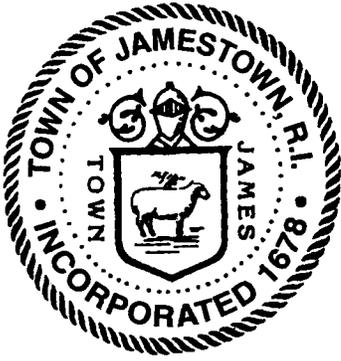
- What are the Town's expectations? and
- As an employee, am I meeting those expectations?

Initially, the appraisal process will be held annually near an employee's anniversary date of hire, and also just prior to the conclusion of the employee's probationary period of hire, although in certain situations that

timeline could be shortened to allow for more immediate feedback. Employees will be afforded a direct review of their evaluation with their supervisor once the appraisal is completed and the employee self-evaluation is finalized. In select cases, an employee will be provided with an action plan, to be developed by the Department Director, Supervisor and myself along with input from the employee. This action plan will provide a structured opportunity for an employee to make improvements in an area that was highlighted as part of the review process. It is anticipated that the overall process will provide both employees and supervisors direct feedback on specific issues pertaining to any number of employment matters, (i.e. communication, compensation, performance, quality of work, training, promotion, discipline, career choices, organizational priorities, etc.)

I have reviewed the appraisal packet and implementation expectations with the Senior Staff in recent weeks, and have begun the process of announcing the program to all of the Town's employees. The final appraisals will be kept in the employee's personnel file maintained in the Town Administrator's office. A list will be maintained in the office regarding the completion date of each appraisal filed, although it is incumbent on each individual department to manage this system and the required appraisals under their purview.

Should you have any questions please don't hesitate to contact me at your convenience.



**TOWN OF JAMESTOWN**  
Parks & Recreation Office  
P.O. Box 377  
41 Conanicus Ave.  
JAMESTOWN, RHODE ISLAND 02835

Recreation Office (401) 423-7260  
Teen Center (401) 423-7261  
Fort Getty (401) 423-7211  
Fax (401) 423-7229

## **Memo**

**Date:** 12/31/2014  
**To:** Mr. Andy Nota  
**From:** William Piva *WJP*  
**RE:** Fort Getty- 2015 Season

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Below please find my recommendations for an operational plan for the 2015 Fort Getty season. This will include season length and prices.

- Seasonal RV- \$4,500 non-resident, \$3,700 for Jamestown resident.
- Seasonal Boat- \$600.00 a season
- Daily Parking- \$20.00 per day
- Daily Parking with Boat- \$30.00 per day
- Guest Parking- \$5.00 per day
- Dump Station- \$20.00 per use
- Waiting List- \$10.00 per year
- Pavilion- Residents, \$300.00 Friday, Saturday or Sunday

\$200.00 Monday through Thursday

- Non-Residents (After April 1), \$600.00 Friday, Saturday or Sunday

\$400.00 Monday through Thursday.

I would also recommend, should we not be able to fill all of the RV sites with seasonal's, that we continue to charge \$40.00 per night with a two-week minimum.

Tent- The cost for the 2014 season was \$25.00 per night. We have the opportunity of implementing a 24-hour, on-line automated reservation system. With this system comes a set-up fee of \$450.00 and a 3.5% booking fee per transaction. I would recommend we add the transaction fee as well as a credit card fee to the user. The transaction fee amounts to 0.87 increase and the credit card fee adds 0.75 for a total of \$1.62. I would recommend this amount be absorbed by the user and would add \$2.00 per night for tent camping. Tent camping would increase to \$27.00 per night.

The seasonal length for both RV and tent camping should remain at 122 nights, ending on September 14<sup>th</sup> at noon. Extending the pavilion season adds challenges to the Department as seasonal weekend maintenance staff ends. Having an event at the pavilion requires regular maintenance staff to be brought in for the duration of the event at an overtime pay rate. If the recommendation is to extend the season, I would suggest the pavilion user bear the cost associated with this overtime.

2015 - -

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

AUTHORIZING THE TOWN OF JAMESTOWN TO PURCHASE 138  
NARRAGANSETT AVENUE IN SAID TOWN AND TO FINANCE THE  
PURCHASE AND RENOVATION THEREOF BY THE ISSUANCE OF NOT  
MORE THAN \$\_\_\_\_\_,000 BONDS AND NOTES THEREFOR.

2015-

Introduced By:

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

SECTION 1. The Town of Jamestown is hereby empowered, in addition to authority previously granted, to issue bonds to an amount not exceeding \_\_\_\_\_ Million \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_, 000.00) from time to time under its corporate name and seal or a facsimile of such seal. The bonds of each issue may be issued in the form of serial bonds or term bonds or a combination thereof and shall be payable either by maturity of principal in the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual installments of principal, the first installment to be not later than five years and the

last installment not later than thirty years after the date of the bonds. For each issue the amounts payable annually for principal and interest combined either shall be as nearly equal from year to year as is practicable in the opinion of the officers authorized to issue the bonds, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

SECTION 2. The bonds shall be signed by the manual or facsimile signatures of the finance director of the town and the president of the Town Council and shall be issued and sold in such amounts as the Town Council may authorize by resolution. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the Town Council authorizing the issue or by separate resolution of the Town Council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The proceeds derived from the sale of the bonds shall be delivered to the finance director, and such proceeds exclusive of premiums and accrued interest shall be expended for (a) the purchase of the land and improvements at 138 Narragansett Avenue in said Town, sometimes also designated as Tax Assessor's Map 8 Lot 79 and all costs incidental thereto, (b) the renovation, repair and/or expansion of the improvements thereon and equipment therefor, (c) in payment of the principal of or interest on temporary notes issued under Section 3 of this act or (d) in repayment of advances under Section 4 of this act. No purchaser of any bonds or notes under this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The project shall be carried out and all contracts made therefor on behalf of the Town by the Town Council, or as may be heretofore or hereafter otherwise directed by the Town Council. Without limiting the generality of the foregoing, the Town Administrator's actions in entering into a purchase and sale agreement for such real estate and the consummation of such transaction are hereby ratified and approved by the passage of this act by the voters as provided for in Section 11 hereof. The proceeds of bonds or notes issued under this act, any applicable federal or state assistance and the other monies referred to in Section 6 of this act shall be deemed appropriated for the purposes of this act without further action than that required by this act. The bond issue authorized by this act may be consolidated for the purposes of issuance and sale with any other bond issue of the town heretofore or hereafter authorized, provided that, notwithstanding any such consolidation, the proceeds from the sale of the bonds authorized by this act shall be expended for the purposes set forth above.

SECTION 3. The Town Council may by resolution authorize the issue from time to time of interest bearing or discounted notes in anticipation of the authorization or issue of bonds or in anticipation of the receipt of federal or state aid for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued under this act and the amount of original notes issued in anticipation of federal or state aid may not exceed the amount of available federal or state aid as estimated by the finance director. Temporary notes issued hereunder shall be signed by the finance director and by the president of the Town Council and shall be payable within five years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed five years.

SECTION 4. Pending any authorization or issue of bonds hereunder or pending or in lieu of any authorization or issue of notes hereunder, the finance director, with the approval of the Town Council, may, to the extent that bonds or notes may be issued hereunder, apply funds in the treasury of the Town to the purposes specified in section two, such advances to be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 5. Any proceeds of bonds or notes issued hereunder or of any applicable federal or state assistance, pending their expenditure may be deposited or invested by the finance director, in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or as may be provided in any other applicable law of the State of Rhode Island.

SECTION 6. Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder and any earnings or net profit realized from the deposit or investment of funds hereunder shall, in the discretion of the finance director, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of the projects or to the cost of additional improvements coming within the description of the projects in Section 2 of this act, to the payment of the

principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the finance director, be met from bond or note proceeds exclusive of accrued interest or from other monies available therefor. Any balance of bond or note proceeds remaining after payment of the cost of the projects and said additional improvements and the cost of preparing, issuing and marketing bonds or notes hereunder shall be applied to the payment of the principal of or interest on bonds or notes issued hereunder. In exercising any discretion under this section, the finance director shall be governed by any instructions adopted by resolution of the Town Council. The finance director is authorized to take any action deemed by him or her necessary to assure that interest on the bonds or notes issued hereunder remains excludable from gross income of the recipients thereof for federal income tax purposes, including, without limitation, paying to the federal government any rebate of earnings derived from the deposit or investment of the proceeds of such bonds or notes that may be required therefor and (2) to comply with the requirements of federal law, including without being limited to regulations and other requirements of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board, imposed directly on the Town or on the underwriters of such bonds and notes.

SECTION 7. All bonds or notes issued under this act and the debts evidenced thereby shall be obligatory on the town in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of section 45-12-2 of the General Laws. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall nevertheless be added to the annual tax levy. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount.

SECTION 8. Any bonds or notes issued under the provisions of this act, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

SECTION 9. The town, acting by resolution of its Town Council is authorized to apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with interest where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as project costs under section two.

SECTION 10. Bonds and notes may be issued under this act without obtaining the approval of any governmental agency or the taking of any proceedings or the happening of any conditions except as specifically required by this act for such issue. Without limiting the generality of the foregoing, bonds and notes may be issued under this act without any action at the financial town meeting. In carrying out any project financed in whole or in part under this act, including where applicable the condemnation of any land or interest in land, and in the levy and collection of assessments or other charges permitted by law on account of any such project, all action shall be taken which is necessary to meet constitutional requirements whether or not such action is otherwise required by statute; but the validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of such action. To the extent of any inconsistency between this act and the Town Charter, this act shall prevail.

SECTION 11. The question of the approval of this act shall be submitted to the electors of the town at an election on a date to be determined by the Town Council which occurs at least thirty days after the passage of this act. The question shall be submitted in substantially the following form: "Shall an act, passed at the 2015 session of the General Assembly, entitled 'AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO PURCHASE 138 NARRAGANSETT AVENUE IN SAID TOWN, AND TO FINANCE THE PURCHASE AND RENOVATION THEREOF BY THE ISSUANCE OF NOT MORE THAN \$\_\_\_\_\_,000 BONDS AND NOTES THEREFOR' be approved?" and the warning for the election shall contain the question to be submitted. The Town Board of Canvassers may combine any two or more voting districts for the election and when so combined shall be treated as a voting district. If so combined, the Town Board of Canvassers shall advertise the combination of districts in a newspaper of general circulation in the Town. From the time the election is warned and until it is held, it shall be the duty of the Town Clerk to keep a copy of the act available at his or her office for public inspection, but the validity of the election shall not be affected by this requirement.

SECTION 12. This section and Section 11 shall take effect upon passage. The remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question at the election prescribed by Section 11.

2015 - -

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

AUTHORIZING THE TOWN OF JAMESTOWN TO PURCHASE 138  
NARRAGANSETT AVENUE IN SAID TOWN AND TO FINANCE THE  
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SECTION 2. The bonds shall be signed by the manual or facsimile signatures of the finance director of the town and the president of the Town Council and shall be issued and sold in such amounts as the Town Council may authorize by resolution. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the Town Council authorizing the issue or by separate resolution of the Town Council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The proceeds derived from the sale of the bonds shall be delivered to the finance director, and such proceeds exclusive of premiums and accrued interest shall be expended for (a) the purchase of the land and improvements at 138 Narragansett Avenue in said Town, sometimes also designated as Tax Assessor's Map 8 Lot 79 and all costs incidental thereto, (b) the renovation, repair and/or expansion of the improvements thereon and equipment therefor, (c) in payment of the principal of or interest on temporary notes issued under Section 3 of this act or (d) in repayment of advances under Section 4 of this act. No purchaser of any bonds or notes under this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The project shall be carried out and all contracts made therefor on behalf of the Town by the Town Council, or as may be heretofore or hereafter otherwise directed by the Town Council. Without limiting the generality of the foregoing, the Town Administrator's actions in entering into a purchase and sale agreement for such real estate and the consummation of such transaction are hereby ratified and approved by the passage of this act by the voters as provided for in Section 11 hereof. The proceeds of bonds or notes issued under this act, any applicable federal or state assistance and the other monies referred to in Section 6 of this act shall be deemed appropriated for the purposes of this act without further action than that required by this act. The bond issue authorized by this act may be consolidated for the purposes of issuance and sale with any other bond issue of the town heretofore or hereafter authorized, provided that, notwithstanding any such consolidation, the proceeds from the sale of the bonds authorized by this act shall be expended for the purposes set forth above.

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SECTION 5. Any proceeds of bonds or notes issued hereunder or of any applicable federal or state assistance, pending their expenditure may be deposited or invested by the finance director, in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or as may be provided in any other applicable law of the State of Rhode Island.

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SECTION 9. The town, acting by resolution of its Town Council is authorized to apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with interest where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as project costs under section two.

SECTION 10. Bonds and notes may be issued under this act without obtaining the approval of any governmental agency or the taking of any proceedings or the happening of any conditions except as specifically required by this act for such issue. Without limiting the generality of the foregoing, bonds and notes may be issued under this act without any action at the financial town meeting. In carrying out any project financed in whole or in part under this act, including where applicable the condemnation of any land or interest in land, and in the levy and collection of assessments or other charges permitted by law on account of any such project, all action shall be taken which is necessary to meet constitutional requirements whether or not such action is otherwise required by statute; but the validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of such action. To the extent of any inconsistency between this act and the Town Charter, this act shall prevail.

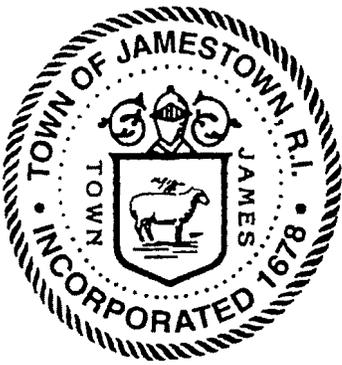
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SECTION 12. This section and Section 11 shall take effect upon passage. The remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question at the election prescribed by Section 11.

**TICK TASK FORCE  
HUNTING INFORMATION SUB COMMITTEE**

**Bruce Dickinson  
David Fuquea  
Barbara Szepatowski**

**12.03.2014**



## TOWN OF JAMESTOWN

93 NARRAGANSETT AVENUE

P.O. Box 377

JAMESTOWN, RHODE ISLAND 02835

Town Offices - 423-7201

Fax - 423-7229

TO: HONORABLE TOWN COUNCIL  
FROM: ANDREW E. NOTA, TOWN ADMINISTRATOR  
SUBJECT: TOWN ADMINISTRATORS REPORT  
DATE: JANUARY 2, 2015

The January 2015 Administrator's report is an abbreviated report focusing on two main initiatives for this month.

1) Performance Evaluation System:

As reported at the December Town Council meeting, the development of a comprehensive employee evaluation system has been in process since early this past summer. This generally formatted program is designed to provide an annual rated evaluation of all Town support and supervisory personnel. The evaluation encompasses both a supervisor review of an employee's overall performance, and an employee's own self-evaluation. The base evaluation consists of ten questions that makes up the full evaluation for all support personnel and an additional six questions in Section 2. added to complete the appraisal for all supervisory personnel.

There are seven (7) sections to this appraisal form. **Section 1 - Primary Abilities** is for rating of general job skills and knowledge. **Section 2 - Evaluation Criteria** for Supervisory/Management Staff. **Section 3 - Overall Performance Appraisal** - each supervisor determines overall performance which is not necessarily an average. **Section 4 - Comments and Recommendations** - the employee and supervisor should use this area to provide feedback to each other regarding the performance appraisal, and to suggest ways in which the employee could be empowered to attain higher ratings and future goals such as skills gained through computer training or other development. **Section 5 - Goals/Career Development Plan** - use this section to plan for the employee's future career goals, list prior and future accomplishments. **Section 6 - Action/Development Plan** - Outline what action needs to be taken to improve performance. **Section 7 - Signatures** - after meeting and discussing the appraisal with the employee it should be signed by the supervisor conducting the performance appraisal and the employee being appraised.

I have reviewed the appraisal packet and implementation expectations with the Senior Staff in recent weeks, and have begun the process of announcing the program to all of the Town's employees. The final appraisals will be kept in the employee's personnel file maintained in the Town Administrator's office. It is anticipated that the overall process will provide both employees and supervisors direct feedback on specific issues pertaining to any number of employment matters, (i.e. communication, compensation, performance, quality of work, training, promotion, discipline, career choices, organizational priorities, etc.) This program will provide

the Administration with a framework that addresses the important questions regarding (What are the Town's expectations of its employees? and Am I as an employee of the Town meeting those expectations?)

2) North Road Reconstruction:

The Administration is prepared to discuss in more detail, the North Main Road Reconstruction Project, as part of the upcoming Capital Improvement Budget review for FY2015-FY2016 and the CIP 6-year plan through FY2020-2021. At this time a three-year plan is being proposed, after a recent revision to the program was made based on significant local interest in moving this project forward at an accelerated rate. In not recommending bond funding for this project, the Town is prepared to fund the needed improvements on a pay-as-you-go basis annually, through both the drainage and paving phases of the project. Road projects of this type are not traditionally funded with the use of bond funds as the infrastructure does not traditionally last without additional improvement for the full duration of a 20-year bond.

The proposed schedule is as follows:

FY2015-2016	Phase 1 - Drainage	\$100,000
FY2016-2017	Phase 1 - Paving	\$190,000
FY2016-2017	Phase II - Drainage	\$100,000
FY2017-2018	Phase II - Paving	\$190,000
FY2018-2019	Proposed Bike/Pedestrian Walk	\$125,000

These figures and timeline may be further adjusted as the project is discussed in the budget process.

Please advise if you should have any questions or require additional information on any of the matters noted.

<b>Updated Version of Council Goals and Objectives</b>				
<b>May 6, 2013 and January 27, 2014 Work session</b>				
<b>Goal</b>	<b>Responsibility</b>	<b>Timeline</b>	<b>Action</b>	<b>Status</b>
<b>Increase Town commitment to Affordable Housing:</b>				
Revive Affordable Housing Committee	Council	Apr-13	Appoint new members	Complete
Discuss Creation of Affordable Housing Trust Fund with Town funds and by soliciting private resources	Town Administrator/Town Planner/Solicitor	FY 14 budget/ongoing grant search	Budget/outreach to State/CCH	<b>COMPLETE</b> -Regulation development ongoing
Increase Town financial contribution to Affordable Housing	Council	Apr-13	Budget adoption	Complete
Clarify Jamestown's affordable housing needs as they differ from Federal and state requirements, including an assessment of workforce housing	Committee/Town Planner	Ongoing	This analysis was performed with the development of the Affordable Housing Plan	Complete
Consider, possibly modify and pass an accessory apartment ordinance	Town Council /Planner/Solicitor	May-13	Conduct public hearing, vote	<b>COMPLETE</b>
Promote town policy allowing undersized lots to be developed for affordable housing	Committee/Town Planner	Oct-13	Advertise and promote	<b>ONGOING</b>
Explore needs for assisted living and other senior housing facilities.	Committee/Town Planner	July - August	Review through committee	<b>ONGOING</b>
Look into additional sources of funding including tax credits and other unconventional financing for items 2-6 above	Committee/Town Planner/Town Administrator	May - August	Federal and State tax credits considered by developer on a project basis	Project specific - <b>ONGOING</b>
<b>Review the Department of Parks and Recreation</b>				
Conduct the assessment of management, organization, facilities and programs	Town Administrator /Consultant	May - August	Interview consultant, review results	<b>COMPLETE</b>
If appropriate, rationalize the department's organization and program content	Town Administrator / Town Council	September - December	Review - ongoing	<b>ONGOING</b>
Review requirements for Recreation maintenance barn, determine location, design and fund	Town Council/Town Administrator/Staff	September - November (ongoing)	Design /Build ?	<b>ONGOING</b> - Portion of Fort Wetherill in use now Fort Getty Barn - on hold pending other park enhancements
<b>Review the Department of Parks and Recreation</b>				
Review requirements for any additional spaces to be developed at Rec locations: Golf Course, Fort Getty, Community Center, Other areas	Town Council/Town Administrator/Staff	June - September (ongoing)	Recreation program and facilities review by consultant	<b>Ongoing</b> - New Vision developed - funding and Referendum being scheduled - future meetings being planned
Develop program, design and funding for Community Center improvements	Town Council /Administrator/Staff	September - December	Review and vote	On hold - pending direction of facility Plan and referendum
		( timeline need to be extended)		

Goal	Responsibility	Timeline	Action	Status
<b>Build new clubhouse and possible larger facility at the Golf Course</b>				
Solicit public input, consult lessee on program	Council/Administrator	April		Complete
Retain Architect for Design Process, Building uses, Construction cost	Architect/Staff/ Administrator/Council	May - October	Authorize RFQ, award contract	On Hold - program may be modified(new facility v. rehab of existing)
Community input	Council/Administrator/ staff	ongoing		Ongoing
Develop Funding Strategies and Options	Council/Administrator/ Staff	October - January	Include in FY14-15 Budget	Ongoing (debt service/lease negotiation/project modification)
Begin Construction in Fall 2014	Builder/Administrator/ Staff	January	Seek and award bid based on final design	Project on Hold - pending other municipal facility improvements
<b>Landfill Closure</b>				
Fund and Finish	DPW / Contractor	Ongoing through December	Receive Updates /Approve final closure	Completion Spring/Summer 2015 - Final closure report submittal/approval fall/winter 2015
<b>Begin design process for new Fire Department facilities</b>				
Fire Chief to proffer options for North end and village structures	Fire Chief	June / July	Authorize	Complete - Main Station Expansion North Bldg. on Hold - under preliminary review
Solicit public input on program and location	Council	July - August	Public meeting	Ongoing
RFQ for Architect/Design Services	Staff/Council	June - August	Authorize	Complete - Awarded
Review affordable housing plan for firefighters	Committee	June - August	Review and report	Ongoing
Establish funding stream	Staff/Council	January - March	FY14-15 Budget	Pending future budget discussion (future FTM)
<b>Revive long Term planning for Fort Getty and Fort Wetherill</b>				
Review options already explored and solicit Public input to expand options	Council		workshop	Tentative Meeting Winter Spring 2015
Appoint Master Plan committee for Fort Getty, and employ Buildings and Facilities Committee to look at Fort Wetherill	Council		Appoint	On Hold - pending completion of Pavilion project,
Charge Staff to find funding sources			Authorize	Ongoing Discussion with RIDEM and RI Fish and Wildlife re: grant opportunities

Goal	Responsibility	Timeline	Action	Status
<b>Support improvements to Town facilities</b>				
Sewer Treatment Plant: siding	Staff/Council	Spring 2014	Fund	CIP Budget driven - on hold
Sewer system:	Staff/Council	August	FY 13-14 Budget	ongoing scheduled for review
1) Slip-lining of main line (Hamilton to WWTF)	Staff	Spring 2015	FY 14/15 Budget	Planning/design - ongoing
Water system:	Staff/Council	August	FY 13-14 Budget	ongoing scheduled for review
Implement Safe routes to School	Staff/Council	ongoing	Implement	Plan design moving toward 90% design phase - PO reaffirmed with RIDOT for 2-years at \$450k
Library: internal reorganization	Board/staff/Council	May - October	Review, authorize committee to review and report	Progress remains unclear
Work with RI DOT to promote and fund bike path(s) and improvements to North Main Road, Design	Staff/Council	May - December	Council directed Staff to proceed	Ongoing - preliminary plan for North Main reconstruction established
Assess Mackerel Cove, Fort Getty and Heads Beaches for possible improvements	Workshop		Appt Committee?	Ongoing review by Staff
Solicit Input on improvements to East Ferry Landing	RFQ design	RFQ September	Public meeting	Various Options available - Funding to be discussed - source (Harbor/Waterfront/CIP)
Fire and Harbor Boat location	Harbor/Administrator/ Staff/Council	2015	With Lease and Ferry dock improvements	Plan Revised - to be addressed in New East Ferry Lease
<b>Clarify Harbor and Town Responsibility for Infrastructure</b>				
Review list, agree on responsibility	Harbor/Council	schedule workshop		Complete - Asset management
				Plan developed -waterfront reserve established
<b>Continue Environmental Protection Efforts</b>				
Round Marsh phragmites eradication	Con Com /DPW	Fall 2013 - Ongoing		Ongoing Program - NRCS funding
Sheffield Cove Water Quality Review	Staff/ConCom/ Council	RFP August - Ongoing	Budget 13-14	RFQ Advertised due on Jan. 15
Groundwater Ordinance Revision	Town Planner/ Environmental Scientist/ Planning Commission	September	Public Hearing	Ongoing
Continue to purchase environmentally sensitive "tax" lots in Shores	Finance/Town Administrator/ Solicitor/Council	ongoing	Fund with Water Protection Reserve	As available
Develop Sustainable Jamestown Plan	Planning Commission	ongoing	Review and Report	Ongoing Discussion

Goal	Responsibility	Timeline	Action	Status
<b>Clarify Emergency storm response</b>				
Review last three storms: Emergency Response, Chain of command, shelter use	Police Chief /Town Administrator /Council	March	Review and Report	Complete
Develop policy for shelter use	same	2012	Town / RIEMA approved	Complete
Develop Hotline/Neighbor to neighbor connection on town web site	same		Need further discussion on intent/approach	Town implemented emergency response communication system
Develop funding ( including donations) for storm response trust fund to fund shelter and other assistance			Need further discussion on intent/approach	Ongoing discussion - Funding to be provided in Budget
Review and Pass Hazardous Mitigation Plan	Staff/Council	March - April 2013	Consultant preparing	Plan finished - Submitted to RIEMA for review and approval
<b>Promote conservation and green technologies in municipal operations and in the community</b>				
Develop a comprehensive Environmental Master Plan to to integrate environmentally-friendly practices throughout Town government operations. These should focus first on energy conservation and recycling, then new technologies in appropriate locations .	Town Planner/Planning Commission	2014	Review and Report	Ongoing - National Grid Consultants to undertake review and audit of facilities
Seek grants and alternate sources of funding for this effort	Town Administrator/ Town Planner	2014	Research opportunities	RI Energy Office and National Grid
Implement conservation measures:	Town Administrator/ Town Planner/ DPW Director	2013 - 2015	Budget appropriations	Ongoing - Town Hall and Recreation Center
Promote community education about conservation and recycling	Town Planner/Planning Commission/ Town Council	2014	Fund	Part of Environmental Master Plan - ongoing
Engage with local business to promote green technology	Town Planner / Planning Commission	2014	Public meeting	Part of Environmental Master Plan - Ongoing
Town Hall ADA and weatherproofing Project				Complete
<b>Promote and protect local cultural, agricultural and business resources</b>				
Native American Heritage			Public meeting	July - ongoing
Farm Retail Sales			Public hearing	July - ongoing
Local Preference ( see above)			Public hearing	May - ongoing
Review Downtown Parking			Public meeting	no update - ongoing review

Goal	Responsibility	Timeline	Action	Status
<b>IT improvements</b>				
Website Redesign	IT Director	May - August 2013	Approve RFP/Retain Consultant	Completed - minor updates ongoing
Standardize an IT enterprise strategy for Jamestown	IT Director			Needs updating
Library network upgrade	IT Director/ Library Director		Fund	Not completed
Library and School connect to WAN Network				Complete
Ensure ongoing Firewall, monitoring	IT Director			Complete
Backup Internet				Complete
Paperless Workplace	Town Clerk/ Town Council	June - July 2013		Complete - future updates to be considered
Full Time IT Director (All non-school Town Facilities, including Library and Police Station ++)	Administrator/Finance Director	July 2014-2015	Hiring full time employee, instead of contract worker	Under review
<b>Other</b>				
Lyme Disease Prevention	Staff/Committee/Admin/Council			Underway (Tick Task Force)
Conduct Public Hearing on Shoreby Hill Historic District and Vote	Council	May-13		Complete
Clarify, organize terms for appointed positions	Council			Complete
Review town fees in general	Staff /Council	May-13	<b>Revise as appropriate</b>	Ongoing as part of budget process
Develop local preference approach and ordinance(s) for contracting, leasing, fees	Solicitor	May-13	Review and adopt	On hold
Town Mission Statement++	Administrator	2014-2015	Adopt and Post on website	Review ongoing
Develop and Install plaques for Town Hall and Highway Barn++	Administrator	2014-2015	Adopt and install on buildings	Under review
Disaster Planning - install lock box on Town Hall exterior for emergency/first responders access to buildings (keys and vault combination)++	Public Works	2014-2015	Adopt policy and install on exterior of buildings	Complete
Panic Button at Town Clerk's Office Counter++	Administrator	2014-2015	Installation by alarm company	Options under Review ongoing
Code of Ordinance update - Per Charter Sec. 221 every 5 years	Solicitor/Town Clerk	(2014-2015 - (2015-2016)		Ongoing

**January 27, 2014 Council Work Session Update**

Goal	Responsibility	Timeline	Action	Status
Town Administrator Residency (K. Paicos)	Council		Removed form Goals to Executive Session	Complete
Establish Goals/Set priorities - deadline	Council		Remove form Goals	Ongoing
Provide Responsive committed Service	Council		Remove from Goals	Ongoing
Provide easy access to information	Council/Admin. /Staff		New Web-site development	Complete - ongoing program
Establish Accountability System (Performance Appraisal)	Administrator	Implemented as of Jan 1, 2015		Complete - Ongoing Program
Conduct business in respectful manner			Remove from goals	Complete - Ongoing
Establish community policing model	Administrator/Staff			Complete - Ongoing Program
Establish affordable Housing revolving fund	Admin/staff/council/solicitor		ongoing development of regulations	Complete
Recreation Study	Admin/Staff	FY 2014 - 2017	Address service deficiencies	Complete - review ongoing
Golf Course Clubhouse Preliminary Design	Admin/Staff	FY2014-2015		Design on -hold
Establish Fort Getty Fund	Admin/Staff	FY2014-2015	Park Planning/design/development - ongo	Ongoing
Conduct Feasibility study - standalone arts center	Admin/Staff/Council	FY2014-2015	Review underway	Ongoing
			(Rec Center, Gold Course, PAC, etc.)	
Review Main Fire Station Building Options	Admin/Staff/Council	FY2014-2015	RFP awarded for Bldg. Design	Complete
Establish new economic development approach	Admin/Staff/Council	FY2014-2015	research has begun	Ongoing Program
Develop ALS Service	Admin/Staff	FY2014-2015	Program to begin winter 2015	Ongoing
			Full program for FY2015-2016	
Develop Surveillance Policy	Admin/Staff/solicitor	FY2014-2015	Draft Completed - under review	Ongoing
Public Safety Oversight Board	Admin/Staff	FY2014-2015	1st meeting has been held (# of annual	Complete
			meetings to be determined)	
Update Comp Plan and Storm Emergency Plan	Admin/Staff	FY2014-2015	Storm Plan	Complete
			Hazard Mitigation Plan under RIEMA review	Submitted - Ongoing review
Create Bike Route Connecting North End	Admin/Staff	FY2014-2015	Planning/design underway	Ongoing - FY2016 budget
Provide staffing to traffic Committee	Admin/Staff	FY2014-2015	Budget Discussion	Ongoing
Establish non-union wage plan	Administrator	FY2014-2015	Under development	Ongoing
Involve Solicitor in all employee disciplinary matters	Administrator/solicitor	FY2014-2015	Solicitor/Administrator Discussions	Ongoing
Landfill Closure	Admin/Staff	FY2015-2016	Final projects and reporting underway	Ongoing
Capital Improvements List	Admin/Staff	FY2014-2015	List being revised	Ongoing for FY2016 Budget
Clarify Town/Harbor Assets	Admin/Staff/Committee/ Council	FY2014-2015	Asset Inventory Complete - ongoing progr	Complete
Environmental Protection Priorities	Admin/staff/solicitor	FY2014-2015	under review	Ongoing
Promote Green Technologies	Admin/staff	FY2014-2015	under review	Ongoing
Lyme Disease Protection	Admin/Staff/Committee/ admin/staff/solicitor	FY2014-2015	Program Implemented	Ongoing
Historic architecture preservation	Planning Commission			Ongoing
Local purchasing preference ordinance	Admin/staff/Solicitor	FY2014-2015	under review	Ongoing
Review Town Fees	Admin/staff	FY2014-2015	under review for FY2016 budget	Ongoing
Complete IBPO Negotiations	Admin/solicitor/council	FY2014-2015	in process	Ongoing
Alcohol Licensing Policies- Town Buildings - Update ordinances	Admin/staff/solicitor	FY2014-2015	in process ( 1/5/15 TC meeting)	Ongoing
Rights of Way Improvements - Town wide	Admin/Staff/Committee/ Council	FY2014-2015	effort underway - conservation commissio	Ongoing

Town of Jamestown as an abutter.

Town Property: Plat 3, Lot 262.

**Notice of Proposed Accessory Family Dwelling Unit**

Re: 386 Beacon Avenue  
Assessor's Plat 3, Lot 250  
Catherine Northrup, Applicant/Owner

The purpose of this notice is to inform you as an abutter that the Office of Zoning Enforcement has received a completed application from Catherine Northrup, 386 Beacon Ave., proposing an Accessory Family Dwelling Unit in accordance with Article 14, Section 82-1400 of the Town of Jamestown Zoning Ordinance.

The proposed Accessory Family Dwelling Unit will be located within the existing single-family dwelling. No exterior changes are proposed. The existing three bedroom Onsite Wastewater Treatment System has been deemed adequate for the proposed use.

The completed application is available for viewing at the Building Official's office in Town Hall. You have the right to object to this proposal. Objections must be in writing and received by this office within ten days receipt of said notice. If no written objection is received, the proposal for an Accessory Family Dwelling Unit shall be granted.

Per Order of  
Frederick W. Brown  
Zoning Enforcement Officer



## Town of Jamestown

# Resolution of the Town Council

No. 2015-01

### **PURCHASE OF 138 NARRAGANSETT AVENUE BY BOND FINANCING**

**WHEREAS**, the Town of Jamestown has been considering the purchase of 138 Narragansett Avenue also known as Tax Assessor's Map 8 Lot 79 and the renovation thereof for the use of the Town; and

**WHEREAS**, the Town Administrator has entered into a contract for the purchase of said property the consummation of which is subject to voter approval by referendum or financial town meeting; and

**WHEREAS**, the Town Council is of the opinion and decision that the decision of the purchase of said property and the financing thereof should be submitted to the electors of the Town for action.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Jamestown, Rhode Island does hereby resolve that the decision on the purchase of such property and the financing thereof and renovations thereto should be placed before the electors of the Town in a special election; and

**FURTHERMORE**, that the Town Council hereby requests the General Assembly to authorize a referendum on the such a bond referendum question, in substantially the form attached hereto, to authorize said purchase and permit the financing of the acquisition of such property and the renovation of the improvements thereon, such referendum to be placed before the electors of the Town in an election to be held on a date determined by the Council. The Town Administrator, Finance Director and Town Clerk are hereby authorized to take any and all actions necessary and consistent to further the implementation of this Resolution.

By Order of the Jamestown Town Council

\_\_\_\_\_  
Kristine S. Trocki, President

\_\_\_\_\_  
Mary E. Meagher, Vice President

\_\_\_\_\_  
Blake A. Dickinson

\_\_\_\_\_  
Michael G. White

\_\_\_\_\_  
Thomas P. Tighe

IN WITNESS WHEREOF, I hereby attach my hand and the official seal  
of the Town of Jamestown this 5<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
Cheryl A. Fernstrom, CMC, Town Clerk



## TOWN OF JAMESTOWN

93 NARRAGANSETT AVENUE  
P.O. Box 377  
JAMESTOWN, RHODE ISLAND 02835

Town Offices - 423-7201  
Fax - 423-7229

**TO:** HONORABLE TOWN COUNCIL  
**FROM:** ANDREW E. NOTA, TOWN ADMINISTRATOR  
**SUBJECT:** Portuguese-American Club Assessment  
**DATE:** December 31, 2014

This report includes an overview of the existing conditions of the Portuguese-American Club and the results of assessments that were conducted over the past several weeks. During this period, Town staff working in conjunction with professional consultants was able to perform a structural assessment of the building framing, roof, and floor systems. An environmental conditions assessment was performed for lead, mold, and asbestos. The mechanical and electrical systems were inspected to determine existing conditions and if upgrades were necessary. The fire suppression and alarm systems were reviewed to determine existing conditions and requirements for a change to public use.

The existing building is approximately 10,000 square feet in size and which consists of the original hall, a lounge/dining area, kitchen, and a finished lower basement area. The property is approximately 1 acre in size and is improved for parking and driveway areas.

### Structural

A structural assessment was performed by engineers from C.A Pretzer Associates, Inc. Overall the building structure was found to be in good condition but the construction was found to have deficiencies with roofing and flooring systems that do not meet current building code requirements.

#### *Original Hall*

The original building/hall is wood framed construction supported by beams in columns. The floor framing is undersized for the future use and will require new columns, beams, and footings. The roof framing consists of rafters that exceed the span and spacing requirements for loading. Future improvements to the hall will require new framing to support the roof.

#### *Lounge/Dining*

The roof framing over the lounge area was determined to be of a truss-type construction but to be slightly undersized for the required loads. Additional framing will need to be installed for a portion of the roof to meet structural requirements. The floor in the lounge is concrete slab construction.

## **Mechanical, Electrical, Fire**

### *Mechanical*

An assessment of mechanical systems was conducted by Regan Heating and Air Conditioning. There are two different mechanical systems that provide heat to the various areas of the building. A large oil fired furnace located in the basement provides heat to the lower basement areas and the hall. There are four wall mounted ductless split heat/AC units located within the hall to provide additional heating and cooling. The lounge area is heated by a separate oil fired furnace located in a closet located adjacent to the bathrooms. The heating and cooling equipment servicing the hall was found to be beyond its life cycle and will need to be replaced. The furnace in the lounge was installed in 2013 but may not meet the needs of future office and meeting spaces.

### *Electrical*

The electrical system was inspected by the Jamestown electrical inspector. A 400 amp electrical service provides power to the building. There are two (2) separate electric circuit panels located in the basement of the hall. An inspection of the panels and power found that a ground was not installed for the building. In addition individual circuit wiring does not meet today's electrical code requirements. It is recommended that new services be installed and that new wiring be provided during upgrades to the facility.

### *Fire*

A fire suppression system was installed throughout the hall, lounge, and basement areas of the building. The building is also serviced by an alarm panel and detectors as required by code. The suppression system will require modifications to renovate the hall for recreational use and the lounge to public areas and office spaces.

## **Environmental**

Alpha Environmental provided inspection services of the building for lead, asbestos and mold. On-site testing was performed of various painted and coated surfaces throughout the building. The painted and coated surfaces tested negative for lead but painted concrete foundation walls were found to contain lead. The asbestos survey and samples did not detect asbestos in the building. As of this report we have not received the mold testing results.

Based on a review of the building and surrounding grounds and a interviews of former facility managers it does not appear that underground storage tanks were located on the property. Therefore we did not conduct a subsurface environmental review of soil or groundwater conditions on the property. Based on historical use of the property and the surrounding residential uses it is unlikely that there are conditions that would impact future public uses on the property.

## **Future Improvements**

If the residents of Jamestown decide to purchase the property, improvements will be necessary to change the use to a recreational facility. Plans will need to be developed by an architect and approved by the council for the renovation of the space. It is assumed that the original building will be kept and renovated. Based

on interior designs of the former lounge it is not clear at this time if the space will be renovated or if it is removed for new construction of an addition to the hall.

### *Hall*

Based on the structural assessment of the building, the ceiling will need to be removed to gain access for new framing to the roof structure. This will also be required to develop the space for recreational uses. The ceiling and walls will need to be removed from the basement areas for the installation of new beams and columns and to provide a new layout for multi-purpose space and use. New mechanical systems and electrical wiring will be installed to service the new spaces.

### *Lounge*

This area will be developed into lobby, offices, meeting spaces, and bathrooms. A second egress/access stairway and/or elevator will be required to access the public spaces in the basement of the hall. Mechanical systems and electrical wiring will be installed to service the offices and meeting areas. The kitchen will be renovated as a prep/service area to support future uses of the space.

### *Construction/renovation*

Construction and renovation of the space will require extensive work to the building. Financing will be required for the property acquisition and to facilitate the required facility improvements to provide for future public access and use. In addition, access to grant funding, Open Space and Recreation Development Funding, Community Development Block Grant Funding and possibly private funding for select components of the overall project will play a part in seeing this effort through to its successful completion.

### **Recommendations**

Prepare preliminary designs of the proposed improvements to the building that will consider future uses and interior layout of spaces. Determine budget costs from the preliminary designs and determine a schedule for construction and renovation.



State of Rhode Island and Providence Plantations  
**Coastal Resources Management Council**  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879-1900

(401) 783-3370  
Fax (401) 783-3767

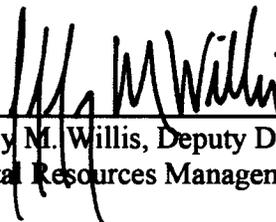
**NOTICE OF RESCHEDULED PUBLIC HEARING**  
(\*corrected 12-29-2014)

**Proposed Amendments to the Coastal Resources Management Program**  
**Table 1 - Water Type 6 Matrix and Sections 110 and 210.3**

The Coastal Resources Management Council, in accordance with and pursuant to the RI Administrative Procedures Act (R.I.G.L. § 42-35-3) and the Rules and Regulations of the Coastal Resources Management, gave notice signed and dated October 7, 2014 to change the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State relative to Chapter 46-23 of the State of Rhode Island and specifically in regard to the development and adoption of proposed changes to **Table 1 - Water Type 6 Matrix and Sections 110 and 210.3** of the RI Coastal Resources Management Program as described in the attached public notice. This Notice is being published to advertise that the Public Hearing on these proposed changes has been rescheduled to **Tuesday, January 13, \*2015 at 6:00 p.m., in Conference Room A at the Department of Administration, One Capitol Hill, Providence, RI**

Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

Signed this 16<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/lat