



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
93 Narragansett Avenue  
**Monday, July 7, 2014**  
**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, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS**

**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) Licenses and Permits**

- 1) One Day Event/Entertainment Licenses
  - a) Applicant: Anne Marie McAndrews  
Event: McKone-McAndrews Wedding  
Date: July 17, 2014  
Location: Fort Getty Pavilion
  - b) Applicant: RI Turnpike and Bridge Authority  
Event: Citizens Bank Pell Bridge Run  
Date: October 26, 2014  
Location: Freebody Drive to Pell Bridge
  - c) Applicant: RI Turnpike and Bridge Authority  
Event: Four Bridges Ride  
Date: September 21, 2014  
Location: Route 138
  - d) Applicant: Arthur H. Washburn  
Event: Jamestown Seaside Family Cruise  
Date: August 31, 2014  
Location: Fort Getty Pavilion

- e) Applicant: Jamestown Striper Club
- Event: Annual Striper Club Kid's Fishing Derby
- Date: August 9, 2014
- Location: North Reservoir

**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) Town Administrator's Report
- B) First Quarter 2014 GZA Monitoring Report

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

- A) Appointment of Town Council Representative to School Superintendent Search Committee
- B) Agenda items for August 4, 2014 regular meeting
- C) Awarding of Bid for Road Paving to Cardi Corporation, Inc. as recommended by Public Works Director Michael C. Gray as follows:
  - Item 1 Bituminous Surface Course \$68.30 per ton
  - Item 2 Bituminous Binder Course \$65.30 per ton
  - Item 3 Pavement Reclamation \$ 2.00 per square yard
- D) Awarding of Bid for Auditing Services to Baxter, Dansereau & Associates as recommended by Finance Director Christina D. Collins as follows:

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Jamestown-Town	\$19,485.00	\$20,000.00	\$20,600.00
Jamestown-School	\$11,945.00	\$12,400.00	\$12,800.00
Agreed-upon procedures-School	<u>\$ 3,570.00</u>	<u>\$ 3,600.00</u>	<u>\$ 3,600.00</u>
	\$35,000.00	\$36,000.00	\$37,000.00

**IX. ORDINANCES AND APPOINTMENTS**

- A) Ordinances
  - 1) Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways Article II. Harbor Management Ordinance Sec. 78-21 through Sec. 78-33; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on August 4, 2014 at 7:00 p.m.
  - 2) Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Sec. 70-87 Prohibited or restricted parking on specified streets and Sec. 70-52 Stop intersections; review,

- discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on August 4, 2014 at 7:00 p.m.
- 3) Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning, Sec. 82-103 Definitions; Sec. 82-1105 Pre-Existing Conditions; and Sec. 82-1106 Special Requirements; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on August 4, 2014 at 7:00 p.m.
- B) Appointments
- 1) Affordable Housing Committee (One vacancy with a term-ending date of May 31, 2017)
    - a) Application for Appointment – Interviews Complete
      - i) William Dawson
      - ii) William Reardon
  - 2) Fire Department Compensation Committee – Fire Department Representative (One vacancy with a term-ending date of May 31, 2017)
    - a) Application for Appointment – Interviews Complete
      - i) Polly Bullock
  - 3) Tree Preservation & Protection Committee (One vacancy with a remaining three-year term ending December 31, 2014)
    - a) Application for Appointment – Interviews Complete
      - i) Mark Girard
      - ii) Roger Birn

## **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) June 16, 2014 (joint work session/planning)
  - 2) June 16, 2014 (regular meeting)
  - 3) June 18, 2014 (joint public hearing/planning/comp plan)
  - 4) June 26, 2014 (joint work session/library trustees)
- B) Minutes from Boards, Commissions and Committees
- 1) Jamestown Conservation Commission (02/11/2014)
  - 2) Jamestown Conservation Commission (04/08/2014)
  - 3) Jamestown Conservation Commission (05/15/2014)
  - 4) Jamestown Conservation Commission (07/07/2014)
  - 5) Jamestown Tree Preservation & Protection (05/20/2014)
  - 6) Jamestown Zoning Board of Review (05/27/2014)
- C) CRMC Notices
- 1) July 2014 Calendar
  - 2) Notice of Proposed Rule Making and Public Hearing – Amendments to the CRMC Management Procedures – public hearing August 26, 2014 at 6:00 p.m., Conference Room A, Dept. of Administration, One

Capitol Hill, Providence; written comments due by 4:00 p.m. on August 11, 2014

D) Abatements/Addenda of Taxes

## **XI. COMMUNICATIONS AND PETITIONS**

A) Communications

- 1) Letter of William A. Kelly requesting Council to consider installation of a traffic sign at the junction of Conanicus Avenue and East Shore Road to read: "FORK AHEAD PLEASE USE DIRECTIONALS"
- 2) Letter of Laura Hosley requesting a waiver of \$40.14 interest charged on tax payment submitted 12 hours late
- 3) Letter of Richard Murphy noting poor conditions along North Road and requesting repairs and improvements, including center lines and fog lines
- 4) Email of School Committee Chair Cathy Kaiser inviting the Town Council to appoint one member to serve on the Superintendent Search Committee

## **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); discussion and/or potential action and/or vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (2) disposition of litigation (State v. Masterson); discussion and/or potential action and/or vote in executive session and/or open session
- C) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel; discussion and/or potential action and/or vote in executive session and/or open session
- D) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Town Administrator Compensation FY 2015 and Performance Review); 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.net/council/council.html](http://www.jamestownri.net/council/council.html)***

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 1-800-1-800-745-5555, via facsimile to 401-423-7230, or email [cfernstrom@jamestownri.net](mailto:cfernstrom@jamestownri.net) not less than three (3) business days prior to the meeting.



**FIRST QUARTER 2014  
ENVIRONMENTAL  
MONITORING REPORT  
FORMER JAMESTOWN LANDFILL  
JAMESTOWN, RHODE ISLAND**

**PREPARED FOR:**  
Town of Jamestown  
Jamestown, Rhode Island

**PREPARED BY:**  
GZA GeoEnvironmental, Inc.  
Providence, Rhode Island

June 2014  
File No. 32220.27

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**GZA**  
**GeoEnvironmental, Inc.**

*Engineers and  
Scientists*

June 24, 2014  
File No. 32220.27



Mr. Mark Dennen  
Rhode Island Department of Environmental Management  
Office of Waste Management  
235 Promenade Street, 3<sup>rd</sup> Floor  
Providence, Rhode Island 02908

Re: First Quarter 2014 *Environmental Monitoring Report*  
Former Jamestown Landfill  
Jamestown, Rhode Island

530 Broadway  
Providence  
Rhode Island  
02909  
401-421-4140  
Fax: 401-751-8613  
<http://www.gza.com>

Dear Mr. Dennen:

On behalf of our client, the Town of Jamestown, GZA GeoEnvironmental, Inc. (GZA) is pleased to submit this *Environmental Monitoring Report*. The report presents the results of the First Quarter 2014 post-closure environmental monitoring round conducted at the former Jamestown Landfill (the Site) located on North Main Road in Jamestown, Rhode Island. A summary of our findings and conclusions from this monitoring round are presented on pages 8 and 9 of the report.

Groundwater and methane monitoring was conducted in accordance with the applicable requirements of RIDEM's January 1997 *Solid Waste Regulation No. 2* (Solid Waste Landfills) and the Site's *Revised Environmental Monitoring Plan* (EMP) dated October 4, 2004, as amended through November 2005. Additionally, as requested by the Town, GZA included monitoring locations GZ-1, GZ-8 and GZ-9 in the quarterly sampling and analytical program.

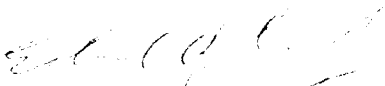
We trust that this report fulfills your present needs. Please feel free to call Erik Beloff or Ed Summerly at (401) 421-4140 if you have any questions or comments.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

  
Erik M. Beloff  
Project Manager

  
John P. Hartley  
Consultant/Reviewer

  
Edward A. Summerly, P.G.  
Principal

EMB/EAS:lal

cc: Mr. Michael Gray, Town of Jamestown (2 copies and PDF)

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## 1.00 INTRODUCTION



This report describes the first quarterly round of post-closure groundwater and perimeter landfill gas monitoring for 2014 performed at the former Jamestown Landfill (Site) located off North Main Road in Jamestown, Rhode Island (see Figure 1 - *Locus Plan*). GZA GeoEnvironmental, Inc. (GZA) performed this monitoring on behalf of the Town of Jamestown for their submission to the Rhode Island Department of Environmental Management (RIDEM) to address applicable requirements of RIDEM's *Solid Waste Regulation No. 2* (Solid Waste Landfills) dated January 1997 and the Site's *Revised Environmental Monitoring Plan* dated October 4, 2004, as amended on November 29, 2005.

This round included the sampling of monitoring well GZ-1 as requested by the Town at a public workshop held on October 27, 2008. It also contains the laboratory results from samples collected from the two more recently installed monitoring wells; GZ-8 and GZ-9.

A summary of our findings and conclusions from this monitoring round are presented on pages 8 and 9 of this report. This report is subject to the limitations contained in Appendix A.

The purpose of this monitoring is to:

- Continue the assessment of groundwater quality at and in the vicinity of the Site including the detection and evaluation of contaminants (if any) derived from former waste disposal operations; and
- Evaluate the potential for off-Site migration of methane due to waste decomposition.

This report includes: well-specific field measurements; a summary of sampling and analytical results; methane monitoring results; a statistical evaluation of the data; and conclusions and recommendations.

Note, the substantial completion of the final landfill closure was conducted by the Town between June and November 2013. The work was managed in accordance with the RIDEM approved Remedial Action Work Plan dated December 27, 2005. A Remedial Action Closure Report (RACR) will be provided to RIDEM under separate cover.

## 2.00 GROUNDWATER SAMPLING AND LANDFILL GAS SURVEY

GZA personnel were on-Site to collect groundwater samples from the 11 program wells and perform the perimeter landfill gas survey (LGS) on March 20, 2014. The following paragraphs briefly describe our field procedures.

### 2.10 GROUNDWATER SAMPLING

On March 20, 2014, groundwater samples were collected from all eleven groundwater monitoring wells. The wells included GZ-1, GZ-2, GZ-3, GZ-4, GZ-5, GZ-6, GZ-7S, GZ-



7D, GZ-8, GZ-9 and POT-1/PWSW. In previous sampling rounds, the sample from GZ-9 was turbid, which resulted, in our opinion, in elevated inorganic concentrations in the sample. To address this, monitoring well GZ-9 was purged for an extended period of time to remove solids.

Groundwater well locations are shown on Figure 2, *Groundwater Contour Plan – March 2014*. Depth to groundwater was measured and recorded at all 11 program wells prior to purging and sampling; including those that were retained in the EMP for groundwater elevation contouring purposes. Table 1 summarizes the depth to groundwater, elevation data and field-screening results.

Groundwater sampling was conducted in general accordance with the United States Environmental Protection Agency's (USEPA) July 30, 1996 *Low Stress (low flow) Purging and Sampling Procedure* (Low Flow SOP), revised January 19, 2010. The samples were screened and/or analyzed for five field-screening parameters (pH, specific conductance, temperature, dissolved oxygen and turbidity), 15 metals employing EPA Method 6020A and 47 volatile organic compounds (VOCs) by EPA Method 8260C specified for detection monitoring in Appendix A of RIDEM's *Solid Waste Regulation No. 2*. The groundwater sample from the well on Lot 47, designated POT-1/PWSW was analyzed for VOCs by EPA Method 524.2, for nitrate by Method 353.2 and total coliform bacteria by Method 9221B as required by the Site-wide EMP referenced above.

Samples were collected in preserved containers supplied by the laboratory and placed on ice for transport under chain-of-custody (attached in Appendix B) to Spectrum Analytical Inc. (formerly Mitkem) in North Kingstown, Rhode Island; a RI Department of Health certified laboratory, for testing (Certification # LAI00301).

## 2.20 PERIMETER LANDFILL GAS SURVEY

GZA conducted the perimeter landfill gas survey on March 20, 2014. The monitoring was conducted to evaluate the potential for migration of landfill gas (specifically methane) to off-Site receptors. The methane monitoring was conducted in general accordance with GZA's standard operating procedure (SOP) 4.5 *Soil Gas Monitoring* and the EPA's guidance document number EPA 510-B-97-001 dated March 1997 titled *Expedited Site Assessment Tools For Underground Storage Tank Sites*.

The monitoring was performed at seven of the 14 permanent landfill gas monitoring locations (see Figure 2). As previously noted in the September 2013 Monitoring Report, six LFG monitoring probes (SG-3, SG-6, SG-8, SG-10, SG-12 and SG-13) were removed/destroyed during landfill closure activities and installation of the engineered cap. In addition, LFG monitoring probe SG-2 was found to be destroyed during the December 2013 monitoring round. New probes will be installed at these seven locations prior to the next monitoring round in June of 2014.

Soil gas was extracted and screened using a LANDTEC GEM 2000<sup>®</sup> infra-red gas analyzer. The instrument was field-calibrated prior to its use with a mixture of methane (100 parts per million [ppm]) in air. The following table presents the results of the landfill gas screening for this quarter.

**PERIMETER LANDFILL GAS SCREENING – MARCH 20, 2013**



<u>Location</u>	<u>% Methane (CH<sub>4</sub>)</u>	<u>% LEL</u>	<u>% Oxygen (O<sub>2</sub>)</u>	<u>% Carbon Dioxide (CO<sub>2</sub>)</u>
SG-1	<0.1	<0.1	20.7	0.0
SG-2	-	-	-	-
SG-3	-	-	-	-
SG-4	<0.1	<0.1	20.8	0.1
SG-6	-	-	-	-
SG-7	<0.1	<0.1	20.8	0.3
SG-8	-	-	-	-
SG-9	<0.1	<0.1	21.1	0.1
SG-10	-	-	-	-
SG-11	<0.1	<0.1	21.0	0.0
SG-12	-	-	-	-
SG-13	-	-	-	-
SG-14	<0.1	<0.1	16.5	3.2
SG-15	<0.1	<0.1	20.6	0.1

Note: 1. "-" indicates not tested. Probes will be replaced upon completion of the landfill cap.  
 2. SG-5 was replaced with SG-15.

Methane was not detected in any of the seven soil gas samples screened. RIDEM regulations require that all solid waste management facilities demonstrate that methane levels do not exceed 25% of the Lower Explosive Limits (LEL) at the facility's property boundary. The data demonstrates that all monitoring results were compliant with this requirement.

**3.00 GROUNDWATER SCREENING AND ANALYTICAL RESULTS**

The results of field-screening and groundwater monitoring for the last four quarterly rounds are summarized in Tables 1 and 2. The laboratory Certificates of Analysis are provided in Appendix B. A discussion of these testing results follows.

**3.10 FIELD SCREENING PARAMETERS**

During this sampling round, dissolved oxygen (DO), specific conductance, turbidity and temperature were screened in the field prior to sample collection at each monitoring location (see Table 1). These field parameters serve as indirect measurements of water quality and are used to assess well stabilization under the low-flow purging and sampling protocol. The screening levels observed during this monitoring round are fairly typical for New England groundwaters, but suggest that the landfill has had some impact on groundwater quality.

### 3.20 INORGANIC ANALYTES

As shown in Table 2, six of the 15 target inorganic analytes were detected in the groundwater samples collected during this sampling round. There were no exceedances of the *National Primary Drinking Water Regulation* Maximum Contaminant Levels (MCLs) in any samples collected during this round.



The USEPA has not established *National Primary Drinking Water Regulations* for all of the detected metals. Because of this, we have also listed USEPA's Regional Screening Levels (RSLs) for the detected parameters, from the four most recent monitoring rounds, as a point of comparison. As shown on Table 2<sup>1</sup>, the concentrations of cobalt in samples from monitoring wells GZ-2 (220 µg/L), GZ-5 (39 µg/L) and GZ-7S (26 µg/L) exceeded the RSL (4.7 µg/L).

Inorganic elements are naturally occurring; therefore, variability in concentrations across the Site are to some degree the result of natural variations in soil and bedrock characteristics, and the amount of suspended particles within individual samples. As noted above, low-flow/low-stress sampling methods were employed during this and all prior GZA sampling rounds to reduce the potential impact of suspended particles on sample results. Great care was taken during the purging and sampling of each location to minimize turbidity levels and achieve stabilized readings below 5 nephelometric turbidity units (NTUs) prior to sample collection. Turbidity in all groundwater samples collected during this round, other than the sample from GZ-9 (18 NTUs), stabilized below the recommended 5 NTU level before sampling. The elevated turbidity level is indicative of elevated suspended solids in the sample collected from GZ-9 which is potentially responsible for the number of low level inorganic analytes detected during this round. Additional purging of this location had little effect on turbidity levels and consequently inorganic analytes. If inorganic levels increase to levels above the MCL/TTs we suggest taking split samples and submitting these samples to the laboratory for total inorganics and dissolved (field filtered) inorganics to evaluate the effect of suspended particles on metals concentrations.

### 3.30 VOLATILE ORGANIC COMPOUND

As stated above, VOCs were analyzed by EPA Method 8260C for samples collected from monitoring wells, and by EPA Method 524.2 for the sample collected from POT-1/PWSW. The VOC sample results for the first round of 2014 show six individual VOCs detected in samples collected from wells GZ-2, GZ-7S, GZ-8 and POT-1/PWSW. Sample concentrations were as follows:

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<sup>1</sup> In June 2011 EPA Region 9 Preliminary Remediation Goals (PRG) were combined with similar risk-based screening levels used by Regions 3 and 6 into a single table: "Regional Screening Levels (RSL) for Chemical Contaminants". This resulted in the change in the RBC for cobalt from 730 µg/L to 11 µg/L. These RSLs were revised in April 2012 resulting in an RSL for cobalt of 4.7 µg/L.



Detected VOCs	RIDEM GA Groundwater Objective <sup>A</sup> /Federal MCLs <sup>B</sup> (µg/l)	Location	Result (µg/l)
1,1-Dichloroethane	7/7	GZ-2	0.96 J C
1,4-Dichlorobenzene	75/75	GZ-2 GZ-8	0.71 J 1.5 J
Chlorobenzene	100/100	GZ-2 GZ-7S GZ-8	6.7 2.3 J 7.6
cis-1,2-Dichloroethene	70/70	GZ-7S	1.2 J
Dichlorodifluoromethane	None/None	POT-1	1.38
Naphthalene	20/None	POT-1	0.31 J

Notes:

- A. Groundwater classified GA are those groundwater resources which the Director (RIDEM) has designated to be suitable for public or private drinking water use without treatment.
- B. MCL indicates the May 2009 National Primary Water Regulations maximum contaminant level.
- C. "J" indicates that the reported concentration was below the method quantitation limits (reporting limits) and is therefore an estimated value.

The data demonstrate that there were no exceedances of state or federal groundwater standards for VOCs during the first quarter sampling round of 2014.

For more detailed information on specific detections and their monitoring history, refer to Table 2, the laboratory certificates of analysis in Appendix B, and/or the time series plots in Appendix C.

### 3.40 WATER QUALITY PARAMETERS

The samples collected from POT-1/PWSW, were analyzed by EPA Method 353.2 and Standard Method SM9221B for nitrate/nitrite as (N) and total coliform bacteria, respectively.

Neither Nitrate/nitrite nor total coliform were detected above their reporting limit (RL).

### 3.50 QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)

To assess the potential for non-Site related or laboratory induced contaminants, GZA prepared and analyzed a trip blank concurrent with this round of samples. No organic analytes were detected in this blank.

Method blanks were prepared by the laboratory to provide quality assurance/quality control for the target compounds during analysis. No target inorganic analytes were noted in the method blank during this monitoring round. The laboratory also prepared laboratory control samples (LCS), laboratory control sample duplicates (LCSD), and evaluated surrogate

recoveries during this sampling round for both organic and inorganic parameters. LCS, LCSD and surrogate recoveries were within acceptable limits for all parameters with the exception of idomethane and acetone. Neither of these compounds were detected in any of the target well samples.

#### 4.00 COMPARISON OF CURRENT RESULTS WITH PREVIOUS RESULTS

Table 2 presents data for detected analytes from the four most recent monitoring rounds (June 2013 through March 2014). This table also presents the applicable regulatory groundwater quality standards and EPA's RSLs for parameters where applicable water quality standards are not available.

As shown in Table 2, six of the 15 target inorganic parameters were detected in groundwater samples collected during this round. All six of the detected analytes were also found in groundwater samples collected during the three prior sampling rounds. The six parameters detected in samples collected during this round (barium, cobalt, copper, lead, nickel and zinc) are likely naturally-occurring and are being detected frequently due to very low detection and reporting limits provided by the analytical method being employed; EPA Method 6020A.

Five of the six organic parameters detected in samples collected during this round (1,1-dichloroethane, 1,4-dichlorobenzene, chlorobenzene, cis-1,2-dichloroethene and dichlorodifluoromethane) were observed in one or more of the prior three rounds. Naphthalene was detected in the sample from POT-1/PWSW at low concentrations for the first time since the monitoring began. Dichlorodifluoromethane was detected in the sample from POT-1/PWSW at low concentrations for the 17<sup>th</sup> consecutive round.

Time series plots were developed for each parameter detected during any of the four most recent monitoring rounds. These plots are provided in Appendix C.

#### 4.10 INORGANIC ANALYTES

The following key observations were noted from our review of inorganic analytes detected during the first round of 2014 as compared to historical results.

- There were no MCL exceedances during this round.
- Lead was detected in the sample collected from well GZ-9 during this round at a concentration below the MCL.
- Cobalt, as described above, was detected in samples from 9 of the 11 groundwater monitoring wells; all within historic concentration ranges. There were exceedances of the cobalt RSL in samples from 3 of the 11 monitoring wells. Note, the RSLs are not applicable groundwater quality criteria, but rather are provided as a point of reference for evaluation of detected parameters for which MCLs have not been established.

Although there have been fluctuations, refer to the trend analysis provided in Appendix C

and described in the following section, inorganic constituent concentrations have remained relatively constant during the quarterly environmental monitoring program. We believe that much of the variation in metals concentrations is related to seasonal fluctuations in groundwater levels that impact the turbidity and suspended solids levels of samples as shown on Table 1.

#### 4.20 VOLATILE ORGANIC COMPOUNDS



The following observations were noted from our review of VOCs detected in samples collected during the first round of 2014 as compared to historical results.

- There were no MCL exceedances during this round.
- Chlorobenzene has been consistently detected at low concentrations in groundwater samples collected from wells GZ-2, GZ-7S and G-8. The current observed chlorobenzene concentrations are within historic ranges in the samples from these locations.
- Trichloroethene (TCE), which was detected for the first time in samples collected from 10 of the 11 wells sampled during the September 2013 round, was not detected above the method detection limit in any of the samples during the December 2013 and March 2014 rounds. We will further evaluate the presence of TCE in Site wells during the next quarterly monitoring round in June 2014; however it appears that the detections represented an anomaly.
- Dichlorodifluoromethane was detected for the 17<sup>th</sup> consecutive time in the sample from POT-1/PWSW.
- Naphthalene was detected for the first time since monitoring began in the sample from POT-1/PWSW. We will further evaluate the presence of naphthalene at this location during the next quarterly monitoring round in June 2014

As was the case with inorganics, VOC concentrations have remained relatively constant during the quarterly environmental monitoring program.

#### **5.00 STATISTICAL DATA EVALUATION**

As stated in Section 5.10 of the EMP, a statistical analysis is required for all detected constituents (in groundwater) that are observed at concentrations above the EPA's MCLs. A review of the first quarter 2014 results indicates that there were no detected parameters that exceeded their action levels (*i.e.*, TT or MCL).

Time series plots were generated for detected parameters from this and the three previous sampling rounds. These plots were evaluated for trends and outliers. Sen's Test for trends was performed to evaluate statistically significant trends in the data with respect to time. Eight VOCs, 11 inorganic analytes and one water quality parameter (nitrate/nitrite as N) were evaluated resulting in 81 time series plots that are presented in Appendix C.

Nine statistically significant trends in contaminant concentrations were identified by the Sen's Tests. They were all statistically significant decreasing trends. These trends were identified for:

- barium (in the sample from GZ-9),
- cobalt (in the samples from GZ-1, GZ-6 and GZ-7D),
- nickel (in the samples from GZ-1 and GZ-2),
- zinc (in the samples from GZ-6 and GZ-7S), and
- 1, 1-dichloroethane (in the sample from GZ-2).

Time series plots were also visually evaluated for seasonality and outliers. There do not appear to be significant seasonal fluctuations in concentrations for any of the detected analytes. No outliers were observed in the samples collected during the March 2014 monitoring round.

## 6.00 CONCLUSIONS AND RECOMMENDATIONS

Ten groundwater monitoring wells and the Lot-47 well (POT-1/PWSW) were field-screened and sampled. The samples were analyzed for 15 inorganics and 47 VOCs listed in RIDEM's *Solid Waste Regulations*. Additionally, nitrate/nitrite (as N) and total coliform bacteria analysis was performed on the samples collected from POT-1/PWSW.

The following conclusions were developed based on the results obtained from this and previous sampling rounds.

- Six organic and six inorganic parameters were detected in the groundwater samples collected during this round of groundwater monitoring. There were no exceedances of *National Primary Drinking Water Regulations* (i.e., MCLs or TTs) during this sampling round.
- Lead was detected in the samples from 1 of the 11 monitoring wells this round. The detection was well below Action Level of 15 µg/L.
- TCE, which was detected for the first time in samples collected from 10 of the 11 wells sampled during the September 2013 round, was not detected above the method detection limit in any of the samples during either the December 2013 or March 2014 rounds. The September 2013 TCE detections appear to be an anomaly; however the laboratory could not identify the source of the contaminants.
- Naphthalene was detected for the first time since monitoring began in the sample from POT-1/PWSW.
- Time series plots and trend tests identified nine statistically significant

decreasing trends and no statistically significant increasing trends in groundwater contaminant concentrations.

- Four target parameters were detected in the sample collected from POT-1/PWSW during this sampling round. All detected parameters were below their respective MCLs/TTs and/or health-based screening criteria (*i.e.*, RSLs). Note that the drinking water analytical method was used for the analysis of VOCs for the samples collected from this well.
- Seven of the 14 landfill soil gas monitoring locations were screened for methane during this round. As stated in the prior report, seven monitoring locations had been removed/destroyed during on-going construction activities. Methane was not detected above the instrument detection limit of 0.1% in any of the seven screened perimeter soil gas monitoring locations. Therefore, methane concentrations were all below RIDEM's regulatory limit (*i.e.*, <25% of the lower explosive limits (LEL) at the property boundary). Methane has never been detected above the instrument detection limit at the majority of screening locations around the perimeter of the Site.
- Based on groundwater analytical results for samples collected during this round of monitoring, it does not appear that recent construction activities performed at the Site have had any adverse effects on groundwater quality.
- Based on the findings presented herein, assessment monitoring is not required at this time.

The next round of groundwater and soil vapor monitoring will be conducted in June of 2014.

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**TABLES**

**TABLE 1**

**SUMMARY OF STABILIZED GROUNDWATER SCREENING RESULTS  
JUNE 2013 TO MARCH 2014**

*Former Jamestown Landfill - Jamestown, Rhode Island*

Temperature	°C	11.9	15.9	8.1	10	13.1	14.3	12.0	10.8
pH	SU	5.4	5.4	5.4	5.3	6.1	6.2	6.2	6.2
Conductance	mS/cm	0.070	0.065	0.074	0.071	0.435	0.525	0.564	0.603
Dissolved Oxygen	mg/l	5.9	6.0	8.6	8.7	0.8	0.8	0.9	0.6
Turbidity	NTU	3	2	5	3	2	4	2	2
Depth to Water	FT	7.2	17.4	15.1	8.2	5.7	9.1	7.8	6.2
Temperature	°C	11.5	13.6	12.9	10.5	12.1	12.8	10.5	9.8
pH	SU	5.0	5.2	5.3	5.3	5.9	5.3	5.3	5.2
Conductance	mS/cm	0.190	0.186	0.210	0.141	0.092	0.079	0.102	0.097
Dissolved Oxygen	mg/l	5.0	5.4	6.0	5.4	6.8	6.3	7.4	7.4
Turbidity	NTU	4	4	2	2	5	5	5	5
Depth to Water	FT	6.2	10.0	8.7	6.8	4.7	NR <sup>3</sup>	9.9	5.5
Temperature	°C	12.2	14.1	12.4	12	11.6	16	6.2	10.3
pH	SU	6.1	6.1	5.8	6.1	5.5	5.5	5.4	5.4
Conductance	mS/cm	0.177	0.116	0.12	0.172	0.075	0.073	0.075	0.077
Dissolved Oxygen	mg/l	1.6	1.9	3.6	0.3	7.7	5.6	12.5	10.4
Turbidity	NTU	3	4	5	5	4	4	13	5
Depth to Water	FT	15.6	27.7	30.1	15.7	14.0	21.4	22.7	13.5

**Notes:**

1. Temperature, pH, Conductance and Dissolved Oxygen were measured in the field using a YSI Pro multimeter. Turbidity was measured in the field using a Lamotte 2000 Turbidity Meter.
2. Turbidity below 5 NTUs could not be achieved after 2 hours of well purging at a low flow rate (<0.4 L/min).
3. Depth to water not recorded due to damaged well.

**TABLE 1**

**SUMMARY OF STABILIZED GROUNDWATER SCREENING RESULTS  
JUNE 2013 TO MARCH 2014**

*Former Jamestown Landfill - Jamestown, Rhode Island*

Temperature	°C	12.3	12.7	11.8	11.9	12.3	12.5	12	12.1
pH	SU	6.1	6.2	6.0	6.3	6.0	6.1	6.0	6.1
Conductance	mS/cm	0.32	0.339	0.414	0.403	0.446	0.633	0.643	0.680
Dissolved oxygen	mg/l	0.2	0.4	0.3	0.2	0.4	0.4	0.5	0.5
Turbidity	NTU	2	5	1	3	2	5	3	1
Depth to water	FT	20.9	24.3	23.3	21.2	18.2	23.7	22.7	19.6
Temperature	°C	10.9	11.5	11.0	10.8	13	12.3	12.1	12.7
pH	SU	7.0	6.9	6.4	7.1	6.1	6.2	6.1	6.0
Conductance	mS/cm	0.192	0.205	0.214	0.244	0.480	0.590	0.574	0.670
Dissolved oxygen	mg/l	0.1	0.4	0.4	0.3	0.2	0.7	0.9	1.2
Turbidity	NTU	5	2	2	5	2	20 <sup>2</sup>	5	5
Depth to water	FT	10.8	19.0	20.4	12.3	26.7	32.8	32.4	28.1
Temperature	°C	14.5	14.2	7	11.1				
pH	SU	6.1	6.3	6.1	6.3				
Conductance	mS/cm	0.117	0.122	0.121	0.112				
Dissolved oxygen	mg/l	0.2	0.3	6.2	3.5				
Turbidity	NTU	22 <sup>2</sup>	28 <sup>2</sup>	31 <sup>2</sup>	18 <sup>2</sup>				
Depth to water	FT	14.5	19.8	20.5	15.5				

**Notes:**

1. Temperature, pH, Conductance and Dissolved Oxygen were measured in the field using a YSI Pro multimeter. Turbidity was measured in the field using a Lamotte 2000 Turbidity meter
2. Turbidity below 5 NTUs could not be achieved after 2 hours of well purging at a low flow rate (<0.4 L/min).
3. EA-3 was retained to aid in groundwater contouring. Depth to water during each of the last four quarters was 27.9, 7.5, 16.1 and 16.6 feet.



**TABLE 2**  
**SUMMARY OF DETECTED APPENDIX A**  
**GROUNDWATER ANALYTICAL RESULTS**  
**JUNE 2013 THROUGH MARCH 2014**

Former Jamestown Landfill - Jamestown, Rhode Island

Compound	Depth (ft)	Sample	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37											
<b>Volatile Organics: (µg/l)</b>																																																		
Bromobenzene	0.5	NONE	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND											
Chlorobenzene	5	100	72	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND									
Dichlorodifluoromethane	5	NONE	190	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS									
1,1-Dichloroethane	5	NONE	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND								
1,4-Dichlorobenzene	5	75	0.42	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND								
Cis-1,2-Dichloroethene	5	70	28	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND								
Naphthalene	0.5	None	70	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND								
Trichloroethene	5	5	1.7 J	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND							
<b>Water Quality Parameters:</b>																																																		
Total Coliform (cfu/100ml)	20	<5% 4	NONE	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS				
Nitrate/Nitrite as N (mg/l)	0.25	10/6	25,000	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	
<b>Total Metals: (µg/l)</b>																																																		
Antimony	2	6		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Arsenic	1	10	0.045	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Barium	10	2,000	2,000	11	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Beryllium	1	4	16	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Cadmium	1	5	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	2	100	NONE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Cobalt	1	NONE	4.7*	86	41	39 B	39	4.2	9.6	11	3.5	15	25	25 B	26	1.6	2.5	2.5	2.1 B	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8		
Copper	2	1,300	620	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Lead	1	15	NONE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Selenium	5	50		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Silver	1	NONE	71	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	1	NONE	300	2.4	5.2	8.9	2.9	1.6	3.0	3.3	15	156	110	87	98	32	24	24	28	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7				
Thallium	1	2		ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Vanadium	5	NONE	78	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Zinc	5	NONE	4,700	ND	5.2	ND	ND	15	27	36	14	20	19	16 B	13	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		

**Notes:**

- (1) \* Results are compared to USEPA's National Drinking Water Regulations maximum contaminant levels (MCLs) updated May 2009 as required by RIDEM's Solid Waste Regulations.
- (2) ND indicates the parameter was non-detected.
- (3) USEPA Regional Screening Levels (RSL) promulgated November 2010 and revised in April 2012. Note, the RBC for cobalt was previously 11 µg/l.
- (4) If detected in two consecutive rounds, must sample for fecal coliform and E Coli bacteria.
- (5) NS indicates parameter not sampled.
- (6) Groundwater sample from POT-1/PWSW was analyzed employing drinking water methods (524.2).
- (7) Value is a Treatment Technique Action Level (TT).
- (8) \* indicates that the reported concentration is below the method quantitation limits (reporting limits) and is therefore an estimated value.
- (9) Yellow highlighted values exceed either MCL, TT Action Level or RSL.
- (10) "B" indicates that the parameter was detected in a blank sample.
- (11) Turbidity was above 5 NTU at this location at the time of sample collection.
- (12) Appendix A refers to RIDEM's Appendix A list of hazardous inorganic and organic constituents from solid waste regulation No. 2 Solid Waste Landfills.

**TABLE 2**  
**SUMMARY OF DETECTED APPENDIX A**  
**GROUNDWATER ANALYTICAL RESULTS**  
**JUNE 2013 THROUGH MARCH 2014**

Former Jamestown Landfill - Jamestown, Rhode Island

Volatile Organics: (µg/l)	0.5	NONE	7	ND	ND	ND	ND	ND	ND	ND	ND	0.56	ND	ND	ND
Bromomethane	5	100	72	8.3	11	7.6	ND	ND	ND	ND	ND	1.76	ND	ND	1.44
Chlorobenzene	5	NONE	190	ND	NS	ND	NS	NS	NS	NS	NS	ND	ND	ND	ND
Dichlorodifluoromethane	5	NONE	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	5	75	0.42	2.0 J	2.3 J	1.5 J	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	5	70	28	ND	0.77 J	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.51
Cis-1,2-Dichloroethene	0.5	None	5	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Naphthalene	5	5	5	ND	1.8 J	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	5	5	5	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
<b>Water Quality Parameters:</b>															
Total Coliform: (cfu/100ml)	20	<5% <sup>4</sup>	NONE	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Nitrate/Nitrite as N (mg/l)	0.25	10/1 <sup>6</sup>	25,000	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	0.867
<b>Total Metals: (µg/l)</b>															
Antimony	2	6	6	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	1	10	0.045	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Barium	10	2,000	2,000	69	190	85	72	43	45	33	17	ND	ND	ND	ND
Beryllium	1	4	16	ND	1.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	1	5	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	2	100	NONE	ND	22	6.8	ND	2.3	2.8	4.5	ND	ND	ND	ND	ND
Cobalt	1	NONE	4.7 <sup>7</sup>	2.5	13	5.7 B	3.6	5.4	8.4	10	4.4	1.1	2.5	6.2 B	1.5
Copper	2	1,300 <sup>7</sup>	620	ND	8.4	2.4 B	ND	ND	ND	ND	ND	ND	ND	ND	ND
Lead	1	15 <sup>7</sup>	NONE	ND	12	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Selenium	5	50	71	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	1	NONE	71	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	1	NONE	300	32	55	40	32	11	14	19	7.9	1.9	4.6	13	3.2
Thallium	1	2	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Vanadium	5	NONE	78	ND	27	9.0	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	5	NONE	4,700	6.2	43	16 B	6.3	14	25	36	13	ND	ND	ND	11 B

Notes:  
 (1) \* Results are compared to USEPA's National Primary Drinking Water Regulations maximum contaminant levels (MCLs) updated May 2009 as required by RIDEM's Solid Waste Regulations.  
 (2) ND indicates the parameter was non-detected.  
 (3) USEPA Regional Screening Levels (RSL) promulgated November 2010 and revised in April 2012. Note: the RBC for cobalt was previously 11 µg/l.  
 (4) If detected in two consecutive rounds, must sample for fecal coliform and E Coli bacteria.  
 (5) NS indicates parameter not sampled.  
 (6) Groundwater sample from POT-1/PWSW was analyzed employing drinking water methods (524.2).  
 (7) Value is a Treatment Technique Action Level (TT).  
 (8) "J" indicates that the reported concentration is below the method quantitation limits (reporting limits) and is therefore an estimated value.  
 (9) Yellow highlighted values exceed either MCL, TT Action Level or RSL.  
 (10) "B" indicates that the parameter was detected in a blank sample.  
 (11) Turbidity was above 5 NTU at that location at the time of sample collection.  
 (12) Appendix A refers to RIDEM's Appendix A list of hazardous inorganic and organic constituents from solid waste regulation No. 2 Solid Waste Landfills.

**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 **JULY 7, 2014** MEETING

**ABATEMENT TO 2013 TAX ROLL**

#06-0042-40 Fagnoli, Donald V. & Carol Bourcier Evangelista, Renee A.R.	Plat 9, Lot 582 - Reduced assessment based on Superior Court settlement - New Value \$3,651,000	\$3,027.50
-------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------	------------

<b>TOTAL ABATEMENTS</b>	<b>\$3,027.50</b>
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RESPECTFULLY SUBMITTED,

*Kenneth S. Gray*

KENNETH S. GRAY,  
TAX ASSESSOR




## TOWN OF JAMESTOWN

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

Town Offices - 423-7201  
Fax - 423-7229

June 30, 2014

To: Andrew E. Nota, Town Administrator  
From: Christina D. Collins, Finance Director 

Re: Town Audit

For the Council's consideration the Town of Jamestown would like to award the annual audit to Baxter, Dansereau & Associates. Approval has been received from the Auditor General for this request. The contract is for three years if so desired by the Town and the results are listed below.

### Baxter, Dansereau & Assoc., LLP

	2014	2015	2016
Jamestown Town	\$19,485.00	\$20,000.00	\$20,600.00
Jamestown School	\$11,945.00	\$12,400.00	\$12,800.00
Agreed-upon procedures School	<u>\$ 3,570.00</u>	<u>\$ 3,600.00</u>	<u>\$ 3,600.00</u>
	\$35,000.00	\$36,000.00	\$37,000.00

Please do not hesitate to contact me if you have any questions or concerns.

Attachments: Approval from Auditor General  
Correspondence from Town Solicitor



APPENDIX 2

REQUEST FOR APPROVAL OF AUDITOR SELECTION

1. Requesting municipality: Town of Jamestown

2. Nature of services to be provided: The Town of Jamestown/School Department are requesting an independent audit of it's financial statements per the RFP.

3. Period of audit: 3 yr engagement: June 30, 2014, June 30, 15 & June 30, 2016

4. Names of bidders and their bids (attach a sheet if necessary):

Name of Professional Firm	Amount of Bid
<u>Baxter Dansereau &amp; Associates, LLP</u>	<u>\$ 108,000 - Represents 3 year total</u>
_____	\$ _____
_____	\$ _____

5. Name of professional firm selected by the municipality and for which approval is requested: Baxter Dansereau & Associates, LLP

6. Comments on reasons for Municipality's selection (attach sheet if necessary): Qualified firm that reponded to the RFP

7. Submit a letter from the solicitor stating that the municipality complied with State and local laws during the audit procurement process.

8. Attach a copy of the complete response package from the professional firm for which approval is requested and a completed Appendix 3 - *Comparative Analysis of Audit Firm Proposals*. If requested by the Auditor General, the municipality shall provide copies of all other audit firm responses to the request for proposal.

Requested by:

CD Belli \_\_\_\_\_ Finance Director 6/6/2014  
 Signature Title Date

For Auditor General Use Only

Action on Request

Approved

Disapproved

Comments: \_\_\_\_\_

Dennis Hill  
 Auditor General

6-27-2014  
 Date

By approving the municipality's selection of an audit firm, the Auditor General is not ensuring that the audit firm will (1) meet all contractual terms including the municipality's deadline for completion of the audit, or (2) comply with professional standards in the conduct of the audit.

Approval of a firm to conduct the audit does not limit our authority to review, make further inquiries, and/or reject the audit report.

# RUGGIERO BROCHU

ATTORNEYS AND COUNSELLORS AT LAW

Admitted To Practice In Rhode Island, Massachusetts, Connecticut & The Federal Courts

20 Centerville Road  
Warwick, Rhode Island 02886-6912

Telephone (401) 737-8700

Fax (401) 737-0735

June 24, 2014

Mr. Dennis E. Hoyle, CPA  
RI Auditor General  
86 Weybosset Street 2<sup>nd</sup> Floor  
Providence, RI 02903-2800

Re: Town of Jamestown Auditor Selection Process


Dear Mr. Hoyle:

I am the Town Solicitor for the Town of Jamestown, Rhode Island ("Jamestown"). I have been requested by Christina Collins, the Finance Director for Jamestown to submit an opinion letter to your office pursuant to the requirements of RI General Laws § 45-10-4 and your office's Guidelines for Audit Bids and Specifications regarding whether the audit services' procurement process used by Jamestown has been undertaken in compliance with the State and local procurement requirements. Based on my review of the documents and actions taken by Jamestown in seeking audit services from outside auditors for three Fiscal Years ending June 30, 2014 through June 30, 2016, it is my opinion that the procurement process to date has comported with the requirements of both State statute and local charter and ordinance provisions.

If your office concurs and advises the Town to proceed with the procurement, this matter will be placed on a Town Council agenda for consideration and action.

Please contact me if any questions exist.

Sincerely,



Peter D. Ruggiero  
Jamestown Town Solicitor

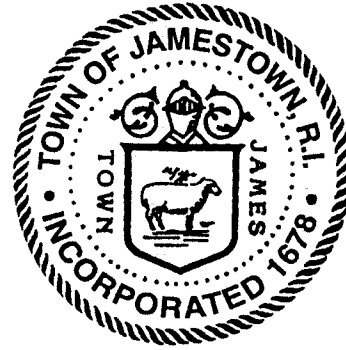
PDR/ml

Cc: Jamestown Finance Director

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** July 2, 2014

**To:** Andrew Nota  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bids for Road Paving

---

The annual budget includes capital funding for paving of roads selected from the pavement management program which are included in the following list:

**Full Depth Reconstruction**

Helm Street  
Mast Street  
Garboard Street  
Steamboat Street  
Keel Avenue  
Bayberry Road  
Buoy Street  
Atlantic Circle

**Pavement Overlays**

Transfer Station  
Ocean Avenue -Narragansett to Watson  
Melrose Avenue - Narragansett to Watson  
Lawn Avenue - Narragansett to Watson  
Washington Street

Bids were advertised within the Providence Journal and received on June 24, 2014 where they were opened and read in public. Bids were received from five contractors and reviewed for completeness and to determine the lowest responsible bidder. The proposed scope of work includes full depth reconstruction where the existing pavement is reclaimed in place and the roadway graded and paved. The work also includes pavement overlays to existing roads. Three items are included in the bid solicitation and

they include Bituminous surface course, bituminous binder course, and pavement reclamation. Bids received for the surface course ranged between \$68.30/ ton and \$80.95/ton. Bids for the binder course ranged between \$65.30/ton and \$80.00/ton. Bids received for reclamation ranged between \$1.55/ton and \$2.98/ton. The lowest bid is determined by the individual unit costs for each item and the estimated quantities based upon the scope of work for the streets selected.

**I have reviewed the bids received and recommend the bid be awarded to lowest responsive bidder, Cardi Corporation, Inc for the following:**

<b>Item 1:</b>	<b>Bituminous Surface Course</b>	<b>\$68.30 per Ton</b>
<b>Item 2:</b>	<b>Bituminous Binder Course</b>	<b>\$65.30 per Ton</b>
<b>Item 3:</b>	<b>Pavement Reclamation</b>	<b>\$2.00 per Sq. Yard</b>

Cardi Corporation is an approved asphalt plant by the State of Rhode Island DOT and has been awarded our annual paving bid for the last seven years. Materials have conformed to the project specifications and the crews have worked well with our public works department.

*William & Mary Kelly*  
76 Reservoir Circle  
Jamestown, RI 02835  
401-423038  
WAKMEK@COX.NET

June 15, 2014

Kristine S. Trocki  
Council President  
Members of The Town Council  
93 Narragansett Avenue  
Jamestown, RI 02835

RECEIVED  
TOWN OF JAMESTOWN, R.I.  
14 JUN 20 AM 9:42

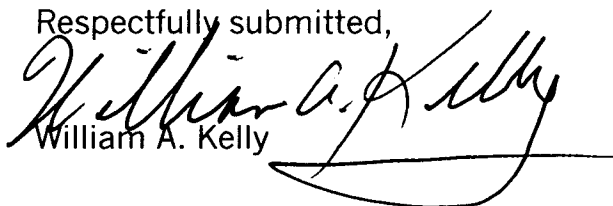
Dear Council President Trocki:

I would like to take this opportunity to respectfully ask the Council to consider the installation of a simple traffic sign to be placed at the junction of Conanicus Avenue and East Shore Road. The sign to read, **FORK AHEAD PLEASE USE DIRECTIONALS.**

A similar sign is posted in Middletown at the junction of Valley Road, Green End Ave and Mintonomi Road. There is no question that the fork in Middletown has a lot more traffic then the junction of Conanicus Ave. and East Shore Road, however if I am exiting East Shore Road and stopped at the stop sign there and I can determine by the use of flashers by the oncoming traffic which way a vehicle is going to go and I can possibly move forward saving a miniscule amount of fuel. For me this fuel savings and emissions at this stop in actuality might be insignificant. However sometimes I make this turn three times a day or more it begins to add up during the course of a day and for every other driver coming through this same intersection were to save this same miniscule of gas and emissions by the end of a year it would add up.

I believe any and everything we can do to save gas and emissions is worth the effort. Thank you for your consideration tin this matter.

Respectfully submitted,

  
William A. Kelly

June 20, 2014

Dear Town Council Members,

(2)

I am writing to request a waiver of the \$40.14 I am being charged by the town. It was less than 12 hours past the grace period date in paying my taxes today.

In my 23 years of living in Jamestown, I had never been late before in paying my taxes. My son, Garrett, just graduated from high school and won the state volleyball Championship for North Kingstown High School. It has been a very exciting time! And I lost track of a bill.

Perhaps you can consider my over 20 year involvement with organizations including the PTO, Prevention Coalition, and Friends of Jamestown Youth. I would appreciate your consideration of this matter.

Sincerely,  
Laura Hosley  
11 Fox Run  
Jamestown

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TOWN OF JAMESTOWN, R.I.

14 JUN 20 PM 3:19

423-3851 lhosley@risas.org

865 North Main Road  
Jamestown, RI 02835-1734  
21 June 2014

3  
RECEIVED  
TOWN OF JAMESTOWN, R.I.  
14 JUN 24 AM 11:28

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

Dear Ms. Trocki:

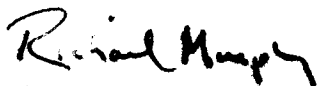
North Main Road, from West Reach south to Route 138 wants fixing. Unlit as it is, it needs a center line and fog lines marking the edges of the road. You may read this as a request for action, and, if a model might help seeing what it is I am about here, I recommend a close look at the Tashassuc Road exit from Route 138 East to North Main Road or the on-ramp to Route 138 West from North Main Road. Before bike path construction begins, take a spin up and around North Main Road to Summit Avenue to examine the conditions herein described. A night-time automobile excursion might also help in understanding the need for road markings.

These comments follow up my February 2012 letter attached. At the time, I was very much concerned with the generally deteriorated state of North Main Road as well as matters of driving, the lack of road markings, and the like.

The Police Department responded quickly and professionally to the speeding of which I had complained, but I heard nothing from anyone else. Little has been done to the surface of the road but spot-filling since then. According to a member of the most recent Town Council, money had been budgeted for more serious repair and upgrading.

I may assure I am not alone in my desire for these improvements.

Sincerely,



Richard Murphy  
[rm033781@gmail.com](mailto:rm033781@gmail.com)  
401 423-0135

cc:  Mary E. Meagher  
Thomas P. Tighe  
Eugene B. Mihaly  
Blake A. Dickinson

Richard Murphy <rm033781@gmail.com>

news@jamestownpress.com

Richard J Murphy <rm033781@gmail.com>, Carol Crafts <ccrafts@providence.edu>

North Main Road north of RI 138

The following letter has been sent to the Town Manager, cc'd to the President of the Town Council, the Public Works Director, and the Chief of Police:

Dear Mr. Keiser

I really like living on Jamestown. A beautiful place, it has a wonderful population, friendly and helpful. The town employees are surprisingly pleasant.

At the same time, from my house at 865 North Main Road, I can see some room for improvement. While some work was done on the road north of RI 138 for the Columbus Day bike race last year, much needs to be done.

Three times in the last two months, as I have been ready to exit our common drive, I have been met by speeding north-bound vehicles in the middle or in the left, south-bound, lane. While it may be a well-kept secret that the speed limit on North Main Road from 138 north is 25 MPH all the way past the transfer station (that also means the limit is 25 MPH south to just before the entrance ramp to 138), if it is not enforced, it has no effective significance.

I, therefore, have three serious requests of the Town Manager, the Chief of Police, and the Town Council. First, the painting of a double yellow line (like that on East Shore Road) would help and require drivers to remain on their side of the road. Second, the posting of signs showing the speed limit on the west side of North Main Road after the Capstan, Sloop, and Frigate Street intersections might slow the south-bound traffic some. The real necessity, though, is beefed up police-patrolling from 6-8:30 AM and 4:30-6 PM. If need be, the change of shifts for the police could be staggered.

I should imagine that effective and increased policing would add to the town's funds, paying for itself over time.

Sincerely,

Richard J. Murphy  
865 North Main Road  
Jamestown, RI 02835-1734  
401-423-0135



## Cheryl Fernstrom

---

**From:** cathkais@cox.net  
**Sent:** Thursday, June 19, 2014 10:30 PM  
**To:** anota@jamestownri.net; Meagherjamestowntc@gmail.com; trockijamestowntc@gmail.com; tigejamestowntc@gmail.com; mihalyjamestowntc@gmail.com; dickinsonjamestowntc@gmail.com; cfernstrom@jamestownri.net  
**Cc:** lukon.marcia@jamestownschools.org; warner.janette@jamestownschools.org  
**Subject:** Superintendent Search Committee  
**Attachments:** Superintendent Search Committee.docx

Hi All - The School Committee voted tonight to invite the Town Council to appoint one member to serve on the Superintendent Search Committee. I am attaching a copy of the proposed guidelines for participation. We request that this invitation be an agenda item for your July 7 meeting. We will be approving the search committee membership at our July 10 meeting. We recognize that you cannot meet the notification deadline of July 3 specified in the attached guidelines, but as I will undoubtedly be at your July 7 meeting, I will take the name of your appointee forward to the School Committee on the 10th. Thanks in advance for your consideration of this opportunity to partner with the schools. - Cathy

At its June 19 meeting, the Jamestown School Committee defined the composition of the Superintendent Search Committee as follows:

- 1 Town Council member
- 3 administrators (selected by the leadership team), one of whom will serve as chair/facilitator of the committee
- 2 teachers (selected by JTA)
- 1 JESPA member (selected by JESPA)
- 3 parents (one from each school's SIT and one from SELAC)

The School Committee proposed the following guidelines:

- The name(s) of individual(s) chosen by the respective "appointing" groups to represent their membership on the Search Committee should be forwarded to Janette Warner by July 3.
- Members of the Search Committee must be available to attend a July 14 (evening) organizational meeting. Before agreeing to serve on this committee, individuals should be aware of the timeline:
  - Beginning July 18, the Search Committee will review resumes and conduct interviews, forwarding to the school committee no later than August 18 the names of the 2-3 top candidates. Individuals with major vacation plans during this time period should not commit to serve on this committee.



State of Rhode Island and Providence Plantations  
**Coastal Resources Management Council**  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900

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

## **JULY 2014 CALENDAR**

- Tuesday, July 1**                      **Ocean SAMP Subcommittee Meeting In Re Deepwater Wind LLC 2012-09-065.** East Providence City Hall, Council Chambers, 145 Taunton Avenue, East Providence, RI.  
**2:00 p.m.**
- Tuesday, July 15**                      **Policy and Planning Subcommittee Meeting.** Offices of CRMC; Conference Room, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI.  
**8:30 a.m.**
- Tuesday, July 22**                      **Rights-of-Way Subcommittee Meeting.** Dept of Administration, Conference Room A, One Capitol Hill, Providence, RI  
**5:45 p.m.**
- Tuesday, July 22**                      **Semi-Monthly Meeting.** Dept of Administration, Conference Room A, One Capitol Hill, Providence, RI  
**6:00 p.m.**
- Thursday, July 24**                      **Beach SAMP Stakeholder Meeting.** Hurricanes and Storm Recovery in Rhode Island. URI Narragansett Bay Campus, Coastal Institute Auditorium, South Ferry Road, Narragansett, RI. (Building #6 on this map <http://www.gso.uri.edu/about-gso/campus-map>. )  
**6:00 – 8:00 p.m.**
- Friday, July 25**                      **Administrative Fine Hearings.** East Providence City Hall, Conference Room, 145 Taunton Avenue, East Providence, RI  
**9:30 a.m.**

***Individuals requesting interpreter services for the hearing impaired for any of the above meetings must notify the Council office at (783-3370) 72-hours in advance of the meeting date.***



Oliver Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879  
401-783-3370

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14 JUN 26 PM 2: 03

**NOTICE of PROPOSED RULE-MAKING and  
PUBLIC HEARING**

**Proposed Amendments to the Coastal Resources Management Program  
Management Procedures**

The Coastal Resources Management Council proposes to amend **Section 5.9 of the Management Procedures** of the Coastal Resources Management Program by changing the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State as provided in Chapter 46-23 of the State of Rhode Island General Laws. In accordance with and pursuant to the provisions of the RI Administrative Procedures Act (R.I.G.L. § 42-35-3) and the Rules and Regulations of the Coastal Resources Management Council, notice is hereby given of the intent of the Coastal Resources Management Council to hold a public hearing, accept public comment, and afford interested persons reasonable opportunity to submit data, views or arguments orally or in writing.

The **public hearing** will be held at **6:00 p.m. on August 26, 2014 in Conference Room A at the Department of Administration, One Capitol Hill, Providence, RI**. The room is accessible to the disabled and persons requesting interpreter services for the hearing impaired must notify the Council office at 401-783-3370 or RI 711 at least three (3) business days in advance of the hearing date so that such assistance can be provided at no cost to the person requesting.

Summary of Proposed Amendment:

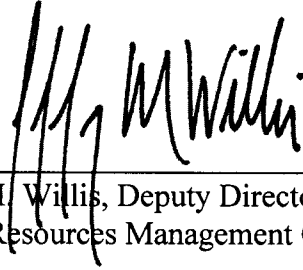
The purpose of this proposed amendment is to specify that a minimum of five (5) business days notice is required for identifying expert or lay witnesses and the subject matter of testimony that will be presented at a scheduled public hearing before the Council or subcommittee. The current requirement is five (5) days notice, which may fall on non-business days (weekends or holidays) prior to a public hearing. The intent of the proposed amendment is to provide CRMC staff and legal counsel sufficient time to review the witness list and testimony subject matter in preparation for the public hearing.

The Council has complied with the requirements of R.I. General Laws §§ 42-35.1-3 and 42-35.1-4 and has filed copies of the proposed regulations with the Governors Office and the Office of Regulatory Reform of the Department of Administration's Office of Management and Budget. The Council has determined that the proposed regulations do not overlap or duplicate any other state regulation and will not have any adverse effect on small businesses.

The proposed regulations are available on the CRMC website – [www.crmc.ri.gov](http://www.crmc.ri.gov). Additionally, the proposed regulations can be reviewed in person at the Coastal Resources Management Council offices located at the Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI. Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

All interested persons are invited to submit written comments on the proposed regulations by 4:00 p.m. **August 11, 2014**. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

Signed this 27 day of June, 2014



---

Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

## **Proposed Amendment**

### **RI Coastal Resources Management Program – Management Procedures**

Revise existing Section 5.9 as follows. New text is underlined and deleted text is ~~strikethrough~~

#### **5.9 Presentation of Expert and Lay Testimony**

All parties to an application shall provide a list of all expert and lay witnesses it intends to present, as well as the subject matter on which the witness is expected to testify to the Council or subcommittee after completion of the CRMC staff reports and not less than five (5) business days prior to the scheduled hearing.

/lat

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**PUBLIC HEARING  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **August 4, 2014 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue** on the following proposed amendments to the Code of Ordinances regarding the Harbor Management Ordinance. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendments are 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 amendments are 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 for review at Jamestownri.net, go to Clerkbases link on the Town's homepage.

**The Town Council of the Town of Jamestown hereby ordains:**

**Section 1.** The Jamestown Code of Ordinances is hereby amended by changing the text of the existing Harbor Management Ordinance, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the Harbor Management Ordinance; words set in underline are to be added to the ordinance.

**The Jamestown Harbor Management Ordinance is amended as set forth in the attached Exhibit A, or as may be amended during the course of the public hearing held pursuant to the proposed amendments.**

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

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

*ALL NOTE: This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call the Town Clerk at 401-423-7200 or by facsimile at 401-423-7230 not less than 3 business days prior to the meeting.*

1    **Sec. 78-21. Goals.**

2    Whereas, the harbor and nonharbor tidal waters described herein within the corporate  
3    boundaries of the Town of Jamestown are under the ownership and jurisdiction of the  
4    state and are held in trust for all the citizens of the state; and whereas the state grants  
5    the Town of Jamestown limited and specific uses of these waters; therefore the town  
6    establishes the following goals for this article:

7  
8           (1) To regulate uses and activities within the waters of the town, as described  
9    herein; to protect the coastal environment; to minimize user conflicts; to maximize the  
10   efficient use of both the water space and town-owned waterfront consistent with the  
11   other goals expressed herein; and to maintain and improve public access to and from  
12   the waters of the town for the benefit of all user groups, including residents and  
13   nonresidents with or without boats, who seek to use town waters for passive and active  
14   recreation.

15  
16           (2) To distribute equitably the burdens and benefits of harbor management and  
17   development among commercial mooring operators, private mooring owners, other  
18   groups or individuals with special interests in the water and the waterfront, and the  
19   town.

20  
21           (3) To remain consistent with the authorities granted the town under G.L. 1956, §  
22   46-4-6.9 and with the goals, policies, and regulations of the Jamestown Comprehensive  
23   Community Plan, the Jamestown Comprehensive Harbor Management Plan, the Rhode  
24   Island Coastal Resources Management Program, the Rhode Island Department of  
25   Environmental Management, and the United States Army Corps of Engineers.

26  
27    **Sec. 78-22. Definitions.**

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

31           *Abandoned Vessel:* A vessel that is inoperable and is left unattended for more  
32    than seventy-two (72) hours, or a vessel that has remained illegally in the waters of  
33    Jamestown for a period of more than three (3) days,

34           *Anchoring:* To secure a vessel temporarily to the bottom of a waterbody by  
35    dropping an anchor or anchors or other ground tackle from a vessel.

1            *Beach(es)*: Area(s) of the shoreline designated by the harbor commission as  
2 suitable for land storage of vessels capable of being removed from the water by  
3 manpower alone.

4            *Beach permit*: A license authorized by the Town of Jamestown granting the  
5 permittee the privilege of storing a specified vessel at a designated beach for a  
6 specified season of April 1 until October 31 of each year.

7            *Channel*: Any water areas that are federally maintained and reserved for  
8 unobstructed movement of vessels.

9            *Coastal waters*: All waters bordering the town from the shore to a distance of 500  
10 feet seaward not included in the designation "harbor waters."

11           *Commercial mooring*: Any mooring that a marina, shipyard, yacht club, or other  
12 organization has permission to lease or rent to others.

13           *Commercial vessel*: A vessel licensed and used primarily for any type of  
14 commercial venture, including but not limited to, fishing, towage, salvage, and the  
15 carriage of passengers for hire.

16           *Conservation zones*: Those harbor areas specially designated by the town for the  
17 protection of water quality, wildlife, and plant habitat values. (Note: These zones may  
18 differ from the type 1 "Conservation Areas" of the Rhode Island Coastal Resources  
19 Management Council.)

20           *Developed riparian property*: Riparian property improved by the addition of a  
21 permanent structure that has been approved by the building inspector of the town.

22           *Executive director*: The member of the town administration nominated by the  
23 town administrator and appointed by the town council to supervise the harbor staff and  
24 to administer the provisions of this article and any additional regulations subsequently  
25 required for the implementation of the article.

26           *Fairway*: Any locally designated and/or maintained water areas, usually in  
27 harbors or in mooring zones, reserved for the unobstructed movement of vessels.

28           *Guest mooring*: A private mooring of a riparian property owner reserved solely for  
29 the use of guests.

30           *Harbor commission*: The local advisory and regulatory body authorized by the  
31 town council to manage the coastal waters and harbor areas of the town.



1           *Harbormaster:* The individual, hired on approval of the town council by the town  
2 administrator, who is primarily concerned with enforcement and activity on the waters of  
3 the town. The harbormaster reports to the executive director.

4           *Harbor waters:* The waters in the three harbors of the town: East Harbor, West  
5 (Dutch) Harbor, and South (Mackerel Cove) Harbor. The boundaries of these harbors  
6 are defined in section 78-24 of this article.

7           *Headway speed:* the slowest speed at which a vessel can operate and maintain  
8 steerage.

9           *Moor:* To secure a vessel to the bottom of a waterbody semi-permanently or  
10 seasonally.

11           *Mooring:* All hardware or tackle used to moor a vessel. For the purposes of this  
12 article, a mooring is considered either commercial or private.

13           *Mooring area:* A bounded area outside the harbor waters in which moorings may  
14 be placed. Per CRMC regulation, more than four moorings (the maximum which  
15 riparians may have) is considered a mooring area, and must be properly recognized in  
16 the harbor ordinance.

17           *Mooring permit:* A license authorized by the Town of Jamestown granting the  
18 permittee the privilege of using an assigned mooring space in the waters of the town for  
19 a specified season.

20           *Mooring space:* The specific space assigned by the harbormaster to the holder of  
21 a valid mooring permit for the placement of a mooring.

22           *Mooring zones:* Those harbor areas designated by the town for the placement of  
23 moorings, or for transient anchorage if space is available.

24           *Motorized Vessel:* Every description of a watercraft used, or capable of being  
25 used, as a means of transportation on the water and which is propelled by or capable of  
26 being propelled by a motor.

27           *Nonresident:* Any individual, business, corporation, or association that does not  
28 meet the definition of "resident."

29           *Notice:* Notice in so far as the holder of a mooring permit is concerned shall be  
30 defined as a registered and regular first class mail sent to the address of record on the  
31 mooring permit from the harbor clerk.

1           *Occupation:* "Occupation" of a mooring or outhaul for a "day" as used in  
2 subsection 78-26(m)(4) or (5), or 78-26(p)(1) hereof requires that the vessel be secured  
3 thereto overnight.

4           *Outhaul:* A non-single-point anchoring device, for the purpose of securing a boat  
5 in tidal waters and retrieving it from shore.

6           *Outhaul permit:* A license authorized by the Town of Jamestown granting the  
7 permittee the privilege of storing a specified vessel on a specific outhaul for a specified  
8 season.

9           *Personal watercraft:* A vessel which uses an inboard motor powering a water jet  
10 pump as its primary source of motive power and which is designed to be operated by a  
11 person sitting, standing, or kneeling on the vessel, rather than the conventional method  
12 of sitting or standing inside the vessel.

13           *Private aid to navigation:* A buoy placed to mark a location in the water, other  
14 than government marks. The location of such private aids in Jamestown waters must be  
15 approved by the harbormaster. No fees will be charged for such private aids. The  
16 parties placing such private aids are responsible for their proper maintenance and for  
17 informing appropriate governmental authorities of their placement.

18           *Private mooring:* Any mooring that is not a commercial mooring.

19           *Qualified mooring inspector:* Any person or business approved as an inspector of  
20 moorings by the harbor commission upon recommendation of the harbormaster.

21           *Rafting:* Two or more vessels, excluding dinghies or other tenders, attached to  
22 each other while moored or at anchor.

23           *Recreational vessel:* Any vessel designed for self-propelled navigation on the  
24 water and used primarily for pleasure.

25           *Resident:* Any real property taxpayer, full-time inhabitant, and/or registered voter  
26 of the Town of Jamestown; any recognized nonprofit organization of the town.

27           *Right-of-way:* A legal right to use a path or corridor from a public or private  
28 thoroughfare or facility that leads to the waters of Narragansett Bay.

29           *Riparian property:* A freehold estate of record in land within the town having  
30 shorefront directly adjacent to waters bordering the town.

1           *Season:* April 1 to October 31 of each year.

2           *Transient anchorage zones:* Those harbor areas designated by the town  
3 exclusively for the short-term use of commercial and recreational vessels.

4           *Vessel:* Every description of watercraft used, or capable of being used, as a  
5 means of transportation on water, with the exception of seaplanes, houseboats, and  
6 floating businesses.

7           *Vessel in need of a mooring:* A vessel that will employ the permitted mooring as  
8 the primary securing location of the vessel when not in use. A vessel that displaces less  
9 than 150 pounds when empty is presumed not in need of a mooring. A person desiring  
10 to apply for a mooring for a vessel that does not meet the foregoing criterion may apply  
11 to the harbormaster for permission to do so.

12           *Waters of the town:* The harbor and coastal waters under town jurisdiction  
13 described in sections [78-23](#) and [78-24](#) of this article.

14  
15   **Sec. 78-23. Areas under jurisdiction.**

16   The Town of Jamestown hereby assumes management authority for the purposes of  
17 this article consistent with the powers, duties, and authorities granted under G.L. 1956,  
18 46-4-6.9 over the following waters:

19   (a) *Harbor waters.* The waters of the three harbors—East Harbor, West (Dutch) Harbor,  
20 and South (Mackerel Cove) Harbor. The boundaries of these harbors are defined in  
21 [section 78-24](#) of this article.

22  
23   (b) *Coastal waters.* All waters bordering the town from the shore to a distance of 500  
24 feet seaward not included in the designation "harbor waters" and excluding the "mooring  
25 areas" listed below, the boundaries of which are defined in [section 78-24](#) below.

26  
27   (c) *Mooring areas.* The waters within three areas defined in [section 78-24](#) below and  
28 referred to as Head's Beach, Park Dock, and Cranston Cove.

1 **Sec. 78-24. Harbor and mooring area boundaries.**

2 (See appendix A for a map of the harbor boundaries described below and for a table  
3 giving Rhode Island State Plane Coordinates and lat/longs for each boundary point.)  
4

5 (a) *East Harbor.* The northern boundary shall be a line extending 1,000 feet seaward  
6 from the eastern extension of Weeden Lane. The eastern boundary shall be a line  
7 extending 1,000 feet seaward of the shoreline. The southern boundary shall be a line  
8 extending from the southern point of the Fort Wetherill Boat Basin to government  
9 marker G "9" (Fort Wetherill Gong) thence to government marker G "11" (Bull Point  
10 Bell). East Harbor waters are classified as follows:  
11

12 (1) *Mooring zone.* All harbor waters from the Newport Bridge to a line extending  
13 from: Bull Point to government marker G "11" as bounded and marked by existing  
14 moorings of record;  
15

16 (2) *Transient anchorage zone.* All harbor waters from the northern boundary to  
17 the Newport Bridge in the band of water 500 to 1,000 feet from shore; and all harbor  
18 waters south of a line extending from Bull Point to government marker G "11";  
19

20 (3) *Conservation zone.* All harbor waters from the northern boundary to the  
21 Newport Bridge in the band of water from the shore to 500 feet seaward.  
22

23 (b) *West (Dutch) Harbor.* The northern boundary shall be a line extending 1,000 feet  
24 seaward from the western extension of Orchard (Weeden) Lane. The western boundary  
25 shall be a line extending from the westernmost end of the northern boundary to the pier  
26 at Fort Getty. West (Dutch Island) Harbor Waters are classified as follows:  
27

28 (1) *Mooring zone.* All harbor waters from a point on shore due east of the Dutch  
29 Island pier ruins to the Fort Getty pier thence to a point at the southern terminus of  
30 Maple Avenue;  
31

32 (2) *Transient anchorage zone.* All harbor waters from Dutch Island pier ruins to a  
33 point due east on shore thence to the Fort Getty pier;  
34

35 (3) *North conservation zone.* All waters shoreward of a line extending from the  
36 western extension of Orchard (Weeden) Lane to point R on the map provided as  
37 appendix A-1 of the article, thence to point Q on that map;

1  
2 (4) *South (Sheffield Cove) conservation zone*. All harbor waters south of a line  
3 from the pier at Fort Getty to a point at the southern terminus of Maple Avenue.  
4

5 (c) *Head's Beach mooring area*. The waters within the quadrangle defined by the  
6 following points:

- 7 (1) 41° 32. 276N 71° 23. 233W
- 8 (2) 41° 32. 293N 71° 23. 391W
- 9 (3) 41° 32. 457N 71° 23. 333W
- 10 (4) 41° 32. 449N 71° 23. 216W

11  
12 (d) *Park Dock mooring area*. The waters within the quadrangle defined by the following  
13 points:

- 14 (1) 41° 33. 805N 71° 21. 671W
- 15 (2) 41° 33. 799N 71° 21. 602W
- 16 (3) 41° 33. 962N 71° 21. 648W
- 17 (4) 41° 33. 962N 71° 21. 725W

18  
19 (e) *Cranston Cove mooring area*. The waters within the quadrangle defined by the  
20 following points:

- 21 (1) 41° 32. 228N 71° 21. 811W
- 22 (2) 41° 32. 222N 71° 21. 743W
- 23 (3) 41° 32. 516N 71° 21. 686W
- 24 (4) 41° 32. 472N 71° 21. 835W

25  
26 (f) *Setbacks*. No moorings shall be placed less than 100 feet from the mean low water  
27 mark on shore, nor within 50 feet or three times the control depth of water, whichever is  
28 greater, from all federal navigation channels, navigation fairways, shellfish management  
29 areas, or shoreside structures.  
30

31 **Sec. 78-25. Rights-of-way to the water.**

32 (a) No person shall block, barricade, or in any way impede the public use of or access  
33 to designated public rights-of-way to the water as defined by the Rhode Island Coastal  
34 Resources Management Council ("RICRMC") or the town of Jamestown.  
35

36 (b) No person shall park or store a vessel, vehicle, or structure on a designated public  
37 right-of-way to the water as defined by the RICRMC or the Town of Jamestown. Vessels

1 may be stored on the ground at designated beaches or in racks on town property  
2 constructed with permission of the harbor commission. The harbor clerk shall issue  
3 permits for doing so at fees to be set by the harbor commission and shall maintain  
4 waiting lists for these privileges if appropriate.  
5

6 (c) Any person in violation of this section of the ordinance after due notice shall be  
7 subject to a fine in accordance with section 78-27 of this article ("regulated activities").  
8 After due notice town personnel may clear a right-of-way at the violator's expense.  
9

10 **Sec. 78-26. Mooring and outhaul regulations.**

11 (a) *Permitting.* No mooring or outhaul shall be located or maintained in the harbor or  
12 coastal waters of Jamestown until a permit has been issued for the use of such mooring  
13 or outhaul by the harbormaster. No mooring or outhaul shall be permitted until the  
14 harbormaster has determined that it conforms to the specifications set forth in this  
15 article and in any other conditions established by the state or town. The harbormaster is  
16 responsible for the precise location of every mooring or outhaul, with due regard to  
17 space available, to the maximizing of available space, and to the safety of the vessel.  
18 Individuals holding a permit may renew it annually upon payment of the appropriate fee  
19 subject to compliance with all of the conditions of this section. A mooring or outhaul  
20 permit may, upon notice, be revoked at any time for failure to comply with conditions  
21 established by this article or by any applicable state or town regulations.  
22

23 (b) *Mooring density and allocation.*

24  
25 (1) Harbor waters. The limit of moorings in the east harbor and west harbor  
26 mooring zones shall be based on available space and the provision of adequate  
27 landside facilities. No additional commercial mooring permits shall be assigned in either  
28 the east or west harbor mooring zones until private mooring permits constitute 60  
29 percent of the zone's total number of permits. The precise location of each mooring,  
30 commercial or private, within the mooring zones shall be made by the harbormaster,  
31 who shall, with the harbor commission, establish appropriate fairways within the zones.  
32

33 (2) Coastal waters. No mooring shall be permitted more than 500 feet from the  
34 shore in coastal waters. No commercial moorings are permitted in coastal waters. The  
35 precise location of each private mooring shall be made by the harbormaster.  
36

1 (3) Mooring areas. Private moorings may be established in mooring areas. No  
2 commercial moorings are permitted in mooring areas. The density and placement of  
3 such moorings shall be established by the harbormaster.

4  
5 (4) No moorings shall be established in conservation zones.

6  
7 (c) *Priority for private mooring permits.* The harbor commission shall maintain a  
8 chronological list of all applicants requesting a private mooring permit. The list shall be  
9 updated at least twice a year and shall be available to the public at all times for  
10 inspection. Within the space available, requests shall be treated in accordance with the  
11 following priority guidelines:

12  
13 *Class 1: Riparian.*

14 a. Owners of riparian property, including individual owners and the owners  
15 or directors of profit or nonprofit associations, partnerships, corporations or such other  
16 legal entities owning riparian property, are entitled to apply, with priority over other  
17 mooring permit classes, for up to two moorings per property parcel directly adjacent to  
18 the shorefront property parcel. They may apply for additional class 1 moorings, up to  
19 four in total, without priority over other mooring permit classes. In both cases  
20 applications are subject, as determined by the harbormaster, to the availability of space  
21 and to state and local regulations. Contiguous lots under the same ownership shall be  
22 considered as one property parcel. An individual owner may designate only immediate  
23 family members (the owner or the owner's spouse, children, or parents) or the current  
24 lessee of the owner's riparian property as holders of the permitted moorings. An  
25 association, partnership, or corporation may designate any of its members in good  
26 standing as holders of its permitted moorings. With the approval of the harbormaster,  
27 mooring privileges in this category may be granted to owners whose riparian property is  
28 adjacent to a town conservation zone.

29 Guest moorings: Only owners of riparian property may have guest moorings. Only one  
30 of the two moorings permitted class 1a permit holders may be a guest mooring, except  
31 that nonfamily associations, partnerships, or corporations owning developed riparian  
32 property may designate as guest moorings one or both of their permitted moorings.  
33 Guest moorings may not be rented or leased. The harbormaster may on application  
34 permit a single vessel to occupy a guest mooring on a seasonal basis. Applications for  
35 private guest moorings must specify the length of the largest vessel able to occupy the  
36 mooring under normal conditions.

37  
38 b. On coastal waters, property owners holding a freehold estate of record  
39 with a deeded right of access to riparian property owned by a nonprofit association,

1 partnership, or corporation of which they are members in good standing are entitled to  
2 apply for a single mooring permit per property directly adjacent to that riparian property.  
3 The privilege of a mooring permit in this category is subject to the reasonable availability  
4 of mooring space as determined by the harbormaster. This category of mooring is not  
5 permitted in harbor waters, may not be placed in a town conservation zone, and may  
6 not be a guest mooring. All moorings in this category shall be counted toward complying  
7 with the CRMC no greater than 3:1 resident to non-resident mooring allocation  
8 requirement.

9  
10 The Town shall provide delineation of mooring areas to contain all Class 1b moorings;  
11 Class 1b moorings existing as of April 22, 2014 shall be considered “grandfathered”.  
12 Each such mooring area is available to members of the general public. This does not  
13 imply any right to trespass on private property.

14  
15  
16 *Class 2: Rights-of-way.*

17  
18  
19 The Town shall provide delineation of ~~each such~~ mooring areas to contain all Class 2a  
20 and 2b moorings; Class 2 a and 2b moorings existing as of April 22, 2014 shall be  
21 considered “grandfathered”. Each such mooring area is available to members of the  
22 general public. This does not imply any right to trespass on private property.  
23

24  
25 a. Nonriparian property owners holding a freehold estate of record with a  
26 deeded private right-of-way or easement to coastal waters granted in an original  
27 property subdivision are entitled to apply, per property, for a single mooring permit  
28 directly adjacent to that right-of-way or easement. The privilege of a mooring permit in  
29 this category is subject to the reasonable availability of space as determined by the  
30 harbormaster. This category of mooring is not permitted in harbor waters, may not be  
31 placed in a town conservation zone, and may not be a guest mooring. All moorings in  
32 this category shall be counted toward complying with the CRMC no greater than 3:1  
33 resident to non-resident mooring allocation requirement.  
34

35  
36 The Town shall provide delineation of each such mooring area. Each such mooring area  
37 is available to members of the general public. This does not imply any right to trespass  
38 on private property.



1  
2           b. Nonriparian property owners holding a freehold estate of record within  
3 1,000 feet of a public right-of-way to coastal waters are entitled to apply, per property,  
4 for a single mooring permit per property directly adjacent to that right-of-way. The  
5 privilege of a mooring permit in this category is subject to the reasonable availability of  
6 space as determined by the harbormaster. This category of mooring is not permitted in  
7 harbor waters, may not be placed in a town conservation zone, and may not be a guest  
8 mooring. All moorings in this category shall be counted toward complying with the  
9 CRMC no greater than 3:1 resident to non-resident mooring allocation requirement.

10  
11  
12 The Town shall provide delineation of each such mooring area. Each such mooring area  
13 is available to members of the general public. This does not imply any right to trespass  
14 on private property.  
15  
16

17           *Class 3: General.* All other applications for moorings, resident and nonresident,  
18 will be considered in the order in which they are received. Notwithstanding, when a ratio  
19 of no greater than 3:1 of resident holders of private mooring permits to non-resident  
20 holders of mooring permits (riparian and commercial permits excluded) is attained, the  
21 Jamestown Harbor Commission shall establish guidelines to maintain the ratio at that  
22 level.

23 All new class 3 private moorings must be located within a mooring area or harbor  
24 waters as specified herein. Moorings outside such mooring areas that were permitted  
25 prior to the adoption of this amendment of this article by the town council on June 17,  
26 2004, shall be renewed as long as the application therefor is made in the name of the  
27 then owner, a spouse, sibling, or children.  
28

29 (d) *Mooring area siting standards.* All designated mooring areas sited within the coastal  
30 waters and harbor areas of the town shall be setback as follows:  
31

32           (1) From riparian moorings and shoreline rights-of-way, a distance sufficient to  
33 allow ingress and egress and to prevent interference with the exercise of private and  
34 public rights.  
35

36           (2) Fifty feet from all residential or commercial docks, piers, floats and public  
37 launching ramps.  
38

1 (3) Public mooring areas shall be setback from federal navigation projects at  
2 least three times the U.S. Army corps of Engineers authorized project depth from  
3 federal navigational projects.

4  
5 (4) All moorings shall be prohibited in federal navigation projects.

6  
7 (5) All new and significantly expanded mooring areas shall be sited to ensure that  
8 tides and currents aid in flushing the mooring area.

9  
10 (6) All new and significantly expanded mooring areas shall be sited to avoid  
11 adverse effects on water quality.

12  
13 (7) Mooring areas shall be sited so as to not substantially interfere with  
14 designated shellfish management areas, traditional fishing grounds, public recreational  
15 areas and conservation areas.

16  
17 (8) Mooring areas shall be sited so as to not significantly affect finfish and or  
18 shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

19  
20 (9) Moorings areas shall be adequately serviced and pump out stations shall be  
21 accessible and operationally maintained.

22  
23 (10) The Army Corps of Engineers (ACOE)"open to all" policy supersedes any  
24 Town or State regulation, policy, ordinance, or statute.

25  
26 (11) All moorings shall be located within the mooring areas.

27  
28 (e) *Private mooring application procedures.*

29  
30 (1) *New mooring or outhaul applications.* Every applicant, riparian and  
31 nonriparian, for a new private mooring or outhaul permit shall submit a mooring permit  
32 waiting list application form. This form shall contain the name, mailing address, resident  
33 status, and relevant telephone numbers of the applicant and the desired location of, and  
34 point of access to, the proposed mooring or outhaul. The harbormaster or executive  
35 director shall notify the applicant and the harbor clerk in writing within five days whether,  
36 given the availability of space, the applicant may apply on the same schedule and on  
37 the same application form as renewal applicants or must be placed on a waiting list. To  
38 be placed and kept on the waiting list, applicants must, on an annual basis, fill out and  
39 return a brief waiting-list renewal application sent to the applicant by the harbor clerk

1 and pay any waiting list fees requested. If the renewal application and fee are not  
2 received by a date set in the renewal application, a second notice will be sent; if there is  
3 no response within 30 days, the applicant will be deleted from the waiting list.  
4

5 (2) *Renewal permit applications.* Mooring or outhaul permits must be renewed  
6 annually. Every applicant for a private mooring or outhaul permit must show ownership  
7 of a vessel in need of a mooring, except for the guest moorings of owners of riparian  
8 property as granted in subsection 78-26(c), above. The harbor clerk shall mail renewal  
9 permit applications in March to existing individual permit holders with a return deadline  
10 of May 15. The completed application forms shall contain at least the following  
11 information: i) the name, summer and winter mailing address, [and] resident status, and  
12 relevant telephone numbers of the applicant; ii) the type of vessel and whether it is  
13 recreational or commercial; iii) the length, beam, draft, displacement, type of sanitation  
14 system, and name of the vessel; iv) a copy of the vessel's registration or documentation  
15 certificate in the name of the applicant or a person to whom the permit may be  
16 transferred under [subsection] 78-26(h)(2); v) the size, type, proof of inspection, and  
17 precise location of the existing mooring; vi) the point of access to the mooring or  
18 outhaul; vii) if applicable, the storage location of the dinghy; and viii) the date the vessel  
19 is expected to be on the mooring or outhaul. With the approval of the harbor  
20 commission and upon public notice to all applicants the harbor clerk may from time to  
21 time amend the mooring permit application.  
22

23 a. *Leased vessels.* An applicant may apply for a mooring based upon a lease of  
24 a vessel providing the applicant the exclusive use of the vessel for at least the period of  
25 the season. Such applicants may not permit the actual owner or another third party to  
26 use the leased vessel on a regular basis. The harbormaster is directed to regularly  
27 monitor usage of any such leased vessel to ensure compliance with this section.  
28

29 (3) *General.* A private mooring or outhaul permit may not be held by more than  
30 one individual or by more than one association, partnership, or corporation, or any other  
31 legal entity at a time. All applications must be accompanied by the appropriate fee and  
32 shall be received at the harbor office. No private mooring or outhaul permit shall be  
33 granted for any vessel that has another private mooring or outhaul in the harbor waters,  
34 mooring zones or coastal waters of Jamestown. Nonresident yacht clubs or other  
35 organizations applying for private moorings to be used by more than one vessel during  
36 a season must list the names of all vessels eligible to use the mooring and shall be  
37 charged an appropriately higher fee.  
38

39 (f) *Commercial mooring application procedures.*

1  
2 (1) *New permit applications.* New applications for commercial mooring permits in  
3 harbor waters must be approved by the Rhode Island Coastal Resources Management  
4 Council, the Army Corps of Engineers, and the harbor commission. They must conform  
5 to the percentage limitations for harbor waters stated in subsection 78-26(b), above.  
6

7 (2) *Renewal permit applications.* Commercial mooring operators who have  
8 approved permits from the Rhode Island Coastal Resources Management Council and  
9 the Army Corps of Engineers will be considered to have made renewal applications for  
10 the purposes of this article. For vessels on moorings to be leased seasonally  
11 commercial mooring operators must provide the harbor office by July 15 with the  
12 registration number, name and length of each vessel and the name of each owner. For  
13 moorings leased seasonally after July 15 they must provide the information as soon as  
14 reasonably practicable. Commercial operators shall provide inspection reports tri-  
15 annually of their existing moorings, providing the same information required in  
16 subsection 78-26(l)(3) below of inspection reports of private moorings. The inspection  
17 reports provided by commercial operators may be provided in spreadsheet format.  
18 Commercial mooring operators shall reach a mutually satisfactory arrangement with the  
19 harbor commission for the deadlines for payment of the appropriate fees.  
20

21 (3) *General.* Commercial moorings are prohibited in coastal waters. In harbor  
22 waters commercial mooring operators must fulfill the requirements of Section 300.4.E.I  
23 (a) and (b) of the Rhode Island Coastal Resources Management Program as they relate  
24 to the provision of sanitary facilities and parking. They must also fulfill any additional  
25 requirements of the harbor commission and this article, or any amendments thereof.  
26

27 (g) *Relocation of existing permitted mooring.*  
28

29 (1) All requests for relocation of existing permitted moorings must be submitted in  
30 a written request to the harbormaster. Information for such a request must meet the  
31 requirements for a mooring permit application, as well as show proof of a valid mooring  
32 permit issued for the previous or current year. The reasons for a mooring relocation  
33 must be clearly stated in the request. To be placed and kept on the relocation list,  
34 applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay  
35 any waiting-list fees requested.  
36

37 (2) Action on the relocation request will be taken by the harbormaster based  
38 upon policies—written and fully available to the public—established by the harbor  
39 commission, the availability of space, the requirements of this article, and the type and

1 size characteristics of the vessel. The harbor commission shall maintain a chronological  
2 list of all applicants requesting a mooring relocation. The list shall be updated at least  
3 twice a year and shall be available to the public at all times.

4  
5 (3) Any request received by the harbormaster that is not complete shall be  
6 returned to the applicant and no action will be taken on the matter until a completed  
7 form is returned.

8  
9 (h) *Occupancy; transfer.*

10  
11 (1) Private mooring permits and permits for outhauls on Town owned property:  
12 occupancy. Private permit holders may not allow any vessel other than that described in  
13 the application to use the mooring or outhaul permitted for more than seven consecutive  
14 days; provided, however, that i) the harbormaster may permit the temporary use of a  
15 mooring or outhaul by another vessel upon the written request of the mooring permit  
16 holder and ii) the harbor commission, if it deems the action appropriate, may waive the  
17 restriction more generally and for a longer period. Private permit holders are prohibited  
18 from charging a fee for the temporary use of their moorings or outhaul. The  
19 harbormaster shall have the authority to move or cause to be moved any vessel  
20 violating the provisions of these regulations, at the expense and risk of the vessel  
21 owner. The vessel and/or owner of the vessel granted the temporary use of a mooring  
22 may only request the temporary use of a mooring for one season. In subsequent years,  
23 the vessel and/or vessel owner may not be the recipient of another temporary use  
24 exemption, except by order of the harbor commission.

25  
26 (2) Private mooring permits, permits for outhauls on Town owned property and  
27 wait list position transfer: No private mooring ~~holder~~ permit, outhaul space assignment  
28 or wait list position, shall be sold, assigned or transferred (unless it falls under Section  
29 78-26(m), below) except on a one time only basis to an immediate family member-  
30 limited to sibling, parent, spouse, children or grandchildren. The immediate family  
31 member to whom the permit was transferred may, under no circumstances,  
32 subsequently transfer the permit. Any assigned mooring or outhaul space given up by a  
33 permit holder reverts to the harbor commission for assignment, by the harbormaster, to  
34 the next person on the relocation or waiting list whose vessel fits the mooring or outhaul  
35 space, the appropriate mooring or outhaul class involved, and the relevant shoreside  
36 requirements. ~~In exceptional cases permit holders may apply to the harbor commission~~  
37 ~~for relief from this provision.~~

1 (3) Commercial mooring permits and ~~outhaul permits~~ permits for outhauls on  
2 Town owned property may be leased or transferred to other businesses subject to  
3 review and approval by the harbor commission. The standard for review shall be the  
4 ability of the proposed transferee to comply with all the provisions of [subsection] 78-  
5 26(f) as a commercial operator.

6  
7 (i) *Fees.* The harbor commission shall annually recommend to the town council a  
8 proposed schedule of fees as part of the annual operating and capital budget; and the  
9 town council shall establish such rates not later than March 15 each year. The  
10 commission may charge fees for all mooring permits; for dock, storage rack, outhaul,  
11 and beach permits on town-owned property; for outhauls on riparian property, and for  
12 waiting and relocation list applicants. Higher fees may be charged for nonresident and  
13 commercial moorings and for other special situations. The commission may assess late  
14 penalty fees provided these are indicated on, or enclosed with, the appropriate  
15 application forms. For billing purposes the harbor clerk may establish informal  
16 classification codes for moorings grouped by different levels of fee.

17  
18 (j) *Marking.* The holder of a mooring permit shall mark the mooring buoy with the current  
19 mooring number thereto in letters no less than three inches high. After 14 days' notice of  
20 delinquency the harbormaster may fine the owner \$5.00 a day for any mooring not  
21 properly marked.

22  
23 (k) *Mooring specifications.*

24  
25 (1) *Responsibility for moorings.* Although the town sets the following minimum  
26 standards for moorings and mooring inspections for all moorings in the waters of the  
27 town, owners of moorings shall be solely responsible for the safety and reliability of their  
28 moorings. Heavier tackle and more frequent inspections than the required minimum are  
29 strongly recommended in all cases. This is especially so where moorings are in  
30 exposed locations or are holding vessels of greater than average displacement.

31  
32 (2) *Anchors.* Mushroom anchors (in mud or soft sandy bottoms) or concrete or  
33 granite blocks shall be used for moorings in the waters of the town, unless otherwise  
34 authorized by the harbormaster or mandated by state or federal agencies. Authorization  
35 must be in writing; and the harbor office will maintain records of any mooring anchor  
36 deviations authorized in accordance with this provision.

37  
38 The approximate shape of block anchors shall be square, both top and bottom,  
39 with tapered sides (trapezoidal). The block shall not be allowed to become a hazard.

1 The link shall be of material not less than one inch in diameter and shall be securely  
 2 imbedded in the block. All shackles shall be one size heavier than the chain. All  
 3 shackles shall be load-rated, properly seized, and shall be forged (not cast).

4  
 5 (3) *Length and type of chain.* Total minimum length of chain (both bottom and  
 6 top) shall be determined as follows: Depth of water at mean high tide, plus five feet for  
 7 storm surge, times two. Normally, a minimum of 50 percent of the total length of chain  
 8 shall be heavy chain, with the remainder being light chain, as indicated in the table  
 9 below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A  
 10 higher percentage of heavy chain is recommended in exposed areas of relatively  
 11 shallow depth. Use of greater scope is strongly recommended, especially in exposed  
 12 areas and where there is sufficient space for vessels to swing without endangering each  
 13 other. Excessive scope, as determined by the harbormaster, will not be allowed. A lower  
 14 percentage of heavy chain may be appropriate for moorings of greater scope.

15  
 16 (4) *Mooring float/buoy.* The mooring float carrying the weight of the mooring  
 17 chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50  
 18 percent of it is visible above the surface of the water.

19  
 20 (5) *Pennants.* Pennant length shall be determined as follows: take the distance  
 21 from the chock to the waterline, multiply this distance by two and add the distance from  
 22 the bow chock to the bow cleat. The result is the minimum pennant length.

23  
 24 (6) *Chafeguards.* All pennant lines running through a chock or any other object  
 25 where chafing may occur shall have adequate chafeguards.

26  
 27 (7) Minimum tackle specifications for the waters of the town.  
 28

Boat Length (feet)	Mushroom anchor (pounds)	Block anchor (pounds)	Bottom Chain (inches)	Top		Pennant (inches)
				Chain or Rode (inches)		
Up to 16	150	500	½	3/8	5/8	½
<u>16</u> to 18	200	800	½	3/8	5/8	½

<u>19</u> to 21	250	1,500	5/8	3/8	5/8	1/2 × 2
<u>22</u> to 24	300	1,500	5/8	3/8	5/8	1/2 × 2
25 to 29	400	2,000	5/8	1/2	5/8	1/2 × 2
<u>30</u> to 34	500	2,000	5/8	1/2	3/4	5/8 × 2
35 to 39	600	3,000 or 2 × 1,500	3/4	1/2	3/4	3/4 × 2
40 to 49	800	4,000 or 2 × 2,000	3/4	1/2	7/8	3/4 × 2
<u>50</u> to 59	1,000	4,000 or 2 × 2,000	1	1/2	1	1 1/4 × 2

1

2 The above sizes are minimums. Use of at least one size larger for all components is  
3 strongly recommended for greater safety. On written application, the harbormaster may  
4 permit or require variances from these mooring tackle specifications in individual cases  
5 and, more generally, in specific areas, if the stated specifications seem clearly  
6 inappropriate for the area in which a mooring will be located.

7

8 (8) *Elastomeric mooring tackle.* The harbormaster is directed to encourage the  
9 use of mooring tackle including elastomeric members in lieu of chain where appropriate  
10 in view of the lesser scope required for such systems, with appropriate attention to be  
11 paid to the requirement of corresponding anchors to be employed.

12

13 (l) *Mooring inspections.*

14

15 (1) *New moorings.* All new moorings in the waters of the town shall be inspected  
16 and approved by the harbormaster or the harbormaster's designee prior to setting the  
17 mooring.

18



1           (2) *Maintenance of existing moorings.* All permit holders shall be required to  
2 maintain their moorings in safe condition. Any chain, shackle, swivel, or other tackle that  
3 has become warped or has become worn by one-third its original diameter shall be  
4 replaced. Failure to maintain a safe mooring shall be cause for revocation of the  
5 mooring permit and shall be deemed a violation of this article. The harbormaster or the  
6 harbormaster's designee may inspect any moorings at any time to determine  
7 compliance with this section of the ordinance. Any mooring washed ashore or having  
8 moved so as to endanger another vessel shall be inspected by the harbormaster or the  
9 harbormaster's designee before it is reset.

10  
11           (3) *Schedule of inspections.* All moorings shall be inspected by a qualified  
12 mooring inspector on behalf of the applicant at least once every three years and the  
13 results of such inspection certified by the inspector and reported to the harbor office by  
14 15 June of the year of inspection. The inspection process is to be carried out using the  
15 "Guidelines for Establishing a Verified Mooring Location" procedure approved by the  
16 Jamestown Harbor Commission on February 8, 2005. This inspection shall determine  
17 compliance with the minimum mooring and tackle standards of this article. Inspections  
18 may be made either by raising the mooring or by underwater inspection. The harbor  
19 clerk shall establish a schedule for each mooring and indicate it clearly on the mooring  
20 application. The harbor clerk shall provide a form on which information pertaining to the  
21 inspection shall be provided, and such form shall be submitted by the applicant together  
22 with the application and fee. The information to be reported shall include the following:  
23 water depth, size and type of mooring buoy, adequacy of length, diameter and number  
24 of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length  
25 and size of bottom and top chains or top rode, number and size of shackles, the location  
26 of the anchor, and the general condition of the mooring. The location of the anchor is to  
27 be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report  
28 shall be signed and dated by the inspector. Commercial operators may submit multiple  
29 inspection reports in spreadsheet form, but they must include all information specified  
30 above.

31  
32           (4) *Compliance.* Any mooring or component of a mooring reported not in  
33 compliance with this section of the ordinance shall be replaced by the owner within 30  
34 days of such notice. Within 45 days after the noncompliance is reported a second  
35 mooring inspection must be completed to determine if the violation has been corrected.  
36 The results of this second mooring inspection shall be reported to the harbormaster.  
37 Failure to correct the violation within that period shall cause the mooring to be deemed  
38 unsafe and, as a violation of this article, shall be cause for revocation of the mooring  
39 permit and removal of the mooring from the waters of the town at the risk and expense

1 of the mooring owner. When the harbormaster deems it necessary, for the safety of a  
2 vessel or of vessels nearby, to remove a vessel immediately from a noncomplying  
3 mooring, and the owner is unable or unwilling to do so, the harbormaster or the  
4 harbormaster's designee may remove the vessel at the owner's risk.

5  
6 (5) *Costs.* All costs of any mooring inspection, of any relocation of vessels as a  
7 result of noncompliance, or of any repairs or replacements required under the  
8 provisions of this article shall be the responsibility of the mooring owner.

9  
10 (m) *Forfeiture of mooring space.* Any holder of a mooring or outhaul permit for a  
11 mooring located in the coastal or harbor waters, or in a mooring area of the town shall  
12 be subject to forfeiture of that permit or the right to renew the permit by reason of any  
13 the following:

14  
15 (1) Failure to comply with any of the requirements of this article.

16  
17 (2) Failure to respond to the harbormaster's and/or harbor commission's notice  
18 that i) the mooring does not comply with the mooring specifications herein set forth, or ii)  
19 that the mooring has been displaced or moved from its permitted location.

20  
21 (3) Failure to resurface, repair, or replace mooring tackle within 60 days after  
22 being advised to do so by the harbormaster.

23  
24 (4) Occupying a mooring or outhaul with the vessel permitted for that mooring for  
25 a total of fewer than 20 days during the course of a calendar year. If the vessel occupies  
26 the mooring or outhaul exclusively outside the period of the season it shall be the  
27 responsibility of the mooring or outhaul holder to establish to the satisfaction of the  
28 harbormaster or harbor commission that the mooring or outhaul has been occupied for  
29 at least 20 days.

30  
31 (5) Any holder of a mooring or outhaul permit for a mooring located in the coastal  
32 or harbor waters of the town shall be fined \$100.00 per month for: a) failure to renew an  
33 existing valid mooring or outhaul permit by June 15 of any year; b) failure to commission  
34 a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a least 20  
35 days during the year. If the holder takes no action to comply with these requirements,  
36 the permit will be deemed forfeited on October 1 and will not be subsequently renewed.

37  
38 On written request the harbormaster may grant exceptions to clauses (3), (4), and (5),  
39 above.

1  
2 No mooring or outhaul will be deemed forfeited until notice of the violation has been first  
3 mailed to the holder of the permit by registered mail, return receipt requested and  
4 regular first class mail. If an appeal is not made within 30 days of the receipt of the  
5 notice, the harbormaster will issue an order requiring that the mooring or outhaul be  
6 removed at the owner's expense. If the owner fails to remove the mooring or outhaul  
7 within 30 days upon order of the harbormaster, the owner will be billed for the cost of  
8 the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel  
9 will be removed and stored at the owner's expense.

10  
11 *(n) Implementation of changes in mooring space assignments.*

12  
13 (1) All private mooring permits and applications permitted prior to initial adoption  
14 of the Harbor Management Ordinance by the town council on June 17, 2004, shall be  
15 reclassified according to the criteria established in subsection 78-26(c) (above).

16  
17 (2) All regulations concerning mooring permits and applications shall be applied  
18 on the basis of the above reclassification.

19  
20 (3) All mooring permits disallowed under this article shall be deemed permitted  
21 nonconforming moorings. Rights to such moorings and use in accordance with the  
22 ordinance and town rules and regulations may continue by the present owner only  
23 unless the mooring is surrendered or revoked.

24  
25 *(o) Implementation of changes in mooring tackle requirements.*

26  
27 (1) All new moorings shall meet the minimum standards.

28  
29 (2) All moorings in place shall meet the new minimum standards on the regular  
30 schedule of mooring inspections required by the harbor commission.

31  
32 *(p) Outhauls.*

33  
34 (1) *On town property.* Outhauls may be established on town property where  
35 recommended as appropriate by the harbor commission and approved by the town  
36 council. Outhauls in existence as of the adoption of this article shall be deemed  
37 conforming. Permits for the use of outhauls shall be issued by the harbor office in  
38 accordance with a waiting list. If an outhaul is not occupied for a minimum of 20 days  
39 during the course of the year the permit shall be deemed forfeited and will not be

1 renewed. No outhaul will be deemed forfeited until notice of the violation has been first  
2 mailed to the holder of the permit by registered mail, return receipt requested and  
3 regular first class mail. If an appeal is not made within 30 days of the receipt of the  
4 notice, any vessel secured thereto will be removed and stored at the owner's expense.  
5

6 (2) *On private property.* Up to two outhauls may be installed per riparian property.  
7 Outhauls on private property may not exist in conjunction with a residential boating  
8 facility on the same property. CRMC reserves the right to revoke any outhaul permit  
9 that is not issued according to RICRMP. Outhauls shall be grandfathered in their  
10 current location upon annual harbormaster documentation that such outhauls have  
11 been in continuous use at such location since 2004, and, the contiguous property  
12 owner(s) agree in writing to such, however, such "grandfathering" is extinguished  
13 whenever a recreational boating facility is approved at the location.  
14

15 (3) *In general.* The harbormaster shall have the power to direct that outhauls  
16 deemed inadequate or unsafe be repaired or replaced. Placement of anchors for  
17 outhauls is subject to approval by the harbormaster. The outhaul cabling system for all  
18 riparian outhauls shall be removed between November 15 and April 15.  
19

20 (q) *Miscellaneous.* Water-borne structures and anchors not specifically addressed  
21 herein, such as but not limited to anchors for breast lines, are subject to approval of the  
22 harbormaster.  
23

#### 24 **Sec. 78-27. Regulated activities.**

25 (a) *General.* The purpose of this section is to regulate the speed, management, and  
26 control of vessels and the use of all anchorages, moorings, and town-owned waterfront  
27 facilities within the jurisdiction of the Town of Jamestown as stated in [section 78-23](#) and  
28 as authorized by G.L. 1956, 46-4-6.9.  
29

30 (b) *Management and control of vessels.*

31  
32 (1) *Vessel operation.* Every person operating a vessel within the waters of the  
33 town shall navigate in a careful and prudent manner, so as not to endanger the life,  
34 limb, or property of another and not to interfere with or damage other vessels or  
35 property.  
36

37 (2) *Failure to stop.* It shall be a violation of this article for any person to refuse to  
38 move, slow to headway speed, or stop when directed by the harbormaster or any other  
39 duly authorized enforcement officer.

1  
2 (3) *Prohibited areas.* No person shall operate or cause to be operated a vessel  
3 within any area marked prohibited on the harbor map, except as otherwise provided for  
4 in the article.

5  
6 (c) *Vessel speed and operation.*

7  
8 (1) Operators of vessels within the coastal and harbor waters of the Town of  
9 Jamestown shall comply with all state and local laws and regulations on vessel speeds  
10 and wakes that establish a maximum speed for vessels of five miles per hour, no wake  
11 (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

12  
13 (2) Vessel operation, mooring, or anchorage within 200 feet of the shore where  
14 marked on the harbor map or by buoys is prohibited, except when a vessel is directly  
15 approaching or leaving the shore, a town-approved launching ramp, or beach storage  
16 area for dinghies when the sole purpose is to begin or end such activity.

17  
18 (3) In all designated channels, fairways, and mooring zones of harbor waters,  
19 paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and  
20 similar activities are limited to a five miles per hour maximum speed. In coastal waters  
21 and in the transient and conservation zones of harbor waters, the named activities are  
22 prohibited within 200 feet of the shore and within 100 feet of any vessels moored or  
23 anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2,  
24 shall be subject to penalties under this article.

25  
26 (4) Seaplanes and other airborne watercraft are prohibited from surface  
27 operation within mooring zones or within 200 feet of the shore; they are prohibited from  
28 taking off or landing in the waters under town jurisdiction as stated in section 78-24 of  
29 this article.

30  
31 (5) No vessel shall be moored or anchored so as to interfere with the free and  
32 unobstructed use of channels, fairways, or berthing spaces within the areas under town  
33 jurisdiction as defined in section 78-24 of this article.

34  
35 (6) Where significant shallow water habitat is identified, boating activities shall  
36 be restricted as necessary to decrease turbidity and physical destruction of such  
37 habitat.

38  
39 (d) *Prohibited discharges.*

1  
2 (1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic,  
3 chemicals, petroleum products or by-products, paint, varnish, dead animals, or any  
4 other debris or litter into the waters of the town is prohibited under this article. The town  
5 adopts G.L. 1956, 46-12-39 as part of its ordinance. Any person who violates this  
6 provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

7  
8 (2) *Discharge of sewage.* No person shall cause or permit to pass or to be  
9 discharged into the waters of the town any untreated sewage or other waste matter or  
10 contaminant of any kind. The town shall monitor and report annually to the department  
11 of environmental management on the effectiveness of its pumpout operations.

12  
13 (e) *Other activities.*

14  
15 (1) *Swimming, diving and fishing.* Swimming, diving, or fishing off town-owned  
16 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and  
17 posted by the town council. Water skiing is prohibited in harbor waters and in mooring  
18 areas. Swimming and diving are prohibited in mooring areas and mooring zones more  
19 than 150 feet from shore from sunset to sunrise or in periods of impaired visibility,  
20 except in the immediate vicinity of a moored or anchored vessel, when accompanied by  
21 an escort vessel, as part of a sanctioned swimming event, or as necessary to perform  
22 service or maintenance to a vessel or mooring.

23  
24 (2) *Property damage.* It shall be unlawful to destroy, damage, disturb or interfere  
25 with, willfully or carelessly, any public or private property in the waters or waterfront  
26 areas of Jamestown.

27  
28 (3) *Litter.* Littering is prohibited on town property. Any person who violates this  
29 law shall be subject to penalties under this article as provided for by local and state law.

30  
31 (f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a  
32 vessel or structure has been abandoned in the waters of the town, the harbormaster  
33 may take custody and control of such vessel and remove it, store it, or otherwise  
34 dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of  
35 such disposal shall be publicly given. The harbormaster shall assume all of the duties  
36 and powers of the commissioner of wrecks and shipwrecked goods as delineated in the  
37 G.L. 1956, 46-10-1 to [46-10-]13.

1 (g) *Anchoring.* Vessels shall not anchor or raft in a location that interferes with a moored  
2 vessel. The harbormaster may direct a vessel to move or relocate.

3  
4 (1) Overnight anchoring is permitted in all town waters, except conservation  
5 zones, on a space available basis. The crew may go ashore, but shall not leave the  
6 area. They shall be available to tend to the vessel in the event of heavy weather. It shall  
7 be the anchored vessel's responsibility to remain clear of all moored vessels. No vessel  
8 shall be anchored more than three days without the permission of the harbormaster. No  
9 anchoring of any kind is permitted in Conservation Zones.

10  
11 (2) Rafting. Vessels are permitted to raft on a mooring or at anchor provided that  
12 the rafted vessels do not endanger any other moored or anchored vessels and that they  
13 do not intrude into any channel or thoroughfare. Each rafted vessel must be manned at  
14 all times. Rafting is not permitted when Coast Guard small craft advisories or other  
15 severe weather warnings are in effect; rafted vessels must separate when these  
16 conditions are announced or at the request of the harbormaster.

17  
18 (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources  
19 Management Program, Section 300.5, houseboats or floating businesses, as defined  
20 therein, are prohibited from mooring or anchoring unless within the boundaries of a  
21 marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities.  
22 Applicants for floating businesses shall fulfill the additional Category "B" requirements of  
23 Section 300.5. Applicants for either houseboats or floating businesses shall meet all the  
24 pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under  
25 standards for residential docks, piers, and floats.

26  
27 (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling  
28 legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a  
29 person who violates any law as stated therein shall be subject to penalties and fines as  
30 set forth in the attached appendix B, unless otherwise established by the General Laws  
31 of the State of Rhode Island. Each day a violation continues shall be deemed a  
32 separate offense subject to an additional penalty. The district court of the State of  
33 Rhode Island, or such other courts as are designated in the summons, shall have  
34 jurisdiction for the enforcement of regulated activities.

35  
36 (j) *Informal procedure for the payment of boating fines.*

37  
38 (1) *Payment without personal appearance.* The harbormaster or any other duly  
39 authorized enforcement officer who charges any person with an offense under this

1 article, in addition to issuing a summons for the offense, may provide the offender with a  
2 form that shall allow the offender to dispose of the charge without the necessity of  
3 appearing before the district court; provided that any offender who has been guilty of a  
4 third or subsequent violation within 12 months of the first offense must appear before  
5 the court on the date specified on the summons, and may not dispose of the third or  
6 subsequent offense administratively.

7  
8 (2) *Method of payment.* An offender electing to dispose of the charge without  
9 personally appearing before the district, or other, court shall execute the form indicated  
10 and return it to the Jamestown police station not later than 14 days from the date of the  
11 summons either by mailing or delivering the form and summons accompanied by a  
12 check or money order in the amount indicated by the schedule of fines on the form. The  
13 fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30)  
14 days.

15  
16 (3) *Failure to answer.* An individual who fails to answer within thirty (30) days  
17 shall have waived the right to dispose of the summons without personal appearance  
18 and must appear before the district court on the date specified on the summons.

19  
20 (k) *Enforcement.* The primary responsibility for enforcement of regulated activities,  
21 including the issuance of summonses for violations is delegated to the harbormaster  
22 and the Jamestown Police Department. Police officers and the harbormaster of the  
23 Town of Jamestown shall have the power and authority to enforce the rules and  
24 regulations of this article and of the General Laws of the State of Rhode Island.

25  
26 **Sec. 78-28. Harbor commission.**

27  
28 (a) *Authority, powers, and duties.* The harbor commission shall be the local advisory  
29 and regulatory body authorized by the town council to manage the coastal waters and  
30 harbor areas of the town through the implementation of the comprehensive harbor  
31 management plan and subsequent ordinances. The harbor commission shall enforce  
32 the provisions and ordinances of the harbor management plan as well as adopt  
33 additional policies, rules, and regulations for the implementation of the harbor  
34 management plan and such ordinances, subject to the approval of the town council and  
35 the Rhode Island Coastal Resources Management Council.

36  
37 The harbor commission shall adopt rules of procedure and operation for its meetings  
38 and, among its powers and duties, is authorized to:



1 (1) Recommend to the town council the adoption of rules, regulations, fees,  
2 penalties and other amendments to the comprehensive harbor management plan and  
3 its subsequent ordinances that may be necessary to fulfill the goals and objectives of  
4 that plan and meet the requirements of its ordinances.

5 (2) Recommend additional authorities and duties for the harbor staff, herein  
6 detailed, with the approval of the executive director and the town council.

7  
8 (3) Assist in the preparation of the annual budgets in accordance with the  
9 provisions of the town and this article to expend monies in the harbor funds.

10  
11 (4) Sit as a board of appeals to hear any person aggrieved by any decision, act,  
12 or failure to act of the executive director or harbor staff in the enforcement and  
13 implementation of this article, with the exception of section 78-27 of this article  
14 ("regulated activities").

15  
16 (5) Review and revise as necessary the comprehensive harbor management  
17 plan and its subsequent ordinances for the town council and the Rhode Island Coastal  
18 Resources Management Council approval. The comprehensive harbor management  
19 plan shall be reviewed and revised at least once every five years.

20  
21 (6) Prepare the Harbor Commission's Asset Inventory List (Approved by the  
22 Commission on 02.12. 2014 and the Town Council on 04.07.2014). Monitor the  
23 condition of town-owned waterfront facilities generally and develop with the town  
24 engineer an annual and five year capital maintenance, replacement and improvement  
25 plan. The plans will include maintenance, repair, and improvement of town-owned  
26 waterfront structures, such as docks, bulkheads, and boat ramps. No budget will be  
27 approved without the capital improvement plan.

28  
29 (b) *Composition.* The harbor commission shall consist of seven qualified electors and  
30 residents of the town, appointed by the town council, chosen from a list of interested  
31 parties maintained by the town administrator, after duly advertising the availability of  
32 these positions. To achieve diversity, preference may be given to representatives of  
33 each of the following groups:

- 34  
35 (1) The nonriparian recreational boating community; (two persons  
36 (2) Riparian property residents (harbor waters);  
37 (3) Riparian property residents (coastal waters);  
38 (4) The commercial fishing industry;  
39 (5) The commercial mooring operators;

1 (6) A nonboating resident.

2  
3 The commission shall have, among its members, representatives of both East  
4 and West Harbors.

5  
6 *Ex-officio member:* The executive director shall be an ex-officio, nonvoting  
7 member of the commission, and shall not count as part of the quorum.

8 *Liaisons:* The town council, the conservation commission, and the planning  
9 commission may each appoint one liaison to the harbor commission. Liaisons may sit  
10 with the commission, and may participate in all discussions, but may not vote and do  
11 not count as part of the quorum.

12 (c) *Terms.* Commission members shall be appointed for overlapping three-year terms  
13 so that approximately one-third of the membership terms will expire each year. In the  
14 event of a vacancy during a term, the town council shall appoint a new member from the  
15 same category of member, if feasible, to fill the remainder of the term.

16  
17 (d) *Organization.* A chair and vice-chair of the commission shall be chosen annually  
18 from the membership by vote of the commission. The chair shall be responsible for  
19 calling and conducting all meetings of the commission. In the absence of the chair, the  
20 vice-chair shall assume those responsibilities. A quorum shall be defined as four voting  
21 members.

22  
23 (e) *Finances; budget.* The executive director and the commission, in collaboration with  
24 the town administrator, shall be responsible for the preparation of the annual harbor  
25 operating and capital facilities budgets to be submitted to the town council for approval.  
26 All revenues from harbor operations, including but not limited to mooring, beach permits  
27 and outhaul fees and harbor management fines and penalties, shall be held in a harbor  
28 enterprise fund maintained by the town finance department. The harbor enterprise fund  
29 shall be maintained exclusively for the management and development of harbor  
30 programs and maintenance and expansion of capital infrastructure. Nonbudgetary  
31 expenditures from the harbor management account, including additional staff support,  
32 must be authorized by the executive director with agreement of the commission and  
33 must be approved by the town administrator and the town council. Annual lease  
34 revenue from the properties at East Ferry, West Ferry, and Fort Wetherill shall be held  
35 in a separate capital improvement fund and may be used to fund any waterfront  
36 facilities, structures and assets owned by the Town, but not necessarily limited to those  
37 listed in the Harbor Commission Asset Inventory List. At the end of the fiscal year,  
38 unexpended harbor operating and capital budget appropriations shall be placed in a

1 harbor and waterfront capital reserve account. The executive director and the  
2 commission, in collaboration with the town administrator, shall be responsible for the  
3 preparation of the annual harbor/waterfront capital facilities budget to be submitted to  
4 the town council for approval.

5  
6 (f) *Compensation.* Commission members shall serve without pay, but may be  
7 compensated for expenses incurred in the performance of their duties.

8  
9 **Sec. 78-29. Administration.**

10 (a) *Executive director.* An executive director may be appointed by the town council to  
11 supervise the harbor staff and to administer the provisions of this article and any  
12 additional regulations subsequently required for the implementation of the article.

13  
14 (b) *Harbor administrative staff.* The harbor administrative staff shall consist of a  
15 harbormaster, a harbor clerk, and additional personnel as needed who are hired on  
16 approval of the town council by the town administrator.

17  
18 The responsibilities of the harbor staff under the supervision of the executive director  
19 include the following:

20  
21 (1) Administering and enforcing the provisions of the harbor management plan  
22 and its ordinances;

23  
24 (2) Processing applications for the issuance of mooring permits and assigning  
25 placements of moorings in accordance with this article;

26  
27 (3) Keeping proper records of all mooring application information, including the  
28 locations of moorings, mooring owners and vessel usage of moorings, types of vessels  
29 using moorings, etc;

30  
31 (4) Preparing, keeping current, and making available a waiting list for mooring  
32 permits in accordance with the provisions of this article when the demand for available  
33 mooring permits is greater than the number of available mooring locations in any given  
34 year, and maintaining a waiting list with respect to outhauls on town property;

35  
36 (5) Keeping current and making available waiting lists for dinghy dock space and  
37 outhauls on town property operated by commercial operators;

1 (6) Inspecting moorings and out hauls in accordance with the provisions of  
2 section 78-26 of this article;

3  
4 (7) Monitoring moorings and out hauls in accordance with the provisions of  
5 subsections 78-26(h), (m), and (p) of this article.

6  
7 (8) Carrying out all other powers and duties authorized to the harbormaster under  
8 various state and federal marine laws, including but not limited to marine sanitation  
9 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast  
10 Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.]46-  
11 22, and future laws yet to be enacted.

12  
13 (9) Any other duties specified by the harbor commission or executive director.

14  
15 (c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to  
16 the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch.  
17 14, as amended, and all regulations promulgated by the Rhode Island Ethics  
18 Commission.

19  
20 **Sec. 78-30. Appeals.**

21 In matters other than violations of section 78-27, the harbor commission shall sit  
22 as the board of appeals to hear any person aggrieved by a decision of the executive  
23 director or the harbormaster. The aggrieved party shall file a written appeal with the  
24 harbor clerk within 30 days following the notice of the decision. Upon receipt of the  
25 appeal, the harbor clerk shall schedule a hearing at the next regularly scheduled  
26 commission meeting, with written notice given to the appellant of not less than 14 days.

27 The harbor commission may hear an appeal filed out of time provided the  
28 appellant demonstrates:

29 1) The matter from which the appeal is taken occurred within the past 180 days;  
30 and

31  
32 2) For just reasons, failure to timely file the appeal was due to mistake,  
33 inadvertence, excusable neglect; or

34  
35 3) Would result in a substantial injustice to the appellant rights as provided for  
36 under this article.

1 Any party aggrieved by a decision of the harbor commission may make a final  
2 appeal to the town council. Notice of appeal shall be made in writing and filed with the  
3 town clerk within 20 days of the mailing date of the decision. The town clerk shall obtain  
4 the record of the commission's proceedings and schedule a hearing with notice to the  
5 appellant.

6 **Sec. 78-31. Liability.**

7 Persons using the waters of the town shall assume all risk of personal injury and  
8 damage or loss to their property. The town assumes no risk on account of accident, fire,  
9 theft, vandalism or acts of God.

10 **Sec. 78-32. Severability.**

11 If any provisions of this chapter are held invalid or inoperative, the remainder  
12 shall continue in full force and effect as though such invalid or inoperative provisions  
13 had not been made.

14 **Sec. 78-33. Effective date.**

15 This chapter shall take effect upon its passage by the town council with respect  
16 to provisions that do not require approval of the coastal resource management  
17 commission.

**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 **Monday, August 4, 2014 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 ~~strikethrough~~ 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): July 24, 2014

Publication Source: Jamestown Press

Hearing Date: August 4, 2014

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

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

### Exhibit A-Alternate 1

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

On the following streets or portions of streets, parking is prohibited or restricted as indicated, and it shall be unlawful for any person to allow, permit or suffer any vehicle registered in such person's name to stand or park such vehicle in violation of this section:

Bay View Drive, west side, from Conanicus Avenue north to Davis Street no parking any boat trailer at any time.

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:
<del>Mast Street and Helm Street</del>	<del>Helm Street</del>
Helm Street and Bow Street	<del>Bow Street</del> <u>4-way stop</u>
<u>Helm Street and Mast Street</u>	<u>Mast Street</u>

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**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

16 Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public  
17 hearing on August 4, 2014 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on  
18 the following proposed amendment to the Code of Ordinances regarding Chapter 82 - Zoning.  
19 Opportunity shall be given to all persons interested to be heard upon the matter at the public  
20 hearing. The following proposed ordinance amendment is under consideration and may be  
21 adopted and/or altered or amended prior to the close of the public hearing without further  
22 advertising, as a result of further study or because of the views expressed at the public hearing.  
23 Any alteration or amendment must be presented for comment in the course of the public hearing.  
24 The proposed amendment is available for review and/or purchase at the Town Clerk's Office  
25 between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and  
26 at Jamestownri.net.

27 **Section 1.** The Jamestown Code Of Ordinances, Chapter 82, Zoning, as the same may have  
28 been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

29 NOTE: words set as ~~strike through~~ are to be deleted from the ordinance; words  
30 underlined are to be added to the ordinance.

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

32 **Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter  
33 82 of the Town of Jamestown's Code of Ordinances.

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

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

36 Publication Source: Jamestown Press

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

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

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



EXHIBIT A

Sec. 82-103. Definitions.

The following words [terms] shall have the following meanings [in this chapter]:

...

(24) *Buildings of Value.* Buildings identified in the report entitled "Historic and Architectural Resources of Jamestown, Rhode Island" by the Rhode Island Historical Preservation and Heritage Commission, 1995 and located in the Jamestown Village Special Development District, established in Article 11 of this ordinance. ~~Also buildings of similar age, style, and architectural character shall be determined to be Buildings of Value.~~ Buildings of Value shall ~~become such only after amendment to be included in~~ be included in the Zoning Map of the Town of Jamestown ~~per 82-1106 A.3.~~

...

(76) *Historic district or historic site.* [The term] "historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to G.L. 1956, § 42-45-5. Historic site means any real property, manmade structure, natural object, or configuration or any portion or group of the foregoing which has been registered, or is deemed eligible to be included, on the state register of historic places pursuant to G.L. 1956, § 42-45-5.

...

**ARTICLE 11.**  
**JAMESTOWN VILLAGE**  
**SPECIAL DEVELOPMENT DISTRICT**

Sec. 82-1105. Pre-Existing Conditions.

- A. Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use and form as they are until a Substantial Modification is requested, at which time the TRC shall determine the provisions of this section that shall apply.
- B. The modification of existing buildings is permitted By Right if such changes result in greater conformance with the specifications of this Section as determined by the Building Official. The Building Official may consult the TRC in making this determination.
- C. Any demolition, exterior addition to or exterior modification other than routine preventative maintenance and/or repairs, or emergency repairs to protect and stabilize the condition of a Building of Value ~~that has been designated as such or to a building actually or potentially eligible for inclusion on a state, local or national historic register,~~ shall be subject to development plan review approval by the Jamestown Planning Commission. Development plan review under this provision shall only be based on specific and objective guidelines set forth at this Article 11, Sections 1100 – 1115, inclusive.

1 D. The restoration or rehabilitation of ~~an existing a~~ Building of Value to National Park  
2 Service ~~H~~historic standards or ~~any local historic district standards~~ shall not require the  
3 provision of (a) parking in addition to that existing or (b) on-site stormwater  
4 retention/detention in addition to that existing.  
5

6 Sec. 82-1106. Special Requirements.

7 A. The Jamestown Zoning Map may designate the following Special Requirements for  
8 the Village Special District when recommended by the Planning Commission and  
9 approved by the Town Council per Article 18 of this ordinance:

10 1. Retail Frontage designations, advising that a building provide a Shopfront at  
11 Sidewalk level along the entire length of its Private Frontage. The Shopfront  
12 should be no less than 70% glazed in clear glass. The first floor shall be confined  
13 to Retail use through the depth of the second Layer (Table 11-1).

14 2. Recommended View Corridor designation, advising that views remain open and  
15 visible from the Public Frontage

16 3. ~~A Building of Value designation requiring that the building or structure may be altered  
17 or demolished only after demonstration to and approval by the Planning Commission  
18 that restoration, preservation or renovation of the building is unfeasible. Such  
19 buildings should be eligible for reductions in parking requirements, and may be more  
20 readily considered for Bed and Breakfast or Guest House permits. Standards shall be  
21 developed for Buildings of Value in conjunction with or prior to designation.~~

22 B. Commercial development on lots within the CD district that are adjacent to residential  
23 zoning districts (s) are strongly encouraged to utilize the setbacks as prescribed in the  
24 CL Zone to allow a transition from the more dense CD district into the Village  
25 residential districts. Development that meets this requirement and has no other  
26 permitting need shall be approved administratively by the TRC. Development that  
27 does not meet these setbacks shall seek approval from the Planning Commission to  
28 demonstrate how the development plan mitigates impacts to the adjacent residential  
29 area.

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**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 \_\_\_\_\_August 4\_, 2014 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 82 - Zoning. 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 at Jamestownri.net.

**Section 1.** The Jamestown Code Of Ordinances, Chapter 82, Zoning, 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 82 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: \_\_\_\_\_

1 EXHIBIT A

2 Sec. 82-103. Definitions.

3 The following words [terms] shall have the following meanings [in this chapter]:

4 ...

5 ...  
6  
7 (24) *Buildings of Value.* Buildings identified in the report entitled "Historic and Architectural  
8 Resources of Jamestown, Rhode Island" by the Rhode Island Historical Preservation and  
9 Heritage Commission, 1995 and located in the Jamestown Village Special Development District,  
10 established in Article 11 of this ordinance. ~~Also buildings of similar age, style, and architectural~~  
11 ~~character shall be determined to be Buildings of Value.~~ Buildings of Value shall ~~become such~~  
12 ~~only after amendment to be included in the Zoning Map of the Town of Jamestown per 82-1106~~  
13 ~~A.3.~~

14 ...

15 ...  
16  
17 (76) *Historic district or historic site.* [The term] "historic district" means one or more historic  
18 sites and intervening or surrounding property significantly affecting or affected by the quality  
19 and character of the historic site or sites, and has been registered, or is deemed eligible to be  
20 included, on the state register of historical places pursuant to G.L. 1956, § 42-45-5. Historic site  
21 means any real property, manmade structure, natural object, or configuration or any portion or  
22 group of the foregoing which has been registered, or is deemed eligible to be included, on the  
23 state register of historic places pursuant to G.L. 1956, § 42-45-5.

24 ...

25 ...  
26 **ARTICLE 11.**  
27 **JAMESTOWN VILLAGE**  
28 **SPECIAL DEVELOPMENT DISTRICT**  
29

30 Sec. 82-1105. Pre-Existing Conditions.

- 31 A. Existing buildings and appurtenances that do not conform to the provisions of this  
32 Section may continue in use and form as they are until a Substantial Modification is  
33 requested, at which time the TRC shall determine the provisions of this section that  
34 shall apply.  
35 B. The modification of existing buildings is permitted By Right if such changes result in  
36 greater conformance with the specifications of this Section as determined by the  
37 Building Official. The Building Official may consult the TRC in making this  
38 determination.  
39 C. Any demolition, exterior addition to or exterior modification other than routine  
40 preventative maintenance and/or repairs, or emergency repairs to protect and stabilize  
41 the condition of a Building of Value that has been designated as such or to a building  
42 actually or potentially eligible for inclusion on a state, local or national historic  
43 register, shall be subject to development plan review approval by the Jamestown  
44 Planning Commission. Development plan review under this provision shall only be  
45 based on specific and objective guidelines set forth at this Article 11, Sections 1100 –  
46 1115, inclusive.

1 D. The restoration or rehabilitation of ~~an existing~~ Building of Value to National Park  
2 Service ~~Historic standards or any local historic district standards~~ shall not require the  
3 provision of (a) parking in addition to that existing or (b) on-site stormwater  
4 retention/detention in addition to that ~~existing~~.

Comment [PR1]: Do you want this exemption to remain?

5  
6 Sec. 82-1106. Special Requirements.

7 A. The Jamestown Zoning Map may designate the following Special Requirements for  
8 the Village Special District when recommended by the Planning Commission and  
9 approved by the Town Council per Article 18 of this ordinance:

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29 area.