



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Monday, August 21, 2017**  
**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.*

*Attachments for items on this meeting agenda are available to the public on the Town website at: <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2017-meetings-minutes/2017-meetings>*

**I. ROLL CALL**

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

**III. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

- A) Approval of Minutes; review, discussion and/or potential action and/or vote
  - 1) July 17, 2017 (regular meeting)
- B) Open Forum
  - 1) Scheduled request to address
  - 2) Non-scheduled request to address
- C) Report of Town Officials - Status Reports; review, discussion and/or potential action and/or vote
  - 1) Pumping Report
  - 2) Town Projects Reports
    - a) Town Wells
    - b) Water Treatment Plant
    - c) Transfer Pumping/Reservoir
    - d) Distribution System
    - e) Wastewater Treatment Facility
  - 3) Finance Director's Report

Town Council Adjourns from sitting as the Board of Water and Sewer Commissioners

**IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS**

- A) Proclamation
  - 1) No. 2017-14 Honoring Chris and Candy Powell “Fools’ Rules Regatta”; review, discussion and/or potential action and/or vote

**V. 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.*

**VI. 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 request to address
- B) Non-scheduled request to address

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

- A) Town Administrator’s Report: Andrew E. Nota
  - 1) Friends of the Jamestown Seniors – election of Board of Directors
  - 2) Sign Regulations
  - 3) Safe Routes to School Update
  - 4) Legislative Tracking Report (Senate/House)
  - 5) Playground Renovation Update
- B) Parks and Recreation Department Report: Andrew J. Wade, Director
- C) Conservation Commission Report: Anne Kuhn Hines, Chair

**VIII. UNFINISHED BUSINESS**

*For past discussion documentation, please visit <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2017-meetings-minutes/2017-meetings>*

- A) Town Council Meeting Schedule for September 2017; review, discussion and/or potential action and/or vote
- B) Upcoming Meetings and Sessions – dates and times
- C) Coyotes in Jamestown: threat to domesticated animals and livestock; review, discussion and/or potential action and/or vote
- D) Dutch Harbor Aquaculture Concerns, continued from July 17, 2017
  - 1) Application of Antonio and Joseph Pinheiro to modify Aquaculture Assent to float 595 permitted bottom cages on their 2 acre site for a potential maximum of 710 floating cages and to allow bottom planting of oysters on site; objections/requests for hearing must be submitted to CRMC in writing on or before August 29, 2017

**IX. NEW BUSINESS**

- A) Fort Wetherill Boat Owners Association Lease extension and possible negotiation; review, discussion and/or potential action and/or vote

**X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS**

- A) Ordinances
  - 1) Amendment of the Jamestown Code of Ordinances, Chapter 22 Environment, Article VII. Plastic Bag Ban, Sec. 22-350 Legislative Finds and Intent (new), Sec. 22-351 Purpose (new), Sec. 22-352 Definitions (new), Sec. 353 Prohibited Acts (new), Sec. 22-354 Exemptions (new), Sec. 22-355 Enforcement; Violations and Penalties (new), Sec. 22-356 Hardship Variance (new) and Sec. 22-357 Effective Date; review, discussion and/or potential action and/or vote to proceed to advertise in the *Jamestown Press* for public hearing on September 18, 2017
- B) Appointments, Vacancies and Expiring Terms; review, discussion and/or potential action and/or vote
  - 1) Discover Newport (Newport and Bristol County Convention and Visitors Bureau) (One vacancy with a three-year term ending date of September 7, 2020); duly advertised; interviews conducted
    - a) Letter of interest for reappointment
      - i) Frank “Rusty” Sallee
    - b) Letters of interest for appointment
      - i) James Rugh
      - ii) Richard Lynn
  - 2) Jamestown Affordable Housing Committee (One vacancy with an unexpired three-year term ending date of May 31, 2018); duly advertised; interviews conducted
    - a) Letter of interest for reappointment
      - i) Jerome Scott
    - b) Letters of interest for appointment
      - i) Valerie Malloy
      - ii) Lisa Carlisle
      - iii) Edie Flynn
      - iv) John Gillespie
      - v) Richard Lynn
  - 3) Jamestown Tree Preservation and Protection Committee (One vacancy with a three-year term ending date of December 31, 2019); duly advertised; interview conducted
    - a) Letters of interest
      - i) Richard Lynn

**XI. 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) July 17, 2017 (regular session)
  - 2) July 17, 2017 (executive meeting)

- 3) July 17, 2017 (interview session)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Philomenian Library Board of Trustees (06/06/2017)
  - 2) Jamestown Philomenian Library Board of Trustees (06/20/2017)
  - 3) Jamestown Philomenian Library Board of Trustees (07/11/2017)
  - 4) Jamestown Planning Commission (06/07/2017)
  - 5) Jamestown Planning Commission (06/21/2017)
  - 6) Jamestown Planning Commission (07/05/2017)
  - 7) Jamestown Planning Commission (07/15/2017)
  - 8) Jamestown Zoning Board of Review (06/27/2017)
- C) CRMC Notices
  - 1) August 2017 Calendar
- D) One Day Event/Entertainment License
  - 1) Applicant: Crossroads RI - Rob Upham  
 Event: Crossroads Summer Event  
 Date: August 23, 2017  
 Location: Fort Getty Pavilion
  - 2) Applicant: Aaron Hall-Stinson  
 Event: Hall-Stinson/Close Wedding  
 Date: August 26, 2017  
 Location: Fort Getty Pavilion
  - 3) Applicant: Kevin Hyman  
 Event: Sassi/Hyman Wedding  
 Date: August 27, 2017  
 Location: Fort Getty Pavilion
  - 4) Applicant: Cindy Moreau  
 Event: Moreau-Black Wedding  
 Date: September 1, 2017  
 Location: Fort Getty Pavilion
  - 5) Applicant: Emily J. Murphy  
 Event: Murphy/Prior Wedding  
 Date: September 2, 2017  
 Location: Fort Getty Pavilion
  - 6) Applicant: Arthur H. Washburn, Jr.  
 Event: Seaside Family Cruise  
 Date: September 3, 2017  
 Location: Fort Getty
  - 7) Applicant: Jennifer Chase and Nicholas Mowry  
 Event: Mowry/Chase Wedding  
 Date: September 16, 2017  
 Location: Fort Getty Pavilion
  - 8) Applicant: RI Turnpike and Bridge Authority  
 Event: Four Bridges Ride  
 Date: September 17, 2017  
 Location: Jamestown Bridge/Route 138/Newport Bridge

- 9) Applicant: Rachel Pineda  
Event: Wedding  
Date: September 22, 2017  
Location: Fort Getty Pavilion
  - 10) Applicant: Deborah Slattery  
Event: Wedding  
Date: September 29, 2017  
Location: Fort Getty Pavilion
  - 11) Applicant: Christopher Parkins and Melissa Knickerbocker  
Event: Parkins/Knickerbocker Wedding  
Date: October 6, 2017  
Location: Fort Getty Pavilion
  - 12) Applicant: Mark Esposito/Jamestown Police Department  
Event: Wheels n' Steel "Touch-A-Truck"  
Date: October 8, 2017  
Location: 250 Conanicus Avenue
  - 13) Applicant: RI Turnpike and Bridge Authority  
Event: Citizens Bank Pell Bridge Run  
Date: October 22, 2017  
Location: East Shore Road/Freebody Drive/Pell Bridge
- E) Finance Director's Report

**XII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

- A) Communications; review, discussion and/or potential action and/or vote
  - 1) Email of Alexa Gold re: increased coyote population and the resulting threat to people and pets
  - 2) Email of Linda Flinton re: increased coyote population and the resulting threat to people and pets
  - 3) Letter of Stephen and Natalie Lepre re: coyote attack on their property that killed their Puggle, Scout
  - 4) Letter of Sharon Purdie re: aquaculture activities at Dutch Harbor and application of Antonio and Joseph Pinheiro to CRMC to modify Assent to float 595 permitted cages and allow bottom planting of oysters
- B) Petitions
  - 1) Pole Petition: Verizon New England, Inc. and The Narragansett Electric Company to relocate one (1) pole (Pole #22) on Watson Avenue approximately 70' south of its existing location to accommodate customers request; review, discussion and/or potential action and or vote
    - a) Recommendation for approval by Public Works Director Michael C. Gray
- C) Resolutions and Proclamations from other Rhode Island Cities and Towns; review, discussion and/or potential action and/or vote

- 1) Resolution of the Barrington Town Council In Support of the Fiscal Year Ending June 30, 2018 State Budget
- 2) Resolution of the Barrington Town Council In Opposition to Bills H5601 and S0896 An Act Relating to Towns and Cities – Optional Retirement for Members of Police and Firefighters
- 3) Resolution of the Barrington Town Council In Opposition to Bills H5593 and S0285 An Act Relating to Labor and Labor Relations – Arbitration – Continuance of Contractual Provisions
- 4) Resolution of the North Smithfield Town Council in Support of the Adoption of Legislation that Provides Reimbursement for the cost of the Municipal Police Training Academy

### **XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS**

- A) Financial Town Meeting Rules and Procedures (September)
- B) Review of Town, School and Combined Budgets and Warrant items exceeding \$50,000 through paper ballot, electronic ballot, FTM or Referendum (September)
- C) Fort Getty Discussion re: future planning (September/October)
- D) Golf Course Design Discussion (September/October)
- E) Parks and Recreation Department/Playground Renovation Committee: Playground Design Presentation (September/October)

### **XIV. EXECUTIVE SESSION**

*The Town Council and the Library Board of Trustees may seek to go into Executive Session to discuss the following items:*

- A) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Town Administration/Library Board of Trustees and Proposed Letter of Understanding, pursuant to Rhode Island General Laws, Chapter 29-4, and Section 422 of the Jamestown Code of Ordinances); review, discussion and/or potential action and/or vote in executive session and/or open session

### **XV. 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, notice also may be posted at the Jamestown Police Station and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).***

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

*Posted on the RI Secretary of State website August 17, 2017*

**TOWN OF JAMESTOWN  
TOWN COUNCIL MEETING  
for  
TOWN, WATER AND SEWER MATTERS**

Monday, July 17, 2017

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:35PM by Commission President Kristine S. Trocki.

The following members were present:

Mary E. Meagher, Vice-President  
Blake A. Dickinson  
Eugene B. Mihaly  
Michael G. White

Also present were:

Andrew Nota, Town Administrator Peter  
D. Ruggiero, Esq., Town Solicitor Michael  
Gray PE, Public Works Director Christina  
D. Collins, Finance Director Cheryl  
Fernstrom, Town Clerk  
Paula Swistak, Acting Water and Sewer Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

**READING AND APPROVAL OF MINUTES**

1) 6/19/17 Regular Meeting

Motion was made by Commissioner Mihaly, seconded by Commissioner Meagher to accept the June 19, 2017 meeting minutes. So unanimously voted.

**OPEN FORUM**

1) Scheduled requests to address:

(None scheduled)

2) Non-scheduled request to address:

Commissioner Dickinson took a moment to honor, recently deceased Jamestown resident Victor Calabretta. He stated that he modeled his activities after Mr. Calabretta, who was a great friend and neighbor. He further stated that Mr. Calabretta served the community both professionally and as a neighbor. Thoughts and prayers are sent his family.

## REPORT OF TOWN OFFICIALS

1) Pumping Report:

The Public Works Director reported the following:

- JR-1 has been placed into service for the season.
- Rainfall was down for the month of June. Had 1.79 inches of rain; was 6.03 inches in May.
- North Reservoir is @ capacity- 60MG, usable storage-54MG.
- South Pond is @ capacity- 6MG, usable storage-6MG

2) Town Project Reports: See attached Project Update Report dated June 2017

## LETTERS AND COMMUNICATIONS

(None)

## UNFINISHED BUSINESS

(None)

## NEW BUSINESS

(None)

## TOWN BUSINESS

(None)

## ADJOURNMENT

There being no further business before the Commission, motion was made by Commissioner Mihaly seconded by Commissioner Meagher to adjourn the Water and Sewer meeting at 6:45 PM. So unanimously voted.

Attest:

Paula Swistak  
Acting Water and Sewer Clerk

xc: Commission Members (5)  
Town Administrator  
Town Solicitor  
Public Works Director  
Town Clerk



## Project Update June 2017

### WELLS

JR-1, JR-3

- JR-1 has been placed into service for the season. The well pumps at a rate of 50 gallons per minute directly into the transmission main that flows to the water plant.

### TREATMENT PLANT

- The installation of the new motor starters and controls for the high lift pumps are complete. The pumps deliver the treated water from the plant to the distribution system. The pumps now operate out of the new treatment plant and the old obsolete equipment can now be removed from the old building. The original motor starters were installed in 1990 with the construction of the old treatment plant.

### TRANSFER PUMPING/RESERVOIR

- Transfer pumping from South Pond has been off since April and will only be used as needed.

#### Dam Improvements

The CRMC has granted an Assent for the proposed Dam Improvement project at South Pond. We are now in the process of receiving a water quality certificate and an approval from the RIDEM Dam Safety Program. Once we have received all of our approvals we can schedule the start of the project. Work must be completed through the dry season.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG  
Usable Storage, 6 Million Gallons

North Pond @ 60 MG  
Usable Storage 54 Million Gallons

- There were no leaks in the distribution system in June.

### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for June was 0.32 million gallons per day. The peak daily flow was 0.77 million gallons. The permitted flow for the monthly average is 0.73 million gallons per day.
- There were no SSO's for the month of June.
- I am working on bid drawings for a project to replace segments of sewer piping that could not be slip lined due to size or condition of the existing piping. One of the segments is located on Grinnell Street where the residents are waiting for the road to be improved. Once the pipe is replaced we can schedule the road for our annual road paving program.

## Project Update July 2017

### WELLS

JR-1, JR-3

- JR-1 has been placed into service for the season. The well pumps at a rate of 50 gallons per minute directly into the transmission main that flows to the water plant.

### TREATMENT PLANT

- To provide safe drinking water to our customers, the water is disinfected with chlorine as the last step in treatment before distribution. Disinfectants can react with naturally occurring materials in the water to form byproducts that can pose health risks. The water department is responsible for monitoring water from the distribution system once every quarter for disinfection byproducts that include Total Trihalomethanes (TTHMs) and Total Haloacetic Acids (HAAs).

The Stage 2 Disinfection by-products rule requires us to collect and analyze a sample taken from the Town Hall each quarter. The second quarter testing results were 59.9 ppb for TTHMs and 32.5 ppb for HAAs. The EPA has set a maximum level of 80 ppb for TTHMs and 60 ppb for HAAs. The EPA determines maximum levels of contaminants in drinking water at which no adverse health effects are likely to occur. As the results show we are below the levels set by EPA.

### TRANSFER PUMPING/RESERVOIR

- We transferred water to the North Reservoir for a couple days to determine if we can dry the area adjacent to our Dam Improvement project. There was no immediate effect on the water level in that area outside of the dike section of the dam.

#### Dam Improvements

We have been monitoring the conditions at the South Reservoir to determine if and when construction can begin this season. Groundwater conditions remain high throughout the area due to the weather received over the past couple months. There is a considerable amount of earth work directly adjacent to the reservoir which must be conducted in dry conditions.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 5.5 Million Gallons

North Pond @ 60 MG

Usable Storage 47 Million Gallons

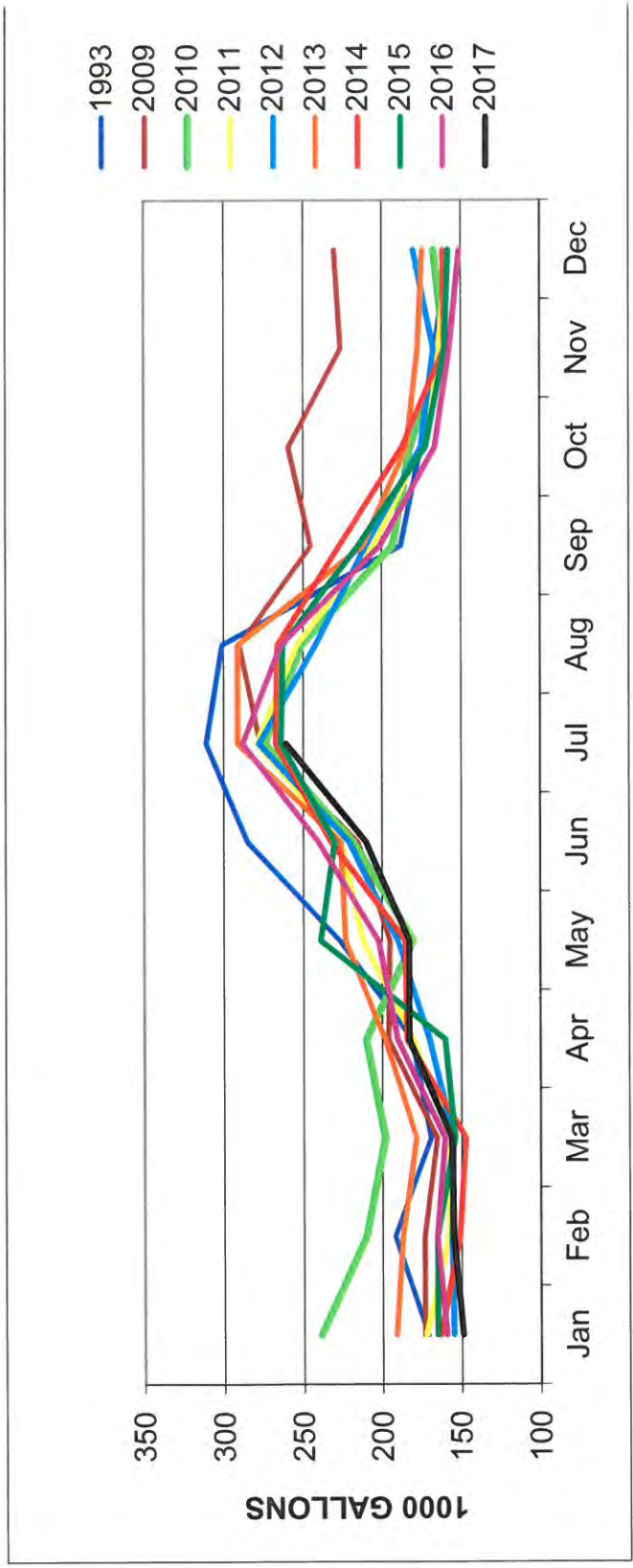
- There were no leaks in the distribution system in July.

### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for July was 0.22 million gallons per day. The peak daily flow was 0.26 million gallons. The permitted flow for the monthly average is 0.73 million gallons per day.
- There were no SSO's for the month of July.

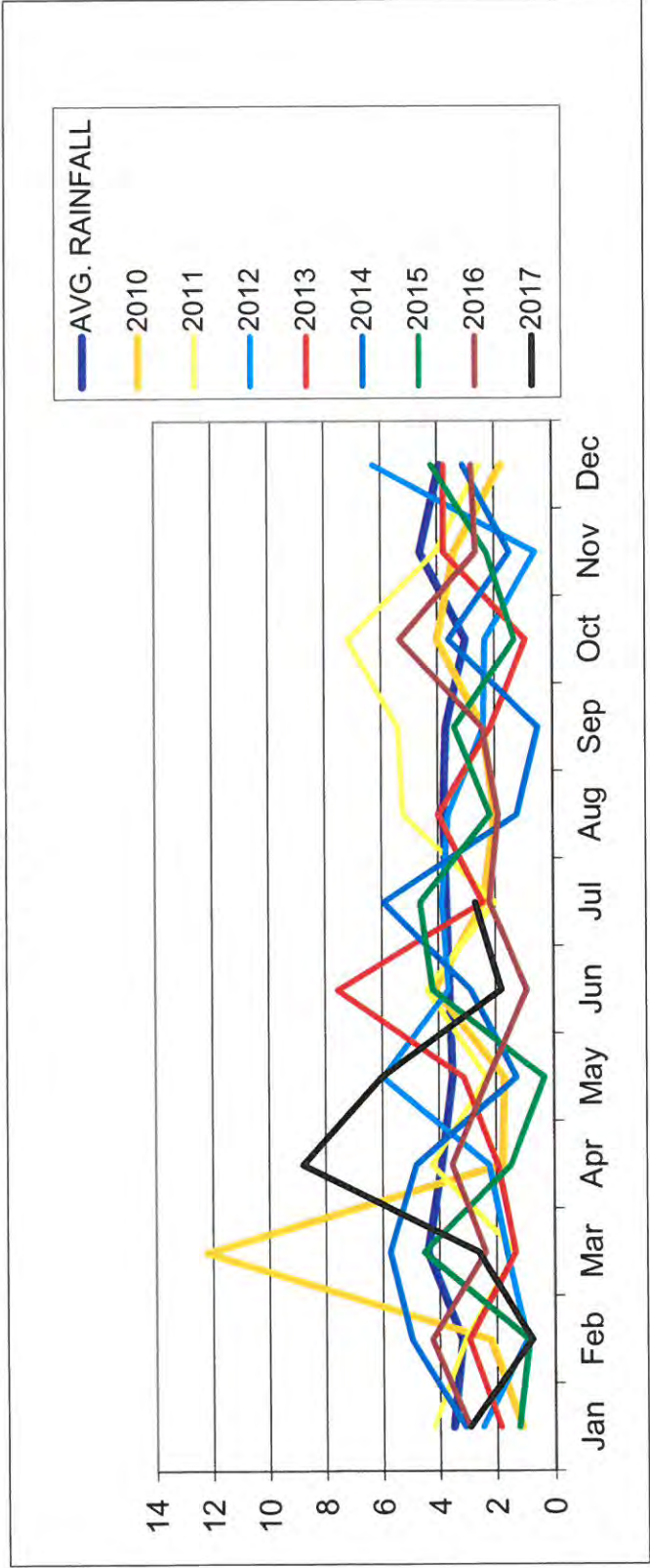
	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Jan	171	172	173	239	172	155	191	163	165	159	149
Feb	192	154	173	210	158	156	187	151	165	165	155
Mar	169	155	165	198	157	155	178	147	154	160	156
Apr	181	174	196	210	180	170	198	184	160	190	183
May	227	202	195	180	212	190	223	185	239	202	183
Jun	285	246	215	218	226	221	226	232	230	240	210
Jul	311	296	277	274	279	278	291	267	264	288	261
Aug	301	256	290	251	254	242	291	266	263	264	264
Sep	188	210	245	193	205	210	212	227	215	201	201
Oct	175	187	259	182	175	175	184	187	172	166	166
Nov	166	175	226	160	164	167	177	160	160	157	157
Dec	158	192	230	167	158	180	174	161	158	151	151

**PUMPING REPORT**



	AVG. RAINFALL												Total	
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Jan	1.1	4.22	2.49	1.85	3.1	1.22	2.94	2.94	3.1	1.85	4.22	2.49	1.85	3.1
Feb	2.2	3.09	0.93	2.94	4.98	0.86	4.25	2.94	4.98	0.86	4.25	2.94	2.94	4.98
Mar	12.2	1.32	1.64	1.32	5.74	4.53	2.36	2.62	5.74	4.53	2.36	2.62	2.62	5.74
Apr	1.77	4.25	2.24	1.92	4.8	1.47	3.53	8.8	4.8	1.47	3.53	8.8	8.8	4.8
May	1.69	2.32	5.97	3.11	1.27	0.32	2.24	6.03	1.27	0.32	2.24	6.03	6.03	1.27
Jun	4.11	4.4	3.64	7.55	2.86	4.2	0.89	1.79	2.86	4.2	0.89	1.79	1.79	2.86
Jul	2.4	2.01	3.86	2.42	5.93	4.63	2.19	2.7	5.93	4.63	2.19	2.7	2.7	5.93
Aug	2	5.23	3.64	3.98	1.23	2.17	1.88		1.23	2.17	1.88			1.23
Sep	2.4	5.41	2.39	2.13	0.5	3.41	2.42		0.5	3.41	2.42			0.5
Oct	4	7.18	2.33	0.9	3.61	1.31	5.33		3.61	1.31	5.33			1.31
Nov	3.4	4.05	0.58	3.76	1.47	2.27	2.63		1.47	2.27	2.63			1.47
Dec	1.76	2.51	6.28	3.76	3.1	4.2	2.79		3.1	4.2	2.79			3.1
Total	44.8													

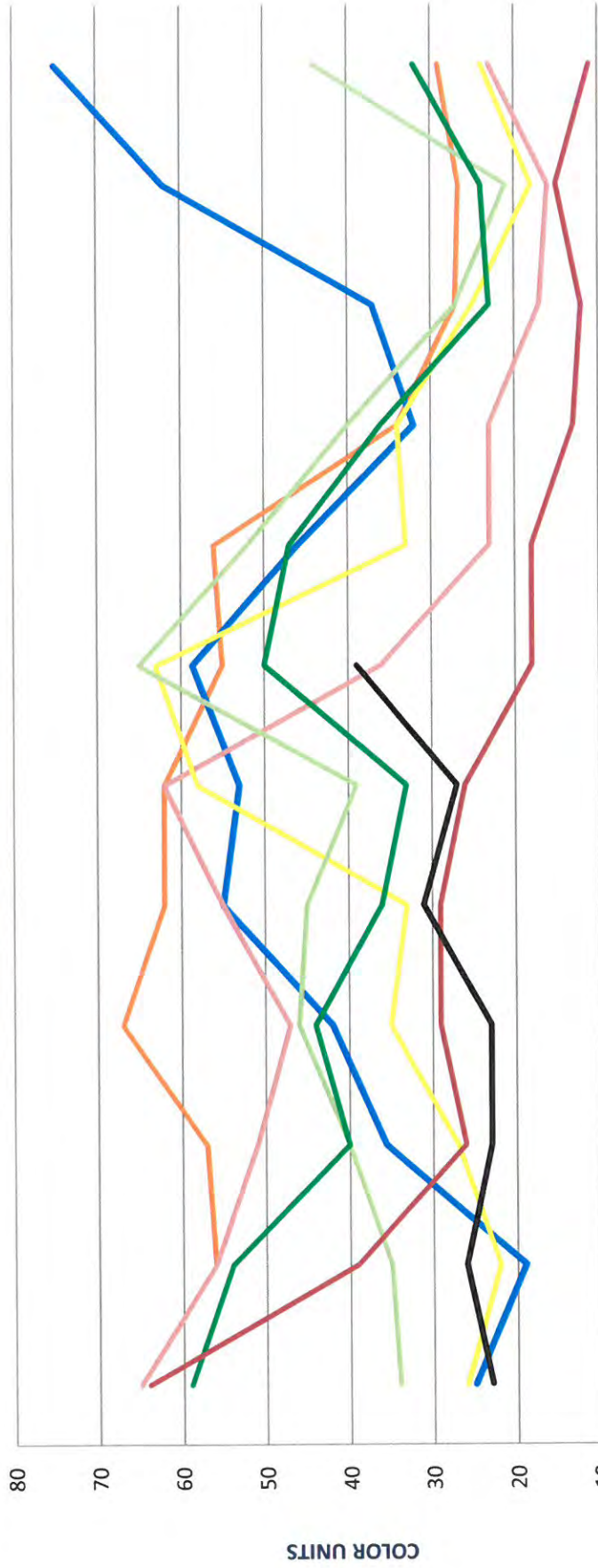
## RAINFALL







# Transfer Pumping NORTH POND WATER QUALITY



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2010	65	56	57	67	62	62	55	56	34	27	26.6	29.07
2011	25	18.97	35.62	42	53	53	58.6	46	32	37	62	75
2012	65	56	51	47	55	62	36	23	23	17	16	23
2013	26	22	27	35	33	58	63	33	34	25	18	24
2014	34	35	40	46	45	39	65	52	40	27	21	44
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39					

**TOWN OF JAMESTOWN - WATER DIVISION**  
**BUDGET VS ACTUAL**  
**JULY 2016 - JUNE 2017**  
**YTD Ending June 30, 2017**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>ACTUAL BUDGET</u>	<u>PTD EXPENSES</u>	<u>YTD EXPENSES</u>	<u>REMAINING \$</u>	<u>% of BUDGET</u>
<b>OPERATING REVENUES</b>					
40100401 Metered Excess Water	320,418.00	56,661.78	338,926.67	-18,508.67	105.78%
40100402 Minimum Charges	518,641.00	170.11	521,278.22	-2,637.22	100.51%
40100403 Fire Protection Charges	165,000.00	165,000.00	165,000.00	0.00	100.00%
40100408 Income From New Services	24,000.00	7,850.00	41,150.00	-17,150.00	171.46%
40100409 Miscellaneous Income	20,000.00	1,730.07	12,761.97	7,238.03	63.81%
40100415 Interest Income	3,500.00	759.49	4,096.16	-596.16	117.03%
40100420 Rental Water Tower	154,475.00	10,408.45	141,098.31	13,376.69	91.34%
40100xxx Use of Surplus	0.00	0.00	0.00	0.00	#DIV/0!
<b>40100 TOTAL REVENUES</b>	<b>1,206,034.00</b>	<b>242,579.90</b>	<b>1,224,311.33</b>	<b>-18,277.33</b>	<b>101.52%</b>
<b>OPERATING SALARIES</b>					
70000500 Public Works Director	22,739.00	1,819.10	23,648.27	-909.27	104.00%
70000501 Field Work - Labor w/Long	60,329.00	4,729.08	66,474.50	-6,145.50	110.19%
70000502 Accounting w/Long	37,097.00	2,707.50	39,454.48	-2,357.48	106.35%
70000503 Treatment Plant Oper w/Long	69,088.00	5,092.03	70,297.12	-1,209.12	101.75%
70000504 Asst Treatment Plant w/Long	59,687.00	0.00	42,549.88	17,137.12	71.29%
70000505 Plant Operator	0.00	4,133.97	11,952.84	-11,952.84	#DIV/0!
70000511 Field Work - Labor (OT)	10,000.00	1,422.95	13,428.13	-3,428.13	134.28%
70000513 Treatment Plant Oper (OT)	10,000.00	1,312.79	12,014.40	-2,014.40	120.14%
70000514 Asst Treatment Plant Oper (OT)	9,000.00	0.00	12,361.34	-3,361.34	137.35%
<b>7000 Salaries</b>	<b>277,940.00</b>	<b>21,217.42</b>	<b>292,180.96</b>	<b>-14,240.96</b>	<b>105.12%</b>
70010900 Social Security	21,262.00	1,613.30	20,153.80	1,108.20	94.79%
70010901 Health & Dental	43,025.00	2,391.24	28,157.73	14,867.27	65.45%
70010902 Worker's Compensation	27,500.00	0.00	27,500.00	0.00	100.00%
70010906 Life Insurance	780.00	55.80	651.00	129.00	83.46%
70020904 Retirement Fund/Pension	27,016.00	3,665.08	20,452.15	6,563.85	75.70%
700XXXX Salary Adjustment	12,694.00	0.00	0.00	12,694.00	0.00%
70020910 Clothing Allowance	1,500.00	0.00	154.99	1,345.01	10.33%
<b>7001 Benefits</b>	<b>133,777.00</b>	<b>7,725.42</b>	<b>97,069.67</b>	<b>36,707.33</b>	<b>72.56%</b>
<b>7000/7001 SALARIES/BENEFITS</b>	<b>411,717.00</b>	<b>28,942.84</b>	<b>389,250.63</b>	<b>22,466.37</b>	<b>94.54%</b>
70050601 Maintenance	5,000.00	5,950.00	9,290.00	-4,290.00	185.80%
70050603 Emergency Supplies	0.00	0.00	0.00	0.00	#DIV/0!
70050606 Alarm Lines	2,000.00	306.16	1,637.60	362.40	81.88%
<b>7005 Reservoirs/Rights of Way</b>	<b>7,000.00</b>	<b>6,256.16</b>	<b>10,927.60</b>	<b>-3,927.60</b>	<b>156.11%</b>
70060601 Maintenance	1,000.00	0.00	0.00	1,000.00	0.00%
70060605 Monitoring	0.00	0.00	0.00	0.00	#DIV/0!
70060636 Electricity	6,000.00	1,767.72	9,086.49	-3,086.49	151.44%
70060934 Depreciation Expense	0.00	0.00	0.00	0.00	#DIV/0!
<b>7006 Wells</b>	<b>7,000.00</b>	<b>1,767.72</b>	<b>9,086.49</b>	<b>-2,086.49</b>	<b>129.81%</b>
70100631 Chemicals	45,000.00	1,775.14	42,653.49	2,346.51	94.79%
70100632 Heat	14,500.00	0.00	7,748.18	6,751.82	53.44%
70100633 Equipment Maintenance	25,000.00	1,997.00	47,892.65	-22,892.65	191.57%
70100634 Professional Services	5,000.00	0.00	6,185.00	-1,185.00	123.70%
70100635 Telephone	2,000.00	283.46	2,329.92	-329.92	116.50%
70100636 Electricity	38,000.00	6,538.83	37,959.37	40.63	99.89%
70100637 Building Maintenance	8,000.00	822.76	5,810.74	2,189.26	72.63%
70100638 State Testing	18,000.00	3,763.62	20,345.26	-2,345.26	113.03%
70100639 License Fees	2,000.00	1,500.00	3,909.05	-1,909.05	195.45%
70100643 Pump Out Treatment Plant	2,000.00	780.00	3,100.00	-1,100.00	155.00%
70100645 Sludge Removal	11,500.00	3,202.05	16,739.10	-5,239.10	145.56%
<b>7010 Pump Station &amp; Treatment Plant</b>	<b>171,000.00</b>	<b>20,662.86</b>	<b>194,672.76</b>	<b>-23,672.76</b>	<b>113.84%</b>



**TOWN OF JAMESTOWN - WATER DIVISION**

**BUDGET VS ACTUAL**

**JULY 2016 - JUNE 2017**

**YTD Ending June 30, 2017**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>ACTUAL BUDGET</u>	<u>PTD EXPENSES</u>	<u>YTD EXPENSES</u>	<u>REMAINING \$</u>	<u>% of BUDGET</u>
70110570 South Pond - Alarm	0.00	0.00	0.00	0.00	#DIV/0!
70110636 South Pond - Electricity	1,650.00	0.00	1,126.77	523.23	68.29%
70110637 South Pond - Transfer Pump	2,000.00	162.52	4,840.55	-2,840.55	242.03%
<b>7011 South Pond Pre-Treatment Bldg</b>	<b>3,650.00</b>	<b>162.52</b>	<b>5,967.32</b>	<b>-2,317.32</b>	<b>163.49%</b>
70120636 Water Tower - Electricity	3,000.00	283.25	2,087.63	912.37	69.59%
70120643 Water Tower - Maintenance	500.00	0.00	0.00	500.00	0.00%
<b>7012 Water Tower</b>	<b>3,500.00</b>	<b>283.25</b>	<b>2,087.63</b>	<b>1,412.37</b>	<b>59.65%</b>
70130644 Gasoline/Oil	1,500.00	113.95	755.45	744.55	50.36%
70130645 Repairs/Maintenance	1,000.00	451.57	3,495.49	-2,495.49	349.55%
<b>7013 Vehicles</b>	<b>2,500.00</b>	<b>565.52</b>	<b>4,250.94</b>	<b>-1,750.94</b>	<b>170.04%</b>
70200651 Clamps	1,000.00	0.00	0.00	1,000.00	0.00%
70200652 Pipe	5,000.00	200.00	2,851.93	2,148.07	57.04%
70200653 Backfill & Excavation	2,000.00	0.00	0.00	2,000.00	0.00%
<b>7020 Maintenance &amp; Laterals</b>	<b>8,000.00</b>	<b>200.00</b>	<b>2,851.93</b>	<b>5,148.07</b>	<b>35.65%</b>
70300661 Service Repairs	8,000.00	3,467.39	8,783.84	-783.84	109.80%
70300663 New Services	3,000.00	1,277.42	3,826.29	-826.29	127.54%
<b>7030 Water Division Services</b>	<b>11,000.00</b>	<b>4,744.81</b>	<b>12,610.13</b>	<b>-1,610.13</b>	<b>114.64%</b>
70400672 Supplies/Expenses	14,000.00	1,519.92	5,790.25	8,209.75	41.36%
70400673 Meter Reading	0.00	0.00	0.00	0.00	#DIV/0!
<b>7040 Meters</b>	<b>14,000.00</b>	<b>1,519.92</b>	<b>5,790.25</b>	<b>8,209.75</b>	<b>41.36%</b>
70500681 Maintenance	8,000.00	0.00	555.00	7,445.00	6.94%
<b>7050 Hydrants</b>	<b>8,000.00</b>	<b>0.00</b>	<b>555.00</b>	<b>7,445.00</b>	<b>6.94%</b>
70600201 Legal Fees	0.00	0.00	0.00	0.00	#DIV/0!
70600923 Billing	6,500.00	557.62	4,085.14	2,414.86	62.85%
70600924 Insurance	7,200.00	0.00	7,200.00	0.00	100.00%
70600925 Audit	4,000.00	0.00	0.00	4,000.00	0.00%
70600926 Supplies & Training	5,000.00	199.47	7,109.97	-2,109.97	142.20%
<b>7060 Administration</b>	<b>22,700.00</b>	<b>757.09</b>	<b>18,395.11</b>	<b>4,304.89</b>	<b>81.04%</b>
70700350 Principal	0.00	0.00	0.00	0.00	#DIV/0!
70700940 Interest	0.00	0.00	0.00	0.00	#DIV/0!
70700300 Transfer to \$6.2 Water Debt	435,967.00	0.00	0.00	435,967.00	0.00%
<b>7070 Debit Service</b>	<b>435,967.00</b>	<b>0.00</b>	<b>0.00</b>	<b>435,967.00</b>	<b>0.00%</b>
70800000 Infrastructure Replacement					
Fund/Capital Improvements	100,000.00	12,981.86	105,273.13	-5,273.13	105.27%
Implementation & Conservation	0.00	0.00	0.00	0.00	#DIV/0!
<b>7080 Total</b>	<b>100,000.00</b>	<b>12,981.86</b>	<b>105,273.13</b>	<b>-5,273.13</b>	<b>105.27%</b>
<b>TOTAL EXPENSES</b>	<b>1,206,034.00</b>	<b>78,844.55</b>	<b>761,718.92</b>	<b>444,315.08</b>	<b>63.16%</b>
<b>TOTAL REVENUES</b>	<b>1,206,034.00</b>	<b>242,579.90</b>	<b>1,224,311.33</b>	<b>-18,277.33</b>	<b>101.52%</b>



**TOWN OF JAMESTOWN - SEWER DIVISION**  
**BUDGET VS ACTUAL**  
**JULY 2016 - JUNE 2017**  
**YTD Ending June 30, 2017**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>ACTUAL BUDGET</u>	<u>PTD EXPENSES</u>	<u>YTD EXPENSES</u>	<u>REMAINING \$</u>	<u>% of BUDGET</u>
<b>OPERATING REVENUES</b>					
40100400 Sewer Line Frontage Assessment	79,501.00	80,078.84	80,078.84	-577.84	100.73%
40100404 New Service Deposits	0.00	0.00	0.00	0.00	#DIV/0!
40100405 Inspection Fees	250.00	0.00	150.00	100.00	60.00%
40100406 Sewer Use Sales	555,000.00	121,070.00	540,151.99	14,848.01	97.32%
40100408 New Service Connection Fees	30,000.00	3,000.00	18,000.00	12,000.00	60.00%
40100413 Miscellaneous Income	0.00	0.00	0.00	0.00	#DIV/0!
40100414 Dumping Fees	5,000.00	315.00	3,605.00	1,395.00	72.10%
40100415 Investment Income	0.00	0.00	0.00	0.00	#DIV/0!
44000850 Golf Course Allocation	8,000.00	0.00	0.00	8,000.00	0.00%
<b>40100 TOTAL REVENUES</b>	<b>677,751.00</b>	<b>204,463.84</b>	<b>653,985.83</b>	<b>23,765.17</b>	<b>96.49%</b>
<b>OPERATING EXPENSES</b>					
70000100 Public Works Director	22,739.00	1,819.08	23,648.05	-909.05	104.00%
70000101 Wastewater Super w/Long	69,089.00	5,092.04	71,872.08	-2,783.08	104.03%
70000102 Accounting w/Long	37,097.00	2,707.49	39,454.23	-2,357.23	106.35%
70000103 Asst. Superintendent w/Long	64,164.00	4,729.07	66,632.46	-2,468.46	103.85%
70000104 Plant Operator w/Long	56,277.00	4,226.42	58,529.16	-2,252.16	104.00%
70000111 Wastewater Super OT	9,000.00	0.00	1,693.49	7,306.51	18.82%
70000113 Asst. Superintendent OT	9,000.00	762.56	14,935.86	-5,935.86	165.95%
70000114 Plant Operator OT	8,000.00	877.84	10,603.11	-2,603.11	132.54%
<b>7000 Salaries</b>	<b>275,366.00</b>	<b>20,214.50</b>	<b>287,368.44</b>	<b>-12,002.44</b>	<b>104.36%</b>
70009900 Social Security	21,069.00	1,181.16	17,218.85	3,850.15	81.73%
70009901 Health & Dental	55,825.00	2,992.27	34,226.51	21,598.49	61.31%
70009902 Life Insurance	550.00	55.80	669.60	-119.60	121.75%
70009904 Retirement	30,042.00	3,571.17	23,795.46	6,246.54	79.21%
70009906 Worker's Compensation	9,000.00	0.00	9,000.00	0.00	100.00%
Salary Adj	6,000.00	0.00	0.00	0.00	0.00%
70020910 Clothing Allowance	1,500.00	0.00	158.13	1,341.87	10.54%
<b>7000 Benefits</b>	<b>123,986.00</b>	<b>7,800.40</b>	<b>85,068.55</b>	<b>32,917.45</b>	<b>68.61%</b>
<b>7000 TOTAL SALARY &amp; BENEFITS</b>	<b>399,352.00</b>	<b>28,014.90</b>	<b>372,436.99</b>	<b>20,915.01</b>	<b>93.26%</b>
70020001 Power - Electricity	40,000.00	7,083.77	38,251.51	1,748.49	95.63%
70020002 Chemicals	2,500.00	0.00	2,365.47	134.53	94.62%
70020003 Heat	10,000.00	4,335.67	9,846.86	153.14	98.47%
70020004 Water	2,200.00	539.97	2,370.42	-170.42	107.75%
70020005 Chlorine	7,000.00	1,408.68	5,097.96	1,902.04	72.83%
70020006 Equipment Maintenance	22,000.00	2,924.33	21,034.02	965.98	95.61%
70020007 Solvents, Cleaning, Office Supplies	5,000.00	354.05	9,786.97	-4,786.97	195.74%
70020008 Laboratory Supplies	4,500.00	0.00	2,120.07	2,379.93	47.11%
70020009 Telephone	750.00	57.35	551.52	198.48	73.54%
70020010 Alarm Lines	5,500.00	1,055.70	6,435.87	-935.87	117.02%
70020011 Sludge Disposal	40,000.00	8,765.60	36,465.70	3,534.30	91.16%
70020012 Truck Operation & Maintenance	1,000.00	0.00	439.07	560.93	43.91%
70020013 Gas - Truck	2,500.00	0.00	127.68	2,372.32	5.11%
70020014 State Mandated Testing	20,000.00	3,200.00	21,934.07	-1,934.07	109.67%
70020015 Permit Renewal	0.00	1,500.00	1,500.00	-1,500.00	#DIV/0!
70020016 Training	1,000.00	111.00	471.00	529.00	47.10%
70020103 Generator Fuel	0.00	0.00	0.00	0.00	#DIV/0!
70020600 Professional Services	2,000.00	0.00	50.00	1,950.00	2.50%
70020xxx Audit	2,500.00	0.00	0.00	2,500.00	0.00%
<b>7002 Wastewater Treatment Facility</b>	<b>168,450.00</b>	<b>31,336.12</b>	<b>158,848.19</b>	<b>9,601.81</b>	<b>94.30%</b>

**TOWN OF JAMESTOWN - SEWER DIVISION**  
**BUDGET VS ACTUAL**  
**JULY 2016 - JUNE 2017**  
**YTD Ending June 30, 2017**

<b><u>ACCOUNT NUMBER &amp; DESCRIPTION</u></b>	<b><u>ACTUAL BUDGET</u></b>	<b><u>PTD EXPENSES</u></b>	<b><u>YTD EXPENSES</u></b>	<b><u>REMAINING \$</u></b>	<b><u>% of BUDGET</u></b>
700300017 Pumping Station #3 (W Ferry)	4,000.00	1,284.61	4,250.52	-250.52	106.26%
700300018 Pumping Station #1 (Bayview)	18,500.00	2,775.72	19,797.36	-1,297.36	107.01%
700300019 Pumping Station #2 (Hamilton)	10,500.00	1,115.70	10,028.22	471.78	95.51%
700300020 Pumping Station #4 (Maple)	750.00	103.17	554.28	195.72	73.90%
<b>7003 Pumping Stations</b>	<b>33,750.00</b>	<b>5,279.20</b>	<b>34,630.38</b>	<b>-880.38</b>	<b>102.61%</b>
70040598 Equipment Insurance	4,000.00	0.00	4,000.00	0.00	100.00%
<b>7004 Insurance</b>	<b>4,000.00</b>	<b>0.00</b>	<b>4,000.00</b>	<b>0.00</b>	<b>100.00%</b>
70050021 Maintenance and Cleaning	6,500.00	3,100.00	4,733.40	1,766.60	72.82%
70050605 West Ferry Extension Notes	5,371.00	0.00	23,006.94	-17,635.94	428.35%
70050xxx Jet Vac Truck Lease	10,703.00	0.00	0.00	10,703.00	0.00%
70050xxx Slip Lining	9,625.00	0.00	0.00	9,625.00	0.00%
<b>7005 Sanitary Sewers, Laterals&amp;Mains</b>	<b>32,199.00</b>	<b>3,100.00</b>	<b>27,740.34</b>	<b>4,458.66</b>	<b>86.15%</b>
70100.xxx Capital Set Aside	40,000.00	0.00	12,094.29	27,905.71	30.24%
<b>7007 Capital Improvement</b>	<b>40,000.00</b>	<b>0.00</b>	<b>12,094.29</b>	<b>27,905.71</b>	<b>30.24%</b>
<b>TOTAL EXPENSES</b>	<b>677,751.00</b>	<b>67,730.22</b>	<b>609,750.19</b>	<b>62,000.81</b>	<b>89.97%</b>
<b>TOTAL REVENUE</b>	<b>677,751.00</b>	<b>204,463.84</b>	<b>653,985.83</b>	<b>23,765.17</b>	<b>96.49%</b>

# Town of Jamestown

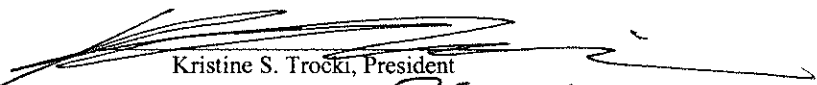


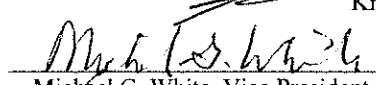
**PROCLAMATION OF THE TOWN COUNCIL  
No. 2017-14  
HONORING CHRIS AND CANDY POWELL  
“FOOLS’ RULES REGATTA”**

- WHEREAS,** The first “Fools’ Rules Regatta” was held in 1977 and was so successful it became an annual event that Jamestowners and visitors look forward to every year, and
- WHEREAS,** 2017 marks the Fortieth Anniversary of the “Fools’ Rules Regatta” to be held on Saturday, August 12<sup>th</sup> at East Ferry Beach; and
- WHEREAS,** In 1980 Chris Powell, with the guidance and wisdom of wife Candy, took over the helm as “Chief Fool” of the Fools’ Rules Regatta, and with the dedicated assistance of Larry and Betty Buckley, Vic and Judy Calabretta and Winston Knight, has organized and directed the Regatta for the last 37 years; and
- WHEREAS,** In 1989 the Jamestown Yacht Club took over sponsorship of the event, and over the years the Fools’ Rule Regatta has raised and donated thousands of dollars to deserving Jamestown community groups and organizations; and
- WHEREAS,** In June of 2016 the *Newport Life Magazine* recognized Chris and Candy Powell for their good works and bestowed upon them the prestigious “Best of” Award in the Regatta Category; and
- WHEREAS,** After this year’s Fools’ Rules Regatta, Chris will be retiring as the “Chief Fool” and Candy will retire as the Manager behind the “Chief Fool”; and
- WHEREAS,** The Jamestown Yacht Club and its members congratulate Chris and Candy Powell for organizing and running this event for the past 37 years, express their sincerest gratitude, and wish them well on their next series of “foolish” adventures.

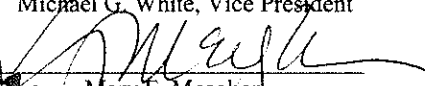
**NOW, THEREFORE, LET IT BE HEREBY RESOLVED,** That the Town Council of the Town of Jamestown joins with all members of the community in extending sincerest congratulations and thanks to Chris and Candy Powell for their dedication to the community and their 37 years as the “Chief Fool” and “Chief Fool’s Manager” and wish them happiness and success in their future endeavors.

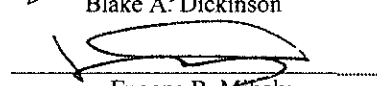
By Order of the Jamestown Town Council

  
Kristine S. Trocki, President

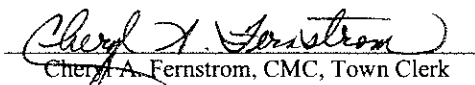
  
Michael G. White, Vice President

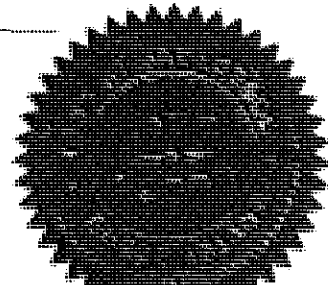
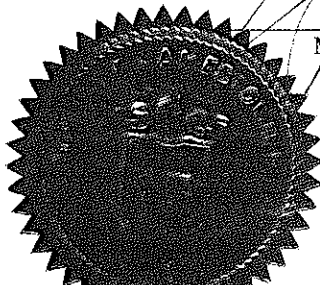
  
Blake A. Dickinson

  
Mary E. Meagher

  
Eugene B. Mihaly

IN WITNESS WHEREOF, I hereby attach my hand and the official Seal of the Town of Jamestown this 12<sup>th</sup> day of August, 2017.

  
Cheryl A. Fernstrom, CMC, Town Clerk





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

**TO:** HONORABLE TOWN COUNCIL  
**FROM:** ANDREW E. NOTA, TOWN ADMINISTRATOR  
**SUBJECT:** AUGUST 2017 – PROJECT AND MISCELLANEOUS UPDATE  
**DATE:** August 17, 2017

The following business items are provided as part of the August 2017 Administrators report. These items reflect ongoing projects and initiatives that are under review and in various stages of development with the Town staff and some that will require further Town Council direction during the various stages of development.

▪ **Friends of the Jamestown Seniors:** Election of Board of Directors

At a recent meeting of the Friends of Jamestown Seniors, the following Board members were elected to serve on the Board of this local 501c-3 non-profit organization.

Board Members:

Mr. Thomas Tighe, President  
Ms. Eleanor Chase, Vice President  
Mr. Lawrence Bartley, Secretary  
Ms. Nancy Beye, Treasurer  
Mr. Donald Richardson, Director  
Mr. Fred Pease, Director  
Ms. Elizabeth Mancini, Director  
Ms. Heidi Moon, Director  
Ms. Karen Bell, Director

The Board will continue to work with various Town Departments and staff in supporting certain facets of the Senior program, although will work mainly the Parks and Recreation Department that manages the part-time senior personnel, budget, transportation and core Senior Service programs in the community.

▪ **Sign Regulations:**

As recently reported in the Jamestown Press, the Town staff in recent weeks received numerous public inquiries associated with the overall size of signs being used in anticipation of the upcoming election for the Senate District 13 race. The town staff responsible for enforcement of sign regulations in the Zoning Code is the Building and Zoning official, Chris Costa.



The two sections of the existing Zoning Ordinance that pertain to this matter include, Article 13: Sign Regulations Sec. 82-1308 Political Signs and Sec 82-1305 Section 8: Signs on town owned property. In speaking with the Building Official and Town Solicitor on this matter, it became evident that although the size of the signs was technically a violation of the Town Code, the protected free speech nature of political signs was potentially being impacted by the older language of the present version of the Code. In similar Federal Court cases rendered on this and related issues, it would appear that the trend in the courts was to rule against the constitutionality of such ordinances if in fact political signs were being treated differently than other signs in a residential or commercial district. With this point remaining in question, it was felt that no action at this juncture would be the prudent decision regarding the size of the political signs, based on the uncertainty of the town incurring some form of liability associated with any legal action based on the present Town Code language. Code language that treats all forms of signage similarly in terms of size, placement, etc. has garnered more support from the courts in eliminating the potential of any discriminatory practices from occurring.

This issue as well as other related sign concerns such as sign placement will be reviewed and updated as part of the town's comprehensive review of the Town's Zoning Ordinance that is slated to begin in the coming months. The Town Council approved of funding requested in the Capital program of the Planning Department for the FY18 year, for a re-write and update of the full Zoning Code. This process will be managed by the Planning Commission through a public hearing process and eventually be reviewed and ultimately sanctioned by the Town Council. There will be many opportunities for members of the public to be heard on this and other regulatory matters of local interest and we remain hopeful that those interested in this and other related regulations as they apply locally, will step forward to participate in this process.

It is not recommended that any resident remove any sign, political, commercial, or residential from a private or public location although they are encouraged to contact the Building Official to report their concern.

▪ **Safe Routes to School Grant Update:**

Attached to this report is a copy of the state purchase order (PO) for the Town of Jamestown's Safe Routes to School infrastructure project at Melrose Elementary and Lawn Avenue Middle School and other connectors in town. This PO has been extended to 12/31/19.

The remaining encumbrance balance of **\$399,730.09** reflects the three (3) Town invoices billed to date for the Crossman Engineering design contract:

July 2016	\$ 9,740.78
Sept. 2012	11,267.97
Aug. 2011	<u>31,011.16</u>
	\$ 52,019.91

The Town's PS&E submission has been transmitted to the following RIDOT sections for review and comment; Traffic, Landscape, Cultural and Environmental. Upon conclusion of this review and final completion of the 100% plans, the project will be allowed to proceed. One important element for future discussion, pertains to the cost of the individual project elements, that in a recent cost estimate, were projected to approach \$700,000 – 800,000 with

only \$400,000 remaining available in the grant. The project will need to be phased over time, with priority elements include din the initial phase for collection, and the town participating long-term in funding the remaining elements.

▪ **Legislative Tracking (Senate/House):**

The Rhode Island League of Cities and Towns recently released information pertaining to Legislative Tracking of House and Senate Bills that are of a more substantive nature. Also included is a list of Bills impacting Jamestown, such as the Veterans Exemptions and Charter revisions that were approved and instituted this past year.

▪ **Playground Renovation Update:**

Included is an update on the Jamestown Community Playground Project along with other related information, as provided by Parks and Recreation Director Andrew Wade, the members of the Playground Committee and other members of the Towns professional staff. The Committee is in the final stages of completing the overall design and has been working very closely with Meghan O'Brien from O'Brien & Sons, and Town staff in finalizing the design with much of the equipment proposed from their lead supplier, Landscape Structures. The project as proposed will most likely need to be a phased project, as funding is continuing to be raised to complete the proposed second phase of installation. The committee will be prepared in the coming month(s) to recommend to the Council a complete plan, with timeline and cost estimate for your consideration.

The work that is occurring adjacent to the Playground property today, is being coordinating and performed by the Towns Highway Department as a part project, not part of the Playground Committee's scope of work. This preliminary phase will provide for the redefinition of the playground footprint, provide for a safe accessible walkway from North Rd. to the Playground and Library parking area, and a total of eleven (11) angled public parking spaces, to address the lack of parking in this area. The termination of the sidewalk on North Rd. along Valley St. will eventually be integrated with a future sidewalk to be installed parallel with North Rd. that will be accompanied by parallel parking, as is planned as part of the safe routes to school program. This initial work along Valley St. work is expected to be fully completed by early September.

Should you have any questions please contact me at your convenience.

Andy

MELROSE ELEMENTARY SCHOOL AND LAWN AVENUE MIDDLE SCHOOL

SAFE ROUTES TO SCHOOL PROGRAM

PROJECT AGREEMENT

By and Between the

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

And the

TOWN OF JAMESTOWN

AGREEMENT entered into by and between the State of Rhode Island and Providence Plantations (hereinafter called the STATE), through its Department of Transportation and the Town of Jamestown (hereinafter called the MUNICIPALITY).

WHEREAS the STATE, in cooperation with the MUNICIPALITY, has selected the MUNICIPALITY'S Round 1 application identifying improvements eligible for Safe Routes to School Program funding at the Melrose Elementary School and Lawn Avenue Middle School (hereinafter referred to as the PROJECT) and was awarded funding in the amount of Two-Hundred Fifty Thousand dollars (\$250,000) for implementation of the design and construction of the improvements under the provisions established in the Federal Aid Policy Guide (FAPG), of the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the parties entered into a Project Agreement (AGREEMENT) dated February 8, 2009 for the purpose of implementing the Project (Attached hereto as Exhibit 1); and

WHEREAS, the MUNICIPALITY has been awarded Round 2 funding in the amount of Two-Hundred One Thousand and Seven-Hundred Fifty dollars (\$201,750) under the Safe Routes to School Program for implementation of the design and construction of additional improvements in the vicinity of the PROJECT and the Parties hereby agree that the AGREEMENT is terminated in its entirety and replaced with this Project Agreement; and

WHEREAS, the STATE has agreed to contribute funds not exceeding Four-Hundred Fifty One Thousand and Seven-Hundred Fifty dollars (\$451,750) towards the PROJECT; of this amount One Hundred percent or up to Four-Hundred Fifty One Thousand and Seven-Hundred Fifty dollars (\$451,750) is federally funded.

NOW THEREFORE, the STATE and the MUNICIPALITY hereby agree as follows:

1. The PROJECT will provide for improved pedestrian circulation from residential neighborhoods and include Americans with Disabilities Act (ADA) compliant new sidewalk, repairs to existing sidewalk, wheelchair ramps, crosswalks, curbing modifications and walking paths. The MUNICIPALITY will develop a prioritized list of

Town of Jamestown

Safe Routes to School Project Agreement

Revised 11/08/2011

PROJECT improvements and refine the list as engineering design proceeds to ensure the PROJECT remains within the established funding amount.

2. The authorized start date of the PROJECT for reimbursement purposes shall be the Department's Notice to Proceed.
3. The MUNICIPALITY will be responsible for design and construction of the PROJECT in accordance with the plans and specifications approved by the STATE and will be responsible for payment of all costs associated with the PROJECT. The STATE will reimburse the MUNICIPALITY up to and not exceeding Four-Hundred Fifty One Thousand and Seven-Hundred Fifty dollars (\$451,750) for such costs; costs in excess of said reimbursement will be the responsibility of the MUNICIPALITY. Supporting documentation of payment will be required for all reimbursements.
4. The MUNICIPALITY will select a Project Manager to administer the PROJECT. Such administration will include but not be limited to the maintenance of a Project account, as well as processing invoices, change orders, and contract addenda. The MUNICIPALITY will maintain all financial records.
5. [If the MUNICIPALITY is subject to the single audit requirements of (OMB) Circular No. A-133] The MUNICIPALITY shall submit a copy of the single audit report required under Office of Management and Budget (OMB) Circular A-133 for each year in which work was performed on the Project.

OR

The MUNICIPALITY shall perform a final audit of the contract(s) in accordance with OMB Circular A-133. The STATE will not make final payment to the MUNICIPALITY until the STATE has received a copy of the completed audit.

6. Pursuant to the provisions of Title 37 Chapter 14.1 of the General Laws of Rhode Island, the STATE reserves the right to require a plan to ensure that one or more Minority Business Enterprise (MBE) as defined therein, or Disadvantaged Business Enterprise (DBE) as provided in 49 CFR 26, has the maximum opportunity to compete for and perform contracts and subcontracts under this AGREEMENT. The STATE shall not issue a Notice to Proceed to construction of the PROJECT until such MBE/DBE plan, if required, has been approved. The MUNICIPALITY and its contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of work under this AGREEMENT.

At the pre-construction conference, the MUNICIPALITY's contractor shall submit an



MBE/DBE Plan for review and approval by the STATE. The plan shall demonstrate the manner in which the MUNICIPALITY's contractor will achieve participation rates established by the STATE.

7. The MUNICIPALITY will work with the STATE to obtain an Environmental Determination of no significant impact for the PROJECT in accordance with FHWA regulation at 23 CFR Part 771.117. Construction of the PROJECT may proceed only after receipt of said Environmental Determination.
8. The MUNICIPALITY will construct the PROJECT using the design approved by the STATE subject to the following requirements:
  - A. In awarding the construction contract to the lowest qualified bidder, the MUNICIPALITY will use competitive bidding for the Project in conformance with 23 CFR Part 635 and will comply with all provisions of Title 37, Chapter 2 of the Rhode Island General Laws.
  - B. The MUNICIPALITY will be responsible for construction oversight and monitoring of construction activities to ensure and certify that the work is accomplished in accordance with the approved plans and specifications. The MUNICIPALITY will provide a copy of said certification to the STATE for each reimbursement invoice for construction. In addition, the MUNICIPALITY will provide a copy of a Final Report to the STATE. The report will contain a summary of costs along with a certification that the PROJECT was constructed in accordance with the approved plans and specifications.
  - C. The MUNICIPALITY shall be responsible for ensuring that materials incorporated into the PROJECT are in conformance with State Standards and Specifications.
    1. The MUNICIPALITY shall submit a Materials Testing Schedule based upon the Department's Master Materials Testing Schedule to the State for review and approval before commencing construction.
    2. Steel, aggregate, soils, Portland cement concrete, and bituminous concrete utilized in construction of the PROJECT shall be obtained from State approved sources and sampled and tested by personnel certified by either the Northeast Transportation Training and Certification Program, the National Institute for Certification of Engineering Technologies or American Concrete Institute, whichever may be applicable, for the materials being sampled and tested.
    3. Steel used in permanent placements shall comply with Buy America Requirements.

4. The MUNICIPALITY shall obtain certificates of compliance and mill certifications in accordance with the approved Materials Testing Schedule.
5. The MUNICIPALITY must certify that all materials used as part of the Project comply with the design specifications established for the Project.
6. Contractor test results shall not be used for materials acceptance.
7. All samples shall be random samples and all sampling and all testing shall meet the requirements of 23 CFR Part 637, Construction Inspection and Approval.
8. Manufacturer certificates of compliance must accompany each shipment of product and must be received and accepted by the Project Manager prior to incorporating the product into the work. Under no circumstances will the STATE reimburse costs for items where a certificate of compliance is required and has not been received.

D. The MUNICIPALITY must certify that prevailing wage (Davis Bacon) rates have been paid during the construction of the PROJECT. Certifications of prevailing wage rates must be provided with each invoice, subject to review and acceptance by the STATE in accordance with State procedures.

9. The following are the General Program Requirements for the submission of reimbursement requests by the MUNICIPALITY:

- A. The MUNICIPALITY shall invoice the STATE for work completed by the contractor on the PROJECT and the cost of materials supplied by the contractor to the PROJECT in accordance with State requirements and procedures.
- B. The MUNICIPALITY shall submit reimbursement requests with a cover letter signed by the Project Manager containing the following language and provisions:

“I hereby certify that the materials and work for which payment is being requested meets the requirements of the contract documents and approved change orders in all respects, except as noted below. This certification is made in full cognizance of the Federal False Statements provision under United States Code, title 18, section 1020, and I am duly authorized to certify on behalf of [the Municipality].”

10. The following are the General Program Requirements for the finalization and closeout of the PROJECT:

- A. Finalization and acceptance of the PROJECT shall be performed by the STATE. The following items are required to finalize and close the PROJECT:

1. Final inspection report
  2. Corrective action plan(s) and Punch list resolutions
  3. Letter of Project acceptance certifying that the PROJECT has been completed in accordance with the contract documents
  4. MBE/DBE certification
  5. Prevailing Wage Rate Certification (Davis Bacon)
  6. Anti Collusion Certification
  7. Materials Testing Certifications
  8. Certification by the Project Manager that all certificates of compliance and mill certifications are on file
  9. Copy of Single Audit Report (s) issued in years in which work was performed or a copy of the program specific audit if applicable
  10. Equal Employment Opportunity statement
11. The PROJECT shall be subject to inspections by the STATE in accordance with State-funded project procedures. All findings must be satisfactorily addressed before final reimbursement by the STATE.
  12. Upon completion of the PROJECT, the MUNICIPALITY will maintain all aspects of the PROJECT in accordance with the plans and specifications developed for the PROJECT at its own cost and expense.
  13. All costs billed under this AGREEMENT are subject to audit. The MUNICIPALITY agrees to maintain all records pertaining to the costs incurred in performance of this AGREEMENT for a period of three (3) years from the date of final payment and all other pending matters are closed.
  14. The STATE reserves the right to terminate this AGREEMENT if state or federal funds are rescinded or not authorized.
  15. The Town Manager will take all necessary steps to receive authority from the Town Council to enter into and execute this AGREEMENT including but not limited to submission of this AGREEMENT to the Town Council for ratification and submission of proof of such authority to the STATE prior to design of the PROJECT.
  16. This AGREEMENT may not be altered or amended except by written agreement signed by all the parties.

IN WITNESS WHEREOF, the STATE and the MUNICIPALITY have caused this Agreement to be executed by their duly authorized officials as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

*Kaz Fark*  
CHIEF ENGINEER

DATE: 11/15/11

*Robert V. [unclear]*  
CHIEF FINANCIAL OFFICER

DATE: 11-18-11

TOWN OF JAMESTOWN

APPROVED AS TO FORM:

*[Signature]*  
LEGAL COUNSEL

DATE: 11/10/11

APPROVED AS TO FORM:

*[Signature]*  
TOWN SOLICITOR

DATE: 12/13/11

APPROVED:

*[Signature]*  
DIRECTOR

DATE: 11/29/11

APPROVED:

*[Signature]*  
TOWN MANAGER

DATE: 12/12/11

EXAMINED AND APPROVED:

*Daniel J. Berman*  
for DIVISION ADMINISTRATOR  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
DATE: \_\_\_\_\_

JAMESTOWN SAFE ROUTES TO SCHOOL  
SAFE ROUTES TO SCHOOL PROJECT AGREEMENT

By and Between

RHODE ISLAND DEPARTMENT OF TRANSPORTATION

And the

TOWN OF JAMESTOWN

AGREEMENT made and entered into by and between the State of Rhode Island and Providence Plantations acting through its Department of Transportation (hereinafter the State) and the Town of Jamestown (hereinafter the Town).

WHEREAS, the State is the recipient of safe routes to school funding from the United States Department of Transportation, administered through the Federal Highway Administration (hereinafter FHWA); and

WHEREAS, the State of Rhode Island has approved the Town's application for funding the Jamestown Safe Routes to School Infrastructure Improvements (hereinafter the Project); and

WHEREAS, the Town agrees to be responsible for the design and construction of the Project; and

WHEREAS, the Project will be implemented under the provisions established in the Federal-Aid Policy Guide of the FHWA; and

WHEREAS, the State and the Town recognize that Project funds may be reduced based upon obligational authority limitations. The State will work with the Safe Routes to School Steering Committee (Subcommittee to the State Planning Council's Transportation Advisory Committee) to set priorities based on limitations on available funding; and

WHEREAS, the State has agreed to contribute funds not exceeding Two Hundred Fifty Thousand Dollars (\$250,000) towards the Project, of this amount One Hundred Percent (100%) or up to Two Hundred Fifty Thousand Dollars (\$250,000) is federally funded.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual obligations contained herein, the State and the Town hereby agree as follows:

1. The Project elements will provide for improved pedestrian circulation from residential neighborhoods to include Americans with Disabilities Act (ADA) compliant sidewalks, crosswalks, curbing modifications and walking paths connecting schools and recreational facilities. The Town will develop a prioritized list of these projects to fit the Project budget and refine the list as engineering design proceeds to ensure the Project remains within the established budget.
2. The Town will be responsible for the design and construction of the Project in accordance with the plans and specifications approved by the State.
3. The Town will be responsible for payment of all costs associated with design and construction of the Project; the State will reimburse the Town up to and not exceeding Two Hundred Fifty Thousand Dollars (\$250,000) for such costs; costs in excess of said reimbursement are the responsibility of the Town. Supporting documentation of payment will be required for all reimbursements.
4. The Town will acquire any property or interest in property necessary for the Project with Town funds, subject to reimbursement by the State.
  - A. Acquisitions shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (hereinafter the Act).
  - B. The Town will obtain an appraisal by a qualified appraiser certified and licensed in the State of Rhode Island. The Town will submit the appraisal to the State for review and approval.
  - C. The Town will make a written offer to the property owner(s) at an amount not less than the appraised value.
  - D. The Town will record and document all meetings with the property owner(s) pertaining to the acquisition. The Town will maintain documentation that the property owner(s) have received compensation for land and easements necessary to construct the Project, unless the owner has acknowledged the offer and waived the right to compensation in writing. Said documentation will be made available for review by the State.

- E. The Town will provide documentation and backup for reimbursement of acquisition costs in accordance with State procedures.
  - F. Any displacement of individuals, families, businesses, non-profit organizations or farm operations will require relocation assistance in accordance with the Act.
  - G. In the event the Town and the State determine the acquisition is not feasible, the Project shall proceed under an alternative design provided by the Town within the funding amount programmed under Paragraph 3 of this Agreement.
- 5. The Town will select a Project Manager to administer the Project. Such administration will include but not be limited to the maintenance of a Project account, as well as processing invoices, change orders, and contract addenda. The Town will maintain all financial records.
  - 6. Pursuant to the provisions of Title 37, Chapter 14.1 of the General Laws of Rhode Island, the State reserves the right to apply additional considerations to ensure that Minority Business Enterprises as defined therein have the maximum opportunity to compete for and perform contracts and subcontracts under this Agreement. The Town and its contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of work under this Agreement.
  - 7. The Town will select a consultant to design the Project and develop the bid documents.
    - A. In selecting the consultant, the Town will prepare a Request for Proposals (RFP) seeking an engineering consultant to develop the design and bid documents for the Project. The RFP will include the purpose of the Project, the scope of services, description of the work product to be provided, request for a budget, and schedule for completion of the Project, as well as the qualifications of the applicant.
    - B. The Town will submit the RFP to the State for review and approval. Upon such approval, the City will advertise and issue the RFP in accordance with Federal and State statutes, regulations, and procedures.

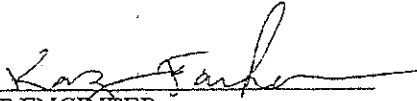
- C. All procurement actions by the Town will comply with 23 CFR Part 172.7 and 23 USC 112(b)(2). Federal reimbursement will be limited to the federal share of costs allowable under 48 CFR Part 31 (Federal Acquisition Regulations).
  - D. The State will perform a final audit of the contract(s) according to State approved procedures. The State will not make final payment to the Town until the State has completed the audit.
8. The design of the Project will conform to all State design standards and policies.
- A. The Town will submit the design plans to the State for review and approval at the preliminary stage of design and submit the plans, specifications, and estimates (hereinafter PS&E) at the 90% stage of design and at the PS&E stage of design. Such submissions will include but not be limited to all engineering, landscaping, and permitting requirements, as applicable to the Project.
  - B. The State will respond to the submissions within thirty (30) day of their receipt.
  - C. Review by the State is for the limited purpose of confirming that final design documents will be acceptable to the State and is not intended to relieve the Town of full responsibility with respect to errors and omissions.
9. The Town will work with the State to obtain an Environmental Determination of no significant impact for the Project in accordance with FHWA regulation at 23 CFR Part 771.117. Construction of the Project may proceed only after receipt of said Environmental Determination.
10. The Town will construct the Project using the design approved by the State.
- A. In awarding the construction contract to the lowest qualified bidder, the Town will use competitive bidding for the Project in conformance with 23 CFR Part 635 and will comply with all provisions of Title 37, Chapter 2 of the Rhode Island General Laws.



- B. The Town will obtain consultant services for construction oversight within the state right-of-way. Said consultant will monitor construction activities to ensure and certify the work is accomplished in accordance with the approved plans and specifications. The Town will provide a copy of said certification to the State for each reimbursement invoice for construction. In addition, the Town will provide a copy of a Final Report on the Project to the State. The report will contain a summary of costs along with a certification that the Project was constructed in accordance with the approved plans and specifications.
  - C. The Town will invoice the State for work done by the contractor on the Project and the cost of materials supplied by the contractor to the Project in accordance with State requirements and procedures.
11. Upon completion of the Project, the Town will be responsible to maintain all aspects of the Project in accordance with the plans and specifications developed for the Project at its own cost and expense.
  12. All costs billed under the Agreement are subject to audit. The Town agrees to maintain all records pertaining to the costs incurred in performance of this Agreement for a period of three (3) years from the date of final payment and all other pending matters are closed.
  13. The State reserves the right to terminate this Agreement if state or federal funds are rescinded or not authorized.
  14. The Town Manager will take all necessary steps to receive authority from the Town Council to enter into and execute this Agreement including but not limited to submission of this Agreement to the Town Council for ratification and proof of such authority to the State prior to design of the Project.
  15. The Agreement may not be altered or amended except by written agreement signed by all the parties.

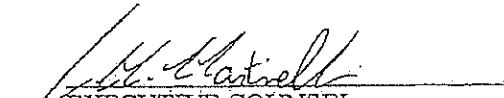
IN WITNESS WHEREOF, the Rhode Island Department of Transportation and the Town of Jamestown have caused this Agreement to be executed by duly authorized officials on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

RECOMMENDED FOR APPROVAL:

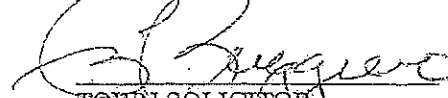
  
CHIEF ENGINEER  
DATE: 9/10/08

  
ASSOCIATE DIRECTOR  
FINANCIAL MANAGEMENT  
DATE: 9/4/08


APPROVED AS TO FORM:

  
EXECUTIVE COUNSEL  
DATE: 9/2/08

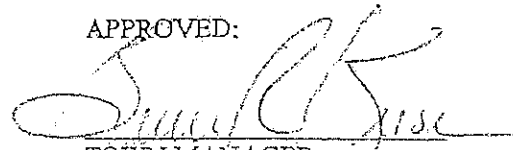
APPROVED AS TO FORM:

  
TOWN SOLICITOR  
DATE: 2-12-09

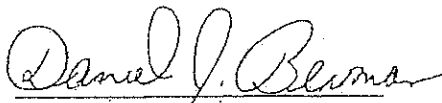
APPROVED:

  
DIRECTOR  
DATE: 9/15

APPROVED:

  
TOWN MANAGER  
DATE: 2/18/09

EXAMINED AND APPROVED:

  
For DIVISION ADMINISTRATOR  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
DATE: 10/21/2008

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

HOUSE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Education & Schools	5016	McNamara	Health, Education and Welfare	This act would require the assessment to examine the status of each school building's safety be completed by November 1 of the year mandated.	Signed
	Fire Districts	5044	O'Grady	Municipal Government	This act would authorize the dissolution of the operation of the Lonsdale Fire District as an independent fire district and would transfer its responsibilities, assets and liabilities to the Saylesville Fire District upon the affirmative vote of the electors of both fire districts. This act would require notice be given by the fire districts to the electors prior to the election.	Enacted without Signature
	Special Acts for Cities & Towns	5106	Chippendale	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the town of Foster, which amendments were adopted and approved by the electors of the town of Foster on November 8, 2016	Enacted without Signature
	Special Acts for Cities & Towns	5133	Fogarty	Municipal Government	Ratifies and validates the amendment to the South Kingstown Home Rule Charter which was approved by the electors of the town of South Kingstown at the polls on November 8, 2016	Enacted without Signature
	Special Acts for Cities & Towns	5135	Newberry	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the town of Burrillville, which amendments were adopted and approved by the electors of the town of Burrillville on November 8, 2016.	Enacted without Signature
	Special Acts for Cities & Towns	5147	Amore	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the city of East Providence, which amendments were adopted and approved by the electors of the city of East Providence on November 8, 2016	Enacted without Signature
	Finance & Taxation	5175	Abney	Finance	Governor's FY 2018 budget request	Signed
	Education & Schools	5177	O'Brien	Health, Education and Welfare	Requires the department of elementary and secondary education to consider incorporating substance abuse education and suicide prevention into the health education curriculum.	Signed
	Miscellaneous	5187	Maldonado	Judiciary	Requires that cities and towns comply with certain procedures when prosecuting defendants such as the right to counsel, and amends the penalties imposed for ordinance violations	Signed
	Finance & Taxation	5199	Abney	Environment and Natural Resources	Allows recovery for the past due balance of any PACE assessment on a transfer of commercial property ownership at a tax sale by a PACE lien against the transferee.	Signed
	Public Safety	5207	Lancia	Judiciary	Provides that sex offenders register their presence with any homeless shelter at which they may temporarily stay and provides that said shelters notify the local law enforcement agency of the presence.	Signed
	Special Acts for Cities & Towns	5233	Ruggiero	Municipal Government	Validates and ratify an amendment to the Home Rule Charter of the town of Middletown, which amendment was adopted and approved by the electors of the town of Middletown on November 8, 2016.	Enacted without Signature
	Special Acts for Cities & Towns	5271	Hearn	Municipal Government	Permits the Barrington town council to appoint two alternate members to the planning board.	Enacted without Signature
	Special Acts for Cities & Towns	5272	Chippendale	Municipal Government	Authorizes the town of Foster to provide tax credits to the elderly and disabled.	Enacted without Signature
	Special Acts for Cities & Towns	5273	Nunes	Municipal Government	Changes the date of the annual meeting of the Coventry Fire District from the second Tuesday of December to the second Wednesday of November.	Enacted without Signature

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

HOUSE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Miscellaneous	5318	Regunberg	Environment and Natural Resources	Includes the benefit to customers in the PUC's study of the distribution charge.	Enacted without Signature
	Public Safety	5351	Bennett	Municipal Government	Prohibits municipal charters and ordinances from requiring that their police officers and firefighters reside within the state of Rhode Island	Signed
	Special Acts for Cities & Towns	5414	Giarrusso	Municipal Government	Validates and ratify amendments to the Home Rule Charter of the town of East Greenwich, which amendments were adopted and approved by the electors of the town of East Greenwich on November 8, 2016.	Enacted without Signature
	Public Safety	5469	McNamara	Health, Education and Welfare	Allows information contained in the prescription drug monitoring database to be disclosed to a certified law enforcement drug diversion investigator of a qualified law enforcement agency.	Signed
	Planning & Zoning	5475	Shekarchi	Municipal Government	Shortens the time periods related to certifications, decision-making and recordings of decisions for major land development and major subdivision master and preliminary plans.	Signed
	Miscellaneous	5477	Shekarchi	Municipal Government	Requires that municipal animal control officers be certified by the National Care & Control Association.	Signed
	Miscellaneous	5483	Marshall	Corporations	Amends electric distribution companies authority to charge interconnecting renewable energy customers for certain modifications and places timetables on interconnection work.	Signed
	Miscellaneous	5484	Craven	Corporations	Provides that the Quonset Development Corporation may purchase and obtain water service from any city, town, water district, or other water supply authority.	Signed
	Planning & Zoning	5575	Carson	Municipal Government	Requires the Rhode Island office of energy resources, in consultation with the building commission to promulgate rules and regulations to create a statewide solar photovoltaic permit application.	Signed

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

HOUSE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Labor Relations	5593	Vella-Wilkinson	Labor	Requires that the contractual provisions contained in and an otherwise expired collective bargaining agreement with certified school teachers and municipal employees continue until a successor agreement has been reached between the parties.	Vetoed
	Retirement	5601	Almeida	Labor	Adds illness sustained while in the performance of duty to the definition of accidental disability	Enacted without Signature
	Public Works	5643	Jacquard	Corporations	DPUC bill. Removes the renotification requirement to the requisite association subsequent to the sixty (60) day excavation completion requirement for work near public utilities and would require accidents to be reported to 911.	Signed
	Code Enforcement	5655	Barros	Municipal Government	Amends several sections of the general laws pertaining to the calculation of impact fees by municipalities in the state by requiring that needs assessments of the fees be conducted every 5 years with certain exceptions.	Signed
	Elections	5699	Diaz	Judiciary	Requires at least one precinct count unit in each town.	Signed
	Elections	5701	Solomon	Judiciary	Gives local boards discretion to designate times and places where optical scan voting equipment and sample ballots are exhibited for instructional purposes.	Signed
	Elections	5702	Coughlin	Judiciary	Provides that persons who apply to the DMV for a driver's license, its renewal or personal identification document shall simultaneously register to vote, unless they expressly decline to do so.	Signed
	Elections	5703	Cunha	Judiciary	Requires that election supplies furnished by the board of elections would be delivered to or picked up by the proper officer as determined by the board no later than twelve o'clock p.m. (12:00 p.m.) on the day before the election.	Signed
	Special Acts for Cities & Towns	5816	Ruggiero	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the town of Jamestown, which amendments were adopted and approved by the electors of the town of Jamestown on November 8, 2016.	Enacted without Signature
	Public Works	5817	Ackerman	Municipal Government	Adds certain federal requirements to the selection of architects and engineers and permits prequalification of architects and engineers by cities and towns.	Enacted without Signature
	Miscellaneous	5868	Serpa	Corporations	Adds two (2) members to the board of the Kent County Water Authority.	Enacted without Signature

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

HOUSE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Fire Districts	5904	Marszalkowski	Judiciary	Establishes that membership on the Cumberland Fire District Fire Committee constitutes holding a public office and that the elections of the Fire Committee are governed by state election laws.	Enacted without Signature
	Special Acts for Cities & Towns	5956	Ruggiero	Municipal Government	Permits the town of Jamestown to provide a tax exemption for veterans and a tax credit for one hundred percent (100%) for disabled veterans.	Enacted without Signature
	Special Acts for Cities & Towns	5965	Keable	Municipal Government	Reduces to three (3) years the residency requirement for the town of Burrillville's partial real estate tax exemption for the elderly.	Enacted without Signature
	Special Acts for Cities & Towns	5966	Chippendale	Municipal Government	Amends the charter of the West Glocester Fire District.	Enacted without Signature
	Town & City Clerks	5969	Knight	Labor	Authorizes the town council of the town of Warren to create a municipal housing court and defines that court's jurisdiction.	Enacted without Signature
	Labor Relations	5973	McKiernan	Labor	Allows unionized firefighters to enter into an agreement which continues all contractual provisions contained in an expiring contract until a successor agreement has been reached.	Signed
	Elections	6008	Vella-Wilkinson	Judiciary	Allows a person appointed as a primary official to be an employee of the United States, of this state, or of any city or town of this state.	Signed
	Special Acts for Cities & Towns	6070	Serpa	Municipal Government	Exempts from taxation the Artic Playhouse located at 1249 Main Street in West Warwick.	Enacted without Signature
	Public Safety	6084	Regunberg	Judiciary	Amends the provisions regarding emergency police powers to clarify that higher learning institutions with special police officers are authorized to enter into mutual aid agreements for the purpose of providing emergency assistance.	Signed
	Special Acts for Cities & Towns	6085	McNamara	Judiciary	Allows the city council of Warwick to confer upon its municipal court the jurisdiction to apply the provisions of chapter 44 of title 34 regarding abandoned property.	Enacted without Signature
	Education & Schools	6088	Azzinaro	Health, Education and Welfare	Benefits for students with disabilities continue until the end of the public school calendar semester when the student turns 21 or when the student's program ends in accordance with the student's (IEP), whichever occurs earlier.	Signed
	Special Acts for Cities & Towns	6094	Nardolillo	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the town of Coventry, which amendments were adopted and approved by the electors of the town of Coventry on November 8, 2016	Enacted without Signature
	Finance & Taxation	6095	Handy	Municipal Government	Exempts land previously classified as farm, forest or open space land from land use change tax if the change is for purposes of a commercial renewable energy system.	Signed
	Special Acts for Cities & Towns	6102	Phillips	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the city of Woonsocket, which amendments were adopted and approved by the electors of the city of Woonsocket on November 8, 2016.	Enacted without Signature
	Special Acts for Cities & Towns	6103	Filippi	Corporations	Creates the Block Island utility district to provide utility products and services to the town of New Shoreham	Enacted without Signature

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

HOUSE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Miscellaneous	6146	Edwards	Municipal Government	Requires a city or town to utilize qualification based selection for the procurement of program managers, construction managers, or construction managers at risk.	Signed
	Special Acts for Cities & Towns	6189	Knight	Corporations	Ratifies and validates the amendments to the Warren Home Rule Charter which were approved by the electors of the town of Warren at the polls on November 8, 2016.	Enacted without Signature
	Finance & Taxation	6213	Blazejewski	Finance	Amends the grounds on which the DMV may refuse registration for failure to pay a fine to include, interest, penalties, or other monetary amount. Requires the municipality that requests the denial to add and forward an additional \$5 fee to the DMV.	Signed
	Retirement	6224	Craven	Labor	Repeals a provision of the workers' compensation law that provides that for injuries on and after July 1, 2023, "material hindrance" includes only compensable injuries causing a greater than sixty-five percent (65%) degree of functional impairment.	Signed
	Special Acts for Cities & Towns	6231	Marshall	Municipal Government	Increases various property tax exemptions available in the town of Warren.	Enacted without Signature
	Special Acts for Cities & Towns	6246	O'Grady	Finance	Authorizes the town of Lincoln to issue bonds and notes in an amount not exceeding \$60,000,000 to finance the improvements to Lincoln High School and school facilities in the town.	Enacted without Signature
	Special Acts for Cities & Towns	6277	Quattrocchi	Finance	Authorizes the town of Scituate to issue not more than \$4,900,000 bonds and notes to finance various improvements at the town of Scituate's schools.	Enacted without Signature
	Finance & Taxation	6287	Keable	Municipal Government	Increases the tax exemption for real property held by the Burrillville Land Trust to two million dollars (\$2,000,000)	Enacted without Signature
	Special Acts for Cities & Towns	6288	Serpa	Municipal Government	Validates and ratifies amendments to the Home Rule Charter of the town of West Warwick, which amendments were adopted and approved by the electors of the town of West Warwick on May 19, 2016.	Enacted without Signature
	Education & Schools	6311	Phillips	Health, Education and Welfare	Establishes a process by which a virtual education plan may be established and used by school districts during inclement weather which would count as a school day, provided that the plan is approved by the council on elementary and secondary education.	Signed
	Miscellaneous	6315	Vella-Wilkinson	Veterans' Affairs	Provides for changes to the veterans' services strategic plan advisory committee to provide coordination of state, federal, and private veterans' services.	Signed
	Town & City Clerks	6323	Shanley	Judiciary	Excludes weekends and state holidays from the calculation of the forty-eight (48) hour public notice requirement, and requires all public bodies to keep minutes of open meetings and file their minutes with the secretary of state.	Signed
	Education & Schools	6325	Amore	Health, Education and Welfare	Provides that a charter public school that operates or will operate elementary school grades, middle school grades or high school grades shall be considered a network charter school notwithstanding the facility or the administration of the school.	Vetoed
	Finance & Taxation	6330	Tanzi	Municipal Government	(Exempts from taxation the real and personal property located at 321 Main Street, South Kingstown, Rhode Island, belonging to the Contemporary Theatre Company, a qualified tax exempt corporation under §501(c)(3) of the Internal Revenue Code.	Enacted without Signature

**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

*8/16/2017 Last Updated*

<b>HOUSE</b>	<b>Category</b>	<b>Bill Number</b>	<b>Sponsor</b>	<b>Committee</b>	<b>Topic / Summary</b>	<b>Governor Action</b>
	Finance & Taxation	6336	Craven	Judiciary	Provides that if the Rhode Island housing and mortgage finance corporation is a tax title purchaser, it shall not be liable for violations in connection with the tax title property, prior to the expiration of five (5) years from the date of the tax sale.	Signed
	Liquor Control & Licenses	6339	Williams	Municipal Government	Provides that all Class A liquor license holders located in the city of Providence shall not be permitted to open for business until nine o'clock (9:00) a.m.	Enacted without Signature
	Special Acts for Cities & Towns	6350	Edwards	Municipal Government	Validates and ratify amendments to the Home Rule Charter of the town of Tiverton, which amendments were adopted and approved by the electors of the town of Tiverton on November 8, 2016.	Enacted without Signature
	Finance & Taxation	6362	McNamara	Health, Education and Welfare	Updates the definition of visually impaired persons to conform to the federal standard based upon medical advances and to assure a uniform application by all municipalities in granting the exemption.	Enacted without Signature



**RI League of Cities and Towns  
Legislative Tracking  
2017 Session**

8/16/2017 Last Updated

SENATE	Category	Bill Number	Sponsor	Committee	Topic / Summary	Governor Action
	Finance & Taxation	30	DaPonte	Finance	Tax Sale would trigger PACE assessment payment.	Signed
	Town & City Clerks	68	Archambault	Judiciary	Public Records: Revises access to public records charter re: definitions of public body public record, right to inspect, copy records, arrest logs, compliance, costs, court jurisdiction, remedies, claims settlement, violations.)	Signed
	Miscellaneous	71	Archambault	Judiciary	Requires that cities and towns comply with certain procedures when prosecuting defendants such as the right to counsel, and would amend the penalties imposed for ordinance violations	Signed
	Public Safety	231	Goldin	Judiciary	Amends the provisions regarding emergency police powers to clarify that higher learning institutions with special police officers are authorized to enter into mutual aid agreements for the purpose of providing emergency assistance	Signed
	Labor Relations	288	Goodwin	Labor	Allows unionized firefighters to enter into an agreement which continues all contractual provisions contained in an expiring contract until a successor agreement has been reached.)	Signed
	Environment	333	Crowley	Housing and Municipal Government	Amends several sections of the general laws pertaining to the calculation of impact fees by municipalities in the state by requiring that needs assessments of the fees be conducted every 5 years with certain exceptions	Signed
	Code Enforcement	341	Ruggerio	Judiciary	Would require that municipal animal control officers be certified by the National 1 Care & Control Association	Signed
	Finance & Taxation	395	Conley	Judiciary	Provides for a proration of the homestead exemption in cases where title to property passes from those not entitled to claim an exemption to those who are entitled.)	Enacted without Signature
	Planning & Zoning	481	McCaffrey	Housing and Municipal Government	(Shortens the time periods related to certifications, decision-making and recordings of decisions for major land development and major subdivision master and preliminary plans.	Signed
	Labor Relations	512	Lombardi	Labor	Prohibits municipal charters and ordinances from requiring that their police officers and firefighters reside within the state of Rhode Island	Signed
	Planning & Zoning	562	Lynch Prata	Environment and Agriculture	Standardized solar permitting.	Signed
	Planning & Zoning	570		Finance	Renewable Energy - FFOS	Signed
	Public Works	814	Lombardi	Labor	Requires use of QBS with no pricing in proposals.	Enacted without Signature
	Retirement	896	Archambault	Judiciary	Adds illness as a qualifier for disability pensions.	Enacted without Signature
	Public Safety	928	McCaffrey	Judiciary	Requires standards for sheltering dogs both for owners and cities and towns.	Signed

## Legislative Status Report

[Back](#)

Condition: {Session Year: 2017} {Category: Jamestown}

Senate Bill No. [482](#)

**BY** Paiva Weed

**ENTITLED**, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF JAMESTOWN (Validates and ratifies amendments to the Home Rule Charter of the town of Jamestown, which amendments were adopted and approved by the electors of the town of Jamestown on November 8, 2016.)

{LC1959/1}

03/02/2017 Introduced, referred to Senate Housing and Municipal Government

03/06/2017 [Scheduled for hearing and/or consideration](#) (03/08/2017)

03/08/2017 Committee recommends passage

03/09/2017 [Placed on Senate Calendar](#) (03/15/2017)

03/15/2017 Senate read and passed

03/16/2017 Referred to House Municipal Government

House Bill No. [5437](#)

(Attorney General)

**BY** Maldonado, Coughlin, Kazarian, Cunha, Barros

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (Defines imitation firearm and makes it unlawful to change or remove certain markings required to be on an imitation firearm.)

{LC1238/1}

02/09/2017 Introduced, referred to House Judiciary

04/20/2017 [Scheduled for hearing and/or consideration](#) (04/25/2017)

04/25/2017 Committee recommended measure be held for further study

House Bill No. [5816](#)

Act 110

**BY** Ruggiero

**ENTITLED**, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF JAMESTOWN (Validates and ratifies amendments to the Home Rule Charter of the town of Jamestown, which amendments were adopted and approved by the electors of the town of Jamestown on November 8, 2016.)

{LC1962/1}

03/02/2017 Introduced, referred to House Municipal Government  
03/03/2017 [Scheduled for hearing and/or consideration](#) (03/09/2017)  
03/09/2017 Committee recommended measure be held for further study  
03/17/2017 [Scheduled for consideration](#) (03/23/2017)  
03/23/2017 Committee recommends passage  
03/24/2017 [Placed on House Calendar](#) (03/28/2017)  
03/28/2017 House read and passed  
04/25/2017 Referred to Senate Housing and Municipal Government  
04/28/2017 [Scheduled for hearing and/or consideration](#) (05/03/2017)  
05/03/2017 Committee recommends passage in concurrence  
06/01/2017 [Placed on the Senate Consent Calendar](#) (06/06/2017)  
06/06/2017 Senate passed in concurrence  
06/06/2017 Transmitted to Governor  
06/14/2017 Effective without Governor's signature

House Bill No. [5956](#)

Chapter 183

**BY** Ruggiero, Casimiro, Shanley

**ENTITLED**, AN ACT RELATING TO TAXATION - VETERAN'S EXEMPTION - JAMESTOWN (Permits the town of Jamestown to provide a tax exemption for veterans and a tax credit for one hundred percent (100%) for disabled veterans.)

{LC2153/1}

03/17/2017 Introduced, referred to House Municipal Government  
03/24/2017 [Scheduled for hearing and/or consideration](#) (03/29/2017)  
03/29/2017 Committee recommended measure be held for further study  
05/19/2017 [Scheduled for consideration](#) (05/24/2017)  
05/24/2017 Committee recommends passage  
05/26/2017 [Placed on House Calendar](#) (05/31/2017)  
05/31/2017 House read and passed  
06/08/2017 Referred to Senate Finance  
06/16/2017 [Scheduled for hearing and/or consideration](#) (06/20/2017)  
06/20/2017 Committee recommends passage in concurrence  
06/29/2017 [Placed on Senate Calendar](#) (06/29/2017)  
06/29/2017 Senate passed in concurrence  
07/05/2017 Transmitted to Governor  
07/13/2017 Effective without Governor's signature

Total Bills: 4

Legislative Data Systems Room 1                      8/17/2017  
State House, Providence, Rhode Island              11:58 AM



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

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

TO: Andrew E. Nota, Town Administrator  
FROM: Andrew J. Wade, Parks & Recreation Director  
SUBJECT: Community Playground Renovation Committee: Progress Update  
DATE: August 10, 2017

Since its formation on February 21<sup>st</sup>, 2017, the Community Playground Renovation Committee has convened 14 times working diligently towards an end that will serve the residents of Jamestown for a generation to come. We understand that replacing the existing playground is no small task and we have taken great measures in our discussions to be respectful of the efforts of those before us while looking forward to install a new design that will inspire the children of Jamestown to take part in a creative, interactive, and enriching play experience. It is my intention with this memo to inform the Town Council of the progress of our group as we prepare for our first public presentation of the designs we have been developing over the course of our meetings with the assistance of our playground designer.

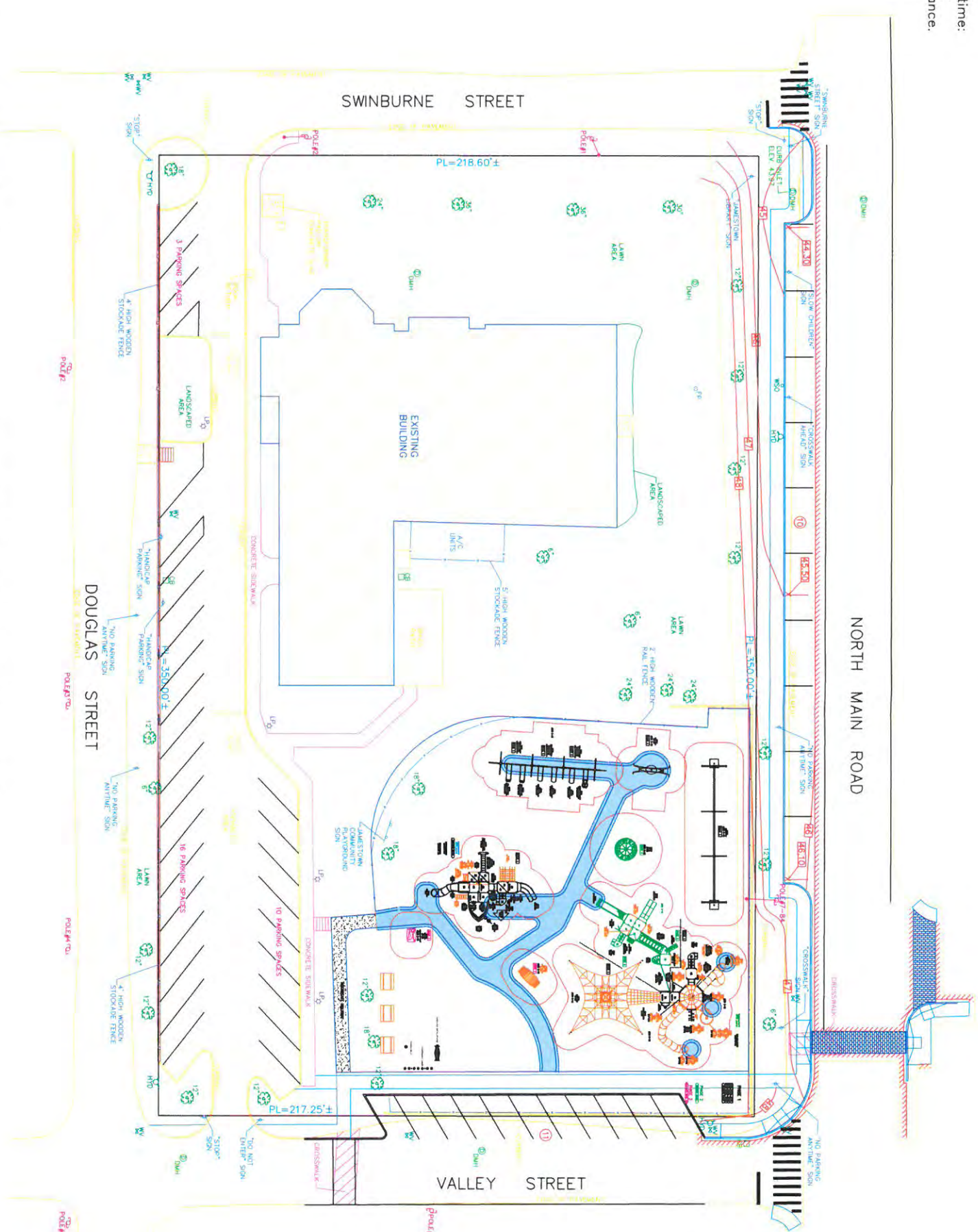
For ease of reading, below is a bulleted list of action items that our committee has achieved:

- Developed goals and objectives for project outcome
- Reviewed materials from several playground companies (Kompan, Landscape Structures, MRC/Gametime, BigToys, Columbia Cascades)
- Interviewed representatives from Big Toys, Kompan, and Landscape Structures
- Traveled to several playgrounds across RI and Southeastern Massachusetts to see examples of playgrounds built by the representatives interviewed
- Selected ME O'Brien & Sons, the local representing firm of Landscape Structures to work with in developing a design based on the following:
  - Family owned company
  - 100% American made material
  - Their use of recycled materials in their products
  - High durability and low level of maintenance of products
  - High customer service rating based on reports of others in the field (Recreation Directors, the Trust, Maintenance Foreman)
  - Custom design options
- Developed preliminary design of playground to be presented in September to Council (see attached)
- Fundraising Sub-Committee formed to develop strategies to meet needs of project
- Currently reviewing colors of play structures within new playground design

For your review I have attached all meeting minutes as well as design plans for the project. Upon receiving final cost estimates and design options the committee will present to the council our recommendations.



Estimated manufacturing time:  
8 weeks from the  
time of LSI order acceptance.



5-12 AREA (ALL PHASES COMPLETE)

TOTAL ELEVATED PLAY COMPONENTS	18
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	11
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	8
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	4

2-5 AREA (ALL PHASES COMPLETE)

TOTAL ELEVATED PLAY COMPONENTS	10
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	10
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	7
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	6



JAMESTOWN COMMUNITY  
PLAYGROUND  
JAMESTOWN, RI

M.E. O'BRIEN  
& SONS, INC  
MEGHAN O'BRIEN

SYSTEM TYPE:  
PLAYBOOSTER  
DRAWING #:  
106319-1-3



IT IS THE MANUFACTURERS OPINION AND INTENT THAT THE USE AND LAYOUT OF THESE COMPONENTS CONFORM WITH THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) STANDARD ASTM F1487

THIS PLAY AREA & PLAY EQUIPMENT IS DESIGNED FOR AGES 2-12 YEARS UNLESS OTHERWISE NOTED ON PLAN.

IT IS THE MANUFACTURERS OPINION THAT THIS PLAY AREA DOES CONFORM TO THE ADA ACCESSIBILITY STANDARDS, ASSUMING AN ACCESSIBLE PROTECTIVE SURFACING IS PROVIDED, AS INDICATED, OR WITHIN THE ENTIRE USE ZONE.

THIS CONCEPTUAL PLAN WAS BASED ON INFORMATION AVAILABLE TO US PRIOR TO CONSTRUCTION. DETAILED SITE INFORMATION INCLUDING SITE DIMENSIONS, TOPOGRAPHY, EXISTING UTILITIES, SOIL CONDITIONS, AND DRAINAGE SOLUTIONS SHOULD BE OBTAINED PRIOR TO CONSTRUCTION. THE FINAL DESIGN SHALL VERIFY THE DIMENSIONS OF ALL EXISTING UTILITIES, EQUIPMENT, AND SITE FURNISHINGS PRIOR TO GROUNDING. SLICES SHOULD NOT FACE THE HOT AFTERNOON SUN.

CHOOSE A PROTECTIVE SURFACING MATERIAL THAT HAS A CRITICAL HEIGHT VALUE TO MEET THE MAXIMUM FALL HEIGHT FOR THE EQUIPMENT (REF. ASTM F1487 STANDARD CONSIDER SAFETY PERFORMANCE SPECIFICATION FOR PLAYGROUND EQUIPMENT). THE SURFACING MUST BE MANUALLY DRAWN. IF THE SOIL DOES NOT DRAIN NATURALLY IT MUST BE TILED OR SLOPED 1/8" TO 1/4" PER FOOT TO A STORM SEWER OR A TRENCH DRAIN.

ACCESSIBLE/PROTECTIVE SURFACING TO BE A COMBINATION OF UNIFORM AND (POSSIBLE) TILED (WHERE APPLICABLE)

DESIGNED BY:

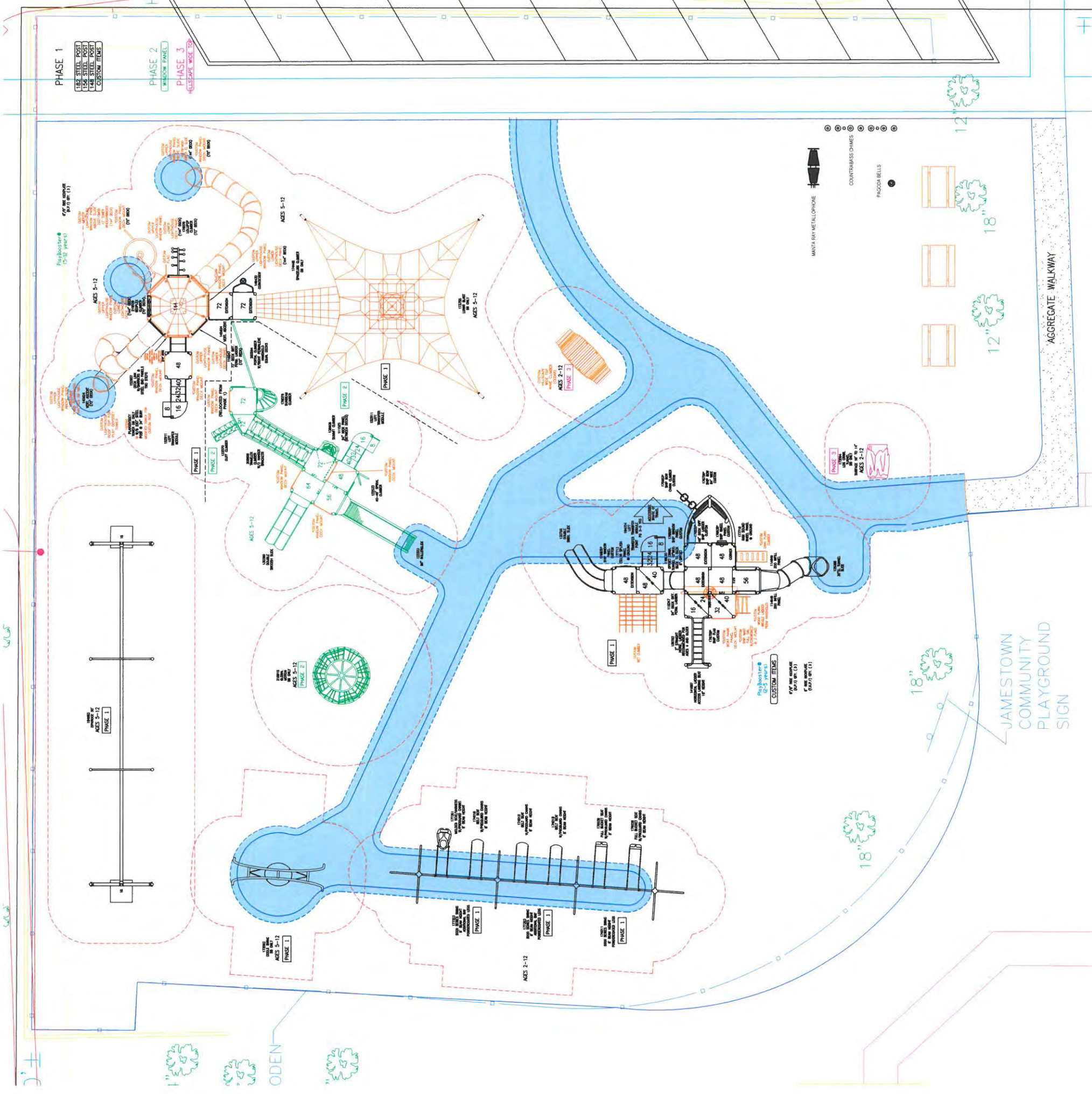
CLB

COPYRIGHT: 7/12/2017  
LANDSCAPE STRUCTURES, INC.  
601 7th STREET SOUTH - P.O. BOX 198  
DELMO, MINNESOTA 55328  
PH: 1-800-328-0035 FAX: 1-763-972-0911

Date	Previous Drawing #	Notes







PHASE 1  
1.62" STEEL POST  
1.56" STEEL POST  
1.50" STEEL POST  
CUSTOM ITEMS

PHASE 2  
WINDOW PANEL

PHASE 3  
CLIP TYPE WIRE TO

AGGREGATE WALKWAY

JAMESTOWN COMMUNITY  
PLAYGROUND SIGN

1'

ODEN

18"

18"

12"

18"

12"

AGES 2-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 2-12

AGES 2-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

AGES 5-12

30'

30'

1'





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

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

TO: Andrew E. Nota, Town Administrator  
FROM: Andrew J. Wade, Parks & Recreation Director  
SUBJECT: Department Update  
DATE: August 10, 2017

The Parks & Recreation Department has had a successful 2017 summer season on the island. Beginning May 1<sup>st</sup>, the department began using RecDesk, a cloud-based online registration/reservation system. This system has been effectively integrated as well for a Point-of-Sale (POS) cash register system for both the Recreation Center as well as for the Gate House at the entrance to Fort Getty. The POS system allows for our department to more effectively track revenues at both locations with RecDesk's convenient reporting system. The online reservation system has also been very successful for campers making tent site reservations. Patrons may now conveniently browse online to reserve their stays and we have been sold out on the weekends most of the summer months.

**Programming:**

- Our Summer Programs have made a big splash with the addition of two water activity camps in the form of Swimming Lessons and our sold out Paddle & Surf Camp. Deb Hagie has done a stellar job broadening our offerings to build on our strong base of summer programs. Molly Conlon has spearheaded our Summer Playground Program which has gone through some major changes this summer. First of which, the location of the camp has shifted from the Fort Getty Pavilion to the Lawn Avenue Recreation Complex. The new location is able to offer a more centralized location for many islanders as well as more recreational opportunities with the tennis courts, skate park, basketball court, and ball fields. The School Department has shown outstanding cooperation and support for our program, by opening the doors at the Lawn School to our children to utilize the cafeteria and gymnasium for some inside space to get out of the sun and rain. I would like to extend my gratitude to Superintendent Ken Duva, and Buildings and Ground Director Peter Anderson for their efforts. I believe that because of the efforts of all involved, including our summer camp counselors, we have seen a dramatic rise in daily attendance to this program. Previously, this camp would average 20 kids per day during this summer; currently the program is drawing between 50-60 kids daily and selling out every field trip.
- The Senior Center Program has stayed steady with meals through the summer and is currently gearing up for its annual summer picnic at the Fort Getty Pavilion. We are at the moment seeking a replacement for the Meal Site Coordinator Ernest Anthony, as he has moved on from his role after 20 years. Currently the upstairs wood floor is being refinished using grant money that the Friends of Jamestown Seniors received. This upgrade will make a significant impact on the physical appearance of the grange hall. We are finalizing flooring options for the basement and hope to put the basement floor replacement out to bid in the fall.

### **Facilities Update:**

- Park Dock – After hearing the concerns of the public in regards to the litter issues at Park Dock, 2 lidded barrels were placed on-site. One each for recycling and trash. Consistent reports from our Litter Team and fulltime Maintenance Staff have indicated that currently park visitors are complying more frequently with use of the receptacles.
- Mackerel Cove – Patrons have been very pleased with the new beach house, as many compliments have been received. To assist with beach accessibility, a special beach wheel chair was purchased and is available for public use at the beach house. In addition, upgrades to beach equipment have been purchased, including a new rescue board, kayak and rescue cans.
- Fort Getty – Half of the clear “window” panels on the drop curtains at the pavilion have been replaced prior to the start of the reservation season. Providing an instant improvement to the aesthetic look of the venue, with the other half scheduled to be replaced this fall. A new machine has been purchased to help with the cleanliness of all bathrooms at Fort Getty. The KaiVac 1250, is a state of the art all-in-one restroom cleaning unit that allows an operator to properly clean all surfaces and vacuum dry each restroom in a fraction of the time with greatly improved results.
- East Ferry Town Beach – A “Mutt-Mitt” dog waste bag dispenser has been installed adjacent to the entrance of the Town Beach to promote citizens use of these bags and more importantly, to dispose of waste dropped by their dogs while taking a stroll in the area.

### **Projects:**

- We have had steady progress in the two major projects associated with the RIDEM Open Space and Recreation Grants. The Small Grant Award for the Community Playground is in the design phase. The Playground Renovation Committee has been meeting regularly to move towards an end. As mentioned in the Administrator’s report, the Committee plans to make a presentation to the Council in September.
- The Large Grant Award for the Lawn Avenue Recreation Complex is also in the design phase. Weston and Sampson is currently designing the master plan and bid specification documentation for the project. Again, the School Department has been great partners during this process, giving us copies of plans, access to buildings for inspections, and offering input when needed on elements that will impact their daily operation. By late fall I would anticipate having more concrete information to report back to the council.





---

## JAMESTOWN CONSERVATION COMMISSION

### **Annual Report to Town Council Fiscal Year 2017**

The Jamestown Conservation Commission is pleased to present a report of activities for July 1, 2016 to June 30, 2017. Activities included:

#### **Restoration**

- Organized a volunteer initiative for transplanting 30 established *Rosa rugosa* (beach Rose) plants to fill in gaps at the westernmost end of the Mackerel Cove dunes to help improve dune resiliency at Mackerel Cove.

#### **Open Space Protection and Stewardship**

- Continued the third year of implementation of a new management plan for 86 Jamestown Shores Conservation Lots, in partnership with the Conanicut Island Land Trust (CILT) and the Jamestown Shores Association (JSA). Members of the JCC met with members from CILT and JSA for 2 field monitoring sessions in April and May 2017, to monitor all town-owned lots in the Jamestown Shores.
- Initiated process with Town Council to convene a Water Resources Technical Review Committee of volunteers to address growing concerns about water resources on the island. As an advisory group to the Conservation Commission, the group's charge would include:
  - 1) Gather information to help better understand current conditions as well as factors influencing both water quality and the supply of drinking water on the island;
  - 2) Make recommendations and coordinate logistics for land purchases for conservation purposes;
  - 3) Assist in the solicitation of funds from outside sources;
  - 4) Make recommendations for best practice in water conservation and protection;
  - 5) Develop educational initiatives to build awareness of best practice in water conservation and protection for residents, including homes with private wells as well as those with town-supplied water and sewer.
- Continued pursuing a more cost-effective construction plan for installation of a boardwalk where wetlands vegetation at the Hull Cove Right of Way was illegally clear-cut. Continue to support town staff in gaining CRMC verbal approval for a scaled-down design approach, which will require new CRMC permitting and new sources of funding. Voted to pursue memorial recognition of late Conservation Commissioner Michael Brown at the Hull Cove Trail.



---

## JAMESTOWN CONSERVATION COMMISSION

- Distributed printed Trail Guides town-wide to maximize public awareness and access to island conservation properties.
- Liaised with the Friends of Taylor Point non-profit organization to support their enhancements efforts at Taylor Point.
- Reviewed Taylor Point Restoration Association's (TPRA) Restoration Plan and supported the TPRA's permit application to CRMC.
- With the support of volunteer trail steward Chris Powell, managed ongoing maintenance and stewardship of Conanicut Island Sanctuary trail, South Pond trail, and Kit Wright trail.
- Initiated geospatial tracking and assessment of currently unprotected natural areas using GIS software, developed into an updatable ArcMap project.
- Held a JCC Special Conservation Planning meeting which included members from CILT to identify and strategically prioritize protection and conservation of unprotected and undeveloped lands adjacent to or nearby town-owned lands. Using GIS software mapping and GIS data layers the group first focused on the Jamestown Shore area to identify lots that were *town- owned and protected* under some type of conservation easement or protection. Then the group focused on identifying lots in the shores that were *town-owned and not protected* under any conservation easements or land protection. Then using the GIS software with GIS data layers to identify individual parcel IDs, areas with streams/waterbody/wetlands, hydric soils, the group then identified individual lots at the parcel level that are not yet developed, but are located nearby other lots that are town owned or protected, and located in wetland and hydric soil areas, with the goal of identifying lots that would have the potential to expand the existing protected areas within the JTN shores, especially in sensitive areas that could enhance groundwater recharge and drinking water protection.
- Continued to discuss concerns with Rhode Island Turnpike and Bridge Authority around plans to clear-cut two or more acres of trees for a solar project. Collaboration continues with town staff to encourage voluntary RITBA efforts to address conservation concerns.

### **Public Education**

- Continued collaborative partnership planning with Jamestown Arts Center to continue an after-school arts and conservation educational project, focused on educating Jamestown children about watersheds and increasing public awareness of waste and polluted runoff draining to Jamestown's sensitive coastal areas. Curriculum plans include experiential learning about marshes and watersheds and demonstration art projects to mark storm drains; programming and implementation is scheduled for fall 2017 through Spring 2018.
- Initiated a process with Town Council to establish a Lyme Disease Prevention Program in collaboration with the JCC (building upon the foundation of the Jamestown Tick Task



---

## JAMESTOWN CONSERVATION COMMISSION

Force) to coordinate and oversee the implementation of an awareness campaign with public education sessions, including website development for Lyme Disease prevention on the Town webpage, curriculum coordination with the Jamestown School and other groups (JAC, JTN Recreation Department, etc.).

### **Rights of Way**

- Collaborated with the grassroots Friends of Jamestown Rights of Way volunteer group to support their efforts to conduct site visits, update status, and make recommendations for enhancements to Rights of Way island-wide. Conducted on-site

### **Protection of Natural and Coastal Areas**

- Ongoing input and advice to CRMC; DEM; and town section 308 review, to ensure planning and implementation that protects the island's natural resources.
- Continued to advocate for a multi-year JCC initiative, in partnership with town staff and the Planning Commission, to fulfill Comprehensive Plan Conservation Development in town ordinances for subdivision planning.
- Based on a Jamestown resident's concerns regarding potentially illegal clearing of vegetation within the coastal buffer zone at Beavertail State Park, the JCC contacted CRMC and RI DEM (Larry Mouradjian, Robert Paquette, Lisa Primiano) requesting information and follow up about management plans for maintenance at Beavertail State Park and any restoration/mitigation plans.

### **Litter Cleanup**

- Organized an annual town-wide Earth Day coastal cleanup in April; coordinated with Clean Ocean Access to support additional cleanups at coastal sites year-round.
- Conducted two cleanups (Fall and Spring) of North Road by Conservation Commissioners as part of the Adopt a Highway program.

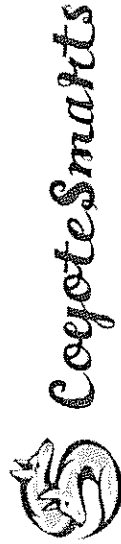
### **Commission and Task Force Liaisons**

Commissioners served as liaisons and represented Conservation Commission priorities to: Planning Commission, Harbor Management Commission, Tree Preservation Commission, Tick Task Force

*Respectfully submitted by Anne Kuhn-Hines, Chair  
August 21, 2017*

## Living Safely with Coyotes

- Never feed coyotes or leave out food that might attract them. Don't feed their puppies.
- Secure trash. Coyotes eat everything: fruit, cereals, meats, small animals, and garbage.
- Never feed pets outside.
- Bring your small pets inside at night or accompany them in heavily used coyote areas. Any pet spaniel size or smaller, or tied, is at risk.
- A safe cat is an indoor cat. Outdoor cats or cat colonies are a magnet for coyotes.
- If coyotes are staring at you, or following you, they probably think you are going to feed them. Remember many coyotes are trained to expect food from people.
- If you are uncomfortable with coyotes near you, act big, mean, and loud. A soda can full of pennies makes a good noisy shaker and should scare them away. If noise alone does not work throw something. Coyotes are very nervous animals and should leave especially if it looks like you are going to approach them.
- If you feed them you are part of the "coyote problem." Remember: fat coyotes are fertile coyotes. They have plenty of natural foods here - including mice, rats, woodchucks, rabbits, geese and deer - they don't need more.
- Habituated coyotes can be dangerous because they are apt to approach people and may become aggressive. Problem individuals may need to be removed and euthanized. You are not doing a coyote any favor by feeding it: a fed coyote is a dead coyote.



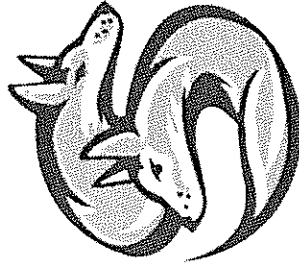
www.CoyoteSmarts.org  
info@CoyoteSmarts.org

## Working Together

The Narragansett Bay Coyote Study (NBCS) is working with local and state government and the public to develop viable management and coexistence strategies for the eastern coyote in RI. We are addressing the issue of coyote subsidization and population growth by creating Best Management Practices to reduce coyote numbers to a level sustainable by the natural environment.

NBCS is a collaborative project committed to cutting-edge research on coyote populations in Rhode Island and sharing its findings and recommendations with local communities. Study details can be found at [www.theconservationagency.org/coyote](http://www.theconservationagency.org/coyote).

For information on coyotes, public and pet safety, and how to report sightings, you can visit *CoyoteSmarts* at [www.coyotesmarts.org](http://www.coyotesmarts.org). For rules and regulations, pertaining to coyotes in Rhode Island visit [www.dem.ri.gov](http://www.dem.ri.gov).

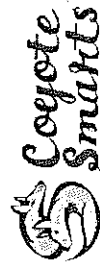


Potter League  
*Enriching Lives*



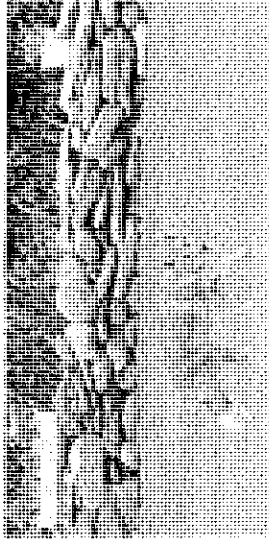
Aquidneck  
Land Trust

R H O D E I S L A N D  
NATURAL HISTORY SURVEY  
*Developing Ecological Science and Information*



www.CoyoteSmarts.org  
info@CoyoteSmarts.org

## Living Safely with Coyotes



Prepared by  
The Narragansett Bay Coyote Study  
for



CoyoteSmarts

## CoyoteSmarts

First seen in Rhode Island in the 1960s, coyotes can now be found in every part of the state except Block Island. They arrived on Aquidneck and Conanicut Islands in the mid-1990s, making their way from the mainland by swimming or crossing one of the islands' three bridges. By 2005, coyotes became a regular sight even during the day as they expanded their territories from farmlands and open spaces into suburban and urban areas.

The Narragansett Bay Coyote Study (NBCS) was initiated that same year to attempt to determine what was responsible for the apparent increases in coyote numbers. Since 2005, NBCS research has shown that throughout the islands the increasing coyote presence has a lot to do with food. The NBCS is currently working in Newport County to develop regionally tailored management and coexistence strategies.

Through its parent organization, The Conservation Agency, NBCS joined forces in 2013 with the Potter League for Animals, Rhode Island Natural History Survey, Aquidneck Land Trust, and Norman Bird Sanctuary to launch *CoyoteSmarts*, a major public information initiative. With funding from the Prince Charitable Trusts and the RI Foundation, the initiative will help raise public awareness of coyotes, promote public and pet safety, and encourage best coyote management practices

## Coyote Biology Relates to Management

Coyotes are different from deer, which depend on predators to control their population size. Since coyotes are top predators they have to control their own numbers – nothing eats them to bring their numbers down.

Coyote litter size can be related to food abundance and availability. More food resources mean more puppies and higher survival rates. Coyote population density can increase in areas with abundant food resources.

With less food both coyote numbers and population density decrease.

It follows that if we can identify and control the availability of food resources the coyotes are using, coyote numbers will decrease. NBCS calls this "Passive Coyote Management."

## Why Not Shoot Them?

Lethal control programs are costly, time consuming, and rarely effective. In suburban and urban areas lethal control options may be hindered by legal constraints and concerns for safety of people and domestic animals. Trying to get rid of coyotes by killing them is a logistically impossible task since most of them are discrete, shy, and virtually invisible. Inevitably, the ones that are missed sense the increase in available food, produce more pups, and rapidly restore the population to former levels.

In extreme cases where habituation has occurred and the coyotes are exhibiting aggressive behavior, removal by lethal means may be the best short-term solution for problem individuals. Since shooting, trapping, and poisoning, can be unsafe or illegal in closely built neighborhoods, NBCS recommends being proactive about coyote management to make sure habituation does not occur.

## People Cause Coyote Problems

Using GPS tracking, NBCS has found humans directly and indirectly provide thousands of pounds of food to coyotes each year. Excessive coyote reproduction occurs wherever people are subsidizing coyotes significantly. Coyotes can produce many more offspring than they need to replace pack members. The young spread out and fill any available habitat on the island. For that reason there is no such thing as an isolated coyote problem on Aquidneck Island. Portsmouth's problem is Newport's problem and visa versa.

We can manage coyotes - get them to drop their own numbers - if we aggressively manage ourselves. If the island municipalities decrease the food subsidies we are collectively providing to coyotes - their populations will stabilize at lower levels. To avoid bold coyotes foraging in residential areas make sure no one ever feeds them or they will learn to associate people, and your neighborhood, with food. Be a good neighbor and don't feed coyotes.

## Easy Pickings: Human Handouts

Intentional and unintentional coyote subsidies:

- Road-killed animals, especially deer, are dumped or not properly disposed of
- Unsecured food, garbage, or compost
- Dead farm-livestock dumping
- People feeding feral cats or wildlife
- People intentionally feeding coyotes

Problem:

- Fat coyotes are fertile coyotes
- Coyotes respond to abundant food resources by producing more offspring
- Coyote populations increase
- Coyotes get habituated when they associate people with food – they may get bold and aggressive

## Solutions

The NBCS has prepared a set of guidelines for the Newport County municipalities: "Best Management Practices for Coexistence with Coyotes on Aquidneck and Conanicut Islands." Encourage your local and state government to adopt and implement these guidelines. for a safer community and a sustainable relationship with coyotes.

Narragansett Bay Coyote Study  
[www.theconservationagency.org/coyote](http://www.theconservationagency.org/coyote)

Coyote Info Line: (401) 300-HOWL (4695)



# CoyoteSmarts

[www.CoyoteSmarts.org](http://www.CoyoteSmarts.org)  
[info@CoyoteSmarts.org](mailto:info@CoyoteSmarts.org)





**From:** [Alexa Gold](#)  
**To:** [Cheryl Fernstrom](#)  
**Subject:** August Town Council Meeting - Coyotes  
**Date:** Tuesday, August 8, 2017 7:28:43 PM

---

Hi,

I wanted to write an email relevant to the coyote topic that's on the agenda for the August Town Council Meeting. Please let me know if this is the correct email, or if there is somewhere else I should be sending it to.

I grew up in Jamestown, and returned two years ago with my husband in order to raise a family in a community that we are both so fond of. I have many memories of freely playing outside with friends and feeling safe in our community. Now, I have a 6 month old and a small dog who I am afraid to let outside for fear that they will be targeted by the growing coyote population on the island. I would like to share my support for the elimination/removal of coyotes on the island all together, by any means necessary. We live in one of the most special places, yet I have to carry pepper spray in my daughter's stroller when we go on walks around our neighborhood due to the fear of coyotes. I don't want my daughter to grow up scared to play outdoors. That is not right, nor necessary in a place where coyotes are not indigenous.

Thank you,

Alexa Gold

25 Sloop Street

**From:** [Linda Flinton](mailto:Linda.Flinton@jamestownri.com)  
**To:** [trockijamestowntc@gmail.com](mailto:trockijamestowntc@gmail.com); [mgbianco@cox.net](mailto:mgbianco@cox.net); [meagherjamestowntc@gmail.com](mailto:meagherjamestowntc@gmail.com); [eugene@mihaly.org](mailto:eugene@mihaly.org); [dickinsonjamestowntc@gmail.com](mailto:dickinsonjamestowntc@gmail.com)  
**Cc:** [Cheryl Fernstrom](mailto:Cheryl.Fernstrom@jamestownri.com)  
**Subject:** Coyotes  
**Date:** Wednesday, August 9, 2017 1:39:52 PM

---

Dear Council Members -

We have lived in Jamestown since 1975 and brought our family up here. Jamestown is truly an attractive place to live for people who enjoy the outdoors. OR maybe I should say "was" an attractive place. Currently we live on North Main Rd where we and our neighbors all have much wooded land. We can live with the deer eating our bushes, but coyotes?

We have lived in this house since 1980. Our dogs have run outside on our land and we play ball . Now they are on a leash at all times in our own backyard. Some neighbors have children who used to play freely outdoors at home. Now the parents no longer allow that without close supervision. Is this the Jamestown that we want our families to grow up in? I hardly think so. They are also an agricultural menace to farm animals on the island.

Coyotes are not indiginous to this island. They were either brought here or walked here over the bridge. I am asking you to eliminate their presence in Jamestown in whatever manner you see fit before humans becaome harmed. I also would strongly recommend the institution of some ordinance to control the purposeful feeding of coyotes and/or their pups. Enough pets (Iarge and small) have been killed or injured already by coyotes. It is time to take action!

Thank you for your consideration

Linda and John Flinton  
843 North Main Rd  
Jamestown, RI

Sent from my iPhone

Town Council Meeting, Monday, August 21, 2017

On August 3, 2017 at 7am, our 3 ½ year old 40 lb. Puggle, Scout, was attacked on our property by 3 coyotes. Although we were able to transport Scout alive to the Ocean State Veterinarian Hospital in East Greenwich within 20 minutes of the attack, the severity of his wounds required us to have him euthanized at 2pm that same day.

Scout was a beloved pet & will be missed by our family, friends, & our 14 month old Lab, Sadie. Sadie was deeply effected by the attack, & reluctant to leave the house & venture into the yard. The outpouring of love & support for our loss has been truly amazing, as evidenced by the numerous personal visits, phone calls, sympathy cards, & flowers. Some members of the Jamestown Community immediately made posts on social media to inform our neighbors & have them maintain close surveillance on their pets & children.

Our intention in submitting this letter tonight is to use this traumatic experience to create awareness of the attack, which again, occurred at 7am in our yard & was characterized by vicious, aggressive animal behavior. I have never witnessed in my 24 years in Jamestown.

I would like to note that when I picked up Scout to transport him to our home for care, the coyotes emerged from the tree line & made advances towards me, as I was removing their "food source" from the area.

Imagine if a small child, in a worst case scenario, witnessed a coyote attack on their pet, attempted to rescue it, & then became a victim of an attack.

We sincerely hope that this tragic event can be a learning opportunity. We would like to become more knowledgeable about the present coyote population in Jamestown, & if their numbers are increasing. Do they pose an imminent threat to us? What are farmers & others doing to deal with the coyotes & the impact on their livestock? Do we have the right to trap or shoot them on our property?

We feel that the members of our community should work in a collaborative way, seeking input from all sides, to determine if there is potential danger associated with their presence here, & formulate a comprehensive plan to deal with it.

Respectfully submitted,  
Stephen & Natalie Lepre  
67 Wright Lane  
Jamestown, RI



**From:** [Blake Dickinson](#)  
**To:** [Cheryl Fernstrom](#)  
**Subject:** Letter sent to me  
**Date:** Friday, August 18, 2017 7:52:07 AM

---

There is a large group of coyotes that live near Watson and Hodgkiss farms. I work in the area. I walk that beach line at night to check on aquaculture gear and am stalked by coyotes every time. If the population isn't controlled I fear I will eventually be attacked.

On a number of occasions I have been working in the area during the day and have heard what sounds to be dozens of them howling together. It happens each time a police cruiser or fire truck drives by Great Creek with their sirens on. The siren sounds like a howl and triggers the senses of the Coyotes to start howling. There are a lot of coyotes and they breed up to twice a year, each female having up to or more than a dozen pups at a time. There will be hundreds in a matter of a couple of years at that rate. Maybe thousands years later. I have heard they have been known to attack young children and will move into rural neighborhoods to search for food. I also have video of them stalking a large, adult deer on the beach. It is not safe and I encourage the Town Council to take some type of action to solve this growing problem.

Sincerely,  
Joseph Pinheiro  
161 Beacon avenue  
Jamestown

Town Council:

Concerned members of the Jamestown community would like to discuss aquaculture in Dutch Harbor focusing on the Application of Antonio and Joseph Pinheiro to modify Aquaculture Assent to float 595 permitted bottom cages on their 2 acre site for a potential maximum of 710 floating cages and to allow bottom planting of oysters on site.

Sharon Purdie  
60 Westwind Drive



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

(401) 783-3370  
 Fax (401) 783-2060

17 AUG -3 AM 11:22

RECEIVED  
 TOWN OF JAMESTOWN, R.I.

**PUBLIC NOTICE**

File Number: 2014-12-056 Date: July 31, 2017

This office has under consideration the application of:

Antonio & Joseph Pinheiro  
 161 Beacon Avenue  
 Jamestown, RI 02835

for a State of Rhode Island Assent to modify an aquaculture assent to: float the 595 bottom cages permitted on their 2 acre site (the current assent allows for 115 floating cages) for a potential maximum of 710 floating cages. An additional modification request is to allow bottom planting (no gear) of oysters on site. The requests of mesh size and seed size modifications do not need assent changes.

Project Location:	Narragansett Bay
City/Town:	Jamestown
Plat/Lot:	/
Waterway:	Dutch Island Harbor (Jamestown)

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

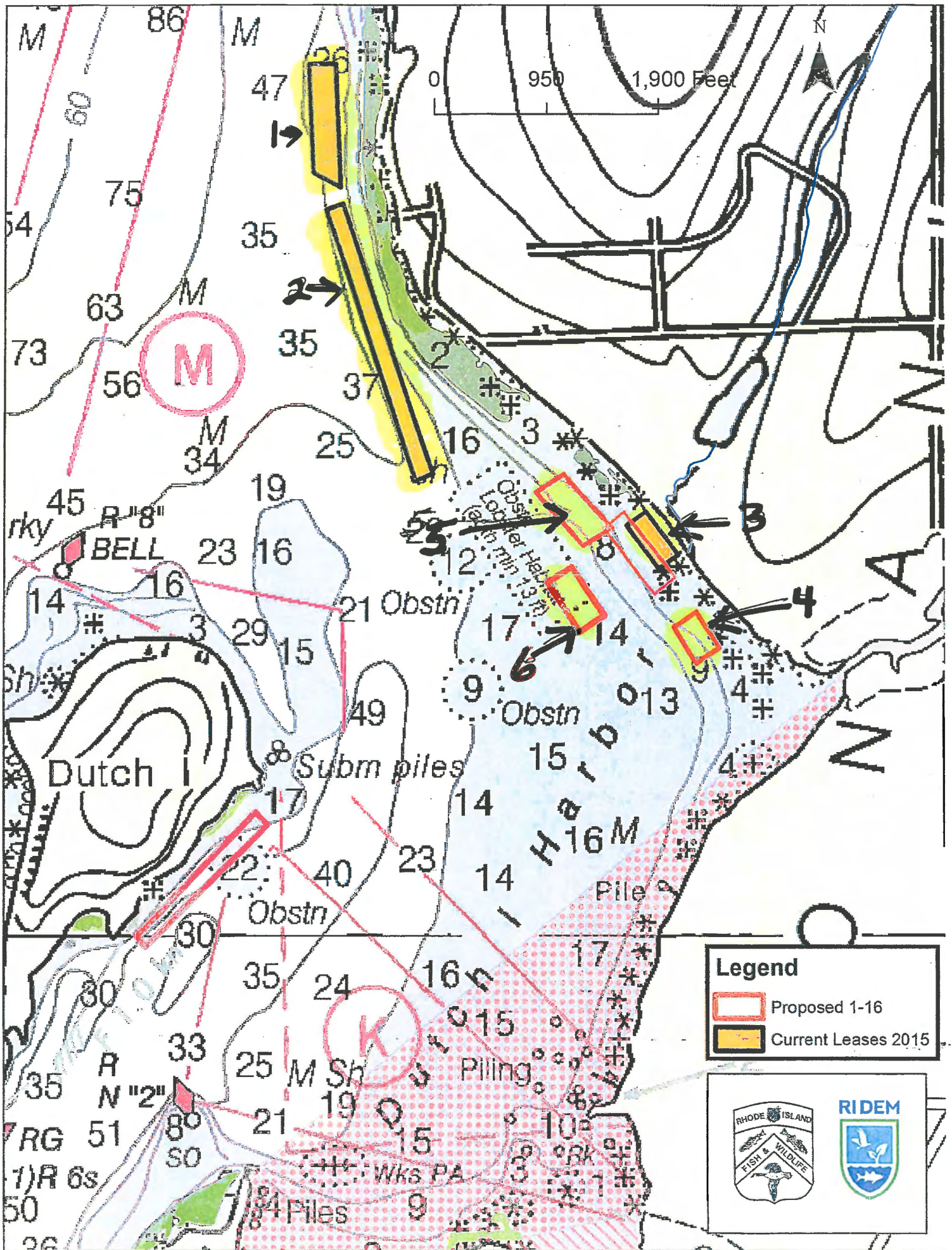
If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before August 29, 2017.

# Approved Aquaculture Leases in Rhode Island

Need Help?









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

(401) 783-3370  
Fax (401) 783-2069

**AMENDED AQUACULTURE ASSENT**

(\*\*June 23, 2017\*\*)

File No. 2014-12-056 Assent No. A2014-12-056

Whereas, Antonio & Joseph Pinheiro  
of 161 Beacon Avenue  
Jamestown, RI 02835

have applied to the Coastal Resources Management Council for assent to: create and maintain a two acre shellfish farm located at the following coordinates:

NE 41.508808° N; -71.383383° W  
SE 41.508488° N; -71.383996° W  
SW 41.509474° N; -71.384993° W  
NW 41.509772° N; -71.384394° W

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: create and maintain the aquaculture site in accordance with said plans submitted to this Council and approved by this Council.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to the site to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Antonio & Joseph Pinheiro  
CRMC Assent No.: A2014-12-056  
June 23, 2017  
Page Two

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit and where applicable the aquaculture lease.

In the event the assented area is not actively used, and activities permitted thereunder are not conducted for a period of more than one (1) year, said Assent shall be terminated, and all license and authorities granted hereunder are revoked. In the event of revocation, termination or completion of the Assent, the Assent holder shall be responsible for restoring the area which is the subject matter of the lease to its former condition. Said restoration includes, but is not limited to, removal of all structures, rafts, floats, markers, anchors, or any other items used in the conduct of the aquaculture activity. Failure to undertake the aforesaid restoration within the period of ninety (90) days from the date of revocation, termination or completion of the Assent shall constitute a violation of an order of the Coastal Resources Management Council.

The CRMC shall have the right to terminate the lease upon the occurrence of the following:

- (i) The Assent holder is conducting its business in a manner which, in the sole judgment of the CRMC, conflicts with any Coastal Resources Management Council plan or program;
- (ii) The Assent holder is conducting business in a manner which in the sole judgment of the CRMC, is making or threatens to make the area or the abutting area unsuitable in accordance with a CRMC plan or program or the activity is damaging the environment of the coastal region;
- (iii) The activity interferes with or hinders activity which the CRMC determines is in the best interest of the State of Rhode Island or such activity inhibits the health, safety, welfare or economy of the citizens of the State of Rhode Island.

CAUTION:

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from this assent or what was detailed on the CRMC approved plans will require a separate application and review. Additionally, if the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.**

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

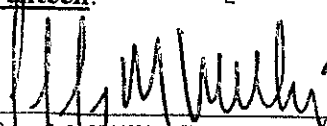
Aquaculture Stipulations

- A. The approved plans shall be those entitled "PINHEIRO," dated December 12, 2014, prepared by Antonio Pinheiro (and modified by the Council).
- B. This Assent shall be valid for a period of fifteen (15) years, from July 1, 2015 through and including June 30, 2030.
- C. The four corners of the lease area must be marked at all times with either spar buoys or standard pot buoys, bearing the letters "CRMC" and "2014-12-056" in bold 3" characters in accordance with R. I. G. L. 20-10-9. The offshore buoys must have lights.
- D. The Assent is subject to the statutes as provided in Section 20, Chapter 10 of the R. I. G. L.
- E. The assent shall be valid for a maximum of 115 floating cages within the two acre lease site, and up to 595 bottom cages.
- F. The approved species for the lease site is the eastern oyster (*Crassostrea virginica*) and bay scallops (*Argopecten irradians*).



- G. Cages shall be located in sufficient water depths within the lease site to maintain a minimum of 1.5 feet of water over the aquaculture apparatus at mean low water (MLW).
- H. The applicant must maintain a valid CRMC lease for each year of operation, as approved. The lease agreement will be forwarded to the permit holder on an annual basis. The annual lease fee for the two acre site shall be two hundred fifty dollars (\$250.00), as per Section 160 of the RICRMP, unless otherwise modified by the Council.
- I. All conditions of the DEM "Special Permit for Aquaculture" must be strictly adhered to, otherwise the CRMC Assent may be revoked.
- J. In the event of any significant storm event(s) that causes the dislodging and relocation of any aquaculture equipment, the applicant is fully responsible for the recovery and proper disposal or reuse of said equipment within 60 days in a manner consistent with the CRMC Assent.
- K. The permittee shall file annual reports with the CRMC on forms provided by the CRMC/DEM.
- L. Cages shall not be placed or located on eel grass (*Zostera marina*) beds.
- M. Vessels, barges, or floating docks shall not be anchored or moored at the lease site, unless the permittee is actively engaged in operations such as setting or hauling cages, cleaning or harvesting.
- N. The permittee shall post a performance bond in the amount of \$20,000 to insure the cleanup and removal of the aquaculture facility and equipment upon termination or expiration of the lease or abandonment of the facility by the applicant. Said bond must remain in full force and effect during the permit period. Additionally, the applicant must provide a copy of the bond renewal each year upon renewal of the lease agreement.
- O. In the event of revocation of any lease or assent, the lessee or assent holder is responsible for restoring the area to preexisting conditions within 60 days from the date of permit revocation. This shall include the removal of all structures including, rafts, floats, markers, cages, buoys, anchors, and other equipment located within the lease area. In order to insure the cleanup and removal of the aquaculture facility upon either termination or expiration of the lease and/or abandonment of the facility, the CRMC may call upon the performance bond posted by the permittee.
- P. The Lessee shall not assign the aquaculture lease to any person or entity nor shall the Lessee sublet the whole or part of any of the lease premises without the prior written consent of the Lessor.
- Q. No substances shall be discharged into waters of the State that will adversely affect water quality.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 23<sup>rd</sup> day of June in the year two-thousand-seventeen.

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



NOAA MAP

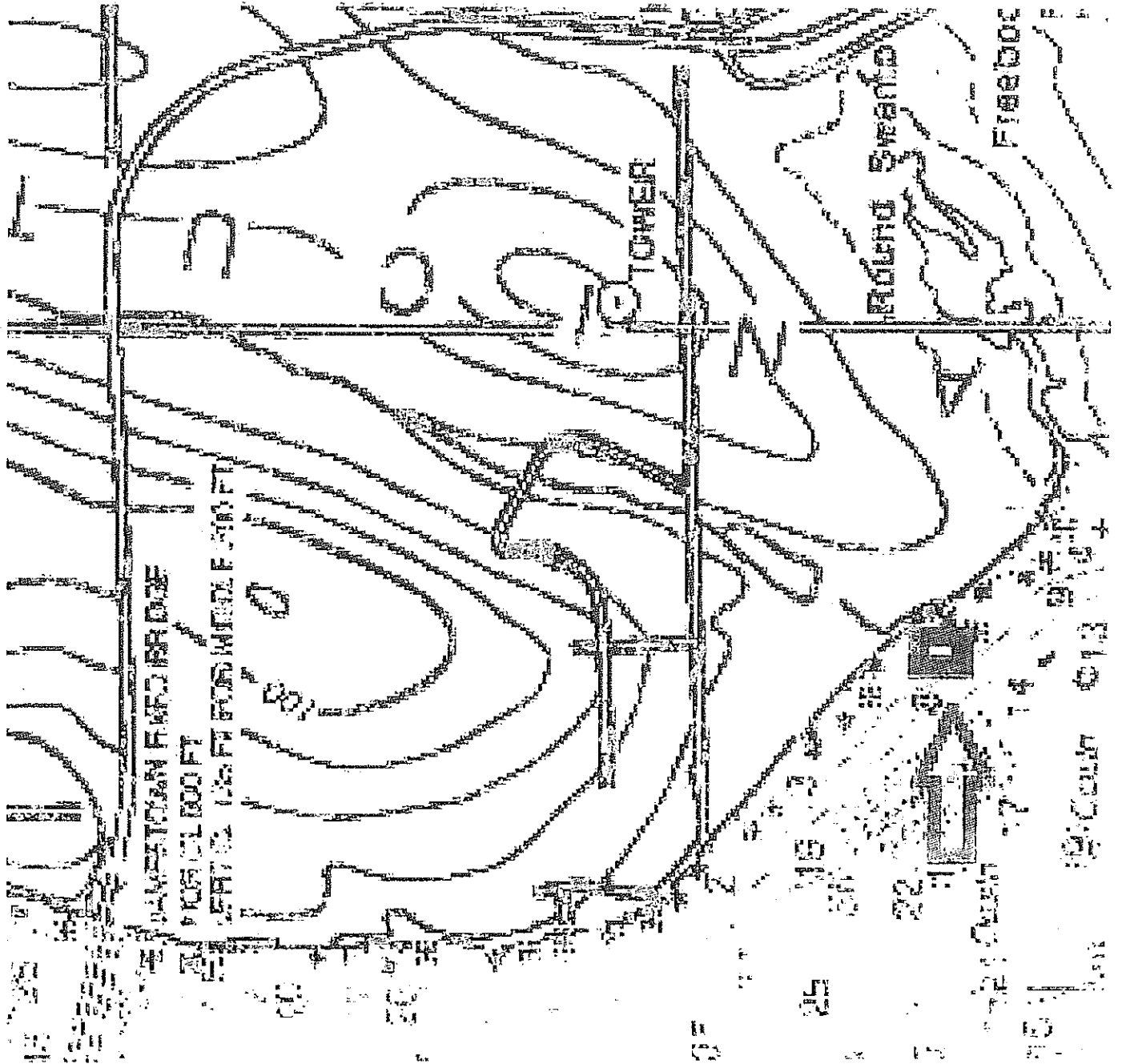
13321 showing

Location of

Proposal

RECEIVED  
NOV 17 2015  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

RECEIVED  
FEB 24 2016  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



# MODIFICATION OPERATIONAL PLAN

Antonio and Joseph Pinheiro

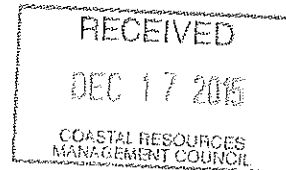
Sunset Beach Aquaculture

161 Beacon avenue Jamestown, RI 02835

Antonio (401)308-2542

Joseph (401)363-3458

41°30'34.02"N 71°23'03.69"W



We are applying for a modification to our existing lease. In the first year of operation we have had tremendous success with the growth of our Oysters and will be at the capacity of our cages by the start of the next growing season. With the previous years experience we can accurately gauge the amount of work needed to maintain a larger amount of crop. It is pertinent that these changes are approved as we have three people in our family working on this project and the current lease does not allow for us to be employed full time.

We wish to increase the number of trawls and cages, and add to the list of species cultured.

We would like to change the amount of trawls from 18 to 35 and the number of cages per trawl from 9 to 17. (please see attachment "layout") Each new trawl will be anchored on each end with a galvanized screw anchor and each anchor marked with a standard, 9" pot buoy.

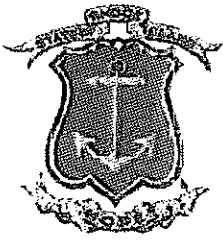
We would also like to add 115 floating cages which is highly recommended by our seed supplier. We will use pvc piping or floats we will purchase to float 4'x4'x15", 12 gauge coated wire cages that will be attached to the existing trawl lines by rope (see attached pictures).

The species we wish to add are Quahogs, Soft Shell Clams and Scallops.

Oysters, Scallops, Soft Shell Clams, and Quahogs are grown very similarly. We will follow our previous operational plan (included) in the way the Scallops, Soft Shell Clams and Quahogs are cultured, maintained and harvested, with two exceptions 1.) At an early stage the Quahogs and Soft Shell Clams will be placed on the bottom under the substrate to grow on their own and 2.) Will be retrieved with rakes and/or hand picked with scuba equipment once ready for market (1" Minimum Hindge Width for Quahogs).

Technique of gear fouling/ maintenance and record keeping will stay the same as the previous version of our lease (see attachment Original Operation Plan).

All spat will be bought in accordance with all applicable rules and regulations of the CRMC and Bio-Security Board.



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

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

### AQUACULTURE ASSENT

File No. 2015-08-073 Assent No. B2015-08-073

Whereas,  
of

Jesse Bazarnick  
105 Spofford Avenue  
Warwick, RI 02888

has applied to the Coastal Resources Management Council for assent to: create and operate a three acre oyster farm using floating cages; located at:

41.508453° N; 71.386417° W  
41.507833° N; 71.385419° W  
41.506950° N; 71.386169° W  
41.508085° N; 71.387193° W

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **create and operate a three acre oyster farm using floating cages** in accordance with said plans submitted to this Council and approved by this Council.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to the site to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Jesse Bazarnick  
CRMC Assent No. B2015-08-073  
June 2, 2016  
Page Two

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit and where applicable the aquaculture lease.

In the event the assented area is not actively used, and activities permitted thereunder are not conducted for a period of more than one (1) year, said Assent shall be terminated, and all license and authorities granted hereunder are revoked. In the event of revocation, termination or completion of the Assent, the Assent holder shall be responsible for restoring the area which is the subject matter of the lease to its former condition. Said restoration includes, but is not limited to, removal of all structures, rafts, floats, markers, anchors, or any other items used in the conduct of the aquaculture activity. Failure to undertake the aforesaid restoration within the period of ninety (90) days from the date of revocation, termination or completion of the Assent shall constitute a violation of an order of the Coastal Resources Management Council.

The CRMC shall have the right to terminate the lease upon the occurrence of the following:

- (i) The Assent holder is conducting its business in a manner which, in the sole judgment of the CRMC, conflicts with any Coastal Resources Management Council plan or program;
- (ii) The Assent holder is conducting business in a manner which in the sole judgment of the CRMC, is making or threatens to make the area or the abutting area unsuitable in accordance with a CRMC plan or program or the activity is damaging the environment of the coastal region;
- (iii) The activity interferes with or hinders activity which the CRMC determines is in the best interest of the State of Rhode Island or such activity inhibits the health, safety, welfare or economy of the citizens of the State of Rhode Island.

**CAUTION:**

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.**

**ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:**

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

**THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.**

**SPECIFIC STIPULATIONS OF APPROVAL**

**Aquaculture Stipulations**

- A. The approved plans shall be those entitled Bazarnick, dated August 21, 2015, prepared by Jess Bazarnick.



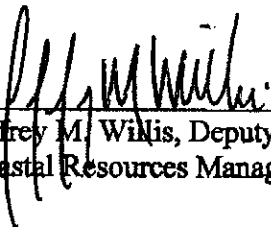
- B. This Assent shall be valid for a period of fifteen (15) years from the date of issuance provided the "initiation of operations", including gear placement in tidal waters, occurs within one year of the CRMC Assent date. Any failure to initiate operations within one year of the assent date may result in termination of the assent unless a proper assent extension request is submitted at least 30 days prior to the expiration of the one year period allowed to initiate operations. All assent extension requests shall be evaluated by the Executive Director based on the circumstances described in the request.
- C. The four corners of the lease area must be marked at all times with **lighted buoys**, bearing the letters "CRMC" and "2015-08-073" in bold 3" characters in accordance with R. I. G. L. 20-10-9.
- D. The Assent is subject to the statutes as provided in Section 20, Chapter 10 of the RIGL
- E. The approved species for the lease site are: eastern oysters *Crassostrea virginica*.
- F. The applicant must maintain a valid CRMC lease for each year of operation, as approved. The lease agreement will be forwarded to the permit holder on an annual basis. The annual lease fee for the three acre site shall be three hundred fifty dollars (\$350.00), as per Section 160 of the RICRMP, unless otherwise modified by the Council.
- G. In the event of any significant storm event(s) that causes the dislodging and relocation of any aquaculture equipment, the applicant is fully responsible for the recovery and proper disposal or reuse of said equipment within 30 days in a manner consistent with the CRMC Assent.
- H. The permittee shall file annual reports with the CRMC on forms provided by the CRMC.
- I. Cages shall not be placed or located on eel grass (*Zostera marina*) beds.
- J. Vessels, barges, or floating docks shall not be anchored or moored at the lease site, unless the permittee is actively engaged in operations such as setting or hauling cages, cleaning or harvesting.
- K. The permittee shall post a performance bond in the amount of \$ 20,000 to insure the cleanup and removal of the aquaculture facility and equipment upon termination or expiration of the lease or abandonment of the facility by the applicant. Said bond must remain in full force and effect during the permit period. Additionally, the applicant must provide a copy of the bond renewal each year upon renewal of the lease agreement.
- L. In the event of revocation of any lease or assent, the lessee or assent holder is responsible for restoring the area to preexisting conditions within 60 days from the date of permit revocation. This shall include the removal of all structures including, rafts, floats, markers, cages, buoys, anchors, and other equipment located within the lease area. In order to insure the cleanup and removal of the aquaculture facility upon either termination or expiration of the lease and/or abandonment of the facility, the CRMC may call upon the performance bond posted by the permittee.

Jesse Bazarnick  
CRMC Assent No. B2015-08-073  
June 2, 2016  
Page Five

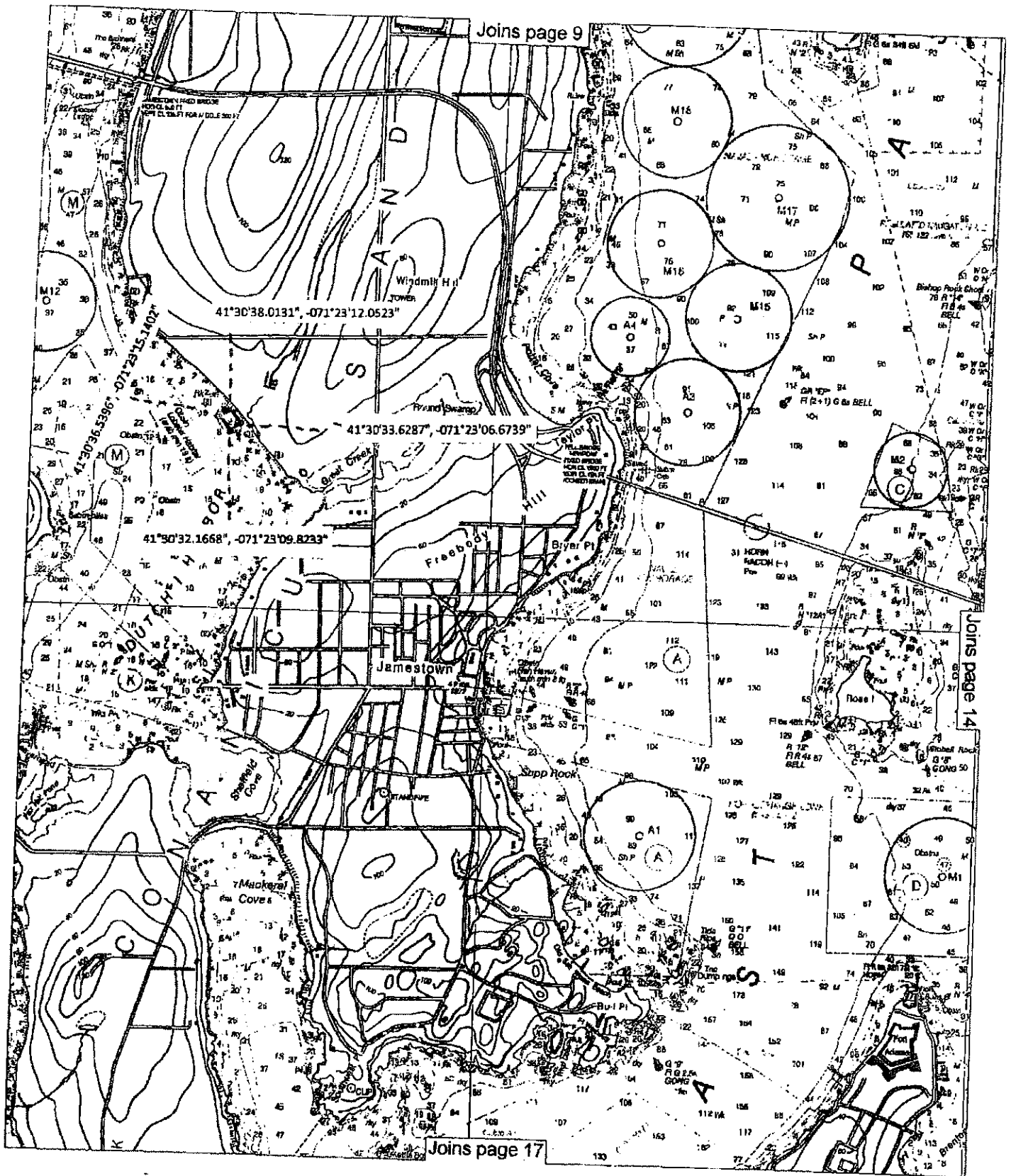
M. The Lessee shall not assign the aquaculture lease to any person or entity nor shall the Lessee sublet the whole or part of any of the lease premises without the prior written consent of the Lessor.

N. No substances shall be discharged into waters of the State that will adversely affect water quality.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this second day of June in the year two-thousand-sixteen.

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

/kc



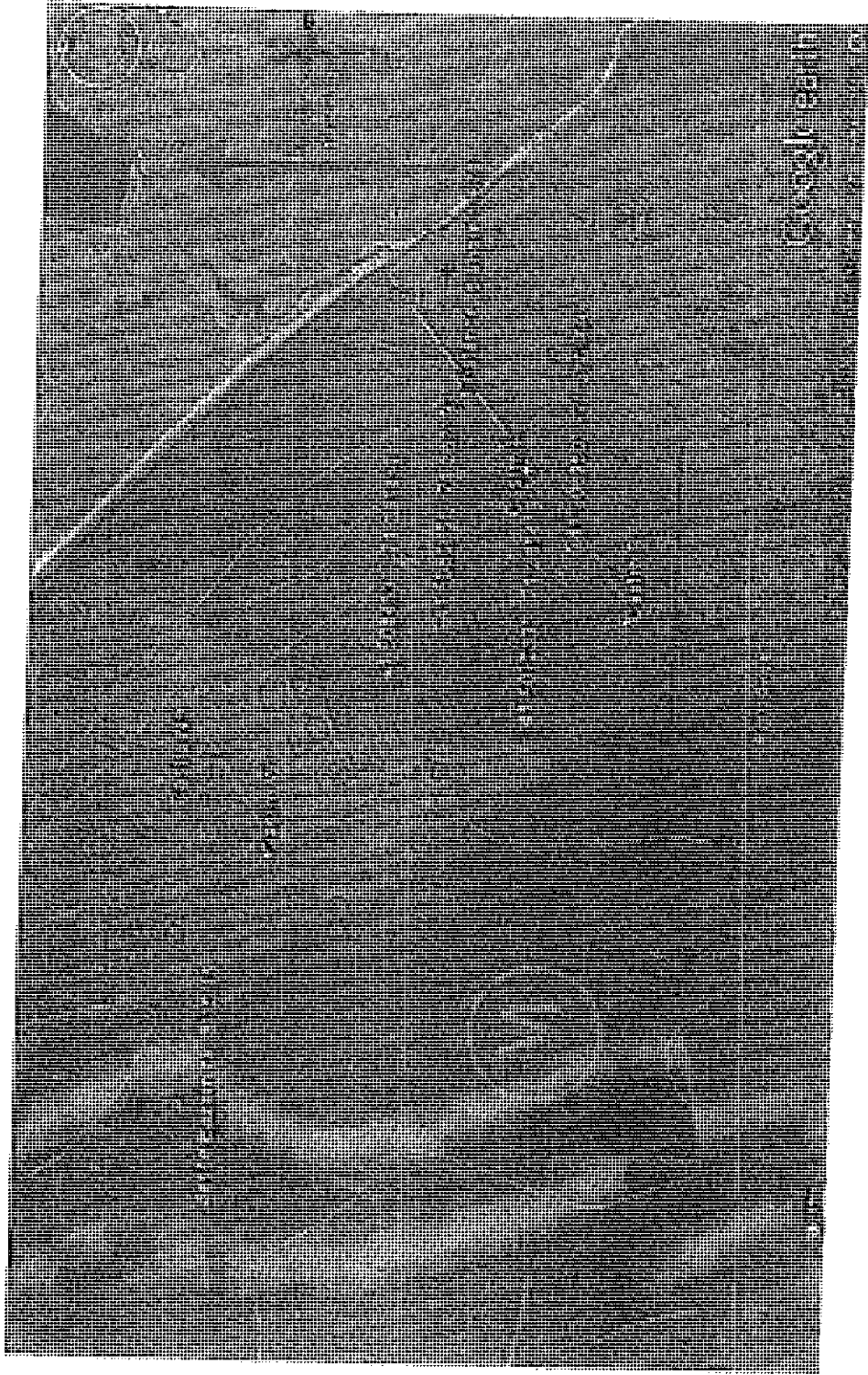
Proposed Oyster Farm (Crescent)

Pinhalo Oyster Farm

Oyster Farm A (Proposed)

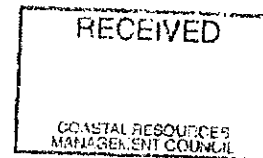
APPROVED  
NOV 10 2015  
SAN FRANCISCO

RECEIVED  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



RECEIVED  
NOV 16 2015  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

Operational Plan for Oyster Aquaculture  
by Jesse Bazarnick  
8/20/15



The target species is *Crassostrea virginica*, the Eastern Oyster. This is the same species that everyone here in RI grows, in fact the same one grown from Canada to Florida. They do exceptionally well in Rhode Island waters, one of the reasons for the industry's grow

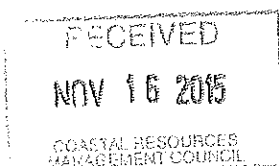
Floating cages will be utilized for cultivation. Seed will be purchased through local sources at first, larger and more expensive seed that has grown from spat size to roughly 1/2" - 3/4" in size. Although much more expensive, this strategy lowers mortality and time needed to grow to harvest. After the entire farm is populated with gear and juvenile oysters, spat will be purchased through approved out-of-state sources, much like the other farms in Rhode Island. At this time there are no plans to use triploid stock.

Each of the 8 lines will be seeded with a specific number of juvenile oysters, enough to fill the whole line with mortality factored in. The target is 250 mature oysters per bag, so roughly 60,000 juvenile oysters 1/2" - 3/4" in size spread out over 30 bags (5 cages). Each bag should be opened, sorted, and mortalities removed every 1-2 months, and spread out down the line. The oysters need more space as they grow, and more frequent sorting will result in faster growth and fewer mortalities.

Harvesting takes place with the sort. All oysters of a certain size/shape are categorized and placed into bags in cages at the end of the line until a sale/pickup is arranged. Sales will probably be to bars and restaurants, and possibly the Co-op as volume increases.

Fouling organisms can be removed every day, simply by turning the cages over, pontoon down, and exposing the underside to air and sunlight. This is very easy to accomplish with a gaff, and takes little time and slightly more effort. The recommendation is 12-24 hours upside down. A stiff bristled broom will easily dislodge the now dead material.

Total setup costs should run in the order of \$8,000 to start (1/3 of the farm fully functional within a month of lease inception). Another 1/3 of the farm can be equipped the following season, and the final part done either the end of the same season or beginning of the following one. My suppliers are ready to provide as much of the order as I need on short notice, and I have had my finding source on hold for 4 years now. The boat is either a quick credit application or a credit card transaction, if I don't feel like running my credit.







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

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

### AQUACULTURE ASSENT

File No. 2011-02-049 Assent No. B2011-02-049

Whereas,  
of

Mark Goerner  
95A Howland Avenue  
Jamestown, RI 02835

has applied to the Coastal Resources Management Council for assent to: **maintain a 4.8 acre oyster aquaculture farm; located at the following coordinates:**

41° 31.200'N; 71° 23.680'W  
41° 31.200'N; 71° 23.630'W  
41° 31.050'N; 71° 23.670'W  
41° 31.030'N; 71° 23.620'W

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: maintain a 4.8 acre oyster farm in accordance with said plans submitted to this Council and approved by this Council.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to the site to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is

Mark Goerner  
CRMC Assent No. B2011-02-049  
May 20, 2015  
Page Two

there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit and where applicable the aquaculture lease.

In the event the assented area is not actively used, and activities permitted thereunder are not conducted for a period of more than one (1) year, said Assent shall be terminated, and all license and authorities granted hereunder are revoked. In the event of revocation, termination or completion of the Assent, the Assent holder shall be responsible for restoring the area which is the subject matter of the lease to its former condition. Said restoration includes, but is not limited to, removal of all structures, rafts, floats, markers, anchors, or any other items used in the conduct of the aquaculture activity. Failure to undertake the aforesaid restoration within the period of ninety (90) days from the date of revocation, termination or completion of the Assent shall constitute a violation of an order of the Coastal Resources Management Council.

The CRMC shall have the right to terminate the lease upon the occurrence of the following:

(i) The Assent holder is conducting its business in a manner which, in the sole judgment of the CRMC, conflicts with any Coastal Resources Management Council plan or program;

Mark Goerner  
CRMC Assent No. B2011-02-049  
May 20, 2015  
Page Three

(ii) The Assent holder is conducting business in a manner which in the sole judgment of the CRMC, is making or threatens to make the area or the abutting area unsuitable in accordance with a CRMC plan or program or the activity is damaging the environment of the coastal region;

(iii) The activity interferes with or hinders activity which the CRMC determines is in the best interest of the State of Rhode Island or such activity inhibits the health, safety, welfare or economy of the citizens of the State of Rhode Island.

**CAUTION:**

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.**

**ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:**

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

**THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.**

**SPECIFIC STIPULATIONS OF APPROVAL**

**Aquaculture Stipulations**

A. The approved plans shall be those entitled: 4.8 acre oyster longline system, dated February 21, 2011, prepared by Mark Goerner.

B. This Assent shall be valid for a period of fifteen (15) years from the date of issuance provided the "initiation of operations", including gear placement in tidal waters, occurs within one year of the CRMC Assent date. Any failure to initiate operations within one year of the assent date may result in termination of the assent unless a proper assent extension request is submitted at least 30 days prior to the expiration of the one year period allowed to initiate operations. All assent extension requests shall be evaluated by the Executive Director based on the circumstances described in the request. Any and all applicable lease agreements and fees required by the assent shall be due within six (6) months of the initiation of operations.

C. The four corners of the lease area must be marked at all times with spar buoys bearing the letters "CRMC" and "2011-02-049" in bold 3" characters in accordance with R. I. G. L. 20-10-9.

D. The Assent is subject to the statutes as provided in Section 20, Chapter 10 of the R. I. G. L.

E. The approved species for the lease site are: eastern oyster (*Crassostrea virginica*) (**Note: choose appropriate species as applied for and approved by DEM via the DEM Special Permit for Aquaculture**).

F. The applicant must maintain a valid CRMC lease for each year of operation, as approved. The lease agreement will be forwarded to the permit holder on an annual basis. The annual lease fee for the 4.8 acre site shall be five hundred thirty dollars (\$530.00), as per Section 160 of the RICRMP, unless otherwise modified by the Council.

G. All conditions of the DEM "Special Permit for Aquaculture" must be strictly adhered to; otherwise the CRMC Assent may be revoked.

H. In the event of any significant storm event(s) that causes the dislodging and relocation of any aquaculture equipment, the applicant is fully responsible for the recovery and proper disposal or reuse of said equipment within 60 days in a manner consistent with the CRMC Assent.

I. The permittee shall file semi-annual reports with the CRMC for two years, and annually thereafter on forms provided by the CRMC/DEM.

J. Vessels, barges, or floating docks shall not be anchored or moored at the lease site, unless the permittee is actively engaged in operations such as setting or hauling cages, cleaning or harvesting.

K. The permittee shall post a performance bond in the amount of \$10,000 to insure the cleanup and removal of the aquaculture facility and equipment upon termination or expiration of the lease or abandonment of the facility by the applicant. Said bond must remain in full force and effect during the permit period. Additionally, the applicant must provide a copy of the bond renewal each year upon renewal of the lease agreement. (**Note: Recommend minimum \$5,000.00 performance bond; performance bonds may not be required for public aquaculture projects or projects within MPLs**).

Mark Goerner  
CRMC Assent No. B2011-02-049  
May 20, 2015  
Page Five

L. In the event of revocation of any lease or assent, the lessee or assent holder is responsible for restoring the area to preexisting conditions within 60 days from the date of permit revocation. This shall include the removal of all structures including, rafts, floats, markers, cages, buoys, anchors, and other equipment located within the lease area. In order to insure the cleanup and removal of the aquaculture facility upon either termination or expiration of the lease and/or abandonment of the facility, the CRMC may call upon the performance bond posted by the permittee.

M. The Lessee shall not assign the aquaculture lease to any person or entity nor shall the Lessee sublet the whole or part of any of the lease premises without the prior written consent of the Lessor.

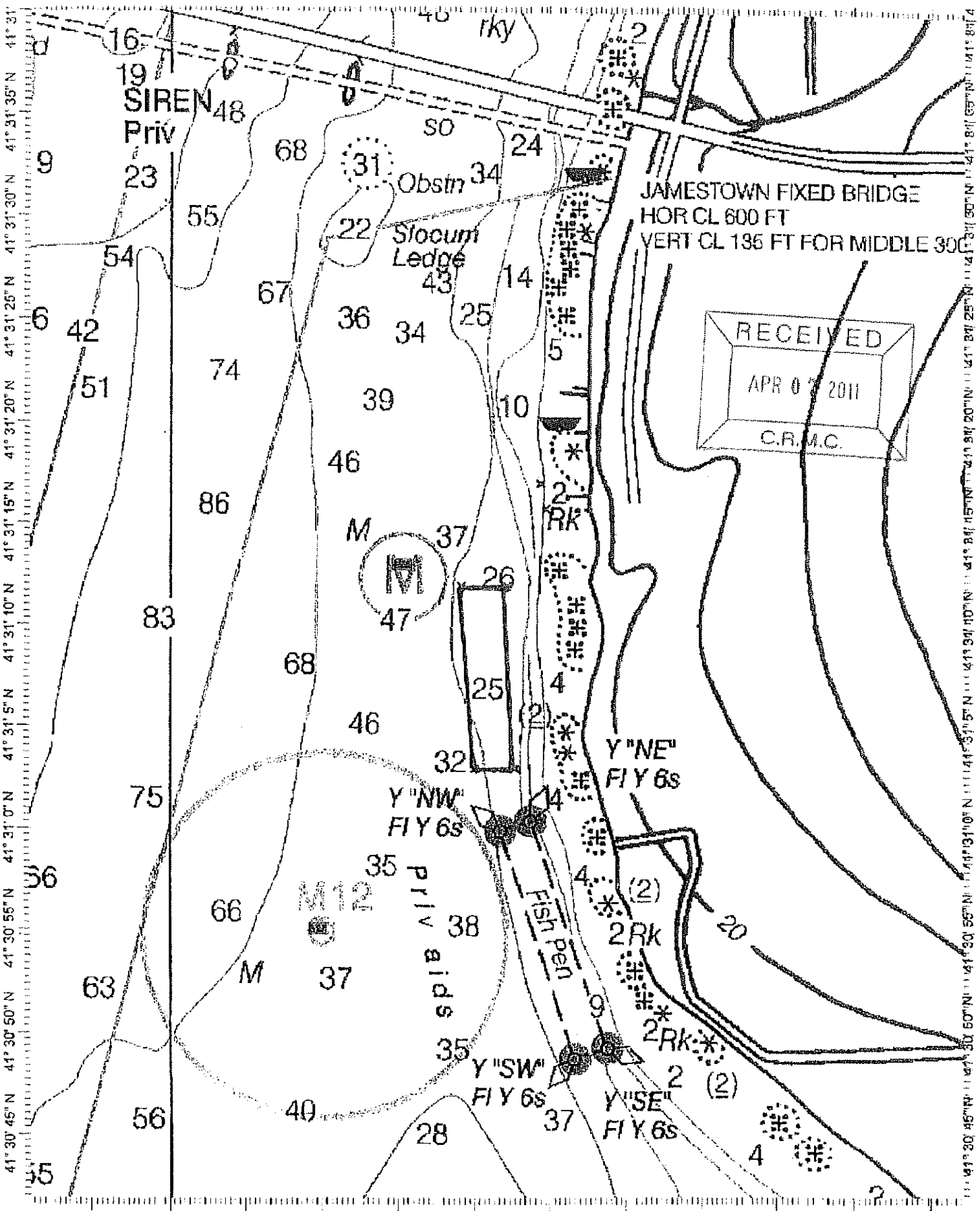
N. No substances shall be discharged into waters of the State that will adversely affect water quality.

O. Floating oyster cages may be used on site.

P. The four corners of the lease area must be marked with lighted spar buoys.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 20<sup>th</sup> day of May in the year two-thousand-fifteen.

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



71° 24' 5" W 71° 24' 0" W 71° 23' 55" W 71° 23' 50" W 71° 23' 45" W 71° 23' 40" W 71° 23' 35" W 71° 23' 30" W 71° 23' 25" W 71° 23' 20" W 71° 23' 15" W 71° 23' 10" W

Chart Name: NARRAGANSETT BAY INCL NEWPORT HARBOR RI  
 Chart ID: 13223\_1  
 Top Left: 41° 31' 40" N 71° 24' 8" W  
 Bottom Right: 41° 30' 41" N 71° 23' 7" W

MARK GOERNER AQUACULTURE  
 FEBRUARY 2011



# Newshell Oyster Company

## Operational Plan

### Gear Description-

- Floating *long lines* with attached trays numbering 50 in a line anchored by 4000 lb. mooring blocks.
- One *set* equals six (6) 2'x 2'x 8" trays ( see diagram). *Sets* are supported by 18" plastic floats. One float per *set*.
- Each of a total 8 *Long lines* are arranged in groups of 3 *arrays* running north and south for a total of 1000'.
- *Arrays* will run east to west approximately 210' with the closest shoreline boundary being 26' at MLW.
- At capacity, total number of sets will number 1,200. Deployment of gear will be in two phases over two seasons.

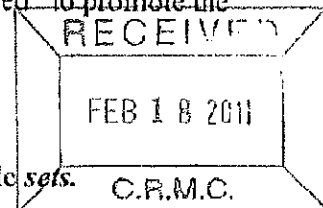
### Operational Plan- Spring seeding process

- Oyster seed ( *Crassostrea Virginica*) will be obtained from wholesale outlets including American Mussel Harvesters Inc., Salt Pond Oyster Co. and Fisher Island Oyster Co.
- All seed stock will be monitored and handled in accordance with all DEM and DOH rules and regulations.
- Early spring- seeds deployed into *sets/trays* varying in diameter from 20-40mm with a density of approximately 150 seeds per *tray* with approximately 900 seeds per *set* (6 trays in each *set*).
- Spring/summer months, oysters experience a growth spurt: April-August.

Summer maintenance- *Sets* are power washed and "tumbled" to promote the shape/shell thickness of oysters.

### Operational Plan- Fall harvest

- Continued washing/ "tumbling" of all available *sets*.



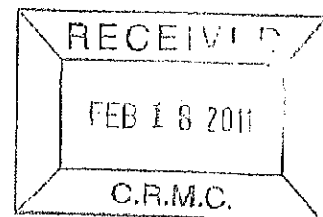
- Oysters sorted by size. Appropriate sizes are harvested for market. Undersized oysters are returned to the *set/long lines* for further growth.

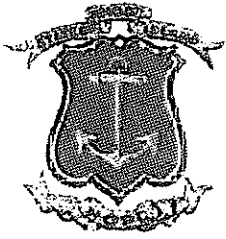
#### **Operational plan- Fall/Winter**

- As water temperature decreases oyster growth diminishes and shellfish become dormant.
- Continued processing and harvesting.
- Operational process is repeated again beginning in the spring as water temperature increases and growth begins again.

#### **Additional Operational Details**

- **Newshell Oyster Co.** will be based in Allen's Harbor, North Kingstown, R.I.
- Principal operational vessel will be the 35' fishing boat **Newshell** for all aquaculture activity.
- Long line technique allows for production of various species. While oysters will be primary, may also include mussels, scallops and clams.
- Product will be distributed to American Mussel Harvesters, Inc. in addition to other outlets.
- F/V fishing vessel **Newshell** is currently set up for and engaged in floating long line production of oysters on the eastern shore of Narragansett Bay for Salt Water Farms, LLC, of North Kingstown, R.I.





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

**ASSENT MODIFICATION**

November 14, 2016

Walrus & Carpenter Oysters LLC  
c/o Jules Opton-Himmel  
73 Harrison Street  
Providence, RI 02909

RE: Modification of **CRMC Assent B 2015-09-105**  
Site Address: Dutch Island Harbor  
Site Town: Jamestown

Dear Mr. Opton-Himmel:

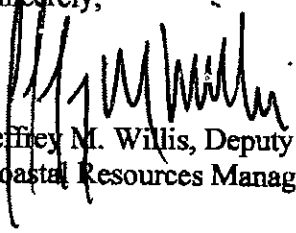
The Rhode Island Coastal Resources Management Council has reviewed your request for modification of assent no. B2015-09-105 and approves the modification with the following alterations to stipulations:

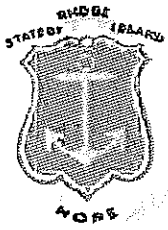
**Stipulations of Approval:**

1. The approved site plans shall be those titled Walrus and Carpenter LLC kelp modification, August 4, 2016. Except as stipulated or modified herein, all details and specifications thereon shall be strictly followed. Any and all changes require written approval from this office.
2. The only approved kelp species for aquaculture is sugar kelp *Saccharina latissimi*.
3. Sugar kelp may be grown anytime from November 1 through May 1.

**All stipulations of the original CRMC assent remain in full force and effect except as modified by the stipulations contained herein and/or by the plans approved by this assent modification approval.**

Sincerely,

  
Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council



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

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

### AQUACULTURE ASSENT

File No. 2015-09-105 Assent No. B2015-09-105

Whereas, **Walrus & Carpenter Oysters LLC**  
of **c/o Jules Opton-Himmel**  
**83 State Street**  
**Narragansett, RI 02882**

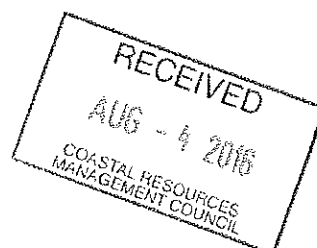
has applied to the Coastal Resources Management Council for assent to: create and operate a two acre oyster farm using floating cages located at:

41° 30' 26.64"N; 71° 23' 00.00"W  
41° 30' 27.88"N; 71° 22' 57.52"W  
41° 30' 24.87"N; 71° 22' 54.81"W  
41° 30' 23.60"N; 71° 22' 57.35"W

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: create and operate a two acre oyster farm using floating cages in accordance with said plans submitted to this Council and approved by this Council.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to the site to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.



Walrus & Carpenter Oysters LLC  
CRMC Assent No. B2015-09-105  
June 2, 2016  
Page Two

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit and where applicable the aquaculture lease.

In the event the assented area is not actively used, and activities permitted thereunder are not conducted for a period of more than one (1) year, said Assent shall be terminated, and all license and authorities granted hereunder are revoked. In the event of revocation, termination or completion of the Assent, the Assent holder shall be responsible for restoring the area which is the subject matter of the lease to its former condition. Said restoration includes, but is not limited to, removal of all structures, rafts, floats, markers, anchors, or any other items used in the conduct of the aquaculture activity. Failure to undertake the aforesaid restoration within the period of ninety (90) days from the date of revocation, termination or completion of the Assent shall constitute a violation of an order of the Coastal Resources Management Council.



The CRMC shall have the right to terminate the lease upon the occurrence of the following:

- (i) The Assent holder is conducting its business in a manner which, in the sole judgment of the CRMC, conflicts with any Coastal Resources Management Council plan or program;
- (ii) The Assent holder is conducting business in a manner which in the sole judgment of the CRMC, is making or threatens to make the area or the abutting area unsuitable in accordance with a CRMC plan or program or the activity is damaging the environment of the coastal region;
- (iii) The activity interferes with or hinders activity which the CRMC determines is in the best interest of the State of Rhode Island or such activity inhibits the health, safety, welfare or economy of the citizens of the State of Rhode Island.

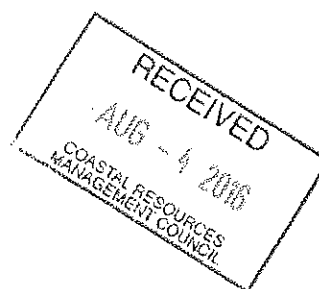
CAUTION:

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.**

**ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:**

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

**THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.**



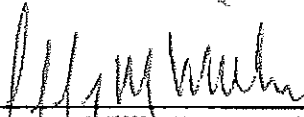


L. In the event of revocation of any lease or assent, the lessee or assent holder is responsible for restoring the area to preexisting conditions within 60 days from the date of permit revocation. This shall include the removal of all structures including, rafts, floats, markers, cages, buoys, anchors, and other equipment located within the lease area. In order to insure the cleanup and removal of the aquaculture facility upon either termination or expiration of the lease and/or abandonment of the facility, the CRMC may call upon the performance bond posted by the permittee.

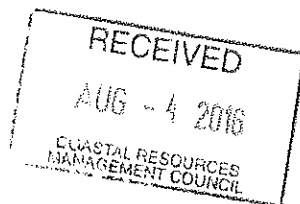
M. The Lessee shall not assign the aquaculture lease to any person or entity nor shall the Lessee sublet the whole or part of any of the lease premises without the prior written consent of the Lessor.

N. No substances shall be discharged into waters of the State that will adversely affect water quality.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this second day of June in the year two-thousand-and-sixteen.

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

/kc



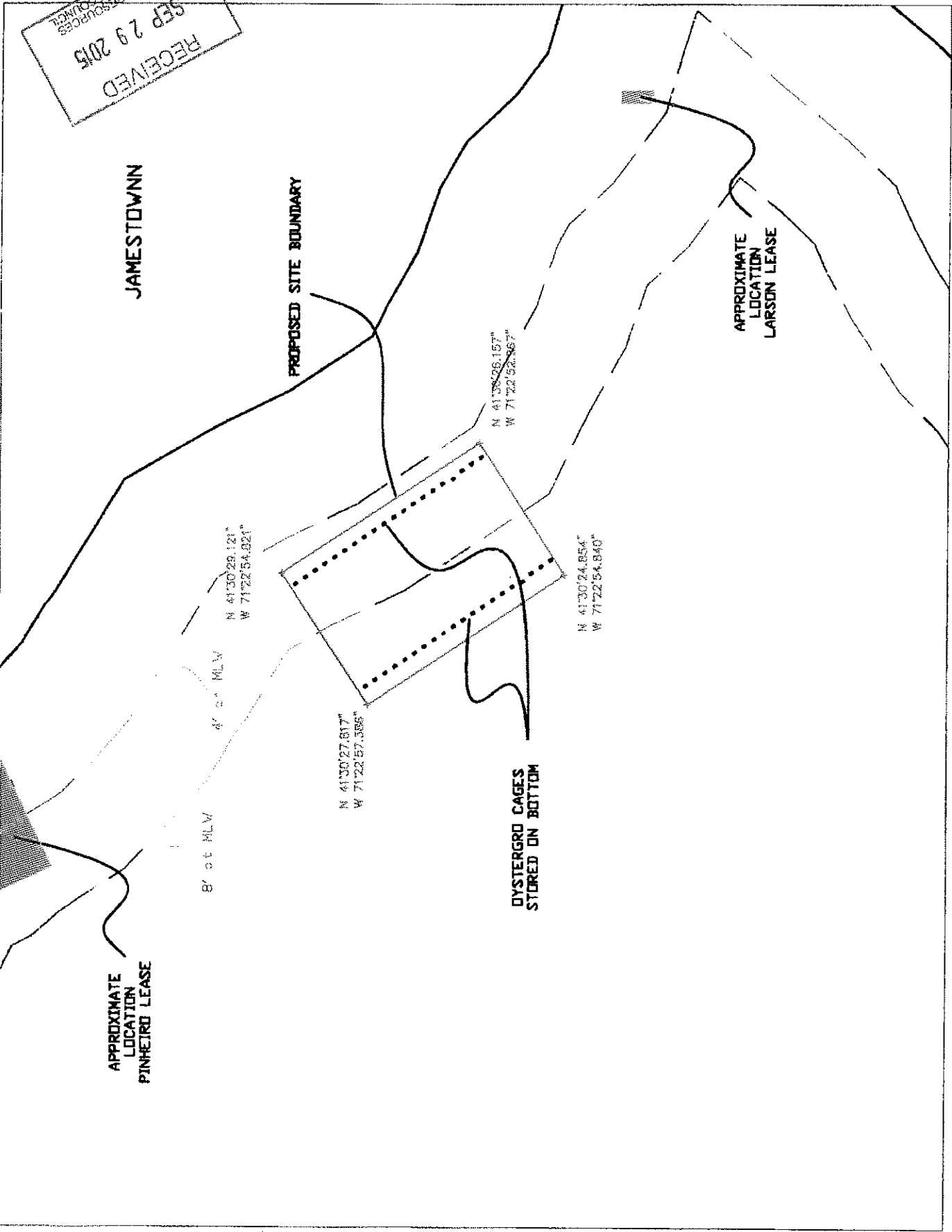


Figure 3: Plan view of Site B with initial year one winter storage of OysterGro cages (gear below water surface displayed)

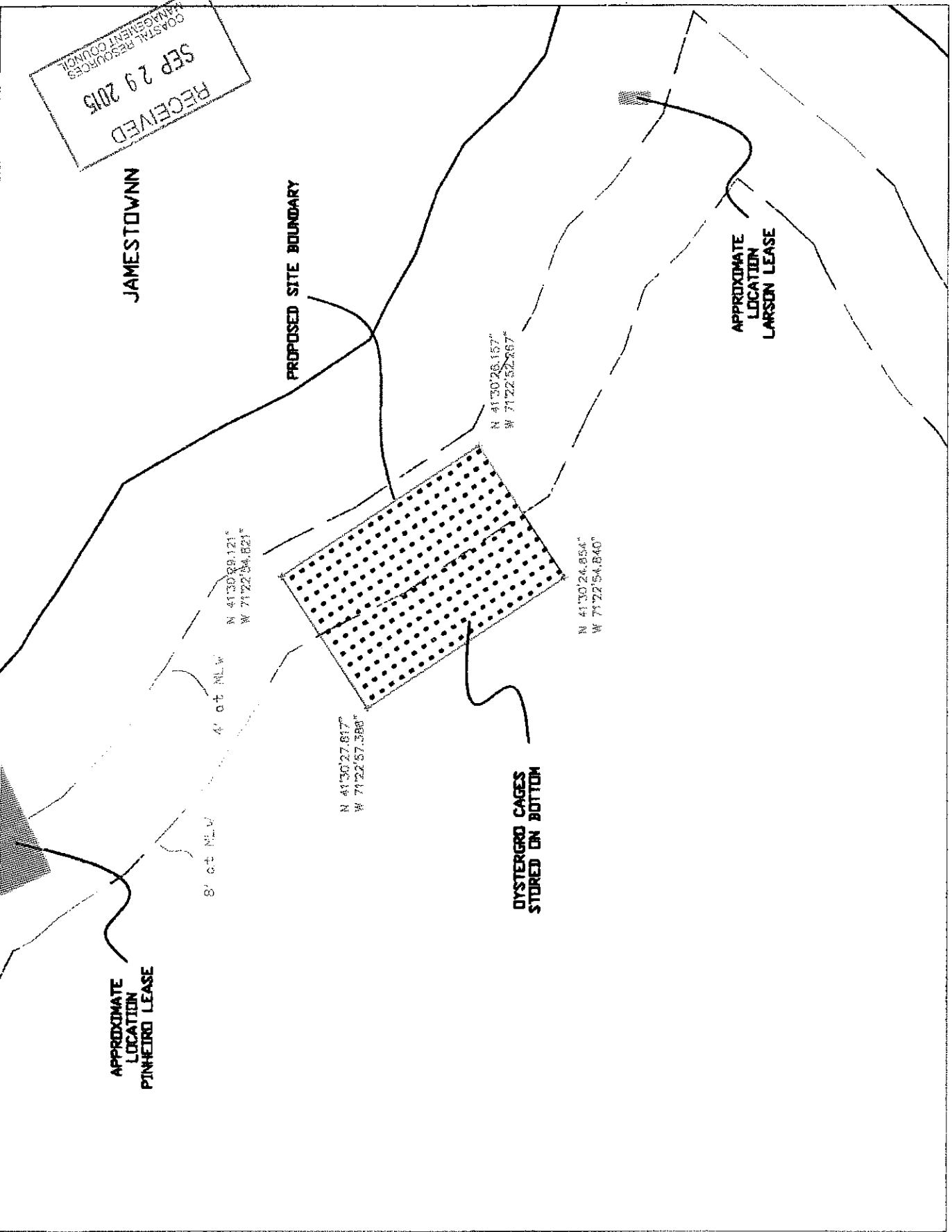


Figure 4: Plan view of Site B with maximum winter storage of OysterGro cages (gear below water surface displayed)

VALRUS AND CARPENTER  
 PREPARED SEPTEMBER 29, 2015  
 DUTCH ISLAND, JAMESTOWN, RI  
 PROPOSED SITE B LOCATION  
 SEP 29 2015 RECEIVED  
 COASTAL RESOURCE MANAGEMENT CONSULTANTS, INC.

SCALE: 1" = 1500'

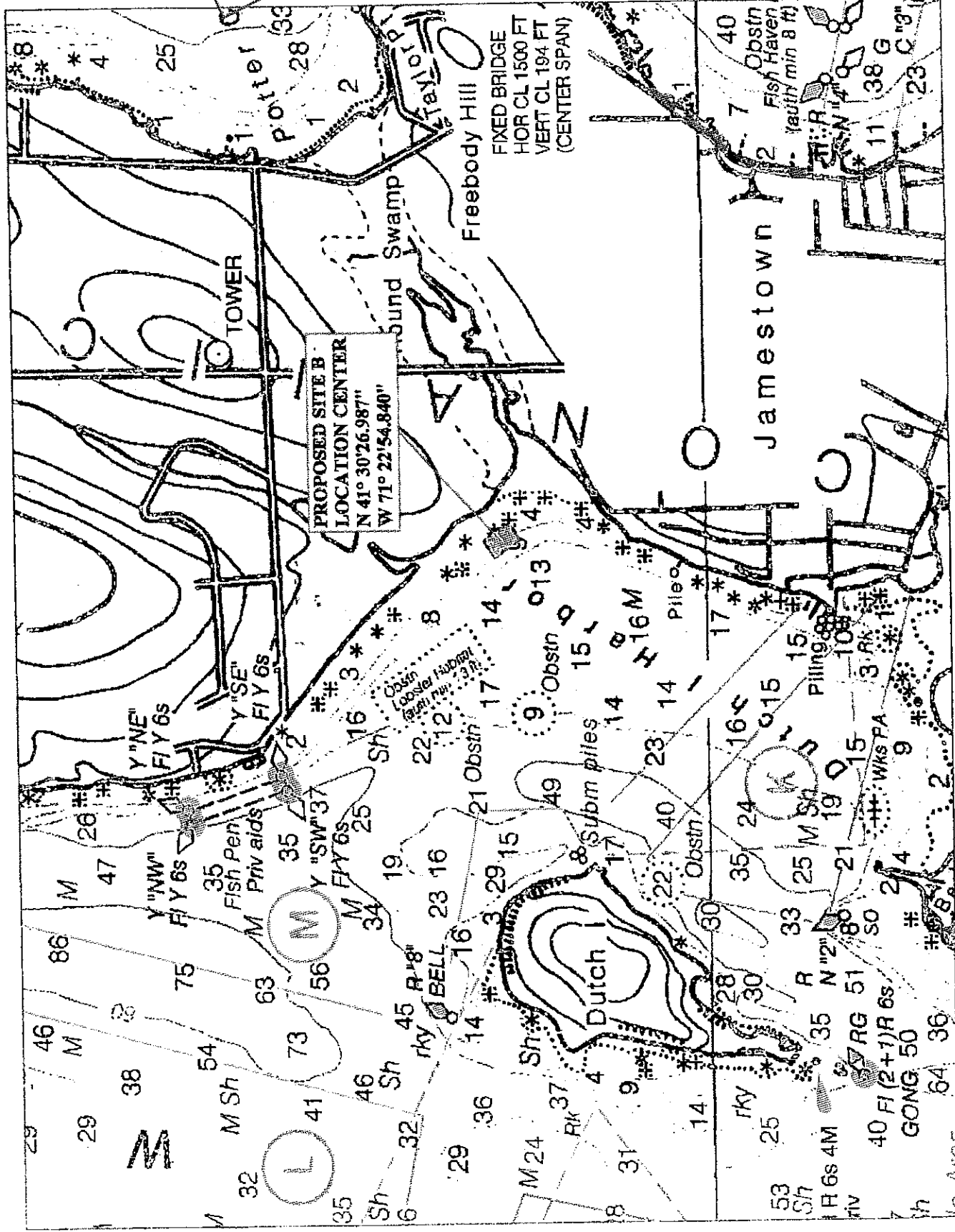
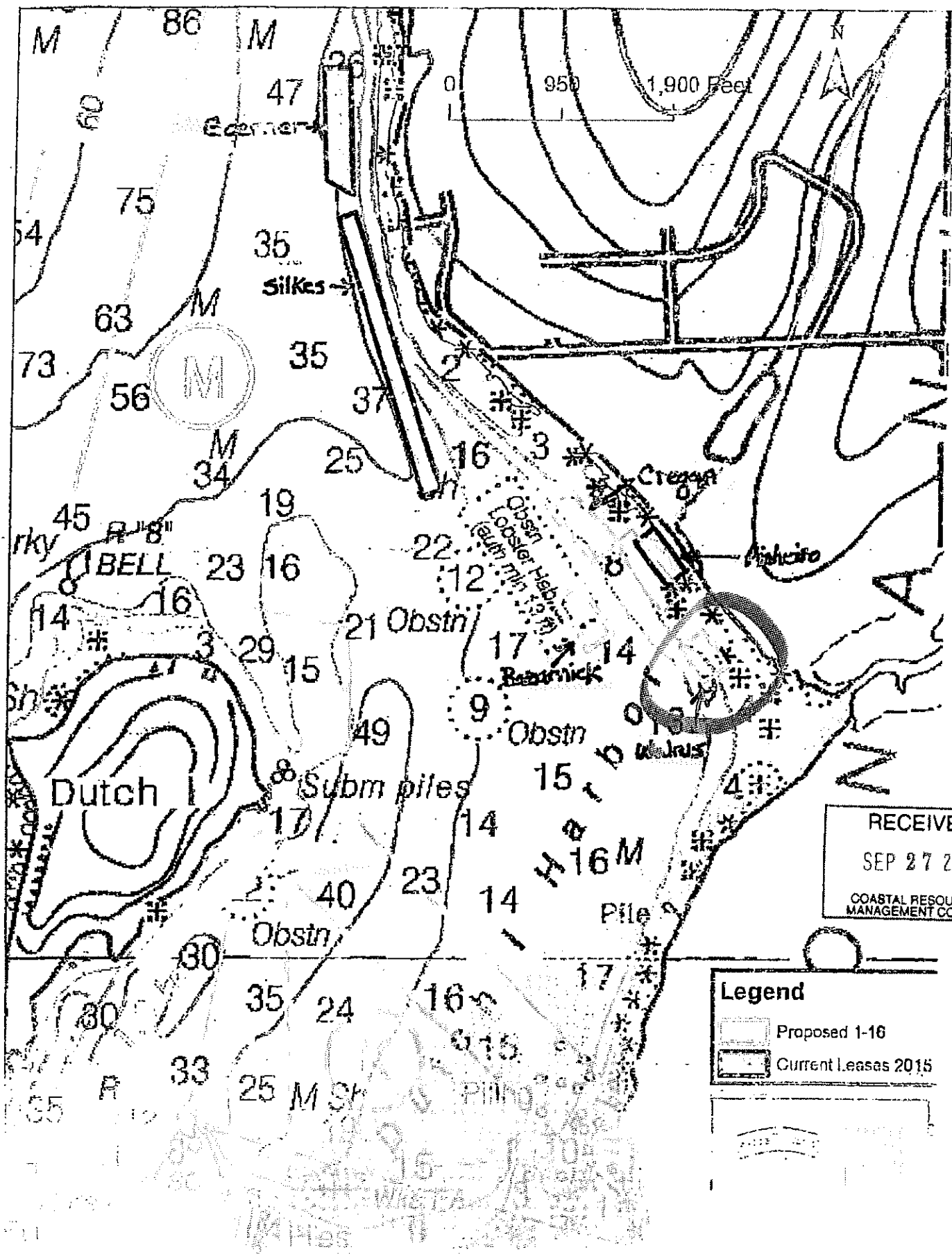
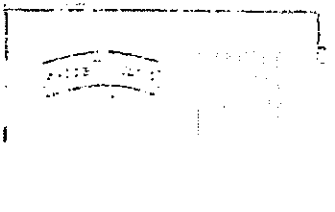


Figure 1: Location map of proposed Site B - NOAA nautical chart



RECEIVED  
SEP 27 2016  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

**Legend**  
Proposed 1-16  
Current Leases 2015



## Operation Plan:

Walrus and Carpenter Oysters LLC is an established and successful oyster farming and distribution company located in Rhode Island. The company has been in business for six years, has six employees, distributes year-round to 35 local restaurants and sells on the wholesale market up and down the east coast. Currently the company farms 6-acres and operates two upweller nurseries in Ninigret Pond.

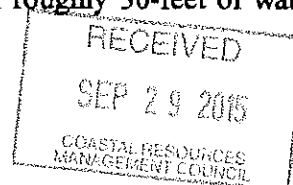
The goal of this new aquaculture lease would be to (a) expand the companies operation to include a new and improved grow-out site in Narragansett Bay, (b) to implement a different method of oyster culture using floating or suspended gear and (c) to diversify the companies crop production to include kelp and possibly mussels at some future date.

To continue to meet growing demand the company has identified the need to expand to a new location for two reasons. (1) The current lease is planted to capacity. (2) In the first year rapid growth and low mortality are observed at the current site. However, research and experience has shown that mortality is unusually high during the last two years of grow-out. Presumably this is the result of the combined deleterious effects of insufficient flow, eutrophic conditions and elevated water temperatures. This leads to the conclusion that the current lease is an excellent nursery but a less than ideal final grow-out site. If a second site with better flow, less nutrient loading, and cooler water were obtained 25-50mm seed oysters could be transferred from the nursery in Ninigret to the new grow-out location with better overall results in farm production and product quality.

Floating gear offers the ability to efficiently and cost effectively control for fouling organisms by periodically exposing the gear to air-drying. The less fouling on the gear the greater the flow of water across the oysters and therefore the more they are able to feed. This results in faster growing, healthier oysters, which will be more resilient to challenges in their environment.

The market for domestically farmed edible seaweed is not fully developed and an economically feasible method of production is largely unproven. Therefore the kelp production component of this application is being considered as an opportunity to experiment and not as a stand-alone business. Fortunately oysters and kelp have opposite growing seasons. The beauty of the proposed plan is that the deep-water infrastructure investments necessary to grow oysters during the summer at Site A are in place and unused during the winter. This is because in November the oysters will be transferred to the more protected and easily accessible winter storage Site B. As a result the existing deep-water infrastructure can be used to grow kelp (and/or potentially mussels) during the winter. This plan will reduce the financial risk associated with experimenting with the new and unproven crop of kelp.

To achieve these goals, a lease on 7.0-acres in Narragansett Bay off of Conanicut Island are requested for a new aquaculture operation. The acreage would be divided into two separate sites. This application is for "Site B" which would be 2.0-acres. Site B is located off of the southwest coast of Conanicut Island between Jamestown Brook and Great Creek in 4-10 feet of water at MLW. This site will be used to overwinter oysters in subsurface bottom gear from December thru March. However, since aquaculture requires adaptive management the option to grow oysters in bottom and/or floating gear at this site year-round should the need arise is also respectfully requested. Site B will be used in conjunction with an additional nearby site, "Site A", for which a separate application has been submitted. Site A would be 5.0-acres located on the southeast side of Dutch Island in roughly 30-feet of water at MLW. This site



would be used to culture oysters from April thru November in floating or suspended great and kelp from December to March on submerged long lines.

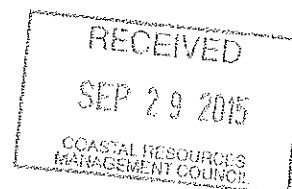
Maximum implementation of this proposed plan would require a large capital investment and large annual expenses. The company does not believe it is prudent to go full-scale in year one without first testing the viability of the site and refining the husbandry practices at a reduced scale. Therefore the plan would be to implement only 1/10<sup>th</sup> of the maximum proposed use in the first year. During this time careful monitoring and experimentation with different cultivation methods, stocking densities and maintenance schedules will help develop an understanding of how best to farm the site. Ideally the experience gained in the first year will help to mitigate the risk of future failures. If a successful farming system can be established the plan will be to scale up to full capacity over time.

In year one the oyster cultivation gear to be stored at Site B from December to March will consist of 40 OysterGro cages. At the end of the oyster-growing season, which is typically around December 1<sup>st</sup>, the long lines of OysterGro cages at Site A will be detached from the holdfasts and floated over to Site B. There the caps on the floats will be removed and the cages will be sunk to the bottom in rows. Storing the cages on the bottom will protect the oysters and gear from winter storms and ice. The shallower water at Site B will make it much easier to ensure that the OysterGro cages are placed so that the floats, now filled with water, are sitting on the bottom and acting as feet. This is important for keeping the oysters alive during the winter. Storing the cages on the bottom in shallower water also allows for easier weekly access in the winter when it is necessary to harvest market oysters.

To operate the farm in year-one a 20-foot skiff with a davit will be moored in Dutch Harbor if space is available or if not it will be trailered and launched at Fort Getty. When grading or other space intensive tasks need to be done one of the company's 30' pontoon boats will be trailered and launched at Fort Getty. Saltwater Farms has also suggested that one of their larger boats outfitted for operating a suspended culture farm may be available for lease on an as needed basis. Any gear that is not deployed for a period of time will be stored at the company's storage site in Charlestown, RI. All product harvested from the site will be off-loaded at the public West Ferry Wharf in Dutch Harbor owned by the Town of Jamestown and zoned for such use.

A system will be implemented to track oysters on the farm to ensure that seed from upwellers or hatcheries in "closed" or "conditional" waters are not harvested before they have been in "open" water for one-year. To do this a spreadsheet that represents the spatial configuration of the farm and depicts all of the individual units of gear on the farm will be created. A color code for each batch of seed and numerical code for each size grade of oyster will be assigned. The spreadsheet is then populated with the current inventory of oysters on the farm. Each week's farm activity is recorded in a new tab in the spreadsheet. The result is a weekly record of the inventory and the status of the farm at any given time, including the location, source, number and size class of all of the oysters on the farm. To compliment the spreadsheet and make daily operations easier each piece of gear will be labeled with a color-coded and numbered plastic tag. This system allows each batch of oysters to be tracked as they move through the farm and ensures that seed from "closed" or "conditional" waters will remain in the "open" water on the farm for a minimum of one year.

The majority of Walrus and Carpenter Oysters™ are sold directly to approximately 35 restaurants throughout Rhode Island. Our oysters are also sold to distributors up and down the east coast.







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

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

### AQUACULTURE ASSENT

File No. 2013-04-057 Assent No. A2013-04-057

Whereas, Adam Silkes, dba A.T. Marine  
of 65 Pierce Road  
North Kingstown, RI 02852

has applied to the Coastal Resources Management Council for assent to: create and maintain an 8.25 acre aquaculture operation to grow blue mussels at:

**41° 31.007'N; 71° 23.615'W**  
**41° 30.999'N; 71° 23.646'W**  
**41° 30.626'N; 71° 23.475'W**  
**41° 30.635'N; 71° 23.443'W**

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: an eight and one quarter blue mussel farm in accordance with said plans submitted to this Council and approved by this Council.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to the site to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is

Adam Silkes  
CRMC Assent No. A2013-04-057  
December 4, 2013  
Page Two

there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit and where applicable the aquaculture lease.

In the event the assented area is not actively used, and activities permitted thereunder are not conducted for a period of more than one (1) year, said Assent shall be terminated, and all license and authorities granted hereunder are revoked. In the event of revocation, termination or completion of the Assent, the Assent holder shall be responsible for restoring the area which is the subject matter of the lease to its former condition. Said restoration includes, but is not limited to, removal of all structures, rafts, floats, markers, anchors, or any other items used in the conduct of the aquaculture activity. Failure to undertake the aforesaid restoration within the period of ninety (90) days from the date of revocation, termination or completion of the Assent shall constitute a violation of an order of the Coastal Resources Management Council.

The CRMC shall have the right to terminate the lease upon the occurrence of the following:

(i) The Assent holder is conducting its business in a manner which, in the sole judgement of the CRMC, conflicts with any Coastal Resources Management Council plan or program;

Adam Silkes  
CRMC Assent No. A2013-04-057  
December 4, 2013  
Page Three

(ii) The Assent holder is conducting business in a manner which in the sole judgement of the CRMC, is making or threatens to make the area or the abutting area unsuitable in accordance with a CRMC plan or program or the activity is damaging the environment of the coastal region;

(iii) The activity interferes with or hinders activity which the CRMC determines is in the best interest of the State of Rhode Island or such activity inhibits the health, safety, welfare or economy of the citizens of the State of Rhode Island.

CAUTION:

**The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.**

**ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:**

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

**THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.**

**SPECIFIC STIPULATIONS OF APPROVAL**

**Aquaculture Stipulations**

A. The approved plans shall be those entitled: Blue Mussel Farm, dated April 10, 2013, prepared by Adam Silkes dba A. T. Marine.

Adam Silkes  
CRMC Assent No. A2013-04-057  
December 4, 2013  
Page Four

- B. This Assent shall be valid for a period of fifteen (15) years from the date of issuance provided the "initiation of operations" including gear placement in tidal waters occurs within one year of the CRMC Assent date. Any failure to initiate operations within one year of the assent date may result in termination of the assent unless a proper assent extension request is submitted at least 30 days prior to the expiration of the one year period allowed to initiate operations. All assent extension requests shall be evaluated by the Executive Director based on the circumstances described in the request. Any and all applicable lease agreements and fees required by the assent shall be due within six (6) months of the initiation of operations.
- C. The four corners of the lease area must be marked at all times with either spar buoys or standard pot buoys, bearing the letters "CRMC" and "2013-04-057" in bold 3" characters in accordance with R. I. G. L. 20-10-9.
- D. The Assent is subject to the statutes as provided in Section 20, Chapter 10 of the R. I. G. L.
- E. The approved species for the lease site are: Blue mussels (*Mytilus edulis*).
- F. The applicant must maintain a valid CRMC lease for each year of operation, as approved. The lease agreement will be forwarded to the permit holder on an annual basis. The annual lease fee for the 8.25 acre site shall be **eight hundred seventy five dollars** (\$875.00) as per Section 160 of the RICRMP, unless otherwise modified by the Council.
- G. All conditions of the DEM "Special Permit for Aquaculture" must be strictly adhered to; otherwise the CRMC Assent may be revoked.
- H. In the event of any significant storm event(s) that causes the dislodging and relocation of any aquaculture equipment, the applicant is fully responsible for the recovery and proper disposal or reuse of said equipment within 60 days in a manner consistent with the CRMC Assent.
- I. The permittee shall file annual reports with the CRMC on forms provided by the CRMC.
- J. Vessels, barges, or floating docks shall not be anchored or moored at the lease site, unless the permittee is actively engaged in operations such as setting or hauling cages, cleaning or harvesting.
- K. The permittee shall post a performance bond in the amount of **\$50,000** to insure the cleanup and removal of the aquaculture facility and equipment upon termination or expiration of the lease or abandonment of the facility by the applicant. Said bond must remain in full force and effect during the permit period. Additionally, the applicant must provide a copy of the bond renewal each year upon renewal of the lease agreement. **(Note: Recommend minimum \$5,000.00 performance bond; performance bonds may not be required for public aquaculture projects or projects within MPLs).**

Adam Silkes  
CRMC Assent No. A2013-04-057  
December 4, 2013  
Page Five

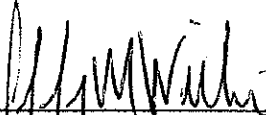
L. In the event of revocation of any lease or assent, the lessee or assent holder is responsible for restoring the area to preexisting conditions within 60 days from the date of permit revocation. This shall include the removal of all structures including, rafts, floats, markers, cages, buoys, anchors, and other equipment located within the lease area. In order to insure the cleanup and removal of the aquaculture facility upon either termination or expiration of the lease and/or abandonment of the facility, the CRMC may call upon the performance bond posted by the permittee.

M. The Lessee shall not assign the aquaculture lease to any person or entity nor shall the Lessee sublet the whole or part of any of the lease premises without the prior written consent of the Lessor.

N. CRMC shall be notified prior to all seed deliveries. Pathology reports may be required before seed deliveries.

O. No substances shall be discharged into waters of the State that will adversely affect water quality.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 4<sup>th</sup> day of December in the year two-thousand-and-thirteen.

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

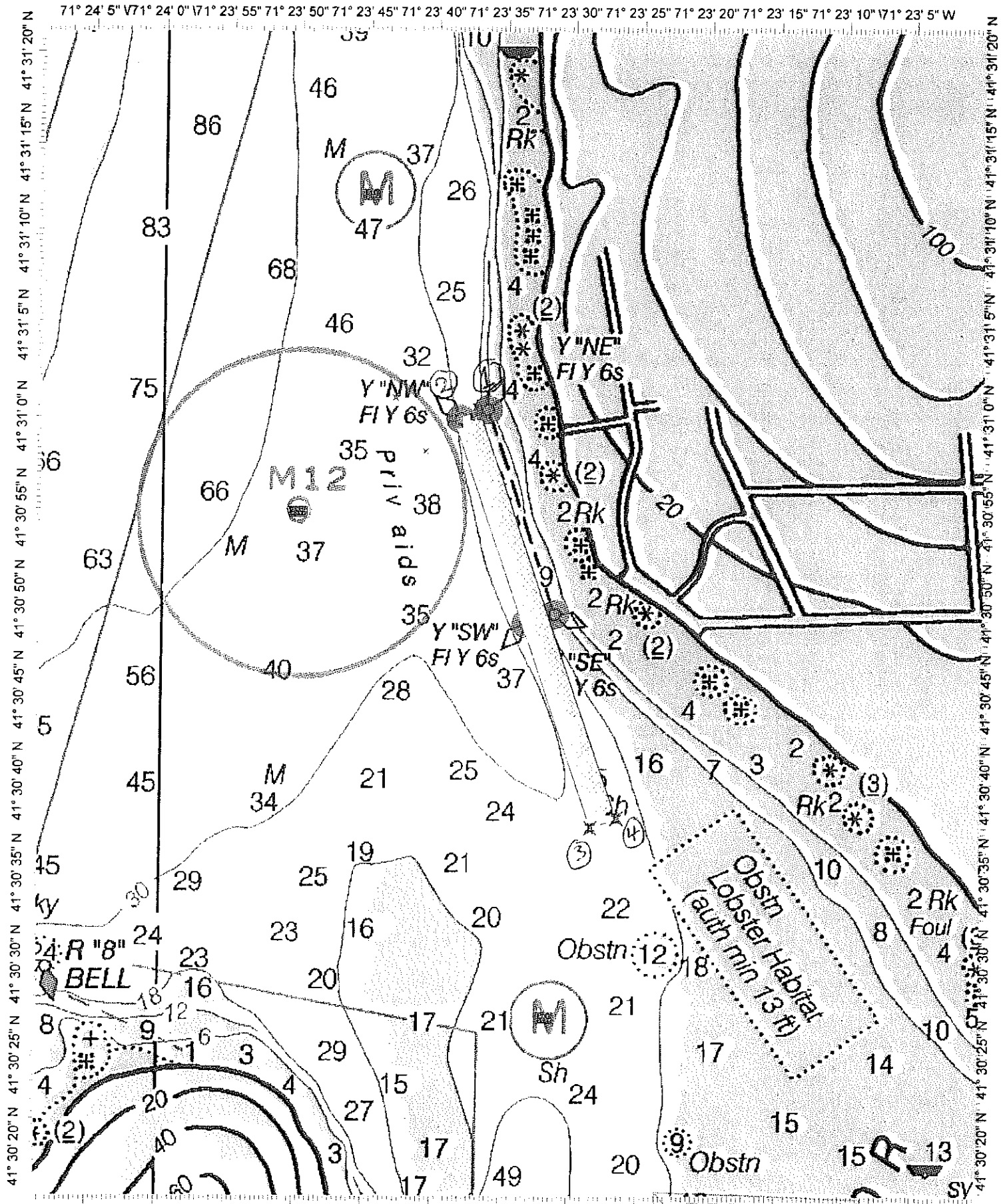


Chart Name: NARRAGANSETT BAY INCL NEWPORT HARBOR RI  
 Chart ID: 13223\_1  
 Top Left: 41° 31' 21" N 71° 24' 8" W  
 Bottom Right: 41° 30' 17" N 71° 22' 59" W

APR 10 2013  
 G.R.M.C.

© MAPTECH, INC.



My Commercial Viability line was in the water from the Spring of 2011 to June 2012. During that time there weren't any adverse interactions with recreation or commercial vessels, nor with any marine mammals.

### Operational Plan

As mentioned in the Description of this proposed site, at full capacity, there will be 12 lines that have 600 feet of grow-out space on them for the mussels. The entire lease will be 2400 feet long North to South. Each mainline, at either end, will be anchored with a minimum of 2 ½ to 1 scope anchor line. Within the 150 foot West to East boundaries, starting at one edge, I will secure 4 total lines spaced 50 feet apart. There will be 3 different plots of 4 lines with the middle plot sharing common anchors with the plots to the North and to the South. By spacing the lines 50 feet apart, commercial pot fisherman will be able to set gear within the lease between the lines. Traditional hook and line fishing is also compatible with the design. Also, this space has historically been zoned for Aquaculture, so user conflict is already at a minimum.

Also worth mentioning is that I've adhered to the recommendations of the CRMC Aquaculture Coordinator pertaining to concerns from fishermen and 'Save The Bay' at my Preliminary Determination.

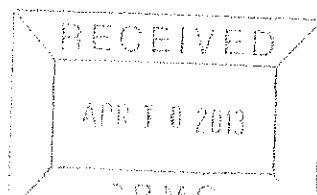
The North and South anchors of each line will either be 4,000 pound concrete blocks or helix screw anchors depending on availability. A 50 to 100 foot length of one inch 3-strand poly steel rope will be attached to the anchors at both ends. These will attach to the 600 foot long mainline (also 1" poly). The mainline will be marked on the surface by floatation.

To compensate for the weight of the anchors as well as the product, sub-surface floatation will be required to keep the line from sinking to the bottom. The subsurface floats will be attached immediately to the mainline so as to remain at 5-6 feet from the surface. The number of floats necessary is a function of how fast the mussels grow and at what stage of growth they are at.

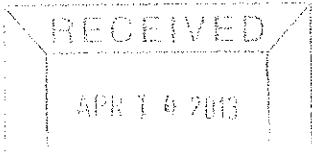
The purpose of the surface floats are to aid mariners/commercial fishermen as to the location of the line, but also as a visual reference for myself the farmer. If these floats are sinking, that tells me that the line itself is sinking and I need to add sub-surface floats to it before the line drops to the bottom. I will meet any marking requirements that are issued by the respected agencies (US Coast Guard, RIDEM, RICRMC). Visual impact will be minimal.

Seed will be planted from Spring to late Fall with harvest occurring throughout the same time frame. The seed will be procured from an existing shellfish farm in Narragansett Bay (see 'Mussel Seed Operations Plan' attached).

Farm maintenance will involve regularly checking the Farm to insure it is floating properly, cleaning excessive fouling on the gear (mainly the floats) and annual dives to check mooring systems. The floats need to be cleaned periodically, but this can be done easily with a brush.



The farm will be tended by a lobster style boat equipped with a mast and boom, hydraulic winches and grapping hook to bring the gear to the surface. The boat is retrofitted to tend long line aquaculture gear. All products that are grown and harvested at this farm will be sold to American Mussel Harvesters (AMH) in North Kingstown, RI.



**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 **September** \_\_\_\_, **2017** at \_\_\_\_\_ at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 22, Environment**. 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 [www.Jamestownri.gov](http://www.Jamestownri.gov).

**Section 1.** The Jamestown Code Of Ordinances, **Chapter 22, Environment**, 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 10 of the Town of Jamestown’s Code of Ordinances.

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

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

1  
2  
3  
4  
5 **EXHIBIT A**  
6

7 **ARTICLE VII. PLASTIC BAG BAN**  
8

9 **Sec. 22-350. Legislative Findings And Intent.**  
10

11 The Town Council of the Town of Jamestown has the authority under Article 13 of  
12 the Rhode Island Constitution and the Jamestown Town Charter to regulate issues of solid  
13 waste, litter and pollution as a local concern.  
14

15 The production, use and disposal of plastic checkout bags, which are commonly not  
16 recycled, has been shown to have significant detrimental impacts on the environment,  
17 including but not limited to contributing to pollution of the terrestrial and coastal  
18 environment, clogging storm water drainage systems, and contributing to the injury and  
19 death of terrestrial and marine life through ingestion and entanglement.  
20

21 The manufacture, transport and recycling of plastic checkout bags requires  
22 substantial energy consumption and contributes to greenhouse gases.  
23

24 Plastic checkout bags create a burden to solid waste collection and recycling  
25 facilities.  
26

27 Prohibiting the use of plastic checkout bags is necessary to protect the environment  
28 and the public health, safety, and welfare of all residents and visitors.  
29

30 **Sec. 22-351. Purpose.**  
31

32 The purpose of the article is to improve the environment in and around Town of  
33 Jamestown, Rhode Island and the health, safety, and welfare of its residents by reducing  
34 the number of plastic and paper bags being used, encouraging the use and sale of reusable  
35 checkout bags and banning the use of plastic bags for retail checkout of goods.  
36

37 **Sec. 22-352. Definitions.**  
38

39 As used in the article, the following terms shall have the meanings indicated:  
40

41 CARRYOUT BAG means a bag provided by a business establishment to a customer,  
42 typically at the point of sale, for the purpose of transporting purchases.  
43

44 PLASTIC CARRYOUT BAG means any plastic carry-out bag that is provided by a  
45 business establishment to a customer, typically at the point of sale, for the purpose of  
46 transporting purchases. "Plastic Carryout Bag" does not include plastic barrier bags or

1 double-opening plastic bags, as defined herein, or plastic bags measuring larger than 28  
2 inches by 36 inches, or plastic bags four (4) mils or more in thickness.

3  
4 DOUBLE-OPENING PLASTIC BAGS means any thin plastic bag with a double opening  
5 (top and bottom) to protect clothing or other items for transport.

6  
7 PLASTIC BARRIER BAG means any thin plastic bag with a single opening used to:

8  
9 Transport fruit, vegetables, nuts, grains, small hardware items, or other items  
10 selected by customers to the point of sale;

11  
12 Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;

13  
14 Contain or wrap flowers, potted plants, or other items where damage to a good or  
15 contamination of other goods placed together in the same bag may be a problem; or

16  
17 Contain unwrapped prepared foods or bakery goods.

18  
19 RECYCLABLE PAPER BAG means a paper bag that is fully recyclable overall and  
20 contains a minimum of 40% post-consumer recycled content and contains no old growth  
21 fiber. The bag should display the words "Reusable" and "Recyclable" or the universal  
22 recycling logo on the outside of the bag in green lettering at least one inch in size.

23  
24 BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout  
25 bags to its customers, including sole proprietorships, joint ventures, partnerships,  
26 corporations, or any other legal entity, and includes all employees of the business and any  
27 independent contractors associated with the business. "Business Establishment" does not  
28 include sales of goods at yard sales, tag sales, other sales by residents at their homes, and  
29 sales by nonprofit organizations.

30  
31 REUSABLE BAG means a bag with handles that is specifically designed and  
32 manufactured for multiple reuse and is made primarily of cloth or other nonwoven textile  
33 or is constructed of multiple layers for insulation.

34  
35 **Sec. 22-353. Prohibited Acts.**

36  
37 No business establishment shall provide or make available any plastic carryout bag  
38 at the point of sale.

39  
40 All business establishments that provide plastic barrier bags or double opening bags  
41 shall offer a recycling opportunity onsite for the recycling of any plastic bags or clean  
42 plastic bag film as defined by the Rhode Island Resource Recovery Corporation  
43 RESTORE program.

44  
45 Nothing in this section shall preclude business establishments from making  
46 reusable bags or recyclable paper bags available for sale to customers, by sale or otherwise.

1  
2 **Sec. 22-354. Exemptions.**

3  
4 This ordinance does not apply to:

5  
6 Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of  
7 multiple bags intended for use as garbage, pet waste, or yard waste;

8  
9 Bags provided by pharmacists or veterinarians to contain prescription drugs or  
10 other medical necessities, provided that the bags are recyclable within the State's  
11 recycling program; and

12  
13 Plastic barrier bags, double opening plastic bags and bags used by a consumer  
14 inside a business establishment to: (1) Contain bulk items, such as produce, nuts,  
15 grains, candy, or small hardware items; (2) Contain or wrap frozen foods, meat, or  
16 fish, whether or not prepackaged; (3) Contain or wrap flowers, potted plants or  
17 other items to prevent moisture damage to other purchases; (4) Contain unwrapped  
18 prepared foods or bakery goods; or (5) bags used by a non-profit corporation or  
19 other hunger relief charity to distribute food, grocery products, clothing , or other  
20 household items.

21  
22 **Sec. 22-355. Enforcement; Violations And Penalties.**

23  
24 This ordinance shall be enforced by the Jamestown Police Department, or any other  
25 Town Department authorized by statute, ordinance or regulation. Any person who violates  
26 any of the provisions of this ordinance shall be subject to the following penalties:

27  
28 The Jamestown Police Department, or other duly authorized enforcement officer,  
29 shall serve notice upon any business owner alleged to have violated the provisions of this  
30 article by certified letter stating in specificity which provision(s) that the business is in  
31 violation of and that such violation(s) must cease within 14 days after the service of said  
32 notice. Each day following the notice shall constitute a separate offense and a fine of \$150  
33 per day shall be imposed.

34  
35 **Sec. 22-356. Hardship Variance.**

36  
37 The Town Administrator may grant a variance from the requirements of this article  
38 only after determining that:

39  
40 Application of this article would cause undue hardship based upon unique  
41 circumstances; or,

42  
43 Application of this article would deprive a person or business of a legally protected  
44 right.

45  
46 The requested variance shall be submitted on the towns prescribed forms.



1  
2           Any variance granted under this section must be the minimum variance necessary  
3 to address the hardship.

4  
5           The Administrator shall prepare a written report of findings to support the grant or  
6 denial of the variance and copy the decision to the Town Clerk and Town Council.

7  
8 **Sec. 22-357. Effective Date.**

9  
10           This ordinance shall become effective upon passage.

11  
12 **Sec. 22-358 through 22-385. Reserved.**

**TOWN COUNCIL MEETING  
July 17, 2017**

**I. ROLL CALL**

Town Council Members present:

Kristine S. Trocki, President  
Michael G. White, Vice President  
Blake A. Dickinson  
Mary E. Meagher  
Eugene B. Mihaly

Also in attendance:

Andrew E. Nota, Town Administrator  
Christina D. Collins, Finance Director  
Michael C. Gray, Public Works Director  
Lisa W. Bryer, Town Planner  
Chris Costa, Building/Zoning Officer  
Edward A. Mello, Police Chief  
Andrew J. Wade, Parks and Recreation Director  
Peter D. Ruggiero, Town Solicitor  
Paula Swistak, Water Clerk pro Tem  
Cheryl A. Fernstrom, Town Clerk

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

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 6:36 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

President Trocki noted the passing of America Way resident Victor Calabretta. Councilor Dickinson spoke of Victor who was his friend, neighbor, and mentor. He was very civic minded and active in town, serving as a member of the Planning Commission and Town Council. Our thoughts and prayers go out to his family. He will be missed. A moment of silence was observed in memory of Victor Calabretta.

**III. TOWN COUNCIL SITTING AS THE BOARD OF  
WATER AND SEWER COMMISSIONERS**

The Board of Water and Sewer Commissioners Meeting convened at 6:38 p.m. and adjourned at 6:45 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

**IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS,  
RESOLUTIONS AND PROCLAMATIONS**

None.

## V. PUBLIC HEARINGS, LICENSES AND PERMITS

- A) Public Hearing:
  - 1) 2017 Annual State Transportation Improvement Plan Update and Public Hearing; review, discussion and/or potential action and/or vote
    - a) Approval for Submission of TIP Application to RI Office of Statewide Planning

President Trocki opened the Public Hearing and explained the TIP for FY 2018 to 2025. Town Administrator Nota thanked Town Planner Lisa Bryer and Public Works Director Michael Gray for preparation of the TIP application. An explanation of the prioritization of projects for the current program and TIP application for 2018-25 was reviewed. Projects in the TIP application were prioritized and explained as follows:

1. Narragansett Avenue (West): FY 2021-22
2. Round Swamp Bridge at the Creek on North Road: FY 2021
3. Ice Road Bike Path from North Road to East Shore Road: FY 2017-25 (reallocation to help fund local project)
4. Sidewalk and Curbing replacement on Walcott Avenue from Hamilton to Fort Wetherill State Park
5. Conanicut Bridge and East Shore Road: FY 2021
6. Jamestown Bridge Bike/Pedestrian Access on and off Bridge: FY 2022
7. Beavertail Road at Mackerel Cove: new project
8. Conanicus Avenue at East Ferry reconstruction Hamilton Avenue to Ft. Wetherill: new project

Discussion ensued of the project priorities, including conditions, costs, funding and alternatives. The application submission deadline to State Planning is August 11, 2017. Discussion involved reprioritization, including bringing No. 7 up in concert with No. 2 North Road and the Great Creek; change in the review and order of No. 4, Sidewalk and Curbing; and No. 6 should be lowered in the priority order and the project amount of \$800,000 shifted and lowered to \$300,000.

**A motion was made by Councilor Meagher with second by Vice President White to close the Public Hearing at 7:08 p.m. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

**A motion was made by Councilor Meagher with second by Vice President White to support the recommendations for the TIP application and the priorities as amended. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

## VI. OPEN FORUM

- A) Scheduled to address
  - 1) Alan Katz – Dutch Harbor Aquaculture Concerns

Alan Katz of Westwind Drive thanked Council for their time, noted his neighbors in attendance, and stated he is here to update Council on continuing aquaculture activities in Dutch Harbor. Photographs of oyster cages and floats were presented. Mr. Katz read a statement outlining concerns for current activities, future expansion, diminished scenic vista, location of aquaculture farms in the Conservation Zone, Conservation Commission recommendations to CRMC not considered, interference with swimming and boating navigations, and lack of notification by CRMC of applications and public hearings. He requested an impact study of the effects of aquaculture activities on the community.

President Trocki noted the time to comment is during the reapplication process, and the Town doesn't usually perform such impact studies. Mr. Katz thanked Town Administrator Nota for his support and speaking before CRMC on behalf of Westwind Drive residents.

Town Administrator Nota stated fishing and aquaculture are cyclical activities and the time to make an impact is during the reapplication process. Council members comment this is a jurisdictional issue, which the Town does not have.

B) Non-scheduled to address

Ted Cypress of 60 Westwind Drive noted the changes to the scenic vista. He understands the Town does not have jurisdiction but should consider that aquaculture operators access the oyster farms via Fort Getty.

Sam Paterson of Fox Run commented commercial fishing has diminished and aquaculture is the new fisheries activity. He works with the aquaculture operators, residents don't understand the activity, the problem is lack of communication, and there needs to be a dialogue between the residents and oyster farmers.

Council members asked if there is an aquaculture industry spokesperson that could be included in future discussions. The Town Administrator was directed to facilitate a dialogue. Increased algae and possible linkage to aquaculture should be researched. Discussion continued.

Robin Main of Westwind Drive commented as an environmental attorney she practices before CRMC, this is not just a jurisdictional issue for CRMC, they will listen to a municipality, and municipalities are noticed when an oyster farm is under consideration.

Dot Blythe of North Main Road commented she got a ticket parked in front of her brother's house on Hamilton Avenue due to the parking being restricted to the north side of the street. Town Administrator Nota will follow-up on this issue.

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

- A) Town Administrator's Report: Andrew E. Nota  
1) Park Dock ROW – Management Challenges

Town Administrator Nota reported on concerns expressed by residents for increased seasonal use of the Park Dock area and the behavior of visitors, including parking and excessive littering. Trash barrels were removed as they did not have a positive effect and resulted in less discarded trash. Litter is difficult to control and enforce, and the Town is working on an administrative process that includes fines, parking restrictions, and signage. The RIDEM sign used to control litter (in multiple languages) was displayed and discussed and Council members agreed would be appropriate for Jamestown. Town staff, Litter Corps, and the Police Department monitor the area.

Bonnie (last name unknown) of the Litter Corps stated people want a receptacle, littering fluctuates with the time of day, and fishermen are helpful in removing litter at Park Dock.

Mike Pinksaw of East Shore Road noted it is unfair for neighbors to have to remove litter and suggested the use of solar powered trash cans (which are expensive), cameras, and signage to control the problem. Also noted were port-a-johns full of trash and unacceptable behavior by visitors.

Unknown resident commented signs will not work and trash cans are needed. Visitors park on East Shore Road and litter there and people set up camp and fish overnight and leave their trash behind.

Councilor Dickinson asked if restricted hours would make a difference. President Trocki noted the area is monitored by the Town and the Council is concerned for the neighbors. Town Administrator Nota stated we need a solution and barrels can be returned with secure lids. The town will employ suggested alternatives, monitor the area, and determine what works. Councilor Meagher commented increased monitoring will help. The Council thanked the Litter Corps for their efforts (applause).

Sam Patterson of Fox Run commented this is a problem all over the Island, the way to control it is by enforcement, and suggested the use resident parking stickers.

Carol Nelson Lee of Buoy Street commented as a Leader of the Friends of the Jamestown Rights-of-Way she is pleased to hear that people are working together to solve the problem and allocate more resources to maintain the ROW's. Last month their group conducted a history and nature event at Park Dock with great conversations, including a suggestion for a refuse box for fishing line and other trash to improve the area.

Peter Gadoury of Weeden Lane commented barrels are needed for trash and educating the public is important.

President Trocki commented finding solutions is important and she is happy to work on a solution, including funding. Area residents were advised to organize and develop solutions to bring back to the Council. Town Administrator Nota requested Mike Pinksaw serve as the neighborhood contact person to work with Town administration.

2) (Per Diem) Police Department Patrol Officer(s)

Chief Mello explained the proposal to hire retired police officers to work per diem. The department recently hired a retired officer (Phillip Williams from Westerly) with 25 years of experience to work per diem. He is fully trained and doing a good job filling shifts. No former Jamestown officers were interested. Two recruits started the 22-week Police Academy today and per diem officers will be helpful until the new officers have completed all required training.

### 3) State Budget

Town Administrator Nota addressed the end of the legislative session without adoption of a FY 2018 State budget. The letters from Senate President Ruggiero and Speaker Mattiello to RI League of Cities and Towns President Daniels included in the meeting packet were noted. It is hoped the Legislature will go back in session to adopt a budget. The impact is currently negligible, but will mount over time. The major concern is the impact on revenue. If budget issues are resolved over the next few weeks tax bills could be adjusted. The car tax phase-out will not have a significant impact on Jamestown.

#### B) Board of Canvassers Report: Carol Nelson-Lee, Chair

Board of Canvassers Chair Carol Nelson-Lee of Buoy Street encouraged all eligible citizens (registered Democrats and Unaffiliated voters) to vote in the Democratic Primary Election tomorrow at the Lawn Avenue School from 8:00 a.m. to 8:00 p.m. All registered voters can vote at the August 22<sup>nd</sup> Special Election for the Senate District 13 seat. The Board of Canvassers must follow Federal and State election laws and mandates from the Board of Elections. We look at the voter experience as we want all voters to have a positive experience so they will vote again. The Canvassers are always trying to do better and appreciate the Town's support.

#### C) Building/Zoning Department Report: Christopher Costa

Building Official Chris Costa reported on the Building Permit fee structure to be implemented by the State and the online E-Permitting system to be available in the near future. It may work for Jamestown as it would save time by allowing online applications. The ISO rating was improved by one point, and there were 24 building permits issued for the period July 14, 2016 to July 14, 2017. The Zoning Ordinance needs revision, and will be updated over time.

## VIII. UNFINISHED BUSINESS

#### A) East Ferry Renovation Project: Design choice for Scheme 3 as recommended by the Jamestown Planning Commission; review, discussion and/or potential action and/or vote

Town Planner Lisa Bryer made a presentation on the proposed project, reviewing the extensive process to date. Three Schemes were developed, the design revised, and based on discussion and comments over the course of the four sessions, a hybrid scheme was approved by the Planning Commission at the July 5<sup>th</sup> meeting. The green space on Conanicus Avenue and traffic pattern remain the same. There will be new paving, curbing, sidewalks, landscaping and amenities. The difference is the additional 4 feet along the

water side with landscaping and new benches. Concern for the aisle width as outlined in the Zoning Ordinance, 23 feet required aisle width for two-car passage for the travel lane, was noted. Site visits and comparisons to other parking areas and spaces were conducted, including Dave's Market, McQuade's, Heffy's, and North Kingstown High School. The proposed project plan should work for Jamestown, and the Planning Commission recommendation is appropriate and will work well.

Town Council comments.

Councilor Dickinson commented on the location and comparisons and suggested the Council review this thoroughly prior to adoption. He expressed concern for water, the greenery proposed, and the narrowed roadway that could become a safety issue.

President Trocki noted her disagreement and considers this plan both safe and beautiful.

Planner Bryer noted the fine job done by Landscape Architect Hali Beckman and the use of beach grass and other drought resistant, coastal, non-lawn plants that over time will become maintenance free.

Landscape Architect Hali Beckman reviewed the project, including the buffer between Conanicus Avenue and the interior space for East Ferry, wall with seating, handicapped accessibility, and particulars of the proposed green space and native hardy, salt-tolerant, low-maintenance plantings. Review of the proposed Scheme 3 continued. Proposed is a guardrail to protect the benches and low-profile plantings will never block the view to the water. Discussion ensued of walking access through the parking lot, buffer, and location of the Christmas tree in the grassy perennial green space.

Town Administrator Nota reviewed the options to determine what was needed, challenges, and core improvements. The green space proposed is the same as currently exists but arranged differently, is a compromise that addresses the concerns of local businesses, and proposes 47 parking spaces plus turnaround which large trucks should be able to handle. The estimated cost is \$250,000 to \$325,000, but will not be known until the project is bid. The Town received a \$65,000 grant and non-tax dollars will be used for the project. No increased maintenance costs are anticipated for the proposed project.

Planning Commission Chair Mike Swistak referenced the narrowing of the aisle and size of trucks that use the area. There had to be compromise to have the 4 feet on the water side for peak season.

Bill Munger of Cole Street, Traffic Committee member and President of Conanicut Marine Services, thanked the Planning Commission for their patience and retaining the existing circulation. He referenced two petitions that were circulated and concern for the width. Discussion ensued. It was reported standard dimensions were maintained with 18 foot parking spaces; however, a 24 foot vehicle is common at East Ferry. He asked the Council not to build a too narrow access and referenced the request by the Traffic Committee to the State Traffic Commission to relocate the Conanicus Avenue crosswalk.



Public Comments.

Peter Gadoury of Weeden Lane commented keeping the entrance/exit wider works best.

Mary Lou Sanborn of Bay View Drive expressed concern for aesthetics and stated the proposed plan places increased maintenance responsibility on the Public Works Department as well as increased expenses.

Town Administrator Nota explained funding for the project will come from the Waterfront Reserve Fund and a grant from Commerce RI, not taxpayer dollars.

Marilyn Munger of Knowles Court expressed concern for shortening the area to 60 feet from 64 feet and railings/guardrails and wheel stoppers prevent over hang parking.

Lisa Bryer stated this is standard, normal parking so that cars do not exceed or over hang the impact bumper, as it becomes a safety issue. Public Works Director Gray noted this provides more space logistically. Discussion continued.

Marilyn Munger of Knowles Court commented on the proposed grasses creating visual problems.

Donald Richardson of Davis Street questioned the cost of maintenance and water use during the summer dry season.

Town Administrator Nota stated maintenance will remain within the current Parks and Recreation Department budget and the project will not negatively affect the water supply. Discussion continued.

President Trocki commented project funding will come from the Waterfront Reserve Fund and a Commerce RI grant, and there will be no additional costs or direct impact. This will have a positive impact and promote more foot traffic than vehicle traffic for local businesses. The Town has listened to citizens and business owners and there must be a balance between functionality and aesthetics. Lengthy discussion ensued of the Waterfront Reserve Fund.

Mr. Richardson asked for the final cost for the landscape architect, and he was informed \$15,000.

Donna Wood of Southwest Avenue referenced the Planning Commission meeting and commented on parking issues and safety for families crossing the road and parking area to access local businesses. The greenery should be scaled back, the footage should be increased back to 64 feet, and this is more extravagant than needed.

Tom Gadoury of Sail Street commented on the green space and requested clarification. Public Work Director Gray explained the condition of the current triangle that is dirt and weeds. The idea is to funnel people through paths/crosswalks to preserve the green area. Not all parking lots have sidewalks. The intent is to beautify the area and have a green

space that can be maintained, because if it were left as is, it would be trampled. To maintain the current spaces we have to pinch this off.

Councilor Meagher commented on concerns expressed. She would like to provide a little more sidewalk for people getting out of cars, and you don't design parking lots to accommodate 24 foot trucks. This is a lovely plan and she is in favor of approving the plan as approved by Planning with modifications.

Councilor White commented if he doesn't use the sidewalk he cannot get from one end of the parking area to the other. He referenced a truck parked in the lot over the sidewalk that prevented his wheelchair from getting through. There should be planters with greens to provide enough space for people to access the sidewalk. To have the 64 feet would be nice, but we have to compromise.

Tom Gadoury of Sail Street encouraged the Council to come up with a compromise plan we can see that we can all live with before voting to approve it.

Councilor Meagher stated this is the process we must go through, the Council appreciates the opinions and comments made this evening.

Patrick Willis of North Road commented he has three small children and always accesses the sidewalk in the parking lot, and any narrowing makes it less safe.

Town Administrator Nota stated the issues were thoroughly vetted through the Planning Commission. We could return the 4 feet, but would not have enough space for the sidewalk. Some of the items were left open to find a balance.

Planner Bryer stated widening the travel lane does not guarantee safety, and it has been proven that narrowing the lane slows vehicle traffic. If it wasn't safe it wouldn't be proposed.

President Trocki prefers we not get emotional and it is unfair and inaccurate to state the proposed plan is unsafe. We want to make it as safe as possible and if we could add another foot she would be in favor of that. Preserving greenery and having benches and getting traffic flow in the proper channels make sense.

Sam Patterson of Fox Run stated this is a great idea and he supports it. We are confronting a parking issue and a study should be done to show how it will be regulated.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to support the concept with the caveats that were expressed by the Planning Commission, and expressed by the folks in this room, and by this Council, to try to widen the area and to provide more access points, perhaps at the sacrifice of some of the greenery, in order to ensure the safety of the folks who use this facility. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

B) Plastic Bag Ban Presentation: Susan Maffei Plowden, Kate Petrie and Dave McLaughlin of Clean Ocean Access

Kate Petrie of Fort Getty Road and Suma Plowden of Calvert Place thanked Planner Bryer for spearheading the Sustainable Jamestown initiative. Teaming up with Dave McLaughlin of Clean Ocean Access they have embraced the concept to help with the elimination of pollution caused by single-use plastic bags in Jamestown. Since 2013 COA volunteers have removed over 14,000 plastic bags floating in our waters and along the shores. COA has collected data and works tirelessly to educate the public. On average a plastic bag is used for 12 minutes and lasts a thousand years, and in America each person uses 300 plastic bags per year. They encourage people to bring their own bag when shopping rather than using plastic bags. Dave is working with communities in their efforts to ban single-use plastic bags and adopting ordinances. Last week an informational workshop was held at the Jamestown Arts Center. They also visited stores to provide information and most were supportive of the effort. In Barrington not one store has been impacted negatively since adoption of their ordinance in 2013, and Jamestown could be a model community.

Suzie Leach of Wittier Road stated she and daughter Nicole have worked on eliminating their use of plastic bags. It was hard at first, is now a habit, and they feel guilty if they forget their reusable bags. Whatever we do will be inherited by our children and we need to speak up on behalf of our children and future generations.

Dave McLaughlin thanked the Council and community for their environmental stewardship. This is a time sensitive issue and we must be responsible. Adoption of an ordinance will direct us where to go next, promote sustainability, and have a positive effect throughout the community. (Applause)

A draft ordinance has been prepared with language that is appropriate for Jamestown, and after review by the Solicitor, Town Administrator and Town staff, the Council will determine next steps.

**A motion was made by Councilor Meagher with second by Councilor Mihaly to have the draft ordinance in a proper format with revised language on the August agenda for Council review and determination if it should go forward for public hearing.**

Discussion. The draft ordinance will be revised as needed and ready for Council review at the August meeting. Discussion ensued of plastic bags exempt from the ordinance and reusable bags that can be purchased by retail businesses at a reasonable cost.

Back to the vote on the motion. **President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

C) Upcoming Meetings and Sessions – dates and times

The next Town Council Meeting with Water and Sewer is August 21, 2017 at 6:30 p.m.

## IX. NEW BUSINESS

- A) Beavertail Lighthouse Museum Association re: Capital Campaign for a perpetual endowment fund; review, discussion and/or potential action and/or vote

Varoujan Karentz of Clarke's Village Road was in attendance to follow up on BLMA's request for funding. An explanation of BLMA activities since 2006 proceeded, upcoming renovations, the positive, unsolicited comments from U.S. Coast Guard Department of Homeland Security Chief Peter C. Spinella and RIDEM Chief Robert J. Paquette in support of the Museum and all it has to offer, and the high rating by Trip Advisor were referenced and read. Mr. Karentz explained the required funding to maintain the museum and keep it operating and asked the Town Council for support for the endowment fund in the amount of \$25,000. Nicole Contino explained the current campaign has raised \$125,000 to date and includes a matching fund by James Buttrick for any donation made up to a total of \$500,000 for 2017.

President Trocki thanked BLMA for the presentation and their dedication to the operation and maintenance of the museum. Lengthy discussion ensued of the 2017-2018 budget set at the June FTM, matching funds for donations made in 2017, and concern for the State budget which is currently on hold. Council members comment on the emergency and incidentals account, finding funding by the end of 2017 in order to secure the matching funds, determining where the funding should come from, and the importance of the museum. The lighthouse is one of our greatest marketing tools and worthy of an investment.

**A motion was made Councilor Meagher with second by Councilor Mihaly to make it happen and donate the \$25,000. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye. (Applause)**

Recess was called at 10:27 p.m. The Council was back in session at 10:34 p.m.

- B) Affirmation of Town Administrator's recommendation for Tax Assessor; review, discussion and/or potential action and/or vote

**A motion was made by Councilor Meagher with second by Vice President White to affirm the appointment of Christine Brochu as Tax Assessor. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

We are fortunate to have her in Jamestown. Welcome aboard, Ms. Brochu.

- C) Award of Bid: Annual Financial Audit for FY 2017 - FY 2019 to Baxter Dansereau & Associates for an amount not to exceed \$120,080.00 as bid as follows:

<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Total</u>
---------------	---------------	---------------	--------------

\$37,630.00            \$41,225.00            \$41,225.00            \$120,080.00  
as recommended by Finance Director Christina D. Collins; review,  
discussion and/or potential action and/or vote

**A motion was made by Councilor Mihaly with second by Councilor Meagher to award the bid to Baxter Dansereau & Associates. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

Finance Director Collins explained the audit cost increases due to compliance with State law.

## **X. ORDINANCES AND APPOINTMENTS AND VACANCIES**

- A) Appointments, Vacancies and Expiring Terms; review, discussion and/or potential action and/or vote
- 1) Jamestown Affordable Housing Committee (Three vacancies with three-year term ending dates of May 31, 2020 and One vacancy with an unexpired three-year term ending date of May 31, 2018); duly advertised; interviews conducted
    - a) Letter of interest for reappointment
      - i) Jerome Scott
    - b) Letters of interest for appointment
      - i) Job Toll
      - ii) Valerie Malloy
      - iii) Donna Andreozzi
      - iv) William Piva

Council members commented on the energy of the candidates. We should hold on the remaining appointment as Valerie Malloy was not interviewed and to see if there are other folks interested. Mr. Schadegg could also be considered.

**A motion was made by Councilor Meagher with second by Vice President White to nominate Job Toll, Donna Andreozzi, and Bill Piva to join the Committee. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- 2) Jamestown Conservation Commission (One vacancy with a three-year unexpired term ending date of December 31, 2017); interview conducted
  - a) Letter of interest for appointment
    - i) Kenneth Schadegg

Mr. Schadegg was energetic.

**A motion was made by Councilor Mihaly with second by Councilor Meagher to appoint Ken Schadegg to the Conservation Commission. President Trocki, Aye; Vice**

**President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

- 3) Jamestown Tree Preservation and Protection Committee (One vacancy with a three-year term ending date of December 31, 2019); duly advertised; no applicants

There is still a vacancy, and advertising will continue.

## **XI. 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 motion was made by Councilor Dickinson with second by Councilor Mihaly to approve and accept the Consent Agenda. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
  - 1) June 19, 2017 (regular session)
  - 2) June 19, 2017 (executive meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Zoning Board of Review (06/13/2017)
- C) CRMC Notices
  - 1) July 2017 Calendar
- D) One Day Event/Entertainment License
  - 1) Applicant: Saint Matthew's Church  
Event: Saint Matthew's Church Annual Summer Fair  
Date: July 22, 2017  
Location: 87 Narragansett Avenue
  - 2) Applicant: Jacob Peterson  
Event: Peterson Wedding  
Date: July 22, 2017  
Location: Fort Getty Pavilion
  - 3) Applicant: Constance P. Rainone  
Event: 80<sup>th</sup> Birthday Party  
Date: July 26, 2017  
Location: Fort Getty Pavilion
  - 4) Applicant: Amanda Barone/International Dioxide, Inc.  
Event: Company Summer Party/Retirement Party  
Date: July 27, 2017  
Location: Fort Getty Pavilion
  - 5) Applicant: Jamestown Yacht Club  
Event: Fools' Rules Regatta  
Date: August 12, 2017  
Location: East Ferry Beach

- 6) Applicant: Robin and Joe Yoffa  
Event: Wedding  
Date: August 12, 2017  
Location: Fort Getty Pavilion
- 7) Applicant: Jamestown Striper Club  
Event: Jamestown Striper Club Kid's Fishing Derby  
Date: August 19, 2017  
Location: North Reservoir
- 8) Applicant: Bonnie Hogan  
Event: Wedding  
Date: September 9, 2017  
Location: Fort Getty Pavilion
- 9) Applicant: Jon Mistowski  
Event: 16<sup>th</sup> Annual Golf Tournament  
Date: September 10, 2017  
Location: Jamestown Golf Course
- E) Finance Director's Report

## **XII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

**A motion was made by Councilor Dickinson with second by Councilor Meagher to receive the Communications. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Communications, Petitions and Proclamations received consists of the following:

- A) Communications
  - 1) Letter of Ryan Miller of Latitude Yacht Brokerage re: concerns for East Ferry Proposed Scheme 2
- C) Resolutions and Proclamations from other Rhode Island Cities and Towns; review, discussion and/or potential action and/or vote
  - 1) Resolution of the Middletown Town Council Opposing Bills H 5475 and S 0481 "Acts Relating to Cities and Towns – Subdivision of Land"
  - 2) Resolution of the Cranston City Council in Support of Bill H 6204 "An Act Relating to Maintenance of Town Roads" and Urging Passage by the General Assembly
- B) Pole Petition - removed from the agenda

## **XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS**

- A) Fort Wetherill Boat Owners Association Lease extension and possible negotiation (August)
- B) Financial Town Meeting Rules and Procedures (September)
- C) Review of Town, School and Combined Budgets and Warrant items exceeding \$50,000 through paper ballot, electronic ballot, FTM or



Referendum (September)  
The Plastic Bag Ordinance will be added to the August agenda.

#### **XIV. EXECUTIVE SESSION**

- A) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Town Administration/Library Board of Trustees and Proposed Memorandum of Understanding, pursuant to Rhode Island General Laws, Chapter 29-4, and Section 422 of the Jamestown Code of Ordinances); review, discussion and/or potential action and/or vote in executive session and/or open session

**A motion was made by Councilor Dickinson with second by Vice President White to enter into Executive Session at 10:39 p.m. pursuant to RIGL §42-46-5(a) Subsection (1) Personnel.**

**Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel the following vote was taken: President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Town Council reconvened the regular meeting at 10:52 p.m. President Trocki announced that no votes were taken in the Executive Session.

**A motion was made by Vice President White with second by Councilor Meagher to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

#### **XIV. ADJOURNMENT**

**A motion was made by Councilor Meagher with second by Vice President White to adjourn. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.**

The Jamestown Town Council adjourned the regular meeting at 10:53 p.m.

Attest:

---

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council  
Town Administrator  
Finance Director  
Town Solicitor

**TOWN COUNCIL INTERVIEW SESSION**  
**July 17, 2017**

**I. CALL TO ORDER**

The interview session for the Jamestown Town Council was called to order at 5:35 p.m. on Monday, July 17, 2017, in the Conference Room of the Jamestown Hall at 93 Narragansett Avenue.

**II. ROLL CALL**

Town Council members present:

Kristine S. Trocki, President  
Michael G. White, Vice President  
Mary E. Meagher  
Eugene B. Mihaly

Town Council members absent:

Blake A. Dickinson

**III. INTERVIEW SESSION**

The following candidates were interviewed:

<u>Name</u>	<u>Committee/Commission</u>
Job Toll	Affordable Housing
Donna Andreozzi	Affordable Housing
Ken Schadegg	Conservation Commission
Bill Piva	Affordable Housing

**IV. ADJOURNMENT**

Town Council interviews were concluded at 6:28 p.m.

Attest:

---

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:   Town Council  
                  Town Administrator  
                  Town Solicitor  
                  Finance Director

**JAMESTOWN PHILOMENIAN LIBRARY**  
**Board of Trustees Meeting Minutes**  
**Tuesday, June 6, 2017**

The mission of the Jamestown Philomenian Library is to anticipate the needs of our island community and provide for people of all ages, relevant and appropriate library materials, services and centers for meeting and learning. The library seeks to educate, inform, entertain and enlighten through traditional and new technologies.

A. Call to order: roll call of members: Board Chair Sanborn called the meeting to order at 5:02 p.m. In attendance were: Peter Carson, Jennifer Cloud, Donna Fogarty, Christian Infantolino, Marianne Kirby, Mary Lou Sanborn, and Chris Walsh.

Board member Carson made a motion to move to executive session at 5:03; seconded by Board member Kirby; motion passed unanimously.

Motion out at executive session was made at 6:05 by Member Infantolino; seconded Member Cloud; motion passed unanimously; no votes in taken in executive session.

B. Report of the chair: No Report

C. Consent Agenda: Board member Cloud made a motion to accept consent agenda, seconded by board member Infantolino; motion passed unanimously.

D. Friends of the Library report: No report. The "Friends" annual meeting will be held on Wednesday, June 7<sup>th</sup>.

E. Unfinished Business

1. Board of Trustees sub-committees update:

a. Finance/Budget: No report. Due to time constraints, this agenda item will be deferred to the July meeting.

- b. Policy: Due to time constraints, this agenda item will be deferred to the July meeting.
- c. Facilities: Member Sanborn reported new lights will be installed in Wright Room by next meeting.

2. Library Renovation Project

- a. Library Building Program Report: Members Cloud and Kirby to review report and make suggested revisions and send to Library Director.
- b. Building Committee: Estimated Project cost was presented to Board by Chair Sanborn. Several board members felt \$5.3M project would not be acceptable to Jamestown residents. It was agreed that this was the figure to use as on the December 9, 2017 schematic drawing.
- c. Fundraising/Capital Campaign Committee/Public Relations: Members Cloud and Kirby to speak to PR person from ESC to move PR campaign forward.
- d. Project update: Chair Sanborn reported she presented to Town Council at their May a revised timeline as approved at the LBOT May meeting

3. Board Process Review: Doing well.

- 4. Playground Renovation Committee: Member Cloud reported committee met with designer to review initial plan and next steps will entail design and budget review.
- 5. 2017- 2018 Proposed Operational and CIP Budgets: both budgets were approved at the annual FTM as part of the Town Budget. Donna will get notified about State Grant in Aid

6. Jamestown Philomenian Library Foundation: No report

- 7. Library Director Evaluation: Summary to be compiled by board member Kirby and distributed to Board. July Executive Session to discuss evaluation and review goals.

F. New Business: None

G. Future Agenda Items:

1. Letter to Town Council regarding LBOT vacancies
2. Annual review of Strategic Plan (October 2017)

H. Public Comment: none

I. Executive Session - The Library Board of Trustees may seek to go into Executive Session to discuss the following item: Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel - Library Board of Trustees/Town of Jamestown Communication and Memorandum of Understanding

A motion by board member Kirby to adjourn the open meeting and move into executive session at 6:41 seconded by Member Walsh. The motion passed unanimously.

A motion was made by board member Infantolino to adjourn executive session and move back into open meeting at 7:06; seconded by board member Kirby. The motion passed unanimously. No votes were taken in executive session.

J. Adjournment: A motion was made by board member Cloud to adjourn open meeting at 7:08; seconded by board member Kirby. The motion passed unanimously.

Date of next meeting: Tuesday, July 11, 5:00.

Respectfully Submitted,  
Marianne Kirby  
Secretary

JAMESTOWN PHILOMENIAN LIBRARY  
Board of Trustees  
June 20, 2017 Special Meeting Minutes

**A. Call to order:** Vice Board chair Paul Housberg called the meeting to order at 5:06 PM. In attendance were: Jennifer Cloud, Paul Housberg, Christian Infantolino, Chris Walsh, Peter Carson and Donna Fogarty (library director).

**B. Executive Session:** Board member Cloud made a motion to go into Executive Session to discuss details of fundraising for the Library Renovation project, Board member Walsh seconded. The motion passed unanimously. After a discussion of the topics at hand board member Carson made a motion to leave Executive Session at 5:42 PM. Board member Housberg seconded the motion and it passed unanimously. A motion was made to enter back into regular session and it passed unanimously.

**C. Regular Session:** After some discussion a motion was made by board member Carson, seconded by board member Infantolino, to proceed with hiring ESC of New England to move forward with phase two of their work, a revised feasibility study during the summer based on the list of contacts reviewed and agreed to in Executive Session. The motion passed unanimously.

**D. Adjournment:** A motion was made by board member Walsh, seconded by board member Infantolino to adjourn the meeting at 6:20PM. The motion passed unanimously.

Respectfully submitted,

Peter Carson

**JAMESTOWN PHILOMENIAN LIBRARY**  
**Board of Trustees Meeting Minutes**  
**Tuesday, July 11, 2017**

The mission of the Jamestown Philomenian Library is to anticipate the needs of our island community and provide for people of all ages, relevant and appropriate library materials, services and centers for meeting and learning. The library seeks to educate, inform, entertain and enlighten through traditional and new technologies.

- A. Call to order: roll call of members: Board Chair Sanborn called the meeting to order at 5:01 p.m. In attendance were: Peter Carson, Jennifer Cloud, Christian Infantolino, Marianne Kirby, and Mary Lou Sanborn. Chris Walsh arrived at 6:05.
- B. Report of the chair: Board chair Sanborn thanked board member Housberg for chairing last meeting and board member Carson for taking the minutes. Library book sale going well; robust inventory.
- C. Consent Agenda: Board member Carson made a motion to accept consent agenda as presented, seconded by board member Housberg; motion passed unanimously. Board members Kirby and Sanborn abstained from the approval of the June 20<sup>th</sup> meeting minutes.
- D. Friends of the Library report: A new board elected. First board meeting will take place In August. The Friends to meet in September.
- E. Unfinished Business
  - 1. Board of Trustees sub-committees update:
    - a. Finance/Budget: Additional maintenance items and services have been placed on the library budget recently. There is a need to transfer funds from LBOT Capital Campaign account to Trustees account to cover costs. There is some concern that these costs have shifted from town to library. Board member Carson made a motion to transfer \$ 5000 from Capital Campaign account to Trustees for expenses, seconded by board member Housberg; motion passed unanimously.
    - b. Policy: This was a third reading of Board Committee Principles. Discussion about item two and language that has been struck. Board member Cloud made motion to accept revision, board member Infantolino seconded motion; motion passed unanimously. New policy to be introduced
    - c. Facilities: Board chair Sanborn indicated the DPW Director Mike Gray has been on vacation. She will contact him and provide updates at the August meeting.



## 2. Library Renovation Project

a. **Library Building Change Report:** First draft to be sent to LBOT to review; second draft will be sent in two weeks. Board to discuss the two versions and then send to Kathryn Taylor and committee with suggestions and to review them for resubmission to LBOT.

b. **Building Committee:** No report.

c. **Fundraising/Capital Campaign Committee/Public Relations:** Donor list and ESC services to interview potential donors. Intent is to look to these donors and survey to see if there is a willingness to support the project and at what cost. Discussion of what cost should be vetted with the donors. The cost will be based on the last schematic design approved in December 2016 at a cost of \$5.3M. Board member Housberg made a motion to approve the Engagement Letter from ESC of New England dated July 10, 2017 with edits. Board member Carson seconded the motion, motion passed unanimously.

**Public Relations:** LBOT members were to talk to Jeff Boal to get some PR guidance. Board member Housberg suggested that we need to pursue other avenues and ESC representative. Board chair Sanborn will contact Karen Mellor to see if other libraries have used firms and who they maybe. Board member Carson will ask Tiverton if they engaged a PR firm.

d. **Project update:** Currently on track.

3. **Board Process Review:** Board member Housberg shared that we need to be sure to continue moving forward on policies.

4. **Playground Renovation Committee:** Board member Cloud reported there is a meeting on Friday; project has been broken down to three phases.

5. **2017- 2018 Proposed Operational and CIP Budgets:** Board chair Sanborn reported moving forward on budget. 2016-2017 Operational budget came in slightly under budget.

6. **Jamestown Philomenian Library Foundation:** Board chair Sanborn indicated the group needs to begin to recruit additional board of director members. There will be a meeting in the next several weeks.

7. **Library Director Evaluation:** No Report

## F. New Business:

1. **JPL Anniversary:** Board chair Sanborn to check if there is a JPL anniversary in 2018. She mentioned it would be nice to tie in the anniversary and the Capital Campaign.
2. **Memorial gift:** A memorial gift for Diane Wright's husband will be discussed at the August meeting.

- G. Future Agenda Items:
1. Letter to Town Council regarding LBOT vacancies
  2. Annual review of Strategic Plan (October 2017)
- H. Public Comment: Town Council member Meagher said that the MOU will be discussed in executive session at July 17<sup>th</sup> meeting.
- I. Executive Session - The Library Board of Trustees may seek to go into Executive Session to discuss the following item: Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel - Library Board of Trustees/Town of Jamestown Communication and Memorandum of Understanding

A motion by board member Member Kirby to adjourn the open meeting at 6:09 and move into executive session, seconded by board member Housberg. The motion passed unanimously.

A motion was made by board member Infantolino to adjourn executive session and return to open meeting at 6:50, seconded by board member Carson. The motion passed unanimously. No votes were taken in executive session.

- J. Adjournment: A motion was made by board member Kirby to adjourn open meeting at 6:52; seconded by board member Cloud. The motion passed unanimously.

Date of next meeting: Tuesday, August 8, 5:00.

Respectfully Submitted,  
Marianne Kirby  
Secretary

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**May 17, 2017**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:32 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Andy Nota – Town Administrator  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Hali Beckman – Landscape Architect  
Bill Munger – Conanicut Marina  
Mike Ridge – Spinnakers  
Mark Liberati - Attorney  
Dan Cotta – PE - American Engineering  
Edward Avizinis – Wetland Biologist/Soil Scientist  
Joseph Pereira Jr.

**II. Approval of Minutes April 19<sup>th</sup>, 2017**

A motion was made by Commissioner Enright seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

**III. Correspondence**

1. FYI – Memo to ZB – Earley – HGWTO Recommendation. Received
2. FYI – Memo to ZB – Flanagan – HGWTO Recommendation. Received
3. Letter – Final Approval Dutton. Received

**IV. Citizen’s Non-Agenda Item – nothing at this time**

**V. Reports**

1. Town Planner's Report – Lisa Bryer said we have \$75,000 for the zoning ordinance update, we will contract with a consultant. **We will be** reorganizing the zoning ordinance starting with the village district in June.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. East Ferry Improvement project – Development Plan Review and Approval within the Jamestown Village Special Development District

Town Administrator Andy Nota made a presentation to the Planning Commission. This has become a project when public works wanted to repair the sidewalks, repaving etc. The town council wanted to look at the design options since this is the center of town. They noted that if we are going to make changes, let's do it now before we pave and put in new curbing. We are still at the design stage and we would like to move this project to the next step.

At the last meeting, the Planning Commission was tasked with looking at 3 options. The town council preferred option 2 which moved the green to the waterfront. The process started without full review from the Planning Commission since they needed to get the support of the Town Council first.

When you look broadly at public use of the space they all felt the green space is very important even if it meant eliminating some parking. Improving the experience for other users besides the businesses there was deemed important. Can we make the parking experience better? We engaged the public at the last meeting and got some initial perspective. One of the towns challenges is to maintain the property. This also went to the traffic committee initially. The money for this project comes from the town waterfront leases. This is a long term commitment that will last a lifetime and beyond. We asked for the public perspective on those that use the lot daily.

As a town center, ours is embarrassing. The goal is to come together and create a town center to be proud of. The town consultant Hali Beckman came back with this hybrid plan based on comments from the last meeting. This will include seasonal greenspace. The challenge was to combine the optimal plan and the hybrid together.

Commissioner Swistak said Lisa noted at the last meeting and it is in the minutes that this is a 30 year plus decision they are making and staff and the Town Council like the green being moved to the water. Abutters said you cannot have cars stuck in the gauntlet waiting to turn around. There could be a turn-around so can we do that even at the expense of losing a parking space or two Commissioner Swistak asked? Andy Nota said he thinks we have ample room for a turn around. We have back-ups today and we will probably have them in the future too but if we provide a turn around, that will be greatly reduced once the culture changes based on design changes. Swistak keeps going back to this original plan the council recommended and it is 1000 times better. Bryer said if you provide a space to turn around they will use it and she does not think we will even lose a space.

Commissioner Prestigiacomio asked if we could reverse the circulation through the lot. We did talk about it, many times, and because the other exit would not be pedestrian friendly and had site distance issues to the south, they felt it was not as desirable. The goal is to make the primary concern for the pedestrian while still accommodating the cars. Commissioner Cochran said there is a parking problem down there now and with scheme 2 it's a dead end and he is still concerned.

Andy Nota said we as residents will get more out of this area in the off season. Do we clean it up or can we make a modification for the better and add value to it? Commissioner Swistak said let's say that after 3 weeks after its done we find that it is a nightmare will the town step up and hire a parking attendant? We could do that. It is a conversation that has not happened yet. Andy noted that the West Ferry marina owners felt that a parking attendant is worth their money to keep parking and circulation organized. They have had a parking attendant for several years. It may be something that the business owners may want to discuss.

Commissioner Pendlebury said the he would give up some of the green in the small island areas for more parking spaces if that works.

Commissioner Smith wants to hear from the public. Swistak said we are going back to the greenspace on the water with the caveat that the town can fix the turn around. Bill Munger said he does not see how it is possible and confirmed that we are talking about a dedicated 3 point turn. Mike Ridge likes the eliminating the extra green so we can get a few extra spaces. It could potentially work, he likes the plan with green down close to the water. Everybody benefits from East Ferry parking. Remember that Fed Ex Truck, UPS truck for drop offs will be pulling in the parking lot too. Can the consultant take another look at scheme 2. Commissioner Smith says he sees green on the plan but he sees brown there right now, will it be green or brown? You will see some elements of 3A on this plan. Hali Beckman said she knows there are plantings that will be survive; it will be native plantings and ornamental to tolerate the conditions.

Commissioner Cochran suggests charging stations for electric vehicles. Come back for the next meeting.

## VII. New Business

### **1. Robert Johnson – Plat 5, Lot 94 – Pole #7, Steamboat Street High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review and Section 82-308 Setback Freshwater Wetlands – Variance Requested for 95.1' where 150' is required – Recommendation to Zoning Board**

Attorney Mark Liberati representing Robert Johnson will present this application. Dan Cotta is the engineer and Land Surveyor for the project. A motion was made to recognize Dan Cotta as an expert witness by Commissioner Pfeiffer and seconded by Commissioner Smith. So unanimously voted.

Edward Avizinis, certified professional wetland biologist and soil scientist working for Natural Resource Services is part of the team. A motion was made by Commissioner Pfeiffer and seconded by Commissioner Smith to accept him as an expert witness.

Mr. Liberati said the lot does not have the 150-ft. setback but they are in compliance with DEM rules and regulations.

They are proposing an Adventex Septic system that provides the highest level of treatment. Chair Swistak asked the applicants biologist what he thinks about our ordinance. Mr. Avizini's said he appreciates our ordinance and in other towns they do not have the restrictions that we have. He has been to the site. It is a saturated hydrology. Conservation Commission has a copy of this and has had it for a month. We have not had any correspondence from them.

Did you apply for an updated permit from DEM? He responded that he had but they do not have it back yet. Swistak asked Wyatt Brochu if we can require it as a condition of approval. We can and it is the applicants risk to proceed without it. We can mention it in our motion. The zoning board will look at our transmittal.

A motion was made by Commission Swistak and seconded by Commissioner Cochran to At the May 17, 2017 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application Robert Johnson – Assessor's Plat 5 Lot 94; being reviewed under Zoning Ordinance Section 308 - Setback to Freshwater Wetlands and Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A in accordance with the plan entitled **Town Submission for Robert Johnson, located at Pole #7 – Steamboat Street, Jamestown, RI Sheet 1 of 1. Dated, 03/17/2017, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

#### Findings of Fact Section 314

The applicant is proposing a new 24' x 30' two-bedroom dwelling on a 7,200 square-foot lot. There is an off-site freshwater wetland located 95.1 feet from the proposed OWTS that has been permitted by RIDEM permit #0215-1512.

1. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
2. Plat 5 Lot 94 has an approved Advantex AX 20 to BSF OWTS which meets the advanced treatment requirements of Zoning Ordinance Section 314. This approved OWTS has been approved at 95.1 feet from the delineated forested freshwater wetland. This does not meet the 150-foot setback required in Zoning Ordinance Section 308 and will require a Variance.
3. The applicant's representative Attorney Mark Liberati presented the project and and Edward J. Avizinis, M.Sc., CPPS, PWS, Natural Resources Services, Inc. provided testimony before the Planning Commission on 5/17/17 with regards to the proximity of wetland and the absence of impact.
4. The site has a finding from RIDEM in 2005 that "there are no freshwater wetland regulated by the DEM on or immediately adjacent to the subject property that would be altered by this project". They have applied for a new determination from RIDEM that it remain under the existing regulations jurisdiction. This approval is forthcoming.

5. Jamestown Engineer Jean Lambert provided correspondence to Lisa Bryer, Town Planner dated April 27, 2017 regarding the Johnson application with respect to Zoning Section 308 and 314 (attached) which notes that, the proposal, in her professional judgement, meets the requirements of Zoning Ordinance Section 314 as follows:
  - a. The proposed impervious cover is 10 percent. The applicant meets the maximum allowable impervious coverage limit of 10% as required.
  - b. The proposed 590 square foot, 339 cubic foot of storage rain garden provides treatment for the 1" water quality volume and provides storage for runoff for a 10-year frequency storm event as required.
  - c. The proposed Septi-Tech/BSF OWTS meets the advanced treatment requirements and a two-bedroom deed restriction has been recorded in the Jamestown Land Evidence Records (RIDEM permit #0215-1512).

### **Conditions of Approval**

1. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain garden) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer. Erosion and sediment controls must be installed at the downgradient limits of the site disturbance as shown on the plan.
2. An erosion and sediment control permit will be required from the building official prior to commencement of construction
3. An as-built plan should be provided depicting the house size, location, site grading and location of the rain garden and OWTS offset from the wetlands and verifying the elevations and grading shown on the proposed site plan.
4. The applicant must receive an updated finding from the RIDEM Wetland Division prior to issuance of a building permit.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Dana Prestigiacomo - Aye

### **2. Joseph Pereira Jr. – Plat 3 Lot 142 – 58 Dory Street. High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review – Recommendation to Zoning Board**

This is an existing house and they are reducing the amount of pervious coverage from 24% to 15% they are allowed 13%. The applicant is gaining more usable space and also reducing the pervious coverage. Commissioner Pfeiffer asked about the 2 car garage addition if it was a 1 car garage would it fit the 13%? They are planning to put a master bedroom above the garage. The existing garage is being moved over.



A discussion ensued regarding how much impervious area they will have. It will be reduced by 1200 sq. ft. Commissioner Swistak asked “is it appropriate to say no additional additions or improvements if approved and you cannot come back unless you get to 13%.” The commission agreed that seems unachievable but a condition stating that they cannot increase impervious cover unless approved by the Zoning Board is appropriate as part of the approval.

A motion was made by Commissioner Swistak and seconded by Commissioner Pendlebury to At the May 17, 2017 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Jamestown Zoning Board, approval of the application Joseph Pereira – Assessor’s Plat 3 Lot 142; being reviewed under Zoning Ordinance Section Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Town Submission for Joseph Pereira, located at 58 Dory Street, Jamestown, RI Sheet 1 of 1. Dated, 04/24/2017, by American Engineering, Inc., Daniel R. Cotta, Professional Engineer/Professional Land Surveyor, 400 South County Trail – Suite A 201, Exeter, Rhode Island 02822.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

The applicant owns a 14,400-square foot lot with an existing dwelling, paved driveway, shed, walkways, well and three bedroom OWTS. The applicant is proposing to construct an addition to the existing dwelling including a 168-square foot covered porch and a 576 square foot (744 s.f. total). The existing paved walkway and driveway, concrete pads and a shed will be removed. A pervious gravel driveway is proposed in its place. The new walkway will use pervious pavers.

6. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
7. Plat 3 Lot 142 has an existing, AdvanTex AX-20 to Bottomless Sand Filter OWTS (RIDEM permit number #1015-0056). This system is now in compliance with the Town of Jamestown inspection and maintenance regulations.
8. The existing impervious lot coverage for the subject lot is 24%. This will be reduced to 15.5% with the proposed plan. The maximum allowable impervious lot coverage for this lot under Zoning Ordinance Section 314 is 13%. This proposal will require a variance proposed for exceeding the maximum of 13%. This application requires a variance for impervious coverage being over the allowed 13% as well as a special use permit under Section 314.
9. The applicant’s representative Dan Cotta, PE, PLS, represented the applicant before the Planning Commission on 4/3/17 with regards to proposed site changes, reduction in impervious site cover and the proposed rain garden.
10. he impervious cover on site is being reduced from 3461 s.f. to 2233 s.f. The applicants engineer has submitted a Water Volume Calculations Report dated April 25, 2017 which addresses stormwater treatment by a 350-square foot, 188 cubic foot of storage rain garden which provides water quality treatment and mitigation for the runoff associated with the new impervious surfaces on the site. The proposed BMP’s provides treatment for the 1” water quality volume and provides storage for the runoff from a 10-year frequency storm.
11. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated April 27, 2017 regarding the Pereira

application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, except as noted above meets the requirements of the Ordinance

**Recommended Conditions of Approval**

5. A Special Use Permit for Section 314 and Variance for impervious coverage and exceeding the maximum allowable impervious coverage of 2000 square feet are required from the Zoning Board of Review. No future increase in total impervious cover is permitted on site without further Zoning Board review and approval.
6. The Operation and Maintenance (O & M) Plan (reproduced in 8.5” x 11” for the stormwater mitigation (rain garden) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer.
7. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Ordinance and Program.
8. An As-built plan should be provided to the Building Official at the completion of construction depicting the size and location of the garage addition, size and location of the rain garden, and verifying the elevations and grading shown on the proposed site plan.

So unanimously voted:


Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye  
Michael Smith - Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Dana Prestigiacomio - Aye

**VIII. Adjournment**

A motion to adjourn at 9:20 p.m. was made by Commissioner Enright and seconded by Commissioner Cochran. So unanimously voted.

Attest:

  
Cynthia L. Reppe  
Planning Assistant

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**June 7, 2017**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:32 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Bernie Pfeiffer
Dana Prestigiacomo	Michael Smith

Not present: Mick Cochran

Also present:

Lisa Bryer, AICP – Town Planner

Wyatt Brochu – Town Solicitor

Cinthia Reppe – Planning Assistant

**II. Approval of Minutes May 17<sup>th</sup>, 2017**

A motion was made by Commissioner Enright and seconded by Commissioner Pendlebury to accept the minutes with the following changes:

Page 2 under Town Planners Report:

Lisa Bryer said we have \$75,000 for the zoning ordinance update, we will contract with a consultant. **We will be** reorganizing

So unanimously voted.

**III. Correspondence – nothing at this time**

**IV. Citizen’s Non-Agenda Item – nothing at this time**

**V. Reports**

1. Town Planner’s Report – We will have elections of the officers at our next meeting in June. We will see if there are any new applications for the July 5, 2017 meeting otherwise we may cancel the meeting.
2. Chairpersons report
3. Town Committees
4. Sub Committees

**VI. Old Business – nothing at this time**

## VII. New Business

1. Scully/Resta – Plat 16, Lot 218 – 113 Frigate St.  
High Ground Water Table Impervious Layer Overlay District –Zoning Ordinance Section 82-314 Sub District A Review and Section 82-308 Setback Freshwater Wetlands  
Ms. Scully is representing herself.

Ms. Scully purchased the property in December. She is proposing to reduce the footprint and making it more compliant with the setbacks.

It is a 2 bedroom they want to update the home and make it more energy efficient. They are being compliant with all the building regulations. They will be adding a second level bedroom and no more than 2 bedrooms.

Commissioner Pendlebury asked about the approval from DEM for the septic, this was a replacement of a cesspool so it is considered a repair. The square footage of the home is being reduced.

Commissioner Pfeiffer asked about a rain garden design and stormwater mitigation. He explained because they are using the same footprint this is why they do not fall under section 308, Lisa Bryer said the ordinance does not require it. You can ask for the rain garden and mitigation of the stormwater.

Commissioner Swistak said you are taking a non-conforming house and making it better this exempts them from a raingarden etc. Commissioner Smith said if this house was not already there it would never be there. DEM said if you have an existing system you can do it. Commissioner Swistak asked if it was wet and they said no standing water on it now, it is damp.

A motion was made by Commissioner Swistak and seconded by Commissioner Enright to recommend to the Jamestown Zoning Board, approval of the application Christina Scully – Assessor’s Plat 16 Lot 218; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Existing Site Plan (X1.1) and Proposed Site Plan (A1.1), located at 113 Frigate Street, Jamestown, RI. Dated, 05/19/2017, by Jack Ryan – Architect, FAR Design, 22 Bianco Court, Providence, RI 02909, 401-749-1797.** The recommendation for approval is based on the following findings of facts:

### Findings of Fact Section 314

1. The applicant owns a 8,385-square foot lot with an existing dwelling, un-paved driveway, shed, well and a two bedroom OWTS. The applicant is proposing to re-construct the existing house and reconfigure a portion of the house to comply with zoning setbacks on the west side of the lot. A pervious gravel driveway is proposed in place of the existing pervious driveway.
2. Based on soil evaluation reports, the subject lot is in sub-district A of the High Groundwater Table and Impervious Overlay District.
3. The OWTS on Plat 16 Lot 218 was recently replaced as part of the Town cesspool phase-out program. The OWTS system has advanced treatment (RIDEM permit number #1715-0110).

4. The proposed house will have a 902 square foot footprint with a 103 square foot existing shed and a 10 square foot well house. The total impervious cover is 1015, or 12.1% of the lot.
5. The applicant Christina Scully, represented herself before the Planning Commission on 6/7/17 with regards to the above referenced application.
6. The proposed impervious cover has been reduced by 24 square feet from existing conditions. The applicant has not proposed stormwater mitigation since the impervious cover has decreased.
7. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated June 1, 2017 regarding the Scully application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, except as noted above meets the requirements of the Ordinance

**Recommended Conditions of Approval**

1. A Special Use Permit for Section 314 and Variance for impervious coverage are required from the Zoning Board of Review as well as a variance for exceeding the 9% lot coverage;
2. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Ordinance and Program.
3. An As-built plan shall be provided to the Building Official at the completion of construction depicting the size and location of the house footprint, and verifying the elevations and grading.
4. The site plan shall be amended to reflect accurate adjacent lot numbers.
5. The approval is based on reconstruction of the existing well in accordance with the existing site plan X1.1, and the proposed site plan A1.1.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Dana Prestigiacomio - Aye

Duncan Pendlebury – Aye

Bernie Pfeiffer - Aye

Michael Smith - Aye

2. Discussion of Marijuana Regulation and Potential Moratorium
  - a. Review of Presentation to Town Council by Assistant Attorney General Joe M. Lindbeck regarding Legislation and Policy Unit Marijuana in Rhode Island
  - b. Discussion of recommendation to Town Council regarding a Moratorium to allow the Planning Commission to draft regulations.

Town Planner Lisa Bryer said she has had discussions internally based on existing state laws. This issue needs to be addressed and they want a stay on applications until they get some regulations for retail sales and cultivation. She has a presentation that was given to the town council if they want to watch it. All they are asking for right now is simply asking the town council for a hold/stay.

Town Solicitor Wyatt Brochu said the state is talking about cultivating for medical marijuana. Our use table does not list marijuana cultivation the state says you cannot say it is not allowed. Our ordinance allows agriculture in residential so should this be allowed? Lighting, security concerns

comings and goings, is this a traditional agricultural use? Various cities and towns are approaching this in different ways. It is going in 2 different directions, some are using the mills some are saying it is not appropriate in a mill. Our ordinance does not address this right now. This is similar to the vineyard discussion on Beavertail, Mr. Brochu said. The town wants to look at this and then decide what type of regulation do we want for this. We would like to put a temporary moratorium in place.

Commissioner Swistak said the proposed law seems to take away our ability to regulate. Is it true that if we come to a conclusion on how we want to regulate this and it disagrees with the state law we will not be able to enforce it? Is this use agriculture? Is the Department of Business Regulation licensing these propositions? We have to look to see where it fits? Is it agriculture? Commissioner Pendlebury said when you are growing grapes its allowed and you produce a regulated product is this the same thing? This was the issue on Beavertail with the vineyard and winery. There is nothing in our regulations right now, no special use permit regulation to base this on.

Commissioner Smith said this discussion is based on a law that does not exist. The cultivator license determines how much you can grow. He thinks the law will be written to favor 6-10 huge conglomerates.

Lisa Bryer said we need time to look at this that is why we need the moratorium. Even in Colorado 68% of towns there do not allow it.

Moratorium's are traditionally for 6 months, in the past we have extended them. It is desirable to get it done as quickly as possible.

We vote and recommend to the council and they put it on their agenda.

Mr. Brochu said personally he attended a presentation with the Jamestown Police Department, he left the presentation a bit scared. They are tailoring the drugs now and they are processing it to increase the THC level and it is powerful stuff now. It is not the marijuana of years ago.

We will be talking about policy first. We can put regulations together. Commissioner Pendlebury pointed out that we did not ask this question in the Comprehensive Community Plan. We will vet this first before it gets to the council. We can ask them their opinion first. Commissioner Pendlebury said this has a lot to do with quality of life in our residential area. It can cause light pollution, noise pollution from the fans. How do we ensure that it does not get out of hand. Commissioner Pendlebury is curious as to where the feds are on this. Commissioner Smith said it is here now we have to figure out how to regulate it. Commissioner Enright said the state is not required to enforce federal law.

Commissioner Enright asked has anyone asked about this yet? Yes we have had an application for a cultivators license with a Jamestown address.

Should the moratorium include retail and growing? Yes, it should cover everything Ms. Bryer said.

Commissioner Swistak made a motion to recommend to the town council a 6 month moratorium on any permitting regarding marijuana cultivation, processing and distribution too allow the

planning commission time to review the current ordinances and regulation and determine if any additional amendments should be made, and also authorize the Town Planner to send a memo to the town council. Commissioner Pfeiffer seconded the motion. So unanimously voted.

### **VIII. Adjournment**

A motion was made by Commissioner Pfeiffer and seconded by Commissioner Enright to adjourn at 9:05 p.m. So unanimously voted.

Attest:



Cynthia L. Reppe

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**June 21, 2017**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:32 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran – arrived at 8:00 p.m.
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer – AICP – Town Planner  
Andy Nota – Town Administrator  
Michael Gray – Public Works Director  
Hali Beckman – Landscape Architect  
Marilyn Munger – Conanicut Marine  
Ron Ratcliff  
Rob Packer – Conanicut Marine  
Bill Munger – Conanicut Marine  
Mike Ridge – Spinnakers  
Bill Wilson – Grapes & Gourmet  
Jack Brittain  
Mary Brittain  
Charlie Petit  
Arlene Petit  
Bruce Dickenson

**II. Approval of Minutes June 7<sup>th</sup>, 2017**

A motion was made by Commissioner Enright and seconded by Commissioner Smith to accept the minutes as written. So unanimously voted.

**III. Correspondence**

1. FYI – Administrative Subdivision – Mecca/Cameron – Plat 9 Lots 249 & 570. Received
2. FYI – Memo to Zoning Board – Recommendation HGWTO Scully 113 Frigate. Received

**IV. Citizen's Non-Agenda Item – nothing at this time**



## V. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

1. East Ferry Improvement project – Development Plan Review and Approval within the Jamestown Village Special Development District

Commissioner Swistak brought the audience up to date on this project. DPR is the Planning Commissions purview, parking and landscaping are under the planning commission purview. This did not have to come before planning but Town Administrator Andy Nota and the town council decided it could go to planning. There will be a recommendation to the town council after this meeting whether it be positive or negative. We do not make a decision, this is up to the town council. This has been before the planning commission for the 3<sup>rd</sup> time. The goal of the staff making East Ferry better. Public discussion is important and he appreciates all the effort that staff has put in for this. Let's remember we are all on the same team here.

Town Planner Lisa Bryer said it is very important to have everyone's input. We had a meeting April 19, May 7 and a TRC meeting on Friday June 19<sup>th</sup>. The Planning Commission was concerned about circulation in the plan that the town council chose. At the next meeting they decided to look at the plan the town council originally wanted and the staff and consultant Hali Beckman sat down to address the issues that came up at the April 19<sup>th</sup> meeting.

Lisa Bryer invited the public up to look at the full size plans. She explained the latest plan and the turn arounds, these changes were made based on comments from the last meeting. We were able to narrow some of the green to get more spaces. Today there are 46 spaces with the new plan there are 47 spaces. There is a loading space and also a turn around space. Staff met with the fire department to make sure that they have adequate safety in place. The fire department may re-evaluate their practices by bringing in just the rescue truck. We have 2 handicap spaces we joined together next to the walkway so there is more room. We added bike racks and landscaping has been added. This hybrid plan is an alternative favored by the town council and planning commission.

We received correspondence from the condo association and there were 2 items we made changes to that she just mentioned regarding the parking and turn arounds. She pointed out the difference in the configurations. Ms. Bryer went over the points on Bill Mungers letter. Parking space wise they are exactly the same.

Andy Nota said the turn on the left there are basic parking lot standards applied to this plan. 24 ft. on the entrance all the way through 24 feet wide more then 12 feet for the other car to come through. Andy said they would like to relocate the pump building, they will be looking to relocate this in the future. This will be an added benefit in the future and create more space.

Can we connect the 2 pedestrian ways to show that it is a pedestrian zone? Yes we can. What is the dimension for the parking lot today? 60 feet? Currently it is 62 feet curb to curb.

Marilyn Munger 10 Knowles ct. – loading and unloading why do we want to move it further away then where it is now. Minor concession. It will still function the same way. Make downtown better. We are creating space for the public currently it does not serve as a public space this will create more public use. Currently it is not user friendly for the public. It benefits the residents, those eating ice cream and just walking through town.

Rob Packer Pennsylvania Ave. – how long does it take to unload a car he says it is 30 minutes to unload. There will be a problem he said because they are all blocking each other in. He says How can you account for cars and loading in this small area? He mentioned he spoke to people that sit in their cars and look at the water.

Andy Nota said the problems we have today are the same as the new plan. He sat at TRC and was listening to that same statement. He sees the same thing happening now. What are the real issues? He is having trouble reconciling. Based on Planning Commission request.

Ron Ratcliff – 23 Ship St. - asked where is the traffic study? The traffic committee looked at this, this is not a plan that was formulated in the office. He said Bill Mungers letter is from his years of experience. This is not just a commercial property it is used by many interest groups, we are trying to find the sweet spot. Trying to get through the peak weekends, this design is based on engineering standards for width and parking spaces for depth. Can we get used to the change? Yes we can eventually.

Ron Ratcliff said businesses don't like it, residents downtown don't like it. Public access is more important?

Andy Nota said, So far this is the biggest group of people to show up. Usually it is a half dozen at most that have been here on this issue. The small group does all the work there is a much broader commitment to the people in this community. Most people will not come to a meeting and that is why staff needs to do their due diligence.

This is a tough discussion. Local Jamestown press he said the letters to the editor are against. Looking at it cost wise everyone down there are against it. 9 months out of the year it will not be. Andy Nota, This is not using tax dollars it is funds available to the town. Town was just awarded 65K in a grant 20% of project was funded by the state. Some people would rather see it as a tax credit. Andy personally is embarrassed by the way in which it looks currently. We have staff efficient in doing a lot of the work ourselves.

Commissioner Swistak said the town came to the planning commission and showed us 3 options, 4 out of 7 said they liked the green on the water. That night based on traffic commission review we had to go with original, they asked town to go back and make everyone happy looking for compromise from all the people that don't like it.

Jack Brittain – 14 Clinton Ave. – He does a lot of service work down on the docks now it is congested if there is a delivery truck or a van parked down there you can't see.

Leave it the way it is.

Charlie Petit – 28 Bryer – For all the handicap people when they go to the ferry Arlene can drop him off currently, the new plan is more difficult. Where is the tree going to go for Christmas. He is against the plan for handicap reasons.

Arlene Petit – echoing Charlies concern there are a lot of people that are handicap and it is going to be more difficult. Who is giving us money? She was answered Department of Commerce.

Bill Munger – Conanicut Marina – Carol Hopkins was going to come tonight. Used a lot by racers too. Racers have a lot of gear to load and unload.

Founder and president of Conanicut Marine. Been at the site for 40 years. He has witnessed this area function for a long time and he is very familiar with this. Currently there is a mix of 15 min, 30 min and no more than 2 hours. Boaters can touch and go but they cannot hang around. Most of his customers go to the boatyard, they are careful about that because they want their customers to spend money downtown. Bill went through all the pictures he handed out tonight. He went through picture by picture to explain the different deliveries. He then read his letter and thinks that scheme 2 would be a foolish choice and he thinks a traffic study should be done before a decision is made. He said if I was sitting in your chair I would want to know how we can accommodate those people that want to use it. He went through his letter step by step.

40 years ago 10 moorings and 30 now we are up to 500 moorings probably not more moorings added. People are still going to want to get to the bay, we need to accommodate that growth going forward. He suggests that the planning commission reject scheme 2, it is pretty but we need something that works. He would like a traffic study and thinks it is foolish to do this without. We do not want to be stuck with it.

Bruce Dickenson – 41 Arnold Ave. – he uses the touch and go a lot, he gets making it more beautiful and the embarrassment. Look at Fort Getty we didn't change it much but made it better he thinks the flow line will be bad.

Bill Wilson – Grapes and Gourmet he signed petition against the new plan, his concerns are safety issues in the parking lot.

Bill Munger – if someone has a vehicle longer than 18 feet it slows it down. There is always service work that needs to be done on the vessels. He does not see this as a touch and go operation.

Jack Brittain – the area needs a manicure he thinks it will create unimaginable problems he thinks we can achieve both. He hopes the Planning Commission takes into account the consideration for all handicap people. Any storm you will be replacing the bushes. He is down there 3-4 times a week doing work he thinks this will be impossible.

Andy Nota – appreciates all the comments and the acknowledgement that went into this plan, when we are done someday with this whatever is finished it will be nice. Leadership

is tough because you have to make hard decisions. Handful of users that have been represented here tonight, there are more users there that is why it was brought to the Planning Commission. The town is not engaged so whatever improvement is made they see as better. He disagrees with some of the comments made, the parking spaces have not been reduced. Before we leave tonight lets agree to how many spaces there are. There are 46 today and what you have before you tonight is 47 spaces. He does not understand how they can say it is a reduction. Beyond this we have come with existing plans both this plan and the existing. This is not trying to make it harder for the businesses. He disagrees with the comment the it is taking away handicap accessibility we are improving and enhancing it. We have had to make some modifications in the last few years regarding handicap spaces. One bone of contention is the long fairway. He doesn't know what is going to happen. Is there going to be congestion on the weekends? It is now. Bill Munger and this room is saying this plan is not functional it is beautiful but not functional.

Andy Nota said there are lots of deliveries and customers and residents. We are vetting this to look at traffic. What doesn't come to us is businesses that modify things without coming to us and those things will also effect and influence flow here to the apex of what we are talking about, for instance increased ferry service. Which Andy hopes they get. We want our businesses to be successful.

Arlene Petit said you are getting a view of what happens everyday there. The big trucks that go in there will hinder the parking and flow this is what the business owners are talking about. She says it affects the flow of the businesses. Lisa said it cannot be handled now and it wont be then either. Service people like a furnace guy it is a bigger truck. Today it accommodates.

Ron Ratcliff - you guys have a very difficult decision to make beautify or make it more functional? Comes down to why should we do this? To beautify it or make it more functional what criteria did you use?

Rob Packer said if you do change the existing layout please put enough money aside to put it back.

Mary Brittain – have you gotten any letters from people in support of this?

Commissioner Smith said things have changed we used to have a reporter here at every meeting and they don't anymore. He is impressed with this turn out.

Mike Ridge – Spinnakers – he has the most to gain from this new plan he is scared of this new plan, guessing on the traffic part a traffic study would be beneficial here. He thinks the general public cares but most of which is negative is what he has heard. Going forward with additional information. He thinks a traffic study would be a way for concrete information. One of the plans had a reduction in parking spaces that he is against. Commissioner Swistak asked are you ready Andy and Lisa for a vote? Andy said we have presented a number of plans 1,2,3 a bit of a hybrid. There is nothing else we can offer you. Whatever decision you make you send to the town council and they make. Findings of fact need to be done.

The town council has chosen to have a meeting July 17 or Aug 21. If we wrap it up Wednesday July 5<sup>th</sup> we can get it to the council for their July 17 meeting.

We are hoping to get some asphalt curbing work done this fall. And how anxious are you that if this does not work and it would cause a big problem, option would be to staff it and make it work on the key short term time periods to provide a control mechanism if it does not work. It is getting so busy down there now, we are a victim of our own success Dutch Harbor decided they need a parking attendant and even if we do not do anything we may need that anyway. Munger says no matter how busy it gets this is not something staff can fix. Half of the parking spaces are on a dead end street. This does not need to be so complicated because it already works.

We will not be able to come up with it tonight. We will give a commitment as it stands today.

Commissioner Swistak wants a quick vote tonight.

Cochran – parking and traffic flow down there is not perfect it is terrible, he goes down for many reasons there is lots of illegal parking down there now, the drop off is illegal. There is a parking and a traffic flow issue there. He is confident that Ms. Beckman can make either plan more beautiful. Traffic and illegal parking is an issue that the town needs to take care of. The parking situation downtown can be a problem. Most of the boat yards in town provide parking for their customers. Service vehicles he does not know what they are taking off their trucks to fix something on a boat. Fire lane is plenty big for safety. He is good with either plan. He likes the beautification. Scheme 3(reduction of parking spaces not actually reduction)

Pfeiffer – seriously consider the safety aspects, creates safety issues. He has concerns with the plan on the left. He would like to see the existing configuration.

Prestigiacommo – firm believer in data, is the traffic study doable in the time frame she can see either plan she says the one on the right can be prettier but wants the traffic study. He would only recommend the traffic study only be done if you are leaning towards scheme 1, based on that Dana leans towards existing configuration.

Smith – involved in this property since 1953, he likes the existing configuration but would like to see existing plan with plantings.

Enright– came tonight thinking about the problems of the parking. Green space is green space she has a problem with plan 3 will it be that much more attractive. She would like to see more benches. One of the things she hears at the deli is the money aspect and the town need to let the population know that the money is the same. She likes the current configuration.

Pendlebury – He thinks that if you polled everyone in town you would have everyone say it is a problem now so we have to look at it as a resource, it is access to the bay is also getting close to the water too, it is pedestrian space in addition to car space. Safe areas and graciousness, what we have right now is. He thinks there needs to be a green connection Jack Brittain said 5 feet he says 10-12 feet. He likes to have the green on the water but if he put a dead end street in a parking lot it is too much pressure on the driver, he thinks dead

end street has become too long. If we lose a parking space but we can make it more beautiful we have to live with it. He is not in favor of keeping the existing scheme the way it is but not in favor of Scheme 3. We may have to lose a space to have the green on the waterfront.

Swistak – He is completely frustrated that we cannot have the green on the left. Can we go back and look at widening the green space on the water side by a little scheme 3A  
Lisa said 3 A you cannot be sitting at a bench and have a car right behind you. The green space you are trying to create has another barrier. Low barrier Duncan said we are trying to come up with a compromise through out Scheme 3 and end up with nothing. There is not pedestrian connection. We presented that to you prior. The green space you are trying to create is going to be narrow and a barrier.

Smith likes existing if we can make the sidewalk more user friendly he would rather enhance it.

Kathy Brown 72 North Rd. – she does not walk on the grass anyplace on the lawn. People don't pay any attention to it.

A motion was made by Commissioner Swistak to ask Andy Nota and staff to come back to our meeting on July 5<sup>th</sup> or July 12<sup>th</sup> with the last iteration of the existing configuration Scheme 3 creating a more pedestrian friendly space on the waterfront and seasonal plantings. Commissioner Pfeiffer seconded the motion.

Hali said one of the things brought up, we are taking this whole area and making this accessible for the whole town. One of the considerations talking about handicap accessible, it is more handicap accessible and also more pedestrian friendly.

So unanimously voted.


Commissioner Swistak asked if we should have a meeting on July 5<sup>th</sup> or find an alternate location for July 12<sup>th</sup>. Planning Commission said July 5<sup>th</sup> is fine.

## VII. New Business – nothing at this time

## VIII. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn at 10:30 p.m. So unanimously voted.

Attest:

  
Cynthia L. Reppe

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**July 5, 2017**  
**7:30 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:31 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomo
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Andy Nota – Town Administrator  
Hali Beckman – Landscape Architect  
Bill Munger – Conanicut Marine Services  
Marilyn Munger – Conanicut Marine Services  
Donald Richardson  
Chris Powell  
Blake Dickinson  
Nancy Semco

**II. Approval of Minutes June 21, 2017**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to accept the minutes as written. So unanimously voted.

**III. Correspondence – nothing at this time**

**IV. Citizen’s Non-Agenda Item – nothing at this time**

**V. Reports**

1. Town Planner’s Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

### 1. East Ferry Improvement project – Development Plan Review and Approval within the Jamestown Village Special Development District – Recommendation to the Town Council

Lisa Bryer Town Planner told the audience this is the 4<sup>th</sup> Planning Commission meeting discussing East Ferry. She discussed the three schemes that we have reviewed over that time and we are now back to scheme 3, the hybrid scheme that the planning commission asked for at the last meeting but was never really reviewed because you favored the green on the water at the time. She will go over the general changes to that plan based on comments from that meeting.

The green has been moved back to Conanicus Avenue side, the sidewalk is 8 feet with a 4-foot green area including benches with a wooden guardrail at the edge of the parking area and they have added tire stops. The guardrail and tire stops will be for safety of those in benches and on sidewalk. There will be stone walls and the crosswalks. The “fly-by drop off” is still there and the crosswalks will also serve that purpose. They talked about moving the pumphouse later and that will provide another loading/unloading space and a permanent turn around was added. Another space was gained by taking away a bit of the green area on the left when you enter the parking area. Two bike racks were added in the veteran’s square area. The plan shows a 22-foot isle width and it should be 24 feet so this will be changed. It was never intended to be 22 feet.

Commissioner Cochran asked about the handicap access. Lisa responded that it is at grade towards the end of the pier and handicap accessible. Today and with the proposed plans there are 30-minute drop offs and there will be a permanent space for a turnaround also.

Commissioner Pendlebury asked about the benches facing the street; can we reverse those? Hali Beckmann our consultant on this project said the wall is a high wall for people to sit. Additional benches can be put there.

Commissioner Smith said the existing distance from curb to curb is 64 feet and the reduction is 4 feet to 60 feet. He would like to see it the same. Bryer noted that the proposed 24-foot isle width meets code for a two-way parking isle and this will only be one way. She pointed out where if the isle was expanded that we would possibly lose a space or there would be no buffer between the parking spaces and the sidewalk along Conanicus Avenue. This will not meet code. They will look at the possibility of widening the isle width again.

We looked at two scenarios of angled parking since it was discussed at the last meeting; 60% and 45% angled parking. In both scenarios spaces would be lost, 4 and 6 respectively.

Bill Munger – Conanicut Marine Services – he is thrilled at what he is seeing in terms of the new plan and said we are headed in right direction. Going back to scheme 2 there was a petition to the town council that he gathered signatures on. They respectfully request that we go back to the original which is the way it is now and avoid scheme 2. He gathered 128 signatures and that will be forwarded to the town council. Mr. Munger presented additional pictures of the parking area. He can support this plan and would like to refine it at the seaward end. Commissioner Swistak



thanked him for the photos. Also, he created a petition on the Conanicut Marina website and he read the petition. 167 people online responded to petition from CMS.

Chris Powell – started town Christmas tree 20 years ago and he reviewed scheme 2. He handed out a letter addressing the scheme 2 plan. Moving trees and green things to the saltwater is not a good idea.

Donald Richardson – 12 Davis St. - it looks to him like the planning board is re-inventing the wheel. The plan before you today is the same as it currently exists. Sidewalk is wider now on the waterfront. Will Andy and staff will take care of this? How much is it going to cost the taxpayers to do this?

Andy Nota – Town Administrator - we are looking at natural native species that require little effort and making it maintenance friendly without out much watering over time. We feel comfortable in making minimal changes and at the same time make it more attractive and pedestrian friendly. Hali Beckman has picked out plantings that will need minimal care.

Andy Nota asked Mr. Richardson if he waters the grass on Bayview Dr. and Andy noted that it still remains green most of the summer even though it is cut very short?

Bruce Dickinson – 18 Mount Hope Ave. – He drives around the square every day. As a consumer in the town you usually drop off people if you cannot find a space. People are cutting through. Narragansett Ave. seems much narrower since it was redone, it could be a perception but he thinks the town should not be proud of that project. He thinks this is typical form over function. Is this a real goal? If this is parking lot is shrunk we will be pushing people into the neighborhoods to park. He is asking as a Jamestowner please do not from a traffic perspective, not to make it narrower.

Commissioner Swistak said we are gaining 1 parking space not reducing it. If you look at this plan there are 47 spaces and if we do not need the turnaround we can gain another.

Marilyn Munger – 20 Knowles Court. – currently right now what is the width of the parking lot? 64' currently and 60' proposed. She objected to that. She wants to maintain the ability of trucks to park in the fire lane and at the corner of that space (the “fly by parking space”). She wanted to know what would happen if people parked there. Bryer noted that if they were parked illegally, they may be ticketed now and after this is reconstructed. She noted that people’s bumpers hang over the sidewalk now and she feels that is necessary in order to accommodate the isle space. Bryer referred to the photographs that were handed out by Munger, showing that there is ample isle width and people do not have to pull over the sidewalk. Commissioner Pendlebury said we should not be designing parking lots for the worst-case scenario; the extended cab and extended bed pickup truck or the service vehicle. They may have to find a more accommodating spot since all spaces are designed with the same dimension all over the world. They should not be parking illegally this way and they are doing it because there are no tire stops and it is unsafe and does not provide the type of walking environment that we want to be presenting.

Peter Gadoury – Weeden Lane - parking spaces on Conanicus Ave. they are not marked can we mark them.

Bill Munger – He said we are losing spaces, today's count he said there are 50 today Andy Nota showed him that there are still the same amount of spaces and we are saying the same thing. Andy stated again that we are not losing spaces.

Tom Gadoury – 1 Sail St. – if you have the tire stop and wooden guard rail on either side you lose more than what the proposed plan is showing.

Commissioner Pendlebury said he noted in the last meeting that if this space is to be successful for everybody there needs to be compromise which means you cannot have it exactly the way you want it. We all have to compromise. We do not want to encourage people to go at a fast pace through there. Everybody has a right to use the water front, not just cars, and we need to make some changes, minor changes. It is a compromise. Everyone sitting up here would like more green on the water but he is willing to compromise for everyone's use. 24 feet is substantial for 1-way traffic. People will adapt and use it. Let's make some improvements and broaden the user group. Subdivision regs require 23 feet for 2-way traffic, we have more than that. He apologized for being tense.

Commissioner Enright said the curbstomp is not going to change it by that much.

Commissioner Cochran asked about the east to west part of the parking lot, it is 60 feet across. The one-way issue is important to make. He asked Mr. Munger, is there a reason why those service vehicles cannot park on the concrete pier? Mr. Munger said it is quite a hike for a service person with tools.

Gary Girard – Seaside Dr. – eliminate the benches and you will have more parking.

Commissioner Enright said we would like the benches and some green space on the waterside. She watches from the Deli how the people circulate at the waterfront from Memorial Square and we are hoping to connect those 2 spaces. Currently people feel they are walking through a parking lot because of the way the cars park over the sidewalk. People do not walk that piece of property (the green). The idea was to bring the waterfront into a single green unit, not just cars and not just people. We have taken what we can from the square. The whole point was to increase the pedestrian friendliness of the area.

Anita Girard - Seaside Dr.– she wants feedback she obtained 64 of the signatures, leave it alone and repair what needs to be repaired she said that is what the 64 people told her.

Nancy Semco – Gondola – Can I make that turn when I come into the parking lot still? Yes Commissioner Swistak said it has not changed in fact it is the turning radius for a city bus.

Donna Wood – 51 Southwest Ave – reiterate what Anita Girard said and many of the people have said leave it the way it is, if it's not broke don't fix it. Make it more handicap accessible.

Blake Dickinson- length of the parking lot and width this Bay View Dr. is easily 2 lanes when people access the Bay Voyage. I implore you to not change the functional aspects of this parking lot.

Donald Richardson – there is an electric car space. Why do we need that space for just electric cars? There is one at the Bridge and Turnpike Authority, they can use that. Swistak said it is a smaller space so it would be compact anyway and we have to plan for the future. We will be looking for a grant to make it an electric car only space.

Tom Gadoury – he sees Caito park to get his lunch or coffee and he will not be able to with big vehicles.

Commissioner Pendlebury said it seems to him that if we compromise can we slide the west curb 4 feet to the west. Bumpers will stay within the curblines. Compromise on the plan from the vegetation.

Donna Wood – curb stops has anyone talked about how they would navigate snow removal during the winter months?

Lisa Bryer said there are some devices now that are roll out that could be used but you do not need to plow behind the wheel stops.

Nancy Semco asked about moving it west.

Commissioner Enright – is interested in the historic signage down there. She would like a sign that talks about the original east ferry boats.

Commissioner Swistak made a motion that was seconded by Commissioner Cochran to recommend to the Town Council to approve the proposed improvements to East Ferry, as shown on the attached plan, Scheme 3 as presented by the Town of Jamestown staff. Also attached are the minutes from the four Planning Commission meetings where this project was discussed in addition to the Technical Review Committee meeting. The preferred scheme includes a wider sidewalk and pedestrian area along the waterfront, more organized drop-off area and overall improvement and beautification. The approval is based on the following findings of fact and recommendations:

**Findings of Fact:**

1. The Planning Commission reviewed the various plan schemes at their April 19, May 17 June 21 and July 5 meetings (minutes attached). The East Ferry Improvements were reviewed under Zoning Ordinance Article 11. Jamestown Village Special Development District – Section 82-1101B Applicability – Development Plan Review; and the consistency with the Jamestown 2014 Comprehensive Community Plan;

2. A Technical Review Committee meeting was held on June 16 at 10am (minutes attached);
3. The Planning Commission reviewed several different schemes before selecting preferred Scheme 3; which provides the best opportunity to balance the interests of various user groups; i.e. boaters, retail, office, restaurant, tourists etc;
4. Scheme 3 is considered the best functional compromise in view of circulation, available parking, and the configuration which best meets peak demand;
5. In addition to opening the public view towards the wood pile pier and to the south, Scheme 3 also fulfills the following project goals:
  - a. Preserves the existing 46 parking spaces (increased to 47) and at least 3 loading/unloading/turn-around spaces;
  - b. Provides for an improved pedestrian space along the public waterfront;
  - c. Protects water and bridge views;
  - d. Provides for seasonal and holiday uses;
  - e. Provides for additional site furniture and amenities; and,
  - f. Considers paving and other site surfaces.

In addition, Scheme 3 includes the relocation of the pump out building, which will additional area for user and pedestrian flow;

6. Several business owners (Spinnakers, Conanicut Marine Services, Grapes and Gourmet) provided valuable input into this project at the Planning Commission and TRC meetings. Staff also had several meetings with those business owners as well as Island Realty;
7. The number of parking spaces has increased from 46 to 47 plus 3 loading/unloading/turn-around spaces;
8. The Town has committed to utilizing native and/or drought/seaside tolerant plantings at East Ferry as well as continued maintenance to insure success of the landscaping;
9. The Town has committed to coordinating, consolidating and/or replacing traffic signs to make the area more visually appealing with special emphasis on traffic and pedestrian safety;

**Recommendations** (please note language in (parenthesis) indicates how the recommendation has been addressed since the Planning Commission meeting on July 5):

1. Provide some benches along Conanicus Avenue that face towards the water. (two backless benches have been added along Conanicus Avenue that are set back two feet from the stone walls so they can face either way);
2. Make every attempt to retain the current 64 feet, curb to curb distance in the northern parking area. (The plan is shown as 60 feet curb to curb. This allows for 90-degree parking spaces that are regulation size of 9' x 18' and an isle width of 24', where there is currently 28'. Jamestown's regulations require 23' isle width for two-way traffic in parking lots where this is one way. Widening the isle to 28 feet requires moving the

parking lot towards Conanicus Avenue which brings the northernmost space into the sidewalk and requires the southernmost space in that isle to touch the new electric charging space, cutting off the planted island from the green. Every attempt will be made to widen that isle during construction while maintaining safety for pedestrians and vehicles);

3. Continue to work with East Ferry business owners during the construction process;
4. Remove vegetation and allow the sidewalk to continue to the parking lot at the “fly by” drop off area near the emergency space. (done);
5. Work with the Historical Society to develop historical and educational signage related to the use of historic use of Ferry Wharf;
6. Maintain a minimum of 30 feet for the holiday tree (done);
7. Any significant change in the proposed plan (parking and landscaping) such as a decrease in parking, shall be reviewed and approved by the Technical Review Committee.

Mary Lou Sanborn – 32 Dumpling Dr. - asked about the cost.

Andy Nota said It is in the range of 250K-300K won't know until it is bid out. We can take out some of the landscaping if the cost is too high once we receive the bids.

## **II. New Business.**

### **1. Election of Planning Commission Officers**

Commissioner Swistak said at the last meeting we discussed the election of officers. The current officers when asked if they would like to stay in their current positions said they would.

Commissioner Enright nominated Commissioner Swistak for Chair, Commissioner Smith seconded the nomination. So unanimously voted.

Commissioner Smith nominated Commissioner Pendlebury for Vice Chair, Commissioner Enright seconded the nomination. So unanimously voted.

Commissioner Smith nominated Commissioner Enright for Secretary, Commissioner Cochran seconded the nomination. So unanimously voted.

### **2. Discussion of Marijuana Regulation**

Town Planner Lisa Bryer said the Town Council adopted a 6-month moratorium which will allow us time to study the issue and to develop zoning to regulate marijuana uses. Swistak asked if we can go through the list of uses.

There was a short discussion of uses. Wyatt Brochu says look at the state law first. Our purview will be to comply with local zoning. Some towns may have adopted the state board definitions. A discussion ensued regarding the different ordinances from the different towns. It is a matter of scale, growing for yourself or somebody else or growing commercially. Commissioner Pendlebury said from a zoning standpoint do we regulate someone with chickens and the sales of eggs differently for instance? Can that be applied in the same way with this?

Solicitor Brochu said The Attorney General's office is giving us comprehensive guidance. It is not only zoning it is building officials, electrical inspectors, water departments. Can housing be denied because they grow marijuana? Is it different from growing tomatoes and where is the activity appropriate? Does size matter or does it belong in CL or other zones? Some towns say industrial zones others say agricultural. Some towns are less permissive. Mr. Brochu said it is very difficult to regulate the scope of the different issues. Growing on a commercial scale is that appropriate in a residential zone? Where will it be appropriate and how to regulate it is what we need to do. Commercial cultivators license needs to comply with local zoning and they are only allowed to sell to the compassion centers. Is this a use in and of itself? Swistak said we should start off restrictive and we can always relax it.

Town Administrator Andy Nota said one of the reasons we are getting this before you in a timely way is because we have trust issues with this legislature.

Brochu said One of the common beliefs of this, it is just marijuana what's the problem what's the harm? Important for the commission to do your research because the marijuana of yesteryear is not what it is today. It is much stronger today. They have two basic strains; stimulant and depressant. This is a huge commercialized business. Businesses are branding strains. It is much more broad in reality of today and in the future. Are there ways of testing and labeling?

When you are setting out regulations you need to decide on standards if there are special use permits etc. Pendlebury said if we make this an agricultural issue there could be properties large enough? If we make it commercial we do not have a big enough area to have a 5,000 sq. ft. barn. If the use is allowed it would be very hard to deny a variance of lot size say.

Wyatt said Pendlebury's point is a good one; look at the uses in the state law and decide what if any or all would be appropriate in a residential zone. We have light pollution regulations so a neighbor cannot have a greenhouse that is lit up. Scope and scale is the most important to regulate.

Bryer said one of things to be careful of is the discussion about lot size, if we permit it in certain districts for a certain size lot and we have very few or no lot similar sizes in that district we are essentially prohibiting it. If we really want to prohibit it, just do that. Permit something but be careful and have standards. We cannot change definitions, they are dictated by state law. Take various uses and ask yourself what zone in town if any is appropriate or not.

Next time Lisa will come back with a matrix.

**VII. Adjournment**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 10:08 p.m. So unanimously voted.

Attest:

  
Cynthia L. Reppe

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the June 27, 2017 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:00 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair  
Joseph Logan, Vice-Chair  
Dean Wagner, Member  
Richard Cribb, Member  
Marcy Coleman, 2<sup>nd</sup> Alt.  
Judith Bell, 3<sup>rd</sup> Alt.

Also present: Brenda Hanna, Stenographer  
Chris Costa, Zoning Officer  
Pat Westall, Zoning Clerk  
Wyatt Brochu, Counsel

MINUTES

Minutes of June 13, 2017

A motion was made by Dean Wagner and seconded by Joseph Logan to accept the minutes of the June 13, 2017 meeting as presented.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb and Marcy Coleman voted in favor of the motion.

Judith Bell was not seated and Terence Livingston and Edward Gromada were absent.

CORRESPONDENCE

Nothing at this time.

I. OLD BUSINESS



## CONNORS

A motion was made by Richard Boren and seconded by Joseph Logan to deny the request of John R. Connors, whose property is located Frigate St., and further identified as Assessor's Plat 16, Lot 222 for a variance/special use permit from Article 3, Sections 308 & 314 to construct a single family dwelling and install a two bedroom OWTS on a sub district A lot (high groundwater table & impervious layer overlay district) and where the OWTS will be 51' from a forested wetland edge instead of the required 150 ft.

Regarding this request, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 602.

This motion is based on the following findings of fact.

1. Said property is located in an R40 Zone and contains 8,332 square feet.
2. This property is subject to Section 82-314 "High Ground Water Table and Impervious layer overlay district and is in Subdistrict A.
3. Section 82-314(C) "Development Within Subdistrict A" provides that any development within Subdistrict 'A' shall, after review by the Planning Commission, require a special use permit per Article Six from the Zoning Board of Review, after review and recommendation by the Planning Commission.
4. Section 82-314(C)(3) entitled "Individual Sewage Disposal Systems" provides
  - All proposals relating to the installation if an ISDS shall ensure that the system, once in use, will not pose a threat to the public health and safety nor cause any degradation of ground or surface water quality, including adverse effects due to cumulative impact. (*emphasis added*)
  - All proposals relating to the installation of an ISDS shall demonstrate that the design, siting and selection of technologies for the treatment and dispersal units are the most appropriate for the site.

- All proposals relating to the installation of an ISDS shall demonstrate that the project has been designed so as to minimize combined impacts related to the ISDS, storm water runoff and potential disturbances to wetland buffers.  
(*emphasis added*)
5. Section 82-308 entitled "Setback From Fresh Water Wetlands" provides in section (A) that no sewage disposal trench, drain field, bottomless effluent filter, nor any component of a system designed to leach liquid wastes into the soil shall be located within 150 feet from a fresh water wetland edge, excluding the state designated perimeter wetland and river bank wetland.
  6. Section 82-308(B) entitled "Request for Dimensional Variances" provides that application may be made to the Zoning Board of Review for a dimensional variance seeking relief from the setback requirement contained in this section. All such applications shall be first referred to the Planning Commission for development plan review for an advisory opinion, per the requirements for development plan outlined in Section 82-314(C).
  7. Whether the applicant is proceeding under 82-308 for a dimensional variance or 82-314 for a special use permit, in either or both instances, the matter is reviewed in the first instance by the Planning Commission.
  8. Section 82-314 refers to a necessary and preliminary review and recommendation by the Planning Commission to the Zoning Board of Review.
  9. One of the Exhibits that was made part of the application file was a Memorandum from the Jamestown Planning Commission dated November 20, 2015. The Memorandum references review under Section 82-314 and Section 82-308. The Planning Commission voted five ayes and one abstention to recommend to the Jamestown Zoning Board denial of the application.<sup>1</sup>
  10. The Planning Commission made twenty-nine findings of fact which included that the relief necessary conflicts with the Jamestown Comprehensive Plan. The Planning Commission noted the testimony of Dan Cotta, P.E., Maureen Coleman, representing the Conservation Commission, Scott, Rabideau of Natural Resources Services, Inc., correspondence from Environmental Scientist Justin Jobin, and Public Works Director Michael Grey, P.E.

---

<sup>1</sup> Although this motion to deny the request of application of John Connors is based upon the testimony of witnesses, their credibility, and the Exhibits, and not based upon whether as a matter of law the applicant can proceed before the Zoning Board of Review, the following should be noted:

- The Planning Commission decision of November 20, 2015 states "Recommend Denial". Does 82-314(C) require a positive recommendation for the Zoning Board of Review to act under 82-314(C)? Black's Law Dictionary defines "Recommendation" as the act of giving a favorable endorsement. Miriam Webster College Dictionary 10<sup>th</sup> Edition 1996 defines "Recommendation" as (1) to present as worthy of acceptance; (2) an endorsement as fit, worthy or competent; (3) to make acceptable.
- If there is in fact a recommendation of denial, can the applicant proceed directly before the Zoning Board of Review or must the applicant appeal the denial to the Zoning Board of Review, which in this particular case the applicant did not attempt?
-

11. Daniel Cotta, Professional Engineer with American Engineering testified at the Zoning Board of Review on behalf of the applicant. Mr. Cotta testified that based upon four test holes for the project, the results establish that this application is a subdistrict A application. Further, Mr. Cotta testified that the maximum impervious coverage allowed is 12% and this application is 11.86%.
12. Mr. Cotta further testified that the existing site conditions of the lot were vacant, partially grassed and wooded. There is a fresh water wetland located in both south and east directions.
13. Mr. Cotta further testified that the storm water controls designed for this property on Frigate Street were designed in accordance with the Jamestown Storm Water Regs for a ten year storm.
14. Mr. Cotta further testified that the OWTS designed for this project is septic tank pre-treatment unit disposing to a bottomless sand filter designed to mitigate nitrogen to 50% down below 20 milligrams per liter, and BOD and TSS down below 20 milligrams per liter.
15. Mr. Cotta further testified that the primary reason for the location of the siting of the OWTS was to try to get it as far away from the wetland, and still a 91 foot special dimensional variance would still be needed.
16. Mr. Cotta further testified that the proposed OWTS is 51 feet from the wetland and he himself did not personally see the location of the wetland.
17. Mr. Cotta further testified that the wetlands is not on the Connor property, but it is on adjoining properties owned by the Jamestown Land Trust and the Town of Jamestown.
18. Mr. Cotta testified that he is not a wetland specialist and did not observe the wetlands.
19. Although Mr. Cotta testified that the OWTS is as far away from the wetland edge as he could possibly site it, Mr. Cotta did not observe and measure the wetland edge.
20. Mr. Cotta testified that it is not possible to install a system on the Connor lot that meets the 150 foot wetland edge setback.
21. Edward Avizinis testified, on behalf of the applicant. Mr. Avizinis is employed by Natural Resource Services, Inc. Marked as an Exhibit was an October 16, 2015 report prepared by Scott Rabideau, Principal of Natural Resources Services, Inc. Mr. Avizinis adopted that report as his own findings and independently familiarized himself with the Connor site and the surrounding area.
22. Mr. Avizinis adopted the approach Scott Rabideau took to map the wetlands edge, but did not go onto any adjoining property. Mr. Avizinis testified that in his belief, the nutrients coming out of the leach field are reduced already due to the advanced treatment, and the secondary processing of the effluence.

23. Mr. Avizinis testified that in his view, the implementation of this development proposal will not degrade the value of a wetland or water body.
24. Mr. Avizinis further testified that when he was recently on the property, he did notice an intermittent stream within the wetland and there are some seasonally flooded pockets throughout the wetlands.
25. John Connors testified that he purchased the lot approximately three years ago and is proposing a two bedroom house for a retirement home for he and his wife.
26. Mr. Connors testified that the total living area of the proposed dwelling is about 2,100 square feet. There would be no basement.
27. After the testimony of Mr. Cotta, Mr. Avizinis, and Mr. Connors, the applicant rested.
28. Christopher Mason testified and prepared a report at the request of the Town Planner and the Town of Jamestown. Mr. Mason is President and Principal Scientist of Mason Associates, an environmental consulting firm in Scituate, RI. Mr. Mason is a professional wetland scientist and has a certification in that field of study.
29. Approximately a year prior to testifying, Mr. Mason was contacted by the Jamestown Town Planner to prepare a peer review of the Natural Resources Services, Inc. report on October 16, 2015 that relates to Jamestown Ordinance Section 82-308.
30. Mr. Mason reviewed the report, other file materials, including the project plan and visited the area.
31. According to Mr. Mason, a peer review is essentially where a professional is engaged to do an independent review of some other professional's opinion in the same field by someone who is not associated with any of the projects, properties, or parties involved.
32. Mr. Mason reviewed his report and set forth his findings. Mr. Mason's first major finding was that he believes that the forested wetland edge is actually closer to the Connors lot than depicted on the plans. This was based on his inspection of the Town owned property.

Another major finding was that he believed that the Natural Resources Services, Inc. report did not go into enough detail on the wetland system as a whole. Mr. Mason further testified that he did contact the Conanicut Land Trust and with permission entered the property and examined the adjacent wetlands. Mr. Mason believed that that the NRS Report did not include enough detail to be able to evaluate the wetlands impact.

Mr. Mason's third major finding was that the flood plain associated with the adjacent wetland may actually extend into the Connors property.

33. Mr. Mason, in discussing the NRS Report and NRS' analysis of Section 82-308(B)

"Request for Dimensional Variance", testified that there was no supporting analysis or information that would support NRS' finding that the proposed onsite waste water treatment system was located a sufficient distance from the stream so as not to degrade the water quality. In Mr. Mason's further opinion, the NRS Report does not directly address the question of whether or not the project will impact the wetlands capacity to pollutants. However, it is Mr. Mason's opinion that the project would not significantly affect the wetlands or stream's ability to absorb pollutants.

34. Mr. Mason specifically disagreed with the NRS opinion that the project will not degrade the recreational or educational value of any wetland or water body. Mr. Mason noted that most of the subject wetland is owned by the Town and a portion is owned by the Conanicut Land Trust. There is a trail on the Town parcels that appears to be well used and it traverses several types of wetlands. The presence of a trail for wetland on public property provides an educational opportunity to learn about wetlands, wildlife, and water resources. The proposed development would be plainly visible to hikers on the trail due to the sparse understory near the development site. Mr. Mason further disagrees with the NRS report that there is no water body or water course within the subject wetland.
35. On cross-examination by the applicant's attorney, Mr. Mason conceded that he does not know for sure whether the septic system that is proposed is closer than 51 feet to what Mr. Mason has delineated. However, Mr. Mason testified that although the project may not have a specific impact on the intermittent stream, Mr. Mason's concern is "Cumulative Impact". As Mr. Mason testified, when you look at the amount of development that has already gone on in that 150 foot area, it has an overall effect or a cumulative impact on what is going on in the interior areas. Mr. Mason further testified that any of the development in this area has impacted an intermittent stream previously referred to.
36. Mr. Mason testified that this is not a pristine wetland area in any sense of the imagination, but it is, the last wetlands in the area and that increases its importance in some respect.
37. Under cross-examination, Mr. Mason agreed that where the applicant has proposed the siting of the septic system, is in fact the only place that it could be sited, which is as far away from the wetland as possible.
38. David Alberton Albrektson, 5 Schooner Avenue, Jamestown, RI sent a letter to the Zoning Board of Review in opposition to the application. Mr. Albrektson was of the opinion that the request to install a OWTS System within 51 feet of the wetlands where 150 feet is required is an exorbitant variance request. Mr. Albrektson implores the zoning board members to be mindful of the vulnerabilities of this densely populated neighborhood and determine that the variance requested be unreasonable and unacceptable.
39. Michelle Pages, 127 Frigate Avenue, Jamestown, RI, Robert Van Cleef and Trish Van Cleef, 133 Frigate Avenue, Jamestown, RI also spoke in opposition to the application. Mr. Van Cleef testified from a historical perspective. Nobody has lived on this

particular piece of property because it is wet and that development has occurred all around the property, but not that particular piece of property.

40. A September 14, 2015 report from the Jamestown Conservation Commission to the Jamestown Planning Commission set forth concerns of a variance of this magnitude as a potential to degrade the quality of ground water and the fresh water wetlands in the immediate vicinity. In light of six total concerns, the Conservation Commission voted unanimously to recommend against the approval of the variance request.

### **Analysis, Discussion, and Conclusion.**

The applicant's property is located on Frigate Street and is within the high ground water table in impervious layer overlay district and is a Subdistrict A lot. Section 82-314 entitled "High Ground Water Table and Impervious Layer Overlay District" provides that this district encompasses areas of the town where natural physical limitations render the land unsuitable for development without restriction. These are areas where nonconforming lots predominate, no public sewer and water are available and the water table is within 4 feet below the original grade or where the depth to impervious layer is within 5 feet below the original grade. These conditions create severe limitations.

Section 82-314(C) entitled "Development Within Subdistrict A provides that any development within Subdistrict A shall after review by the Planning Commission, require a special use permit per Article Six from the Zoning Board of Review, after review and recommendation by the Planning Commission, in accord with the development standard special use permit contained in this section. Those standards are implemented in recognition among other things, the goals and pattern of land use contained in the Jamestown Comprehensive Plan, the need to protect the island's vulnerable and limited water supplies by maintaining maximum ground water recharge of rainfall and treated waste water to replenish drinking water supplies and avoid salt water intrusion.

Section 82-314(C)(3) entitled "Individual Sewage Disposal Systems" provides that all proposals relating to the installation of an ISDS shall ensure that the system once in use will not pose a threat to the public health and safety nor cause any degradation of ground or service water quality including adverse effects due to cumulative impact.

In this particular case, not only is the applicant seeking a special use permit under Section 82-314, but because of the proximity of the location of the lot to a fresh water wetlands, the applicant also seeks a dimensional variance from Section 82-308 entitled "Setback from Fresh Water Wetlands" which provides that no system designed to leach liquid waste into the soil shall be located within 150 feet from a fresh water wetland edge. It is not insignificant that the Planning Commission, after the taking of testimony, recommended against approving this application.

Comparing and analyzing the testimony of Ms. Avizinis and Mr. Mason, the testimony of Mr. Mason is more credible.

Thus, based upon the credibility of Mr. Mason, the questions he raised, the potential adverse effects due to cumulative impact, the Planning Commission Memorandum, and the Conservation Commission Report, it is hereby moved to deny the Connors' application.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Marcy Coleman, and Judith Bell voted in favor of the motion.

Richard Cribb was not seated and Terence Livingston and Edward Gromada were absent.

#### EARLEY

A motion was made by Richard Boren and seconded by Marcy Coleman to deny the request of Susan J. Earley, whose property is located at East Shore Rd., and further identified as Assessor's Plat 1, Lot 324 for a variance from Article 82, Section 308, (Setback from Freshwater Wetlands) and 82-300 (Regulation of Structures & Land), Table 3-2. Also a special use permit from Section 82-314 (High Groundwater Table & Impervious Overlay District) to construct a 2 bedroom home 20 ft. from the westerly property line (40 ft. required) & 51 ft. from the wetland (150 ft. required).

Regarding this request, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 602.

This motion is based on the following findings of fact:

- Said property is located in a RR80 zone and contains 37,798 sq. ft.

1. The applicant is proposing a setback from freshwater wetland. The plan proposes that the septic system be placed 51 feet away from the freshwater wetland.
2. The Town of Jamestown Zoning Ordinance Sec. 82-308. Setback from freshwater wetlands, states:

No sewage disposal trench, drain field, bottomless effluent filter, nor any component of a system designed to leach liquid wastes into the soil shall be located within 150 feet from a freshwater wetland edge, excluding the state designated perimeter wetland and riverbank wetland. For the purposes of this section, the freshwater wetland edge shall be the RIDEM verified edge of wetland. If the wetland is not on the subject property and in the absence of RIDEM verified wetland mapping on the adjacent property, then best available mapping should be utilized, as determined by the building official.
3. Dem rules and regulation require a 50 foot setback of a septic system to the edge of a wetland.
4. The Town of Jamestown has determined that that 150 feet is more appropriate to further protect the values and dynamic nature of its' freshwater ponds, the shoreline and its' freshwater wetlands, and the values of unique or valuable natural resources and features, which this board finds is reasonable and appropriate.
5. Mr. Avizinis, an employee of Natural Resource Services, Incorporated, Harrisville, Rhode Island, testified on behalf of the applicant.
6. Mr. Avizinis, testified he is a professional wetland scientist and certified professional soil scientist, he testified he conducts soil evaluations and testified for the applicant.
7. Mr. Avizinis, testified that he was hired to review site conditions with regard to water tables and wetland delineation and was qualified as an expert in that area.



8. Mr. Azivinis testified that he was familiar with Rhode Island septic system laws and regulations as a soil evaluator and not as licensed septic designer, but was familiar with the setbacks and the quality regulations concerning soil evaluations.
9. Mr. Azivinis testified "I know it (septic system placement) was not the ideal location", but it was dictated by soil conditions, the Board finds as a fact that the placement of the septic system was not the ideal location as it was too close to the edge of the wetlands.
10. Mr. Azivinis testified, that he "believed" the edge of the wetland was 51 feet from the proposed septic system and the board finds that there was no testimony as to how that figure was calculated.
11. Mr., Azivinis testified, "that he did not believe the septic system, if constructed, would degrade the quality of groundwater or any wetland because of the advanced treatment system and the sufficient distance from the wetland edge in addition to surrounding land use. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his conclusions and not opined in any scientific certainty and therefore the Board rejects this testimony.
12. Mr. Azivinis testified, "He did not see the proposed design having an impact on constructing floodways or reduce net capacity to retain floodwaters. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his conclusions and not opined in any scientific certainty and not worthy of belief and therefore the Board rejects this testimony.
13. Mr. Azivinis testified, 'the proposed septic design would not impact the recreational and educational value of the wetland. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his conclusions and not opined in any scientific certainty and not worthy of belief and the Board rejects this testimony. Mr. Azivinis did not testify what the recreational and educational values of the wetlands were and therefore the Board rejects this testimony.
14. Mr. Azivinis testified, "That he did not believe the proposed design would reduce the capacity of the wetland to absorb pollutants. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his

conclusions and not opined in any scientific certainty and not worthy of belief and therefore the Board rejects this testimony.

15. Mr. Azivinis testified, he believed, the capacity of the wetland to retain ground water would be maintained if the proposed septic system design were allowed. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his conclusions and not opined in any scientific certainty and not worthy of belief and therefore the Board rejects this testimony.
16. Mr. Azivinis testified, he did not believe the proposed design would degrade the value of the wetlands supporting ground for a nursery, for fish, shellfish or habitat for wildlife. The Board finds this testimony not credible and conclusory without any explanation as to how he arrived at his conclusions and not opined in any scientific certainty and not worthy of belief and therefore the Board rejects this testimony.  
Mr. Azivinis did not testify as to what fish, shellfish or wildlife, if any inhabited the wetland and therefore the board rejects this testimony.
17. Mr. Azivinis, in his report dated January 3, 2017 stated that the Jamestown 150 foot setback requirement is a jurisdictional limit requiring the OWTS to be placed at that distance in the interest of the public health and the environment and the Board so finds and agrees.
18. Mr. Azivinis testified that the reason for the Town of Jamestown's 150 feet requirement of a septic system to a wetland is concerns about pollutants leaching into groundwater. The Board finds this as a fact and a legitimate and overriding concern regarding a project with such a large variance (99 feet) as the one proposed in this plan.
19. The Board reviewed a report submitted by James Houle, which was conclusory at best and is not helpful to the Board and rejects the report.
20. The Board finds that, the Town of Jamestown has a duly constituted Conservation commission.
21. The Zoning Board takes judicial notice that the Purpose of the Conservation Commission is to promote and develop the natural resources, protect the watershed resources, and preserve natural esthetic areas within municipalities.

22. The Conservation Commission as part of its duties, filed with the zoning board, their recommendations in regard to the proposed septic system.
23. The Conservation Commission found the current development and proposed site plans (project narrative prepared by Natural Resource Services, Inc., Edward Avizinis, dated 11/3/2017 and site plan prepared by Darveau Land Surveying, Inc. dated 11/15/2017) show an advanced onsite wastewater treatment system (OWTS) placed 51' feet from a freshwater wetland edge. Requiring a variance of 99'. The opinion of the Conservation Commission was that a variance of this magnitude has the potential to degrade the quality of groundwater and the freshwater wetlands in the immediate vicinity. The Jamestown Zoning Board of review accepts the Conservation Commission's opinion as being reasonable and credible.
24. The subject property is located within the Jamestown High Groundwater and Impervious Layer Overlay District.
25. Natural Resource Services, Inc., Edward Avizinis, found that when their staff visited the property in December 2015, there was an elevated seasonally high water table in other locations throughout the property and the Board accepts this as true.
26. The Conservation Commissioners were not convinced that the proposed development given the facts as found in paragraphs 24, 25, would not reduce the net capacity of the site to retain floodwaters. The Zoning Board members find this as grounded in fact, credible and reasonable and accepts this as fact.
27. An advanced technology OWTS has been proposed, (Septi-Tech),
28. In spite of the fact found in paragraph 26, The Conservation Commissioners were concerned that the extremely limited buffer (51 feet) between the proposed development and the freshwater wetland edge decreases the net capacity of the site to retain excess nutrients and other pollutants, and the zoning Board of Review accepts this fact as being credible and reasonable.
29. The Conservation Commission voted unanimously to recommend against the approval of this variance request and oppose wetland setback variances of this magnitude, and the Zoning Board finds this recommendation is grounded in fact, credible, reasonable and accepts its' recommendation.

30. Members of the Conservation Commission attended the Jamestown Planning Commission meeting on April 5, 2017, and voiced objections to the proposed variance based on the concerns noted above.
31. The Jamestown Planning Board's advisory opinion was to approve the project.
32. Two Jamestown residents spoke against the proposal as being unreasonable and unacceptable and exorbitant a variance of this magnitude 51 feet of wetlands where 150 feet is required should not be approved.
33. The Zoning Board rejects Town Engineer Jean Lambert's professional judgment as not helpful to the determination of the proposal.
34. Mr. Darveau testified that he is not a wetland expert. That he was not testifying about wetlands. He testified as to distances to wetlands, which is part of then surveying process. He testified as a surveyor. He did not testify what is or is not a wetland. The Board rejects Mr. Darveau's representation in so far as he states that the proposed septic system would not affect negatively the Wetlands as not credible.

The applicable ordinance, Sec. 82-308. Setback from freshwater wetlands. states in pertinent part; "No sewage disposal trench, drain field, bottomless effluent filter, nor , any component of a system designed to leach liquid wastes into the soil **shall** be located within 150 feet from a freshwater wetland edge, excluding the state designated perimeter wetland and riverbank wetland." The word "shall" in a statute or ordinance is usually mandatory language, so that in this case, there would be a prohibition on septic systems within 150 feet of a wetland edge. However, there are situations in a statutory scheme where "shall" is used more as a directive than mandatory. In the Jamestown ordinance at issue here. The ordinance also states that the Jamestown Zoning Board of review if an application is made for a dimensional variance, as the case by Ms. Early, then; "the zoning board shall consider the following minimum development standards (see Jamestown zoning ordinance 82-308(B) 1-8. The Jamestown Zoning Board of review has heard testimony and considered each of the factors contained in 82-308(B) 1-8. The Zoning Board's duty is too consider the factors, there is nothing in the ordinance, that would require the Jamestown Board of review to grant the application after considering the factors in 82-308(B) 1-8, it is still the Board' decision whether or not to grant or deny the petition.

The Board finds that the proposed use would, alter the general character of the surrounding area and impair the intent or purpose of the ordinance or comprehensive plan upon which the ordinance is based by negatively impacting the wetlands and wildlife habitat at the site, both during and after construction, and that the proposed use would have an adverse impact on areas beyond the construction site. In addition, the Board finds the hardship is due to the general characteristics of the surrounding area, wetland.

The evidence supported a finding that Ms. Early's request for a 99 foot variance from the 150 foot setback is unreasonable in light of the proposed use of the lot and the need to protect the wetlands. The evidence tending to show that a septic system within 51 feet of a wetland where 150 feet is required, that being a 99 foot variance would adversely impact the surrounding area and significantly impair the intent of the ordinance. The testimony of the applicant's expert was conclusory at best without any opinion based on a scientific certainty and without any realistic explanation as to how the expert, Mr. Azivinis arrived at his conclusions. The evidence contains competent, credible and reliable evidence for denial of the application.

After careful consideration of each and every one of the factors contained in the ordinance 82-308(B) 1-8, and after hearing all of the testimony and evidence, it is the Board's decision to deny the application.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Marcy Coleman, and Judith Bell voted in favor of the motion.

Richard Cribb was not seated and Terence Livingston and Edward Gromada were absent.

### Ventrone

A motion was made by Marcy Coleman and seconded by Dean Wagner to grant the request of Richard Ventrone, whose property is located at 12 Nautilus St., and further identified as Assessor's Plat 5, Lot 305 for a variance from Article 3, Section 302 (District Dimensional Regulations) to construct a 20 x 20 one story detached

garage with a north & east setback of 5 ft. where 10 ft. is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following condition:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 7,666 sq. ft.
2. The position of the existing driveway is limited based on the ISDS system.
3. The applicant testified that there is a physical hardship having to walk from the existing driveway due to the distance from the house.
4. The proposed garage is the smallest size possible to accommodate 2 vehicles.
5. The garage can't be positioned within the required setbacks due to proximity to the existing deck.
6. The 5 foot variance from the 10 foot setback is the least amount of relief necessary.
7. There is existing vegetation between the site of the proposed garage and neighboring homes.
8. No abutters testified in opposition.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb, and Marcy Coleman, voted in favor of the motion.

Judith Bell was not seated and Terence Livingston and Edward Gromada were absent.

#### Grover

A motion was made by Judith Bell and seconded by to Marcy Coleman to grant the request of Wayne A. Grover, whose property is located at 29 Bayberry Rd., and further identified as Assessor's Plat 12, Lot 61 for a variance from Article 3, Section 82-302 Table 3-2 and

Article 6, Section 82-607 variances to construct a deck on west side of home 18 ft. from front of lot instead of required 40 ft., and a rear yard setback of 12 ft. where 30 ft. is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following condition:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 27,000 sq. ft.
2. The hardship from which the applicant seeks relief is due to the unique characteristics of the property.
3. The deck is to be 12' x 24' constructed on the west side of the residence.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Marcy Coleman, and Judith Bell voted in favor of the motion.

Richard Cribb was not seated and Terence Livingston and Edward Gromada were absent.

#### DiGregorio

A motion was made by Richard Cribb and seconded by Joseph Logan to grant the request of Enrico & Tracy DiGregorio, whose property is located at 80 Orient Ave., and further identified as Assessor's Plat 1, Lot 132 for a variance from Article 82-300 (Regulation of Structures & Land, Table 3-2 to add a garage, mud room and elevator 18.9 ft. from the northerly property line (30 ft. required).

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following condition:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 29,778 sq. ft.
2. The applicant is seeking to realign his garage in order to facilitate automobile entry. The current alignment makes usability very difficult.
3. Due to health conditions the applicant needs to add an elevator to ease access to his main residence.
4. The area to the abutting neighbor is lined with trees so that the garage will not be visible to him.
5. There were no objectors to the application.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb, and Marcy Coleman voted in favor of the motion.

Judith Bell was not seated and Terence Livingston and Edward Gromada were absent.

#### Mainiero

A motion was made by Joseph Logan and seconded by Richard Cribb to grant the request of Douglas & Martha Mainiero, whose property is located at 11 Walcott Ave., and further identified as Assessor's Plat 9, Lot 291A for a variance, pursuant to Article 6, Sections 82-600 & 82-605, from Article 3, Section 82-302, Table 3-2, District Dimensional Regulations, to construct an addition on the property where the front setback is proposed to be 21 ft. where 40 ft. is required and the northern side setback is proposed to be 11 ft. where 20 ft. is required. Also a variance from Article 7, Section 82-705, Alteration of a nonconforming structure, to construct the addition as the current setbacks are: Front 26 ft. where 40 ft. is required & the northern side setback is currently 11 ft. where 20 ft. is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following condition:



This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 42,395 sq. ft.
2. The proposed architectural changes will improve the appearance as supported by 3 neighbors.
3. There will be no further encroachment on the north setback.
4. The decrease in the front setback from 26' to 21' due to the addition of a porch, an improved architectural feature
5. The hardship is due to poor existing living accommodations and stairway not to code.
6. The lot to the north is not buildable.
7. The existing foundation will not be expanded.
8. The existing dwelling is a legal non-conforming structure.
9. One neighbor objected, saying that there is no hardship, without further explanations.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Cribb, Marcy Coleman, and Judith Bell voted in favor of the motion.

Dean Wagner was recused and Terence Livingston and Edward Gromada were absent.

### Pereira

A motion was made by Richard Boren and seconded by Joseph Logan to grant the request of Joseph L. Pereira, Jr., whose property is located at 58 Dory St., and further identified as Assessor's Plat 3, Lot 142 for a Special Use Permit, pursuant to Article 3, Section 82-314, High Groundwater Table & Impervious Overlay District, Sub-District A, & granted under Article 6, Sections 82-600 & 82-602, to construct a 24 ft. x 24 ft. addition, and a variance from Article 3 section 82-314(C)(4), Percent of Maximum Impervious Cover for Sub-District A, pursuant to Article 6, Sections 82-600 & 82-605, where the existing impervious lot coverage is 24.0% and the proposed impervious lot coverage is 15.5% and the allowable impervious lot coverage is 13%.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

This Variance is granted with the following restriction(s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

The recommendations and conditions of the Planning Commission must be complied with.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 14,400 sq. ft.
2. The Planning Commission recommended approval.
3. The existing impervious lot coverage is 24%. This will be reduced to 15.5%.
4. The applicant will be consolidating and removing significant impervious lot coverage.
5. The addition will be a deck, a porch, and a garage.
6. There are no wetlands on the property.
7. There is a report from Jean Lambert, P.E. She notes that the existing paved walkway and driveway, concrete pads, and a shed will be removed.
8. A pervious gravel driveway is proposed.
9. The proposed garage will be built on a slab with a flow through foundation.
10. There were 3 objectors who set forth anecdotal issues, but not expert testimony.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Cribb, Marcy Coleman, and Judith Bell voted in favor of the motion.

Dean Wagner was recused and Terence Livingston and Edward Gromada were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:20 p.m.

The motion carried unanimously.



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

## **AUGUST 2017 CALENDAR**

- Tuesday, August 15**      **Policy and Planning Subcommittee Meeting.** CRMC Conference Room, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI.  
**8:30 a.m.**
- Tuesday, August 22**      **ROW Subcommittee Meeting.** Administration Building, Conference Room A, One Capitol Hill, Providence, RI.  
**5:45 p.m.**
- Tuesday, August 22**      **Semimonthly Meeting.** Administration Building, Conference Room A, One Capitol Hill, Providence, RI.  
**6:00 p.m.**
- Friday, August 25**      **Administrative Fine Hearings.** CRMC Conference Room, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, 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.*

/lat



**Town of Jamestown**  
Finance Department  
Town Hall  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9809 Fax 401-423-7229  
Email: [ccollins@jamestownri.net](mailto:ccollins@jamestownri.net)

**Christina D. Collins**  
Finance Director

## MEMORANDUM

**TO:** Andrew E. Nota, Town Administrator

**FROM:** Christina D. Collins, Finance Director

**DATE:** 8/15/2017

**SUBJECT:** Budget to Actual

Attached is the Budget to Actual reports for the Fiscal Year 2016/2017. The report contains the expenses that have been paid through June 30, 2017, to date. There will be additional expenses as we close out FY17.

Please do not hesitate to contact me with any questions or concerns.

**TOWN OF JAMESTOWN  
BUDGET VS. ACTUAL  
JULY 1, 2016 - JUNE 30, 2017  
YTD Ending June 30, 2017**

<u>Account Number &amp; Description</u>	<u>Annual Budget</u>	<u>PTD Expenses</u>	<u>YTD Expenses</u>	<u>Remaining \$</u>	<u>% of Budget</u>
<b>TOWN COUNCIL</b>					
70001101 Salaries (5)	13,175.00	3,450.00	13,175.00	0.00	100.00%
70001302 Fees & Supplies	1,250.00	170.00	326.04	923.96	26.08%
70001305 Advertising	1,500.00	0.00	405.75	1,094.25	27.05%
<b>70001 Town Council</b>	<b>15,925.00</b>	<b>3,620.00</b>	<b>13,906.79</b>	<b>2,018.21</b>	<b>87.33%</b>
<b>TOWN ADMINISTRATOR</b>					
70002101 Salary, Administrator	108,572.00	8,817.26	114,624.38	-6,052.38	105.57%
70002102 Salary, Clerical w/longevity	63,002.00	4,647.00	64,775.33	-1,773.33	102.81%
70002302 Fees, Supplies & Dues	2,400.00	34.53	4,399.51	-1,999.51	183.31%
70002303 Travel Expenses	12,000.00	750.00	10,781.96	1,218.04	89.85%
<b>70002 Town Administrator</b>	<b>185,974.00</b>	<b>14,248.79</b>	<b>194,581.18</b>	<b>-8,607.18</b>	<b>104.63%</b>
<b>PROBATE COURT</b>					
70003101 Salary, Judge	5,081.00	402.54	5,233.02	-152.02	102.99%
70003302 Fees, Supplies & Dues	1,700.00	292.57	1,596.57	103.43	93.92%
<b>70003 Probate Court</b>	<b>6,781.00</b>	<b>695.11</b>	<b>6,829.59</b>	<b>-48.59</b>	<b>100.72%</b>
<b>ELECTION &amp; TOWN MEETINGS</b>					
70004101 Salaries, Canvassers (3 & Zalt.)	5,234.00	1,309.00	5,236.00	-2.00	100.04%
70004102 Salary, Clerical	1,600.00	0.00	1,011.18	588.82	63.20%
70004103 Salaries, Moderator & Sergeant	1,450.00	448.68	1,419.72	30.28	97.91%
70004104 Election Supervisors	5,000.00	0.00	4,225.00	775.00	84.50%
70004302 Fees, Supplies & Dues	2,800.00	303.02	2,025.56	774.44	72.34%
70004305 Advertising & Printing	1,000.00	207.49	1,309.33	-309.33	130.93%
<b>70004 Election &amp; Town Meetings</b>	<b>17,084.00</b>	<b>2,268.19</b>	<b>15,226.79</b>	<b>1,857.21</b>	<b>89.13%</b>
<b>LEGAL</b>					
70050201 Professional Services	95,000.00	13,364.50	85,415.59	9,584.41	89.91%
<b>70005 Legal</b>	<b>95,000.00</b>	<b>13,364.50</b>	<b>85,415.59</b>	<b>9,584.41</b>	<b>89.91%</b>
<b>CLERK &amp; RECORDS</b>					
70060101 Salary, Town Clerk w/longevity	67,550.00	5,224.66	70,297.80	-2,747.80	104.07%
70060102 Salary, Clerical (2) w/longevity	87,680.00	7,290.68	93,593.29	-5,913.29	106.74%
70060302 Fees, Supplies & Dues	33,000.00	2,758.05	26,413.05	6,586.95	80.04%
70060305 Advertising & Printing	2,800.00	97.50	1,024.42	1,775.58	36.59%
<b>70060 Clerk &amp; Records</b>	<b>191,030.00</b>	<b>15,370.89</b>	<b>191,328.56</b>	<b>-298.56</b>	<b>100.16%</b>
<b>PLANNING</b>					
70070101 Salary, Town Planner w/longevity	77,545.00	5,673.46	80,761.71	-3,216.71	104.15%
70070102 Salary, Clerical (.8) w/longevity	36,444.00	2,690.56	37,915.08	-1,471.08	104.04%
70070201 Planning Commission	7,150.00	7,000.00	7,000.00	150.00	97.90%
70070302 Fees, Supplies & Dues	5,500.00	602.25	5,864.90	-364.90	106.63%
70070305 Advertising	350.00	0.00	0.00	350.00	0.00%
<b>70070 Planning</b>	<b>126,989.00</b>	<b>15,966.27</b>	<b>131,541.69</b>	<b>-4,552.69</b>	<b>103.59%</b>
<b>ZONING</b>					
70080101 Salaries, Zoning Board (10)	8,000.00	6,115.26	8,390.26	-390.26	104.88%
70080302 Supplies	700.00	2,570.45	-2,519.19	3,219.19	-359.88%
<b>70080 Zoning</b>	<b>8,700.00</b>	<b>8,685.71</b>	<b>5,871.07</b>	<b>2,828.93</b>	<b>67.48%</b>
<b>PERSONNEL</b>					
70090900 Social Security Tax	291,485.00	25,306.57	253,959.24	37,525.76	87.13%
70090901 Blue Cross/Delta Dental	651,617.00	42,161.73	533,253.16	118,363.84	81.84%
70090902 Worker's Compensation	70,000.00	0.00	75,605.00	-5,605.00	108.01%
70090903 Retirement System	296,425.00	40,137.47	271,710.59	24,714.41	91.66%
70090906 Life Insurance	10,000.00	959.13	11,412.87	-1,412.87	114.13%
70090907 General Liability Insurance	110,000.00	66.39	101,952.54	8,047.46	92.68%
70090910 Salary Study Adjustment	65,000.00	0.00	0.00	65,000.00	0.00%
70090920 Blue Cross - Police Retirees	134,024.00	10,639.99	120,419.73	13,604.27	89.85%
<b>70090 Personnel</b>	<b>1,628,551.00</b>	<b>119,271.28</b>	<b>1,368,313.13</b>	<b>260,237.87</b>	<b>84.02%</b>

**TOWN OF JAMESTOWN**  
**BUDGET VS. ACTUAL**  
**JULY 1, 2016 - JUNE 30, 2017**  
**YTD Ending June 30, 2017**

<u>Account Number</u> <u>&amp; Description</u>	<u>Annual</u> <u>Budget</u>	<u>PTD</u> <u>Expenses</u>	<u>YTD</u> <u>Expenses</u>	<u>Remaining</u> <u>\$</u>	<u>% of</u> <u>Budget</u>
<b>FINANCE OFFICE</b>					
70100100 Salary, Finance Director w/longevity	89,597.00	6,667.68	94,047.64	-4,450.64	104.97%
70100101 Salary, Deputy Tax Collector w/longevity	64,989.00	9,229.47	67,570.26	-2,581.26	103.97%
70100102 Consultant, Computer Technican	44,000.00	8,642.94	46,580.18	-2,580.18	105.86%
70100201 Professional Services	19,000.00	2,329.16	24,500.49	-5,500.49	128.95%
70100302 Fees, Supplies & Dues	21,500.00	3,458.76	19,748.52	1,751.48	91.85%
70100305 Advertising & Printing	0.00	105.93	105.93	-105.93	#DIV/0!
<b>70100 Finance</b>	<b>239,086.00</b>	<b>30,433.94</b>	<b>252,553.02</b>	<b>-13,467.02</b>	<b>105.63%</b>
<b>TAX ASSESSOR</b>					
70110101 Salary, Assessor (.8) w/longevity	53,508.00	7,246.46	55,139.46	-1,631.46	103.05%
70110102 Clerical (as needed)	2,500.00	0.00	2,499.00	1.00	99.96%
70110302 Fees, Supplies & Dues	12,750.00	156.26	12,404.37	345.63	97.29%
70110305 Advertising & Printing	1,122.00	117.68	849.22	272.78	75.69%
70110308 Field Inspections	2,500.00	0.00	2,500.00	0.00	100.00%
<b>70110 Tax Assessor</b>	<b>72,380.00</b>	<b>7,520.40</b>	<b>73,392.05</b>	<b>-1,012.05</b>	<b>101.40%</b>
<b>AUDIT OF ACCOUNTS</b>					
70120201 Professional Services	22,000.00	0.00	22,200.00	-200.00	100.91%
<b>70120 Audit of Accounts</b>	<b>22,000.00</b>	<b>0.00</b>	<b>22,200.00</b>	<b>(200.00)</b>	<b>100.91%</b>
<b>POLICE PROTECTION</b>					
70310100 Salary, Police Chief	88,521.00	7,081.64	92,061.32	-3,540.32	104.00%
70310101 Salaries, Police(13)/ Dispatch(4.5) /Support (.8 & 1 seasonal)	966,058.00	66,803.82	902,403.52	63,654.48	93.41%
70310102 Longevity, Officers/Dispatch	50,513.00	13,458.66	55,826.50	-5,313.50	110.52%
70310103 Police Benefits	57,465.00	3,949.25	51,557.46	5,907.54	89.72%
70310104 Overtime & Sick Leave	165,000.00	28,469.76	253,216.07	-88,216.07	153.46%
70310105 Police Retirement	175,000.00	87,500.00	175,000.00	0.00	100.00%
70310302 Fees, Supplies & Dues	21,000.00	1,683.21	21,197.20	-197.20	100.94%
70310303 Computer Maintenance	18,500.00	936.98	24,735.90	-6,235.90	133.71%
70310305 Advertising	0.00	0.00	0.00	0.00	#DIV/0!
70310307 Building Maintenance	5,000.00	149.85	6,463.77	-1,463.77	129.28%
70310308 Vehicle Insurance	8,197.00	0.00	8,197.00	0.00	100.00%
70310309 Telephone	14,500.00	1,592.23	12,937.52	1,562.48	89.22%
70310310 Personal Equipment, Uniforms	8,000.00	870.77	7,118.42	881.58	88.98%
70310311 Maintenance Of Uniforms	32,150.00	0.00	24,050.00	8,100.00	74.81%
70310312 Ammunition & Supplies	4,000.00	507.72	2,096.41	1,903.59	52.41%
70310313 Maintenance, Police Cars	14,000.00	3,141.06	14,935.43	-935.43	106.68%
70310314 Gas & Tires	35,000.00	2,733.96	19,690.32	15,309.68	56.26%
70310315 Training	20,000.00	3,822.44	11,710.44	8,289.56	58.55%
70310316 Police Incentive	0.00	0.00	1,975.00	-1,975.00	#DIV/0!
70310317 Maintenance of Radio System	10,000.00	240.00	7,197.16	2,802.84	71.97%
70310318 Equipment	5,000.00	2,847.24	3,137.24	1,862.76	62.74%
<b>70310 Police Protection</b>	<b>1,697,904.00</b>	<b>225,788.59</b>	<b>1,695,506.68</b>	<b>2,397.32</b>	<b>99.86%</b>
<b>EMERGENCY MANAGEMENT AGENCY</b>					
70311302 Emergency Management Agency	5,000.00	752.54	5,000.00	0.00	100.00%
<b>70311 Emergency Management Agency</b>	<b>5,000.00</b>	<b>752.54</b>	<b>5,000.00</b>	<b>0.00</b>	<b>100.00%</b>

**TOWN OF JAMESTOWN  
BUDGET VS. ACTUAL  
JULY 1, 2016 - JUNE 30, 2017  
YTD Ending June 30, 2017**

<b>Account Number &amp; Description</b>	<b>Annual Budget</b>	<b>PTD Expenses</b>	<b>YTD Expenses</b>	<b>Remaining \$</b>	<b>% of Budget</b>
<b>FIRE PROTECTION</b>					
70320100 Salary, Fire Chief	43,325.00	4,383.44	57,315.86	-13,990.86	132.29%
70320101 Salary, Dispatch/Maintenance w/longevity OT & Fill-in for Dispatch	0.00	0.00	288.34	-288.34	#DIV/0!
70320102 Deputy Fire Chief Stipend (2)	2,000.00	2,000.00	2,000.00	0.00	100.00%
70320103 Salary, Fire Inspector	29,980.00	1,364.30	17,195.07	12,784.93	57.36%
70090900 FICA Fire Department	0.00	613.66	8,177.78	-8,177.78	#DIV/0!
70320104 Fire Incentive Program	70,000.00	0.00	0.00	70,000.00	0.00%
70320105 Maintenance Equipment Per Diem	20,000.00	2,180.00	8,860.00	11,140.00	44.30%
70320302 Fees, Supplies & Dues	5,000.00	988.45	7,665.51	-2,665.51	153.31%
70320308 Insurance	55,000.00	781.25	39,032.50	15,967.50	70.97%
70320309 Telephone	8,800.00	1,524.56	9,582.30	-782.30	108.89%
70320313 Apparatus & Truck Repair	30,000.00	10,511.66	30,322.81	-322.81	101.08%
70320314 Gas, Tires & Oil	14,000.00	1,662.96	8,536.23	5,463.77	60.97%
70320315 Training	10,000.00	0.00	0.00	10,000.00	0.00%
70320319 Fuel Oil	13,000.00	31.66	5,454.05	7,545.95	41.95%
70320320 Maintenance	12,500.00	5,235.64	22,696.59	-10,196.59	181.57%
70320321 Electricity	12,000.00	1,346.65	16,797.99	-4,797.99	139.98%
70320322 Alarm & Radio	6,000.00	6,161.58	8,369.58	-2,369.58	139.49%
70320323 Oxygen & Air Pack	4,500.00	0.00	5,438.32	-938.32	120.85%
70320324 Water	1,500.00	114.37	838.35	661.65	55.89%
70320325 Fire Equipment	14,500.00	8,279.21	20,870.99	-6,370.99	143.94%
70320326 Fire Extinguisher Agents	2,400.00	1,912.00	2,569.00	-169.00	107.04%
70320399 Subscriptions & Journal	500.00	0.00	435.05	64.95	87.01%
<b>70320 Fire Protection</b>	<b>355,005.00</b>	<b>49,091.39</b>	<b>272,446.32</b>	<b>82,558.68</b>	<b>76.74%</b>
<b>EMERGENCY MEDICAL SERVICES</b>					
70600101 Ambulance Incentive Program	80,000.00	0.00	0.00	80,000.00	0.00%
70600102 EMS Director	27,930.00	2,273.88	30,930.51	-3,000.51	110.74%
70600103 JFD EMS Captain	0.00	0.00	0.00	0.00	#DIV/0!
70600xxx Medical Director Stipend	3,000.00	0.00	0.00	3,000.00	0.00%
70600104 ALS Per Diem (12 months)	175,200.00	20,160.00	174,540.00	660.00	99.62%
70600330 Ambulance Building	16,000.00	6,188.88	16,656.07	-656.07	104.10%
70600332 Ambulance Personal Equipment/Uniforms	9,000.00	6,093.00	6,677.63	2,322.37	74.20%
70600333 Ambulance Medical	20,000.00	4,182.28	20,932.13	-932.13	104.66%
70600334 Ambulance Office	5,000.00	455.81	4,416.59	583.41	88.33%
70600336 Ambulance Vehicles	11,000.00	1,894.49	8,142.39	2,857.61	74.02%
70600337 Ambulance Training	23,000.00	1,334.25	6,065.36	16,934.64	26.37%
70600455 Insurance on Ambulance	28,000.00	0.00	24,814.50	3,185.50	88.62%
<b>70600 EMS</b>	<b>398,130.00</b>	<b>42,582.59</b>	<b>293,175.18</b>	<b>104,954.82</b>	<b>73.64%</b>
<b>PROTECTIVE SERVICE</b>					
70330101 Salary, Building Inspector PT for New Position	64,564.00	5,115.44	66,500.72	-1,936.72	103.00%
70330102 Salary, Clerical (.5) w/longevity	25,014.00	1,979.22	27,268.43	-2,254.43	109.01%
70330117 Salary, Electrical Inspector	10,000.00	833.33	9,999.96	0.04	100.00%
70330118 Salary, Plumbing Inspector	5,000.00	416.67	2,916.69	2,083.31	58.33%
70330119 Salary, Mechanical Inspector	5,000.00	416.67	2,916.69	2,083.31	58.33%
70330302 Fees, Supplies & Dues	4,500.00	854.45	4,624.90	-124.90	102.78%
70330328 Hydrant Rental	165,000.00	165,000.00	165,000.00	0.00	100.00%
<b>70330 Protective Service</b>	<b>279,078.00</b>	<b>174,615.78</b>	<b>279,227.39</b>	<b>-149.39</b>	<b>100.05%</b>
<b>ADMINISTRATION</b>					
70410101 Salary, Public Works Director (.5) w/longevity	50,357.00	9,786.70	53,444.88	-3,087.88	106.13%
70410302 Fees, Supplies & Dues	1,200.00	0.00	137.30	1,062.70	11.44%
<b>70410 Administration</b>	<b>51,557.00</b>	<b>9,786.70</b>	<b>53,582.18</b>	<b>-2,025.18</b>	<b>103.93%</b>
<b>ENGINEERING</b>					
70420101 Salary/Environ Services (.6)	36,273.00	3,090.00	40,129.51	-3,856.51	110.63%
70420103 Intern	10,000.00	1,972.50	2,460.00	7,540.00	24.60%
70420302 Fees, Supplies & Dues	1,200.00	122.85	436.44	763.56	36.37%
<b>70420 Engineering</b>	<b>47,473.00</b>	<b>5,185.35</b>	<b>43,025.95</b>	<b>4,447.05</b>	<b>90.63%</b>



**TOWN OF JAMESTOWN  
BUDGET VS. ACTUAL  
JULY 1, 2016 - JUNE 30, 2017  
YTD Ending June 30, 2017**

<b>Account Number &amp; Description</b>	<b>Annual Budget</b>	<b>PTD Expenses</b>	<b>YTD Expenses</b>	<b>Remaining \$</b>	<b>% of Budget</b>
<b>HIGHWAY</b>					
70430100 Salary, Supervisor w/longevity	67,047.00	8,588.85	69,653.21	-2,606.21	103.89%
70430101 Salaries (11) w/longevity	624,776.00	45,623.66	652,489.96	-27,713.96	104.44%
70430308 Vehicle Insurance	14,520.00	0.00	14,520.00	0.00	100.00%
70430313 Upkeep of Equipment	80,000.00	12,786.92	89,766.55	-9,766.55	112.21%
70430314 Engine Oil & Fuel	65,000.00	5,412.58	50,595.15	14,404.85	77.84%
70430330 Sand & Gravel	15,000.00	4,075.94	20,394.50	-5,394.50	135.96%
70430331 Cold Patch	17,500.00	3,783.90	8,061.99	9,438.01	46.07%
70430333 Road Supplies/Street Signs	15,000.00	2,089.21	15,478.10	-478.10	103.19%
70430334 Equipment Rental	3,000.00	0.00	0.00	3,000.00	0.00%
70430336 Clothing (contractual)	5,500.00	1,234.81	1,409.81	4,090.19	25.63%
70430399 Safety & Licensing	6,500.00	1,219.49	6,705.76	-205.76	103.17%
<b>70430 Highway</b>	<b>913,843.00</b>	<b>84,815.36</b>	<b>929,075.03</b>	<b>-15,232.03</b>	<b>101.67%</b>
<b>SNOW REMOVAL</b>					
70440336 Snow Removal (overtime)	28,000.00	0.00	15,891.77	12,108.23	56.76%
70440337 Equipment & Supplies	49,000.00	1,656.37	44,242.48	4,757.52	90.29%
<b>70440 Snow Removal</b>	<b>77,000.00</b>	<b>1,656.37</b>	<b>60,134.25</b>	<b>16,865.75</b>	<b>78.10%</b>
<b>WASTE REMOVAL</b>					
70450101 Salary, Operator w/longevity	55,607.00	4,585.77	48,781.36	6,825.64	87.73%
Sunday OT hours	6,335.00	0.00	0.00	6,335.00	0.00%
70450309 Telephone	600.00	103.89	436.10	163.90	72.68%
70450321 Electricity	1,300.00	88.63	953.95	346.05	73.38%
70450340 Maintenance & Testing	42,000.00	7,901.45	48,529.34	-6,529.34	115.55%
70450341 Transfer Trucking & Recycling	310,000.00	53,755.45	301,287.44	8,712.56	97.19%
70450350 Hazardous Waste Recycling	500.00	0.00	0.00	500.00	0.00%
<b>70450 Waste Removal</b>	<b>416,342.00</b>	<b>66,435.19</b>	<b>399,988.19</b>	<b>16,353.81</b>	<b>96.07%</b>
<b>STREET LIGHTING</b>					
70460321 Electricity	81,000.00	9,320.83	65,880.36	15,119.64	81.33%
<b>70460 Street Lighting</b>	<b>81,000.00</b>	<b>9,320.83</b>	<b>65,880.36</b>	<b>15,119.64</b>	<b>81.33%</b>
<b>OTHER PUBLIC WORKS</b>					
70480342 Town Cemetery & Parade	2,100.00	786.17	1,139.61	960.39	54.27%
<b>70480 Other Public Works</b>	<b>2,100.00</b>	<b>786.17</b>	<b>1,139.61</b>	<b>960.39</b>	<b>54.27%</b>
<b>PUBLIC BUILDINGS</b>					
70490101 Service Contract Custodial	80,000.00	5,870.57	52,601.84	27,398.16	65.75%
70490302 Building/Cleaning Supplies	5,500.00	388.01	3,804.48	1,695.52	69.17%
70490309 Telephone & Alarms	15,000.00	2,142.21	17,243.40	-2,243.40	114.96%
70490321 Electricity	58,000.00	7,848.44	45,688.76	12,311.24	78.77%
70490324 Water	10,000.00	1,826.40	7,647.51	2,352.49	76.48%
70490343 Heat	44,000.00	1,672.57	25,508.76	18,491.24	57.97%
70490344 Repairs & Maintenance	45,000.00	20,049.55	60,842.63	-15,842.63	135.21%
70490375 Landscape	8,000.00	3,594.50	8,849.50	-849.50	110.62%
<b>70490 Public Buildings</b>	<b>265,500.00</b>	<b>43,392.25</b>	<b>222,186.88</b>	<b>43,313.12</b>	<b>83.69%</b>
<b>TREE MANAGEMENT PROGRAM</b>					
70495101 Consultant	10,500.00	1,925.00	10,600.00	-100.00	100.95%
70495302 Materials & Supplies	1,800.00	0.00	1,001.53	798.47	55.64%
70495360 Tree Pruning	15,000.00	3,690.00	17,520.59	-2,520.59	116.80%
70495370 Purchase Of Trees	4,100.00	0.00	3,363.22	736.78	82.03%
<b>70495 Tree Management Program</b>	<b>31,400.00</b>	<b>5,615.00</b>	<b>32,485.34</b>	<b>-1,085.34</b>	<b>103.46%</b>
<b>PUBLIC WELFARE</b>					
70500101 Salary, Welfare Director	0.00	0.00	0.00	0.00	#DIV/0!
<b>70500 Public Welfare</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
<b>PUBLIC HEALTH</b>					
70600456 Visiting Nurse/Mental Health/ SC Hospice/ Substance Abuse	16,500.00	4,000.00	15,500.00	1,000.00	93.94%
<b>70600 Public Health</b>	<b>16,500.00</b>	<b>4,000.00</b>	<b>15,500.00</b>	<b>1,000.00</b>	<b>93.94%</b>
<b>ANIMAL CONTROL</b>					
70610xxx Animal Control Services/Shelter	5,000.00	0.00	0.00	5,000.00	0.00%
70610302 Fees, Supplies & Dues	0.00	28.83	743.91	-743.91	#DIV/0!
70610306 Tick Task Force	15,000.00	12,541.71	12,541.71	2,458.29	83.61%
<b>70610 Animal Control</b>	<b>20,000.00</b>	<b>12,570.54</b>	<b>13,285.62</b>	<b>6,714.38</b>	<b>66.43%</b>

**TOWN OF JAMESTOWN  
BUDGET VS. ACTUAL  
JULY 1, 2016 - JUNE 30, 2017  
YTD Ending June 30, 2017**

<u>Account Number &amp; Description</u>	<u>Annual Budget</u>	<u>PTD Expenses</u>	<u>YTD Expenses</u>	<u>Remaining \$</u>	<u>% of Budget</u>
<b>70650101</b> Salaries (3 PT)	46,540.00	2,753.44	42,956.11	3,583.89	92.30%
<b>70650302</b> Fees, Supplies & Dues	2,500.00	896.44	5,551.06	-3,051.06	222.04%
<b>70650309</b> Telephone & Alarms	1,850.00	0.00	2,397.31	-547.31	129.58%
<b>70650321</b> Electricity	5,500.00	0.00	4,018.01	1,481.99	73.05%
<b>70650324</b> Water	1,000.00	234.49	887.36	112.64	88.74%
<b>70650341</b> Trash Removal	325.00	28.00	335.00	-10.00	103.08%
<b>70650343</b> Heat	5,400.00	127.38	3,414.78	1,985.22	63.24%
<b>70650344</b> Repairs & Maintenance	5,885.00	970.23	7,969.76	-2,084.76	135.42%
<b>70650380</b> Programs	3,000.00	2,529.90	5,499.27	-2,499.27	183.31%
<b>70650 Senior Center Operations</b>	<b>72,000.00</b>	<b>7,539.88</b>	<b>73,028.66</b>	<b>-1,028.66</b>	<b>101.43%</b>
<b>LIBRARY</b>					
<b>70700100</b> Salary, Librarian w/longevity	69,921.00	5,404.80	71,967.80	-2,046.80	102.93%
<b>70700101</b> Salaries (2FT & 2@.875)w/longevity	152,803.00	12,250.89	160,907.10	-8,104.10	105.30%
<b>70700102</b> Custodian	0.00	0.00	0.00	0.00	#DIV/0!
<b>70700302</b> Fees, Supplies & Dues	8,500.00	1,121.96	8,337.20	162.80	98.08%
<b>70700308</b> Insurance	12,850.00	0.00	12,850.00	0.00	100.00%
<b>70700309</b> Telephone	1,200.00	85.43	844.32	355.68	70.36%
<b>70700310</b> Equipment	500.00	0.00	745.21	-245.21	149.04%
<b>70700321</b> Electricity	23,000.00	3,055.50	19,497.62	3,502.38	84.77%
<b>70700343</b> Heat	18,500.00	105.89	8,455.20	10,044.80	45.70%
<b>70700344</b> Repairs & Maintenance	19,000.00	1,869.91	20,750.16	-1,750.16	109.21%
<b>70700345</b> Information Technology	6,000.00	289.98	5,328.99	671.01	88.82%
<b>70700351</b> Books & Periodicals	30,000.00	4,540.58	28,275.01	1,724.99	94.25%
<b>70700352</b> Books - State Aid	87,375.00	3,895.23	101,455.75	-14,080.75	116.12%
<b>70700 Library</b>	<b>429,649.00</b>	<b>32,620.17</b>	<b>439,414.36</b>	<b>-9,765.36</b>	<b>102.27%</b>
<b>PARKS, BEACHES &amp; RECREATION</b>					
<b>70800101</b> Salary, Director	64,564.00	5,115.42	66,500.46	-1,936.46	103.00%
<b>70800102</b> Salaries, Rec, Parks (3) w/longevity	124,564.00	10,275.18	133,178.02	-8,614.02	106.92%
<b>70800103</b> Salary, Teen Center Coordinator	35,653.00	2,824.82	36,685.61	-1,032.61	102.90%
<b>70800104</b> Salaries, Teen Center Support Staff	15,750.00	2,073.00	18,967.59	-3,217.59	120.43%
<b>70800105</b> Salaries, Rec Seasonal Staff	132,221.00	13,913.49	142,277.85	-10,056.85	107.61%
<b>70800302</b> Fees, Supplies & Dues	5,965.00	246.50	6,981.95	-1,016.95	117.05%
<b>70800305</b> Advertising & Printing	3,750.00	0.00	4,205.90	-455.90	112.16%
<b>70800308</b> Insurance	7,117.00	0.00	7,117.00	0.00	100.00%
<b>70800309</b> Telephone	2,750.00	459.57	3,699.49	-949.49	134.53%
<b>70800310</b> Equipment	4,500.00	1,424.80	4,390.44	109.56	97.57%
<b>70800314</b> Gas & Oil	14,000.00	1,321.25	7,845.03	6,154.97	56.04%
<b>70800321</b> Electricity & Field Lighting	29,000.00	6,588.80	22,699.58	6,300.42	78.27%
<b>70800322</b> Ft Getty Waste Water Removal	13,000.00	1,910.00	9,858.00	3,142.00	75.83%
<b>70800323</b> Shores Beach/Sanitary Facility	3,000.00	1,240.00	3,805.00	-805.00	126.83%
<b>70800324</b> Water	14,000.00	0.00	15,504.59	-1,504.59	110.75%
<b>70800341</b> Trash Removal	10,000.00	2,493.00	8,979.96	1,020.04	89.80%
<b>70800344</b> Repairs, Maintenance & Improvements	26,000.00	2,661.63	27,256.20	-1,256.20	104.83%
<b>70800382</b> Summer Programs	3,825.00	0.00	5,180.00	-1,355.00	135.42%
<b>70800383</b> Winter Programs	1,200.00	0.00	945.18	254.82	78.77%
<b>70800 Parks, Beaches &amp; Recreation</b>	<b>510,859.00</b>	<b>52,547.46</b>	<b>526,077.85</b>	<b>-15,218.85</b>	<b>102.98%</b>
<b>70801381</b> Special Activities	0.00	7,595.83	10,635.43	10,635.43	
<b>70801384</b> Exercise	0.00	190.00	-8,639.00	-8,639.00	
<b>70801386</b> Flag Football S/F	0.00	0.00	139.77	139.77	
<b>70801388</b> Basketball S/F	0.00	0.00	177.78	177.78	
<b>70801391</b> Sports Camp S/F	0.00	213.01	-3,287.90	-3,287.90	
<b>70801392</b> Tennis S/F	0.00	0.00	-1,470.00	-1,470.00	
<b>70801393</b> Soccer S/F	0.00	0.00	2,025.00	2,025.00	
<b>70801395</b> Girl's Softball S/F	0.00	387.25	338.45	338.45	
<b>70801396</b> Restoration Rec Ctr S/F	0.00	0.00	0.00	0.00	
<b>70801398</b> Pavilion	0.00	-8,661.74	-30,189.50	-30,189.50	
<b>70801399</b> Miscellaneous	0.00	0.00	0.00	0.00	
<b>70801400</b> Volleyball S/F	0.00	-75.00	-75.00	-75.00	
<b>70801401</b> Summer Playground S/F	0.00	-559.30	-10,567.09	-10,567.09	
<b>70801402</b> J.Y.O. S/F	0.00	0.00	0.00	0.00	
<b>70801 Recreation Programs</b>	<b>0.00</b>	<b>-909.95</b>	<b>-40,912.06</b>	<b>-40,912.06</b>	

**TOWN OF JAMESTOWN  
BUDGET VS. ACTUAL  
JULY 1, 2016 - JUNE 30, 2017  
YTD Ending June 30, 2017**

<b>Account Number &amp; Description</b>	<b>Annual Budget</b>	<b>PTD Expenses</b>	<b>YTD Expenses</b>	<b>Remaining \$</b>	<b>% of Budget</b>
<b>DEBIT SERVICE</b>					
<b>70900504</b> Payment Of Principal	455,299.00	0.00	580,768.09	-125,469.09	127.56%
<b>70900505</b> Payment Of Interest	252,160.00	0.00	212,859.78	39,300.22	84.41%
xxxxxxx Lease DPW Equipment Resolution	69,286.00	0.00	0.00	69,286.00	0.00%
xxxxxxx Lease JetVac *included in above	0.00	0.00	0.00	0.00	#DIV/0!
<b>1403-70000001</b> Fire Station Improvements (2.2M@20yrs)	38,500.00	0.00	0.00	38,500.00	0.00%
Fire Truck (300K@10yrs)	3,750.00	0.00	0.00	3,750.00	0.00%
<b>70900 Debit Service</b>	<b>818,995.00</b>	<b>0.00</b>	<b>793,627.87</b>	<b>25,367.13</b>	<b>96.90%</b>
<b>MISCELLANEOUS</b>					
<b>70920527</b> Incidentals & Emergencies	50,000.00	1,200.00	2,341.80	47,658.20	4.68%
<b>70920530</b> Conservation Commission	2,200.00	624.17	1,124.17	1,075.83	51.10%
<b>70920550</b> Chamber of Commerce Development	4,000.00	2,040.00	4,000.00	0.00	100.00%
<b>70920570</b> Economic Development	5,000.00	5,000.00	5,000.00	0.00	0.00%
<b>70920 Miscellaneous</b>	<b>61,200.00</b>	<b>8,864.17</b>	<b>12,465.97</b>	<b>48,734.03</b>	<b>20.37%</b>
<b>Total</b>	<b>9,160,035.00</b>	<b>1,069,411.41</b>	<b>8,587,413.15</b>	<b>572,621.85</b>	<b>93.75%</b>

**From:** [Alexa Gold](#)  
**To:** [Cheryl Fernstrom](#)  
**Subject:** August Town Council Meeting - Coyotes  
**Date:** Tuesday, August 8, 2017 7:28:43 PM

---

Hi,

I wanted to write an email relevant to the coyote topic that's on the agenda for the August Town Council Meeting. Please let me know if this is the correct email, or if there is somewhere else I should be sending it to.

I grew up in Jamestown, and returned two years ago with my husband in order to raise a family in a community that we are both so fond of. I have many memories of freely playing outside with friends and feeling safe in our community. Now, I have a 6 month old and a small dog who I am afraid to let outside for fear that they will be targeted by the growing coyote population on the island. I would like to share my support for the elimination/removal of coyotes on the island all together, by any means necessary. We live in one of the most special places, yet I have to carry pepper spray in my daughter's stroller when we go on walks around our neighborhood due to the fear of coyotes. I don't want my daughter to grow up scared to play outdoors. That is not right, nor necessary in a place where coyotes are not indigenous.

Thank you,

Alexa Gold

25 Sloop Street

**From:** [Linda Flinton](mailto:Linda.Flinton@jamestownri.com)  
**To:** [trockijamestowntc@gmail.com](mailto:trockijamestowntc@gmail.com); [mgbianco@cox.net](mailto:mgbianco@cox.net); [meagherjamestowntc@gmail.com](mailto:meagherjamestowntc@gmail.com); [eugene@mihaly.org](mailto:eugene@mihaly.org); [dickinsonjamestowntc@gmail.com](mailto:dickinsonjamestowntc@gmail.com)  
**Cc:** [Cheryl Fernstrom](mailto:Cheryl.Fernstrom@jamestownri.com)  
**Subject:** Coyotes  
**Date:** Wednesday, August 9, 2017 1:39:52 PM

---

Dear Council Members -

We have lived in Jamestown since 1975 and brought our family up here. Jamestown is truly an attractive place to live for people who enjoy the outdoors. OR maybe I should say "was" an attractive place. Currently we live on North Main Rd where we and our neighbors all have much wooded land. We can live with the deer eating our bushes, but coyotes?

We have lived in this house since 1980. Our dogs have run outside on our land and we play ball . Now they are on a leash at all times in our own backyard. Some neighbors have children who used to play freely outdoors at home. Now the parents no longer allow that without close supervision. Is this the Jamestown that we want our families to grow up in? I hardly think so. They are also an agricultural menace to farm animals on the island.

Coyotes are not indiginous to this island. They were either brought here or walked here over the bridge. I am asking you to eliminate their presence in Jamestown in whatever manner you see fit before humans becaome harmed. I also would strongly recommend the institution of some ordinance to control the purposeful feeding of coyotes and/or their pups. Enough pets (Iarge and small) have been killed or injured already by coyotes. It is time to take action!

Thank you for your consideration

Linda and John Flinton  
843 North Main Rd  
Jamestown, RI

Sent from my iPhone



Town Council Meeting, Monday, August 21, 2017

On August 3, 2017 at 7am, our 3 ½ year old 40 lb. Puggle, Scout, was attacked on our property by 3 coyotes. Although we were able to transport Scout alive to the Ocean State Veterinarian Hospital in East Greenwich within 20 minutes of the attack, the severity of his wounds required us to have him euthanized at 2pm that same day.

Scout was a beloved pet & will be missed by our family, friends, & our 14 month old Lab, Sadie. Sadie was deeply effected by the attack, & reluctant to leave the house & venture into the yard. The outpouring of love & support for our loss has been truly amazing, as evidenced by the numerous personal visits, phone calls, sympathy cards, & flowers. Some members of the Jamestown Community immediately made posts on social media to inform our neighbors & have them maintain close surveillance on their pets & children.

Our intention in submitting this letter tonight is to use this traumatic experience to create awareness of the attack, which again, occurred at 7am in our yard & was characterized by vicious, aggressive animal behavior. I have never witnessed in my 24 years in Jamestown.

I would like to note that when I picked up Scout to transport him to our home for care, the coyotes emerged from the tree line & made advances towards me, as I was removing their "food source" from the area.

Imagine if a small child, in a worst case scenario, witnessed a coyote attack on their pet, attempted to rescue it, & then became a victim of an attack.

We sincerely hope that this tragic event can be a learning opportunity. We would like to become more knowledgeable about the present coyote population in Jamestown, & if their numbers are increasing. Do they pose an imminent threat to us? What are farmers & others doing to deal with the coyotes & the impact on their livestock? Do we have the right to trap or shoot them on our property?

We feel that the members of our community should work in a collaborative way, seeking input from all sides, to determine if there is potential danger associated with their presence here, & formulate a comprehensive plan to deal with it.

Respectfully submitted,  
Stephen & Natalie Lepre  
67 Wright Lane  
Jamestown, RI

Town Council:

Concerned members of the Jamestown community would like to discuss aquaculture in Dutch Harbor focusing on the Application of Antonio and Joseph Pinheiro to modify Aquaculture Assent to float 595 permitted bottom cages on their 2 acre site for a potential maximum of 710 floating cages and to allow bottom planting of oysters on site.

Sharon Purdie  
60 Westwind Drive

PETITION OF VERIZON NEW ENGLAND INC

and THE NARRAGANSETTELECTRIC COMPANY for joint or identical pole locations,

To the TOWN COUNCIL

of JAMESTOWN

RHODE ISLAND

VERIZON NEW ENGLAND INC and THE NARRAGANSETT ELECTRIC COMPANY respectfully request permission to locate and maintain poles, wires and fixtures, including the necessary sustaining and protecting fixtures, to be owned and used in common by your petitioners along and across the following public ways:

**WATSON AVE: This project proposes to relocate one (1) pole (POLE #22) approximately 70' South from its existing location as shown on attached drawing.**

**NECESSITY –This pole relocation is necessary in order to accommodate a customer's request.**

(WO#1A2DBFU)

Wherefore your petitioners pray that they be granted joint or identical locations for existing poles and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as they may find necessary, said poles erected or to be erected substantially in accordance with the plan filed herewith marked-

RI2017- 11 Dated: June 14, 2017

Your petitioners agree to reserve or provide space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC

BY Daryl Crossman  
DARYL CROSSMAN – MANAGER R.O.W.

BY John Currier  
NARRAGANSETT ELECTRIC COMPANY

ORDER

The foregoing petition having been read, it was voted that the consent of the for the use of the public ways named, for the purposes stated in said petition be, and it hereby granted – work to be done subject to the supervision of

A true copy of a vote of the

Adopted and Recorded in Records Book No.

Page No.

CLERK





# PETITION PLAN

JAMESTOWN

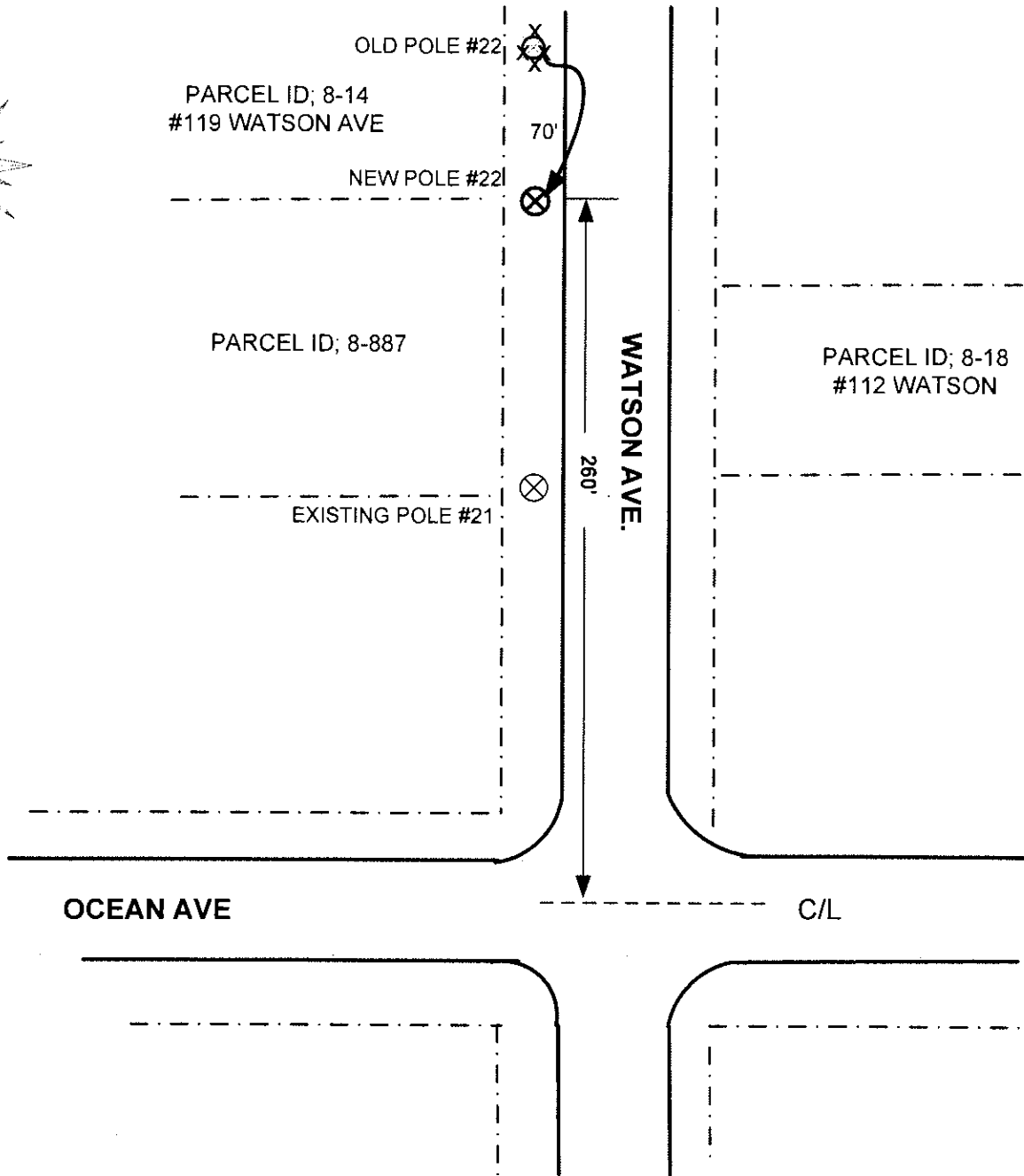
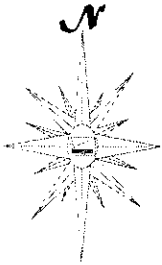
NO. RI2017-11

VERIZON NEW ENGLAND, INC and NARRAGANSETT ELECTRIC COMPANY

DATE: June 14, 2017

SHOWING

Pole Relocation / Pole 22 WATSON AVE



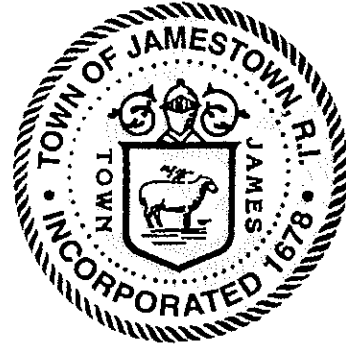
## LEGEND

- |  |                             |  |  |
|--|-----------------------------|--|--|
|  | PROPOSED VERIZON POLE       |  | EXISTING JOINTLY OWNED POLE TO REMAIN      |
|  | VERIZON POLE TO BE REMOVED  |  | POWER CO. POLE TO BE REMOVED               |
|  | VERIZON POLE TO REMAIN      |  | EXISTING JOINTLY OWNED POLE TO BE REMOVED  |
|  | PROPOSED JOINTLY OWNED POLE |  | EXISTING POWER CO. POLE TO BE HELD JOINTLY |
|  | EXISTING VERIZON MANHOLE    |  |  |
|  | EXISTING VERIZON CONDUIT    |  | PROPOSED VERIZON MANHOLE                   |
|  |                             |  | PROPOSED VERIZON CONDUIT                   |
|  |                             |  | PROPOSED VERIZON CABINET                   |

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** August 17, 2017

**To:** Andrew Nota  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Narragansett Electric and Verizon Pole Petition  
Watson Avenue

---

I have reviewed the request from Verizon and Narragansett Electric and recommend that the Town Council approve the pole petition to relocate utility pole #22 on Watson Avenue as requested.

**TOWN OF BARRINGTON, RHODE ISLAND**  
**A RESOLUTION IN OPPOSITION TO H-5593 AND S-0285**  
**AN ACT RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION -- CONTINUANCE OF**  
**CONTRACTUAL PROVISIONS**

**WHEREAS**, House Bill 5593, an Act Relating to Labor and Labor Relations -- Arbitration -- Continuance of Contractual Provisions, and companion Senate Bill 0285 have been passed in the Rhode Island General Assembly and were transmitted to the Governor; and

**WHEREAS**, these Bills require that the contractual provisions contained in an otherwise expired collective bargaining agreement with certified school teachers and municipal employees continue until a successor agreement has been reached between the parties; and

**WHEREAS**, the practical effect of this legislation for Barrington and other municipalities will be to place an unnecessary burden on the bargaining process between town officials and certain unions; and

**WHEREAS**, contracts with unions represent a significant portion of Municipal and school budgets; and

**WHEREAS**, these contracts need to be renegotiated from time to time to serve the needs of Barrington's and other town's citizens; and

**WHEREAS**, these Bills may force the Town of Barrington to adhere to provisions of a contract long after it has expired; and

**WHEREAS**, these Bills will have the practical effect of retroactively modifying union contracts that are in place to, among other things, potentially make them permanent, or to require perpetual annual raises when those provisions were never the intent of the parties negotiating the agreement; and,

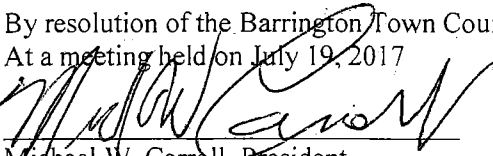
**WHEREAS**, these proposed changes are significant and were approved despite opposition from the municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Barrington Town Council respectfully requests that the Governor veto House Bill 5593 and Senate Bill 0285.

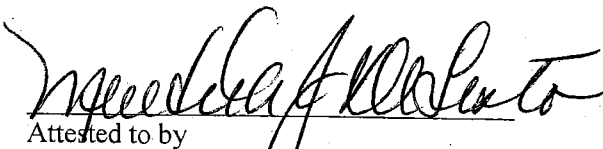
**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Barrington's State Senators and State Representatives in the Rhode Island General Assembly, the Senate President, the Speaker of the House, the Executive Director of the Rhode Island League of Cities and Towns, all the Cities and Towns in the State of Rhode Island and the Governor in consideration of their support to defeat this amendment to the General Laws.

The **RESOLUTION** shall take effect on July 19, 2017.

By resolution of the Barrington Town Council  
At a meeting held on July 19, 2017

  
Michael W. Carroll, President  
Barrington Town Council

Vote: Passed unanimously

  
Attested to by

Meredith J. DeSisto, CMC  
Barrington Town Clerk

**TOWN OF BARRINGTON, RHODE ISLAND  
A RESOLUTION IN SUPPORT OF  
THE FISCAL YEAR ENDING JUNE 30, 2018 STATE BUDGET**

**WHEREAS**, House Bill 5175Aaa, an Act Relating to Making Appropriations for the Support of the State for the Fiscal Year Ending June 30, 2018, and related Senate Bill have stalled in the Rhode Island General Assembly; and

**WHEREAS**, these bills would create a new state budget for Fiscal Year 2018; and

**WHEREAS**, the practical effect of non-passage of these bills for Barrington and other Municipalities would be to operate at the same levels as Fiscal Year 2017; and

**WHEREAS**, state aid payments to school districts in FY 2017 are significantly less than budgeted for FY 2018, under both bills; and

**WHEREAS**, the Town and its school district cannot absorb such a substantial loss in such a short time without negative effects to the students in the district; and

**WHEREAS**, the new budget for FY 2018 would include necessary car tax reform for the State of Rhode Island, with nearly \$26 million in tax relief to citizens this year under both bills; and

**WHEREAS**, non-passage of these bills would force the Town to issue car tax bills under the previous valuation and rate structure, which would deprive many residents of expected and needed tax relief; and

**WHEREAS**, the Town faces a significant budget deficit for FY 2018 because of the shortfall in state aid unless and until these bills are passed and signed into law; and


**WHEREAS**, the longer it takes to enact the FY 2018 budget, the more schools, municipal services and residents of the Town will suffer.

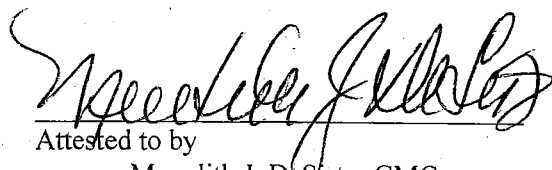
**NOW, THEREFORE, BE IT RESOLVED**, that the Barrington Town Council respectfully requests that all State Senators, Representatives, and the Governor come together, resolve their differences and finalize the Fiscal Year 2018 budget and, to the extent possible, retroactively implement the budget to July 1, 2017 so that the Town faces no shortfall in state aid due to the delay.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Barrington's State Senators and State Representatives in the Rhode Island General Assembly, the Senate President, the Speaker of the House, the Executive Director of the Rhode Island League of Cities and Towns, and the Governor in consideration of their support of this amendment to the General Laws.

The **RESOLUTION** shall take effect on July 19, 2017.

By resolution of the Barrington Town Council  
At a meeting held on July 19, 2017

  
Michael W. Carroll, President  
Barrington Town Council  
Vote: Passed unanimously

  
Attested to by  
Meredith J. DeSisto, CMC  
Barrington Town Clerk

**TOWN OF BARRINGTON, RHODE ISLAND  
A RESOLUTION IN OPPOSITION TO H-5601A AND S-0896A  
AN ACT RELATING TO TOWNS AND CITIES - OPTIONAL RETIREMENT FOR MEMBERS  
OF POLICE AND FIREFIGHTERS**

**WHEREAS**, House Bill 5601A, an Act Relating to Towns and Cities – Optional Retirement for Members of Police and Firefighters, and related Senate Bill 0896A have been approved in the Rhode Island General Assembly and were transmitted to the Governor; and

**WHEREAS**, these Bills would add the word “illness” as a path to obtain an accidental disability retirement allowance; and

**WHEREAS**, under current law, police officers and fire fighters are already entitled to receive an accidental disability retirement allowance for ailments sustained as a result of the performance of duty such as Post Traumatic Stress Disorder or occupational cancer;

**WHEREAS**, the practical effect of these Bills for Barrington and other municipalities will be to place a significant and long-lasting strain on resources by increasing the number of accidental disability pensions; and

**WHEREAS**, Barrington has already committed a substantial amount of resources to pay accidental disability pensions for injuries sustained while on duty; and

**WHEREAS**, the addition of illness to the definition of accidental disability is not within the original spirit of the accidental disability retirement system, and would have a deleterious effect on the Town’s ability to provide for those who are already receiving pensions; and

**WHEREAS**, these proposed changes are significant and were approved despite opposition from the municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Barrington Town Council respectfully requests that the Governor veto House Bill 5601A and Senate Bill 0896A.

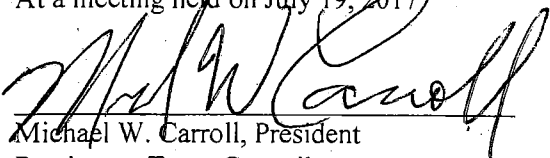
**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this resolution to the Town of Barrington’s State Senators and State Representatives in the Rhode Island General Assembly, the Senate President, the Speaker of the House, the Executive Director of the Rhode Island League of Cities and Towns, and the Governor in consideration of their support to defeat this amendment to the General Laws.

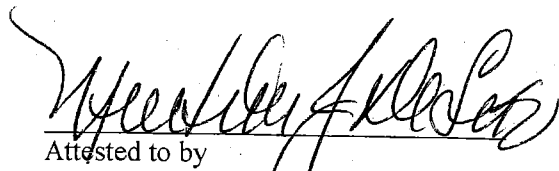
The **RESOLUTION** shall take effect on July 19, 2017.

By resolution of the Barrington Town Council

By resolution of the Barrington Town Council

At a meeting held on July 19, 2017

  
Michael W. Carroll, President  
Barrington Town Council

  
Attested to by  
Meredith J. DeSisto, CMC  
Barrington Town Clerk

Vote: 3 in favor 2 opposed

**TOWN OF NORTH SMITHFIELD, RHODE ISLAND**  
**RESOLUTION OF THE TOWN COUNCIL**  
NO 100 DATE June 22, 2017

**RESOLUTION IN SUPPORT OF THE ADOPTION OF LEGISLATION THAT  
PROVIDES REIMBURSEMENT FOR COST OF THE MUNICIPAL POLICE  
TRAINING ACADEMY**

**Whereas**, a well-trained and experienced town police force is a matter of paramount importance to the North Smithfield Town Council; and

**Whereas**, the Town of North Smithfield incurs substantial cost and expense for training police recruits at the Municipal Police Training Academy; and

**Whereas**, the Town of North Smithfield has an economic interest in retaining newly-appointed police officers for at least five (5) years after graduation from the Municipal Police Training Academy; and

**Whereas**, the Town of North Smithfield has experienced that some newly-appointed police officers leave their position with the Town of North Smithfield within five (5) years to work as a police officer in another municipality after the Town of North Smithfield has paid the cost and expense of training for a departing officer at the Municipal Police Training Academy; and

**Whereas**, the Town of North Smithfield desires to establish a provision of state law requiring: (a) that a city or town shall receive reimbursement for the cost and expense of the Municipal Police Training Academy paid for any newly appointed police officer that leaves their position within five (5) years to work as a police officer in another municipality; and (b) that reimbursement shall be paid by any municipality that hires a police officer who leaves a city or town within five (5) years after graduation from the Municipal Training Academy.

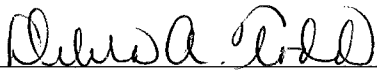
**NOW, THEREFORE, BE IT RESOLVED** that the North Smithfield Town Council hereby supports the adoption of a provision of state law requiring: (a) that a city or town shall receive reimbursement for the cost and expense of the Municipal Police Training Academy paid for any newly-appointed police officer that leave their position within five (5) years to work as a police officer in another municipality; and (b) that reimbursement shall be paid by any municipality that hires a police officer who leaves a city or town within five (5) years after graduation from the Municipal Training Academy.

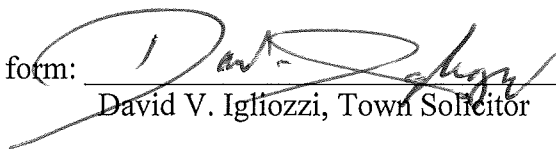
This resolution shall take effect upon passage.

SPONSORED BY: Council President John Beauregard

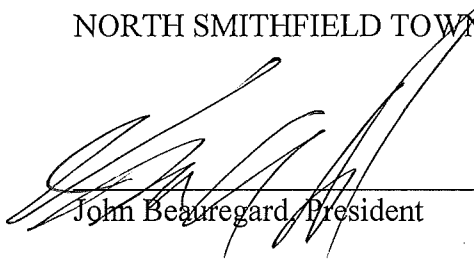
Passed by the Town Council

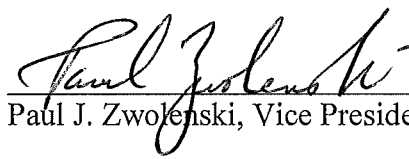
on June 22, 2017

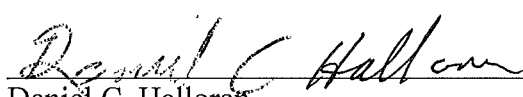
  
Town Clerk

Approved as to form:   
David V. Igliazzi, Town Solicitor


NORTH SMITHFIELD TOWN COUNCIL

  
John Beaugregard, President

  
Paul J. Zwolenski, Vice President

  
Daniel-C. Halloran

\_\_\_\_\_  
Thomas P. McGee, IV

  
Claire V. O'Hara