



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Tuesday, September 4, 2018
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/2018-meetings-minutes/2018-meetings>

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

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

VIII. UNFINISHED BUSINESS

For past discussion documentation, please visit <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2018-meetings-minutes/2018-meetings>

- A) Report and Discussion on the Activities of the Jamestown Seniors Working Group; review, discussion, and/or potential action and/or vote
 - 1) Presentation by Chair Mary E. Meagher
- B) Donation of Diepenbrock Sculpture to the Town of Jamestown for placement at East Ferry, as requested by Councilor Mihaly, continued from August 20, 2018; review, discussion and/or potential action and/or vote
- C) Upcoming Meetings and Sessions – dates and times
 - 1) Town Council Meeting Schedule – September 17th, October 1st, and October 15th; review, discussion and/or potential action and/or vote
 - 2) Golf Course, Library and School Bonds – October 1, 2018 Town Council Meeting agenda item, with public information session early to mid-October at a date to be determined, continued from August 20, 2018; review, discussion and/or potential action and/or vote

IX. NEW BUSINESS

- A) Adoption of Resolution No. 2018-17: Advances for Engineering Expenses Regarding South Pond Dam; review, discussion, and/or potential action and/or vote
- B) Placement of Signs on Town-owned and other Publicly-owned Properties; review, discussion, and/or potential action and/or vote
- C) Award of Bid: Articulated Concrete Block for the South Pond Dam Improvement Project to ACF Environmental for an amount not to exceed \$48,450.00, as bid, as recommended by Public Works Director Michael C. Gray; review, discussion, and/or potential action and/or vote
- D) Award of Bid: Engineered Fill for the South Pond Dam Improvement Project to Dry Bridge Sand and Stone for a unit bid price of \$14.60 per ton, as bid, as recommended by Public Works Director Michael C. Gray; review, discussion, and/or potential action and/or vote

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

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 Town Council Minutes
 - 1) August 20, 2018 (regular meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Philomenian Library Board of Trustees (07/10/2018)
 - 2) Jamestown Philomenian Library Board of Trustees (07/17/2018)
 - 3) Jamestown Zoning Board of Review (07/24/2018)
- C) CRMC Notices

- 1) Public Notice of application filed by Eastward Vista, LLC for Assent to construct and maintain 1200 pound boat lift on existing residential boating facility at Plat 4 Lot 33 East Sore Road, East Passage of Narragansett Bay, with written objections due on or before 9/15/2018
 - 2) Public Notice of Proposed Rule Making Direct Final Amendment to Aquidneck Island SAMP Coastal Development Regulations with formal objections due by September 21, 2018
 - 3) Public Notice of Proposed Rule Making for Direct Final Repeal of Coastal and Estuarine Land Conservation Program with formal objections due by September 21, 2018
 - 4) Public Notice of Proposed Rule Making for Direct Final Repeal of Energy Amendments with formal objections due by September 21, 2018
 - 5) Public Notice of Proposed Rule Making for Direct Final Repeal of Rule Making Guidelines for Development of Municipal Harbor Management Plans with formal objections due by September 21, 2018
 - 6) Public Notice of Proposed Rule Making for Direct Final Amendment to Metro Bay SAMP Urban Coastal Greenways with formal objections due by September 21, 2018
 - 7) Public Notice of Proposed Rule Making for Direct Final Repeal of Metro (Providence Harbor) SAMP Hazards Chapter with formal objections due by September 21, 2018
 - 8) Public Notice of Proposed Rule Making for Direct Final Repeal of Providence Harbor: A Special Area Management Plan with formal objections due by September 21, 2018
- D) Abatements/Addenda of Taxes
 Total Abatements: \$57,507.40 Total Addenda: \$54,406.21
- 1) Motor Vehicle Abatements to 2016 Tax Roll

<u>Account/Abatement Amount</u>	
a) 07-0123-50M	\$ 74.77
 - 2) Motor Vehicle Abatements to 2017 Tax Roll

<u>Account/Abatement Amount</u>	
a) 07-0123-50M	\$ 43.27
 - 3) Motor Vehicle Abatements to 2018 Tax Roll

<u>Account/Abatement Amount</u>	
a) 03-0120-77M	\$ 6.17
b) 10-0230-00M	\$ 130.75
c) 18-0140-06M	\$ 19.39
 - 4) Real Estate/Tangible Abatement to 2018 Tax Roll

<u>Account/Abatement Amount</u>	
a) 02-0896-93	\$6,471.65
b) 02-1035-80	\$5,805.78
c) 03-0330-00	\$3,410.44
d) 07-0367-00	\$3,793.90

e)	07-0894-04	\$2,191.79
f)	08-0021-00	\$4,208.51
g)	08-0460-88	\$2,561.04
h)	12-0927-75	\$8,726.91
i)	16-0054-40	\$2,375.87
j)	18-0006-19	\$3,433.70
k)	20-0539-40	\$8,271.74
l)	23-0110-02	\$2,719.25
m)	26-0098-00	\$3,262.47

5) Addenda to the 2018 Tax Roll

Account/Addenda Amount

a)	02-0896-93	\$2,719.25
b)	02-1301-20	\$4,208.51
c)	03-1419-10	\$3,410.44
d)	03-1545-50	\$2,375.87
e)	07-0034-65	\$3,793.90
f)	12-0100-97	\$5,805.78
g)	12-0927-75	\$2,561.04
h)	13-2251-00	\$6,471.65
i)	14-0432-20	\$8,726.91
j)	19-1159-91	\$2,191.79
k)	23-0138-00	\$3,262.47
l)	26-0027-00	\$8,271.74

6) Addenda to the 2018 Motor Vehicle Roll

Account/Addenda Amount

a)	02-0380-80M	\$ 160.39
b)	03-0590-60M	\$ 189.26
c)	06-0108-30M	\$ 126.65
d)	16-0147-55M	\$ 6.17
e)	18-0020-20M	\$ 124.39

E) Abutter Notification: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on September 25, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following:

- 1) Application of Wildacre Allagash, LLC (Eric Bottaro, Owner) whose property is located at Seaside Drive and Beach Avenue, and further identified as Tax Assessor's Plat 15, Lot 215 for:
 1. a Variance from Article 3, Section 302, District Dimensional Regulations to allow front setback relief from Beach Avenue for 27.9' setback in an R-40 zone where front setback requirement is 40'; and
 2. a Special Use Permit from Article 3, Section 2-314(c), High Groundwater Table and Impervious Layer Overlay District to allow construction of a single family home with a 4 bedroom OWTS. Said property is located in an R-40 zone and contains 25,668 square feet.

- F) One Day Event/Entertainment License Application
 - 1) Applicant: Jamestown Rotary Club
 - Event: 43rd Annual Jamestown Classic Bike Race
 - Date: October 8, 2018
 - Location: Fort Getty/Streets of Jamestown/Fort Getty
 - a) Request for Waiver of Pavilion Rental Fee

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

- A) Communications
 - 1) Letter of James Rugh re: expressing support for placement of Diepenbrock sculpture at East Ferry
 - 2) Email of Allie Sabalis re: Display of Public Art in Jamestown
 - 3) Email of Michael Swistak re: Jamestown Public Art Policy and Proposal for new Installation
 - 4) Email of Duncan Pendlebury re: in agreement with the cautions expressed by Michael Swistak
 - 5) Letter of Maria Semeraro-Bellanca seeking assistance in raising awareness of October as “Dysautonomia Awareness Month”
 - 6) Letter of ACLU Executive Director Steven Brown re: Town of Jamestown Sign Ordinance and political signs

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Veterans’ Exemptions
- B) Part-time employee salaries
- C) Town Council/Public use of cell phones at meetings
- D) EMS Barn Property
- E) Abandonment of Bell Lane
- F) Safe Routes to School (September 17)
- G) Fort Getty Program Discussion (September 17)
- H) Approval of Five-year Renewal of the Island Rubbish Recycling Contract (September 17)
- I) Fort Getty Utility Impacts (September 17)
- J) Summer Recreation Wrap-up (September 17)
- K) Proceed to advertise for Liquor License Renewals (September 17)
- L) Water supply concerns in the Jamestown Shores (October)

XIV. EXECUTIVE 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.

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 not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website August 30, 2018

Seniors Working Group

Nancy Beye, Ellie Chase, Heidi Keller Moon,
Mary Meagher Gene Mihaly, Andy Nota
Attorneys Kristen Maccini and Peter Ruggiero

We met April 5, April 19 and July 19, 2018

FRIENDS OF JAMESTOWN SENIORS ISSUES TO BE ADDRESSED WITH TOWN OF JAMESTOWN IN EXECUTIVE SESSION March 26, 2018

FRIENDS OF JAMESTOWN SENIORS ISSUES TO BE ADDRESSED WITH TOWN OF JAMESTOWN IN EXECUTIVE SESSION March 26, 2018

1. **Separate Offices for Senior Coordinator and Friends**
 - a. When the Town offered employee status to Friends Executive Director Ellen Vietri they continued to use and effectively appropriate the office at the Grange without any discussion with the Friends;
 - b. Bustle of senior activity at the Grange disruptive; issues of privacy, security, phone calls, messages and voice mail, phone bill, use of printer and other equipment, Wi-Fi
2. **Scheduling, oversight and use of Grange property**
 - a. Scheduling for complementary use
 - b. Programing issues
 - i. No senior programs or services provided by Town prior to 2015, all Friends generated;
 - ii. Details of payment for programs need to be agreed upon i.e. Town has advertised some Friends programs as Parks and Recreation Department programs charging fees that Friends had provided for free
 - c. Kitchen
 - i. Use
 - ii. Contract with Westbay - has it been revised without consultation and notice to Friends?
 - d. Custody and management of keys
3. **Grant applications and distribution entity**
 - a. Who applies - history of Friends having applied, i.e. CDBG, Sen. Paiva-Weed, Rep. Ruggeri
 - b. Distribution recipient: to Friends directly? to Town, earmarked for Friends?
4. **Specific projects at the property that were budgeted**
 - a. Downstairs floor \$20K (2017-2018 budget)
 - b. Air conditioning, soundproofing \$20K (2018-2019 budget)
Have not been done and the funds for these continue to be held by the town.
Further, grant money obtained by the Friends organization
 - c. \$8K community development grant to fix pipes, also being held back by the Town
5. **Van**

The town asked to use the Friends organization's charitable 501©3 status to obtain a grant to purchase a 15-passenger van. They succeeded in getting the grant while the Friends separately raised more funds. The Town was then able to purchase the van. Subsequently, the Town advised the Friends they would need to pay a portion of the cost of insurance, fuel and driver salary. No terms and conditions of use were ever discussed between the Town and the Friends.

1. Separate Offices for Senior Coordinator and Friends

- a. When the Town offered employee status to Friends Executive Director Ellen Vietri they continued to use and effectively appropriate the office at the Grange without any discussion with the Friends;
- b. Bustle of senior activity at the Grange disruptive; issues of privacy, security, phone calls, messages and voice mail, phone bill, use of printer and other equipment, Wi-Fi

2. Scheduling, oversight and use of Grange property

- a. Scheduling for complementary use
- b. Programing issues
 - i. No senior programs or services provided by Town prior to 2015, all Friends generated;
 - ii. Details of payment for programs need to be agreed upon i.e. Town has advertised some Friends programs as Parks and Recreation Department programs charging fees that Friends had provided for free
- c. Kitchen
 - i. Use
 - ii. Contract with Westbay - has it been revised without consultation and notice to Friends?
- d. Custody and management of keys

3. Grant applications and distribution entity

- a. Who applies - history of Friends having applied, i.e. CDBG, Sen. Paiva-Weed, Rep. Ruggeri
- b. Distribution recipient: to Friends directly? to Town, earmarked for Friends?

4. Specific projects at the property that were budgeted

- a. Downstairs floor \$20K (2017-2018 budget)
- b. Air conditioning, soundproofing \$20K (2018-2019 budget)
Have not been done and the funds for these continue to be held by the town.
Further, grant money obtained by the Friends organization
- c. \$8K community development grant to fix pipes, also being held back by the Town

5. Van

The town asked to use the Friends organization's charitable 501©3 status to obtain a grant to purchase a 15-passenger van. They succeeded in getting the grant while the Friends separately raised more funds. The Town was then able to purchase the van. Subsequently, the Town advised the Friends they they would need to pay a portion of the cost of insurance, fuel and driver salary. No terms and conditions of use were ever discussed between the Town and the Friends.

From the minutes of the April 19 Meeting

Larger Issue:

What do the Friends want the relationship to be?

What does the Town see as the role of the Friends?

From the minutes of the April 19 meeting:

Chair Meagher: The December 17, 2015 Town Council Meeting Minutes reflect the Friends seeking **assistance** from the Town and the Town seeing it as a **consolidation.**

From the minutes of the April Meeting:

Chair Meagher: What is the **assistance** the Friends were seeking and what does the Town mean by **consolidation**? The terms of the relationship were not articulated.

**Preliminary Proposal: Elements of
relationship between FOJS and
town of Jamestown in support of all
future senior services**

In recognition of the role that the Friends of the Jamestown Seniors Inc. (FOJS) has played in the identification and provision of senior services in the town of Jamestown, through the individual contributions of its many members and its continuous collective efforts as a group, since well prior to their establishment as a 501(c)(3) on 8/8/89 up to the present day;

And specifically, in acknowledgment of the town of Jamestown's history of reliance on the FOJS to:

- identify senior program needs in the town, and
- exclusively administer all town budgeted senior funds, which FOJS combined with their privately raised funds, to support all senior services in the town of Jamestown, and
- continue to offer and provide the 6 West Street property as the continued site of such programming

And In further acknowledgment that:

- on 12/19/15 the town administrator expressed an interest in folding all senior services under a town umbrella going forward, and
- no memorandum of understanding was ever developed for such purpose, and
- The town and the FOJS express genuine desire to provide superior senior services to senior residents of the town

The FOJS proposes the following as desirable elements of a Memorandum of Understanding:

– **Creation of a Senior Services department within the town**

- To handle matters including but not limited to outreach, social services, health promotion, physical fitness, recreation, life-long learning, transportation and caregiver support services relating to persons of senior status
- To be headed by a director level professional
 - whose job it will be to coordinate senior input from all sources, primarily the FOJS and the town, and
 - who reports to the town and not the Parks and Recreation Department

From the minutes of the July Meeting

Member Moon commented on the difficulty in finding the Jamestown Seniors on the Town website, as it falls under the Parks and Recreation Department. Chair Meagher stated this can be revised. Member Moon further commented on the unique nature of Jamestown's Senior Center. Discussion ensued of Senior Services as a separate department and what is needed to achieve it, including budget development and funding.... Town Administrator Nota stated nothing would change with a Senior Services Director, and **he is supportive of the change**. However, it will take time to achieve, and this discussion can be continued.

– Understanding of the use, maintenance and control of 6 West St.

- FOJS will continue to maintain control over the use of the property, including all rentals and proposed use by any persons or organizations
- FOJS will notify the town of need for routine maintenance and routine repairs and the town will be solely responsible for these expenses
- As long as the property continues to be used as a site for town senior services, any and all proposed capital improvements or changes to the property will require coordination between FOJS and the town. **FOJS shall continue to retain sole and ultimate decision-making authority on all such matters.**

From the Minutes of the July Meeting

Chair Meagher noted this section involves maintenance and control of the West Street building. Member Chase gave examples of recent routine maintenance support noting the building is used daily and needs work. The expectation of the Seniors is they would have a place of their own, which currently is the Grange Hall. Councilor Meagher stated her concern with the statement under c. regarding capital improvements “FOJS shall continue to retain sole and ultimate decision-making authority on all such matters.” It sounds like the Town gets the bill, but FOJS makes all the decisions.

From the minutes of the July Meeting:

Member Chase stated as with all collaborations everything can be worked out. She noted the groups other than the Seniors that need a meeting place and the nominal fees charged. Chair Meagher noted her major concern is that a greater authority is given to the FOJS for major improvements to the facility. Donald Richardson referenced past building improvements to the Grange building performed by volunteers at no cost to the taxpayers.

From the minutes of the July meeting:

Town Administrator Nota expressed respect for FOJS and the work they have done and referenced budget line items back to the 1982-83 budget funding senior services. Recognition for the work of volunteers ensued. In 2015 additional maintenance and support was needed and FOJS turned to the Town for funding. One of the terms for that funding was **consolidation**. Does the FOJS want to remove the Town from providing funding? FOJS answered no. How decisions are made needs to be discussed to determine how to memorialize that in a document. We need FOJS to articulate Subsection II for discussion of the nuts and bolts **at the next meeting**.

Jamestown Seniors Working Group

Denise Carlin-Gamon <dgamon@jamestownri.net>

 This message has been replied to or forwarded.

Sent: Mon 8/6/2018 12:37 PM

To: Andrew Nota; 'eugene@mihaly.org'; meagherjamestowntc@gmail.com; peter@rubroc.com

Good afternoon,

Chief Tighe has cancelled the Jamestown Seniors Working Group scheduled for August 9, 2018 @3:30.


Respectfully,

Denise Gamon

Assistant Clerk

Friends of Jamestown Seniors



ksmaccini@gmail.com on behalf of Kristen Maccini <ksmaccini@cox.net>

 You forwarded this message on 8/10/2018 10:19 AM.

Sent: Thu 8/9/2018 4:19 PM

To: Mary E. Meagher

Cc: Eugene B. Mihaly; Thomas Tighe; Heidi Moon

 Message  FOJS-Chair MM 8-9-18.pdf (304 KB)

Hello Mary,

Kindly see the attached letter from the Friends of the Jamestown Seniors.

Thank you.

Very truly yours,

Kristen

Kristen Sloan Maccini

Attorney at Law * Mediator

ksmaccini@gmail.com

(401) 458-0794

K Sloan Maccini Law & Mediation, LLC

ksmlawmediation.com



August 9, 2018

Mary Moagher
Chairperson
Jamestown Seniors Working Group
(By email to mesaghejamestowntc@gmail.com)
And copy hand-delivered to Town Hall)

Dear Chairperson Moagher:

I write to you in your capacity as chairperson of the Senior Working Group. The purpose of this letter is to confirm that you and fellow Senior Working Group and Town Council member Mihaly intend to bring to the full Town Council at its Aug. 20 meeting the Friends of the Jamestown Seniors' (FOJS) "Preliminary Proposal Elements of relationship between FOJS and town of Jamestown in support of all future senior services" as presented by the FOJS to the Senior Working Group at its meeting on Jul. 19, 2018.

My notes suggest that you had agreed to bring what was referred to during our discussion as issue #1, the FOJS proposal for a new town Department of Senior Services, to the Council at this meeting. What was less clear, but equally important, is issue #2 – the FOJS' desire to retain control over all decision making regarding 6 West Street, (used and known as the Jamestown Senior Center) with the continued commitment of the Town to help with major property expenses.

I am advised that currently the Town responds to and handles (with labor and materials etc.), FOJS requests for routine maintenance (cleaning sink traps, painting, minor carpentry work). And if there's a more major problem, the FOJS and Town discuss, collaborate and determine how they will pay for it. The FOJS believes this arrangement has worked to date. May I suggest that some members of the FOJS board would be pleased to attend the Aug. 20 Town Council meeting and be available to provide any further clarification the Council might request on how this arrangement has worked such that is desirable to maintain it going forward?

My recollection is that you questioned the fairness of this arrangement. Such an arrangement would not have been proposed were it not for the fact that the FOJS, formed as a 501(c)(3) in 1989 for the purpose of renovating this building (which the members accomplished at their own expense through funds they raised and donations of members' time) and as rent paying lessee, custodian and manager of the property thereafter and to this day, has occupied and maintained it for the continued benefit of the entire Jamestown Senior community. This includes donating it to the town's use as a daily meal site.

The FOJS maintains this as an accurate statement of its interest and accordingly

Kristin MacCini Law & Mediation, LLC
34 Northcove Street, 2nd Floor
Jamestown, RI 02836
www.kmlawmediation.com

From Attorney Maccini's letter:

I am advised that currently the Town responds to and handles (with labor and materials etc.), FOJS requests for routine maintenance (cleaning sink traps, painting, minor carpentry work). **And if there's a more major problem, the FOJS and Town discuss, collaborate and determine how they will pay for it. The FOJS believes this arrangement has worked to date.** May I suggest that some members of the FOJS board would be pleased to attend the Aug. 20 Town Council meeting and be available to provide any further clarification the Council might request on how this arrangement has worked such that is desirable to maintain it going forward?

From Attorney Maccini's letter

My recollection is that **you questioned the fairness of this arrangement.** Such an arrangement would not have been proposed were it not for the fact that the FOJS, formed as a 501(c)(3) in 1989 for the purpose of renovating this building (which the members accomplished at their own expense through funds they raised and donations of members' time) and as rent paying lessee, custodian and manager of the property thereafter and to this day, has occupied and maintained it for the continued benefit of the entire Jamestown Senior community. This includes donating it to the town's use as a daily meal site.

From Attorney Maccini's letter

The FOJS maintains this as an accurate statement of its interest and accordingly, **believes no more detailed explanation is necessary before presentation to the** Town Council . Their hope is that the Town Council will express its opinion on the two (2) concepts and if positive, details of these arrangements may be worked out in a jointly prepared memorandum of understanding. The absence of any such memorandum of understanding contributes substantially to the difficulties between the FOJS and the Town.

P E T E R D I E P E N B R O C K

32 Hamilton Ave, Jamestown, RI 02835 401-575-1218

peter@peterdiepenbrock.com www.peterdiepenbrock.com

Why the Whale's Tail?

The Whale affirms Jamestown's place by the sea.

- A nod to the Ocean State and an interest in a healthy and thriving marine environment.
- It's not about whaling history, it's about the ocean's future.

Sculpture setting will be enjoyed by many.

- Part of the improved East Ferry waterfront area and separate from the traditional Christmas tree site.

Public artwork demonstrates Jamestown's support for the arts.

- A visible and prominent sign of the island's vibrant culture.

Why not a different subject?

- Yes, Why not?! A heron, egret, seal or other tribute can be featured in future artworks.
- This project, if successful, can encourage more public art in our community!

Practical concerns:

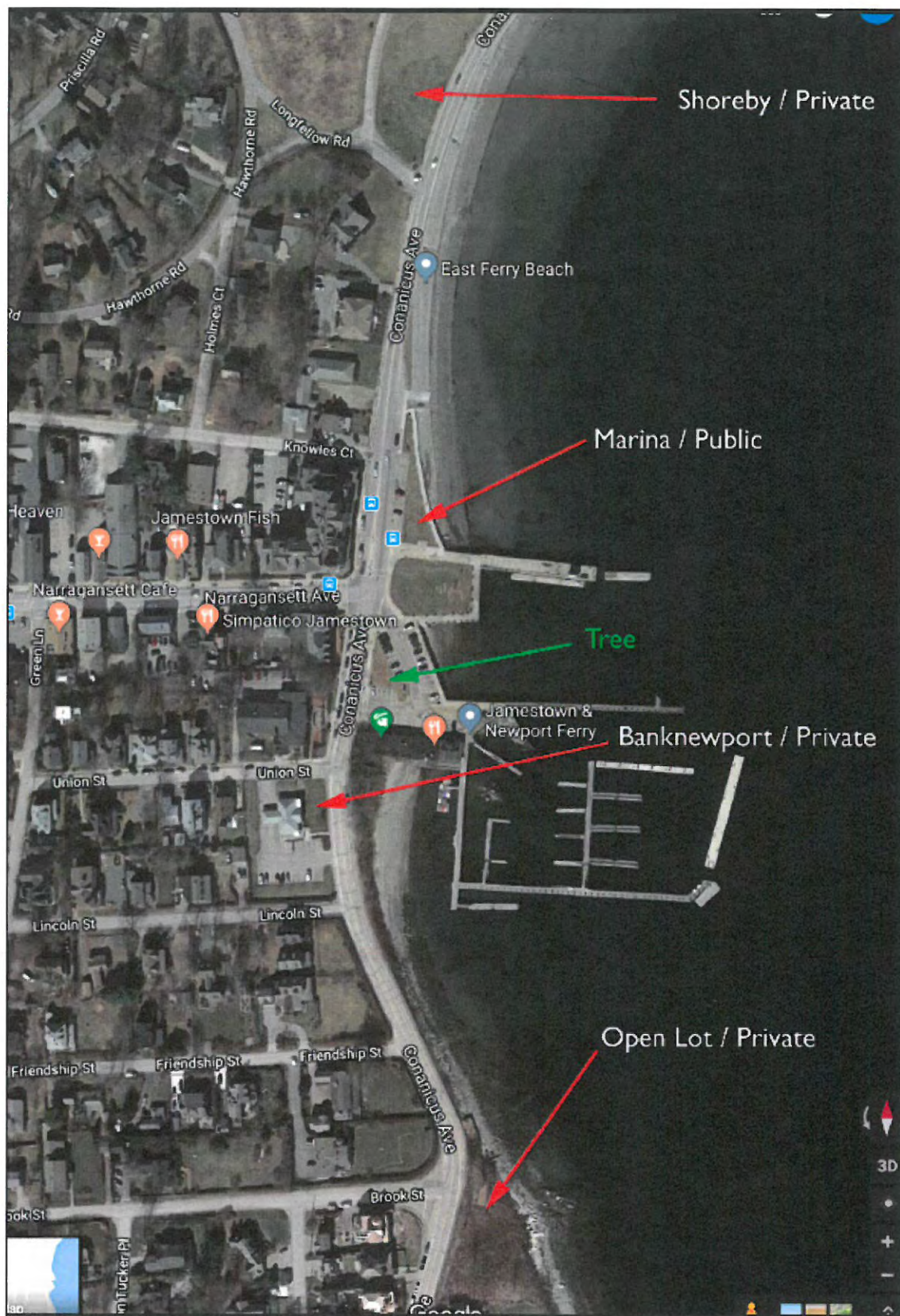
- The material, form, and structure will sustain harsh winter conditions.
- Stainless steel requires low to no maintenance.
- Form is not climbable: kids won't get hurt.

Sculpture will be privately funded.

- No public or tax dollars involved.

Show your support at the next Town Council meeting:

- Tuesday, September 4, 7 P.M.



8/31/18

Jamestown Whale's Tail Project

A proposal of a gifted sculpture from a private Donor Committee to the Town of Jamestown for a permanent installation in the marina district of the village, or other site as determined by the Town Council.

Sponsorship + Donor Steering Committee

This Committee formed spontaneously as a group of Jamestown residents who simply loved the Whale's Tail enough to initiate this proposal. In a very short period of time, they have successfully raised 100 percent of the project cost with more than 50 individual private pledges.

Pat Tuff
Joanie Swift
Wendy Ross

Artwork Category

A "next in series" duplication of an existing sculpture, as seen temporarily installed in Jamestown between July 2 and July 20, 2018: to be commissioned by the Donor Committee, and then upon completion, gifted to the Town of Jamestown.

Artist:

Peter Diepenbrock

A full-time professional public artist, full-time resident of Jamestown with more than 30 years of professional engagement in the field of sculpture and an emphasis on public installations.

www.peterdiepenbrock.com

Artwork:

Working Title:	Whale's Tail
Size:	9'8"h x 9'5"w x 8'd
Material:	#316 Stainless steel
Date:	TBA
Cost:	\$90,000
Footing and Lighting estimate:	\$12,500
Project Total Value:	\$102,500

Donor Funding status: 100 percent pledged, pending final approval.

Legal Agreements

The project will require two agreements. The first contract, or Letter of Agreement, will be between the artist, Peter Diepenbrock, and the Donor group, with specific provisions yet to be determined. This agreement will define the exact sculpture as described in this proposal, with a matching expected delivery date, and all overlapping concerns for a safe and successful delivery and installation. This agreement will include the costing schedule and will provide the basis for payments to the artist.

This payment schedule typically follows a 50 percent deposit, 25 percent progress payment, and 25 percent completion payment due upon completion but prior to installation. This provides financial coverage for the artist, should delays in the installation occur that are beyond his control.

The second agreement shall be between the Town of Jamestown and the Donor Committee and will define the over-arching scope of the project, including provisions for the sculpture, the site, schedule, insurance, liability, and formal community representation.

Production / Installation

Upon approval from the Town Council, and subsequent agreement between the artist and the Donor Committee, Peter Diepenbrock will fabricate the sculpture in his Jamestown studio over a five-month period.

It is the hope of the Donor Committee to initiate this agreement by December 15, 2018, with a build schedule that can begin in January of 2019. The target for final installation is June 15, 2019. Without requiring a strict term limit to this offer, it remains the hope of the Donor Committee that the Town Council will make a final decision within the next three months.

The design for the footing and base has not been confirmed but will likely include a 10-inch thick circular slab of granite, (or cast concrete) with a side-wall exposure of 8 inches. With electricity already available at the recommended site, the installation of night lighting can be easily accommodated. The technical design of the footing will be reviewed by a licensed engineer, with stamped drawings made available for town review and confirmation. The appearance of the footing can be refined and confirmed with the input of the ad hoc committee.

Maintenance

This sculpture will be fabricated entirely of the highly corrosion-resistant grade #316 stainless steel. This material is considered a low, to no maintenance material. For conservation, the recommended maintenance schedule suggests a biannual application of a water-soluble citric acid solution. This solution can be applied, and scrubbed off, by a two-person team on a single eight-hour day. Should this application not be applied, no significant damage will result. At most a superficial oxidation may develop, which can always be removed by the above-described solution. The grounds surrounding the sculpture are expected to remain as town-maintained grass landscapes.

Insurance

Any damage caused by an "act of God", such as a violent storm, or hurricane, will be considered outside the scope of a maintenance schedule. An appropriate clause for insurance coverage is to be discussed and will likely fall under the coverage currently provided by the Town of Jamestown for any of its property. During the fabrication period, and up to the moment of transfer of ownership from the Donor Committee to the Town, coverage will be provided by the artist's own policy.

Fund Raising

To date, the required funds have been fully pledged, with donations continuing to be offered beyond the required cost.

Publicity

In the realm of gifted sculpture, it is rare for a sculpture to be temporarily sited in the community environment prior to final approval. In this case, the sculpture was unanimously approved by the Town Council for a temporary two-week public display in an extremely prominent location for the entire community to see and evaluate. It is from this temporary display that the Donor Committee emerged spontaneously to seek a permanent version. Several articles have been published explaining the nature and scope of the installation. At a second meeting The Town Council passed a motion to approve a second conditional approval for the sculpture, providing that the project is made evident to the entire community.

Subsequently, the Donor Committee has printed, and is currently distributing 1000 5 x 7 announcement cards describing the proposed sculpture and suggested site, throughout the village. Additionally, the Donor Committee will be running a prominent advertisement in the local paper to further inform the public. Letters of support are being requested and received from the various local art groups, with continued efforts of outreach proceeding on a daily basis.

Acceptance Criteria

Relevance and Compatibility

The Donor Committee is convinced of the relevance of this sculpture effectively representing the physical and social dynamics of the community, and that this relevance will endure for decades to come.

Jamestown sits at the mouth of the Narragansett Bay and can be considered a gateway community to the open ocean itself. The gesture of a Whale's Tail is not intended to represent the history of whaling, but the exact opposite: It is about the ocean's future! It is a direct salute to the Ocean State, and a nod in support of a healthy and thriving marine environment. The scale of the sculpture is monumental, yet also in keeping with a life size depiction of a mature humpback whale. The site suggested in this proposal is extremely conducive to a public art placement, both adjacent to the shore, and to the pedestrian activity of the marina district. The particular plot of land has to date been under-utilized, and under-recognized as a beautiful gathering place. The placement of the Whale's Tail in this location will provide an ideal example of place-making.

Artistic Excellence

This particular sculpture will be fabricated personally by Peter Diepenbrock to the same standards of excellence that he brings to all of his projects. To date Diepenbrock has demonstrated his capacity with successful and lasting public art installations dating back to 2001. These include:

Torsion IV, The Glass House, Bridgewater, N.J.

Clock Man, The Foundry Complex, Providence, R.I.

Transversion, The Lakewood Public Library, Lakewood, Ohio

The Ark and Yahrzeit Memorial, Temple Beth Elohim, Wellesley, Ma.

Torsion III, The University of Rhode Island, Kingston Campus, R.I.

Infinity III, The Town Of East Greenwich, R.I.

The 9/11 Memorial, Rhode Island State House, Providence, R.I.

In addition to these public projects, Diepenbrock has completed several dozen private installations in Rhode Island, Massachusetts, New Jersey, New York, California, Panama, and Germany. For additional experience, please see his attached resume.

Durability

The entire sculpture will be welded directly onto a 60-inch diameter, half-inch thick disc of stainless steel. Six to 10 hole-locations will allow for a secure bolted attachment to the granite, or concrete footing. The footing will be installed according to standard requirements for a New England winter environment. The sculpture will have a substantial internal armature, fabricated in a 3/8-inch solid stainless rod, which runs from the base plate up to the fluke tips, supporting the entire form internally. The external surface is fabricated from several thousand overlapping stainless steel plates measuring 3 1/3-inch x 6-inch x 1/16-inch thick each, and welded at every overlapping corner. The collective thickness at these corners is nearly a quarter-inch

All edges are sanded smooth to the touch, with a final application of a citric acid solution that passivates the surface, protecting it from superficial oxidation.

Public Safety

The form of the Whale's Tail is such that climbing is essentially impossible. Children and adults can approach the form at ground level, providing for friendly family photos, with no exposure to sharp edges, pointed detailing, or low overhanging shapes. This one concern can eliminate most public sculptural proposals and is of a paramount concern in a final evaluation.

Viability

The Donor Committee believes the timing for this installation is ideal. With the renovation in the marina district underway, this proposal can influence aspects of the landscape design currently underway. The suggested site brings to light the neglected feel of this triangular area, including an outdated bus stop, and slight crowding from adjacent parking.

Further, the temporary placement of the Whale's Tail in the location reserved for the annual Christmas tree has opened up the potential for using that site for other temporary works of public art, without conflicting with the traditional seasonal display of the tree. We see this as a separate discussion and not one to be included in this particular proposal, but which can be seen as newly recognized opportunity.

Procedures

Given that no formal process currently exists for the evaluation of public art in the Town of Jamestown, this proposal can be considered precedent setting. But it is also worth noting that this project has evolved in a very reasonable and coherent process.

- Artist proposes an existing sculpture for temporary installation in a public site.
- Town Council approves a temporary installation of the existing sculpture and provides the assistance of the public works crew in the transportation and installation.
- The temporary sculpture is on display for two weeks.
- The private owner of the sculpture has it removed and delivered to its final destination.
- A community group forms and raises funds for a duplicate yet permanent new version of the sculpture.
- 100 percent of funding is pledged in less than 6 weeks.
- The Donor Committee seeks and receives conditional approval from the Town Council, providing the project receives broad, enthusiastic, and tangible support from the community.
- The Donor Committee responds by seeking letters of support from the various art groups, runs an add in the paper, and distributes 1000 cards around the village describing the project and announcing the next town meeting.

Suggested next steps

At the next Town Council meeting of September 4, 2018, the contents of this proposal will be presented to the Council by the Donor Committee, and Peter Diepenbrock.

It is expected and suggested, that the Town Council shall request the formation of an ad hoc committee comprised of a town planner, two art professionals, and a business representative, tasked with reviewing and clarifying the specifics of this proposal, with special focus on evaluating the currently suggested site, or new and potential sites. These findings would then be presented to the Town Council, perhaps by October 15, 2018.

If the site conditions and all related concerns for this project meet with the approval of the ad hoc committee, and the Town Council members continue in support of the project, it is our hope that final acceptance would be provided by the Town Council by November 15, 2018.

These site evaluations made by this ad hoc committee may include suggestions for design alterations to the site or sites that will increase the success of the overall user experience. It is assumed that further landscape improvements suggested as a result of this review may fall outside the scope of the private sponsorship of the sculpture, the footing, and lighting.

But it may also be possible, should this current fund-raising effort continue, to fund some new suggested improvements to the site. One specific example may include a new and improved bus stop shelter. This could be offered to the community in the form of a design competition, with a preset budget. This can also be considered precedent setting: encouraging design creativity and implementation through public engagement, in various locations around the island.

This document was drafted by Peter Diepenbrock using the guidelines established by the City of Vancouver as an outline, with specific content integrated from our current proposal. Formal edits and changes have been provided and directed by the Sponsorship + Donor Committee.

Sponsorship and Donor Committee

Pat Tuff

Wendy Ross

Joanie Swift

Artist

Peter Diepenbrock

Peter Diepenbrock

32 Hamilton Ave.

Jamestown, RI. 02835

401-575-121

peter@peterdiepenbrock.com

www.peterdiepenbrock.com

EDUCATION

BID, INDUSTRIAL DESIGN

Rhode Island School of Design, Providence, RI

BFA, INDUSTRIAL DESIGN

Rhode Island School of Design, Providence, RI

PUBLIC COMMISSIONS

2018

BRONZE ROOSTER FISH

96" w x 56" h x 22" d

Bronze

Islas Secas Resort

Panama

Belvedere Property Management

2017-2018

NATIONAL RESOURCES

Greenwich CT.

Six Sculpture Series

BIG FLURRIES

6' h x 12' w Wall Piece

Stainless

TORSION IV

12' h x 9' w x 6' d Free standing sculpture

Stainless

Spectral Shift

72" h x 30" x 30" Suspended

Stainless and Dichroic glass

Whales Tail

10' h x 10' w x 8' d Free Standing

Stainless

Sail Vessel IV

9' h x 7' w x 4' d Free Standing

Stainless

Quilted Cod II

32" h x 84" w x 9" d Suspended

2017

CLOCK MAN

Monumental Clock with Figure

Roof Top / Foundry Complex

12' h x 18' w x 24' d

The Foundry

Providence, RI.

2015

MAKING WAVES

6' h x 24' w 8' d

Three Piece Installation

Stainless Steel

East Bay Met School Newport, Newport RI

- 2013 **HOLOCAUST MEMORIAL**
Steel, bronze, stone
64"h x 46"w x 8"d
Congregation Beth El Atereth Israel
Newton, Mass.
- 2013 **SICILIAN FISHERMAN'S TRIBUTE**
North Boston
Semi finalist
- 2011 **TRANSVERSION**
14' 6"h x 14'6"w x 8' d
Bronze, stainless steel
Lakewood Public Library, Lakewood, Ohio
Artist Fee: 125,000
- 2010 **ARK AND SURROUND FOR TEMPLE BETH ELOHIM**
Collaboration with William Rawn Associates
Bronze, wood, stone, custom cast glass
18'h x 13'w x 7'd
Temple Beth Elohim
Wellesley, Mass
- 2010 **YAHARZEIT MEMORIAL FOR TEMPLE BETH ELOHIM**
1540 bronze castings
42"h x 42'w x 1.5"d
Temple Beth Elohim
Wellesley, Mass.
- 2009 **TORSION III**
13.5' x 9.5' x 11' Bronze
University of Rhode Island
Lippitt Hall
- 2007 **UNDULATING FLURRIES**
10.5' x 8.5' Stainless steel Wall Piece
One Exeter LLC. One Exeter Plaza
Boston, Mass.
- 2005 **INFINITY III**
11' x 8' x 3' Free Standing Sculpture for Main Street
The Town of East Greenwich
East Greenwich, RI
- 2002 **9/11 MEMORIAL**
Bronze, granite, glass, gold leaf
9'h x 42"w x 16"d
Rhode Island State House, Liberty Bell Atrium
Providence, RI

PRIVATE AND CORPORATE COMMISSIONS

- 2015 **OVALOID**
Private Residence
Fabricated bronze
84"h x 20"w x 20"d
Providence RI
- 2013 **SEQUENTIAL CONVERGENCE**
14'h x 40"w x 40"d
Stainless steel totem
Private residence, South Dartmouth, Mass.

2010 **TOTEM II**
 Private Residence
 Essex Ct.
 12'h x 12"w x 12"d
 Stainless steel

2009 **ORB**
 Private Residence
 Newton, Mass
 6'h x 4'w x 4'd

2009 **UNTITLED WALL PIECE**
 7'h x 4'w x 3'
 Steel, wax
 Martha's Vineyard
 Private Residence

2007 **TRIPPLE WAVE**
 9' x 42" x 9" stainless steel wall piece
 Energy Capitol
 San Diego, California

2006 **DELINEATED FISH**
 14' x 3' x 8" Suspended copper fish
 The Mooring, Newport Harbor Corporation
 Newport, RI

2005 **SUNBURST**
 5' x 5' x 10" Stainless Steel Wall Piece
 Sunny Days Corporate Headquarters
 Manalapan, NJ

2004 **INFINITY II**
 9' x 3' x 3' Stainless steel Sculpture
 Private Residence
 Providence, RI

2004 **INFINITY I and THREE SQUARES**
 Hinkley, Allen and Snyder Law Firm
 Corporate Headquarters, Providence, RI

2004 **FLOATING WAVE**
 15' x 11' x 1' Suspended Ceiling Installation
 Rising Sun Mills
 Providence, RI

2003 **THE IBIS COLLECTION**
 Seven Piece Sculpture Installation
 Ibis Corporate Headquarters
 Providence, RI

2002 **WHALE'S TAIL**
 12' x 9' x 8' Stainless Steel Sculpture
 Private Residence, Little Compton, RI

2002 **LOBBY WALL INSTALLATION**
 Collaborative glass and aluminum wall sculptures
 The Clarret Group, New York

2002 **FRAMING SYSTEM**
 Custom aluminum and plexi framing units, 10 Floors
 The Clarret Group, New York

2002 **GARDEN MEMORIAL**
 Stainless steel, copper and bronze bench
 Governor Henry Lippitt House Museum, Providence, RI

2002 **SCULPTURAL THRONE**
 Steel and glass

- 2002 Navigator of the Seas, Cruise Ship
London Contemporary Art, London, England
ARCHITECTURAL TREATMENT
Five custom fire place enclosures in oxidized steel
Private Residence, Newport, RI.
- 1998 **STACKED VOLUMES**
8' x 5' x 4' Stainless Steel Sculpture
Private Residence, Boston, MA
- 1997 **THREE SISTERS**
Steel and bronze sculptures / set of three / 6' x 3' x 3' each
Private Residence, East Greenwich, RI

AWARDS

- 2006 **BEST IN SHOW**
Newport Art Museum
Juried Members Exhibition
- 2006 **AWARD OF MERIT**
Small Works 2000
Attleboro Arts Museum
- 2002 **9/11 MEMORIAL**
Commissioned by Governor Lincoln Almond
State of Rhode Island
Rhode Island State House, Providence, RI
- 2001 **FELLOWSHIP IN CRAFTS**
Rhode Island State Council on the Arts
- 2000 **MARC HARRISON AWARD FOR EXCELLENCE**
Providence Fine Furnishings Show
- 1999 **FELLOWSHIP IN DESIGN**
Rhode Island State Council on the Arts
- 1995 **FIRST PLACE**, Best Design Award, Accent on Design
N.Y. International Gift Show, New York, NY
- 1992 **EXCELLENCE IN DESIGN**, Grant Award
DANSK, International
- 1991 **FELLOWSHIP IN CRAFTS**
Rhode Island State Council on the Arts
- 1989 **FELLOWSHIP IN SCULPTURE**
Rhode Island State Council on the Arts
- 1989 **FELLOWSHIP IN DESIGN**
Rhode Island State Council on the Arts



Town of Jamestown

Resolution of the Town Council

No. 2018-17

**RESOLUTION RE: ADVANCES FOR ENGINEERING EXPENSES
REGARDING SOUTH POND DAM**

WHEREAS, the 2017 Financial Town Meeting approved the issuance of up to \$550,000 of bonds for repair and improvements to the South Pond Dam; and

WHEREAS, from time to time the Town has engaged or will engage engineers and has acquired or will acquire materials and equipment for such repairs or make contracts for such repairs under awards made by the Town Council sitting as the Board of Water and Sewer Commissioners or as the Town Council; and

WHEREAS, the Town will finance the costs of said engineering work and repairs by bonds and/or notes; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Jamestown, Rhode Island, that:

Section 1. Pending the issuance of said bonds and/or notes, the Town Treasurer may advance funds from the water fund of the Town for engineering services, materials and other capital expenditures in an amount not to exceed \$550,000.00. Any advances made under this resolution shall be repaid without interest from the proceeds of such bonds and notes.

Section 2. The Town Treasurer may advance such funds under contracts heretofore or hereafter awarded by the Town Council. The Town Treasurer may also advance such funds for purchases under master price agreements and other purchases for materials otherwise exempt from bidding requirements, which for the purpose of this Resolution are hereby awarded by the Town Council.

Section 3. This Resolution is a declaration of official intent under Treasury Regulation 1.150-2, and confirms the Town's declaration of official intent to reimburse the Town from bond and/or note proceeds for these engineering expenses and other capital expenditures for said repairs and modifications to the South Pond Dam.

Section 4. This Resolution shall take effect upon its passage.

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 4th day of September, 2018.



Cheryl A. Fernstrom, CMC, Town Clerk





Department of Transportation
Two Capitol Hill
Providence, RI 02903

Office 401-222-2450
Fax 401-222-3905

August 14, 2018

Dear Election Official –

The campaign season is now officially under way, and with it comes the appearance of political signs and advertisements. We would like to take this opportunity to clarify the laws surrounding the placement of these signs to assure that we keep our highways safe and clear throughout the next few months.

Rhode Island state law prohibits anyone from placing political signs on state property along the road. Our Highway & Bridge Maintenance crews will routinely monitor these areas throughout the campaign season and remove all of the signs found to be in violation. They will be stored at the nearest maintenance facility, where they may be picked up weekdays from 7:30 a.m. to 3:30 p.m. A full list of facilities can be found at <http://www.dot.ri.gov/about/>. All unclaimed signs will be disposed of 30 days following the election on Dec 8, 2018.

We thank you for your help in this matter. As a member of the Board of Canvassers or chairperson of a political party, please share this information with all the candidates running in the 2018 election season. Should you have any questions about this policy or want to verify whether a sign can be placed in a particular area, please feel free to contact our office at (401) 222-2481.

Sincerely,

Nicole Pope
Director of Government Affairs and Legislation
Rhode Island Department of Transportation
Office of the Director
Two Capitol Hill
Providence, RI 02903
Office: 401-222-2481, x4980

RHODE ISLAND
DEPARTMENT OF
TRANSPORTATION

OUTDOOR ADVERTISING
RULES AND
REGULATIONS

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
RHODE ISLAND DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING RULES AND REGULATIONS

TABLE OF CONTENTS

	<u>PAGE NUMBER</u>
DECLARATION OF POLICY	1
JURISDICTION	1
SECTION I PURPOSE	1
SECTION II APPLICATION	2
SECTION III DEFINITIONS	2
SECTION IV SIGNS OUTSIDE URBAN AREAS	7
SECTION V GENERAL REGULATIONS	7
SECTION VI CRITERIA FOR A LEGAL CONFORMING SIGN	8
SECTION VII LEGAL NON-CONFORMING SIGNS	12
SECTION VIII MAINTENANCE OF NON-CONFORMING SIGNS	13
SECTION IX ILLEGAL SIGNS	14
SECTION X ON-PREMISE ADVERTISING SIGNS	15
SECTION XI DIRECTIONAL, REGULATORY, WARNING AND AGRICULTURAL SIGNS	17
SECTION XII RECLASSIFICATION OF SIGNS	17
SECTION XIII PERMIT PROCESS	17
SECTION XIV ADOPT-A-SPOT, ADOPT-A-HIGHWAY, AND SPONSOR-A-HIGHWAY PROGRAMS	19
SECTION XV VEGETATION CONTROL	19
SECTION XVI SEVERABILITY	19
SECTION XVII EFFECTIVE DATE	20
CERTIFICATION OF DIRECTOR OF TRANSPORTATION	21
EXHIBIT A LIST OF CONTROLLED ROUTES	
EXHIBIT A1 LIST OF INTERSTATE SYSTEMS OR HIGHWAYS BUILT TO NATIONAL SYSTEM OF INTERSTATE OR DEFENSE HIGHWAY STANDARDS	
EXHIBIT B MAP OF URBAN/RURAL AREAS & PRIMARY/NHS RTES.	
EXHIBIT C BONUS ACTS	
EXHIBIT D APPLICABLE STATE STATUTE[S]	

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
RHODE ISLAND DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING
RULES AND REGULATIONS

DECLARATION OF POLICY

In order to prevent unreasonable distraction of operators of motor vehicles, to prevent confusion with respect to compliance with traffic lights, *signs*, signals and regulations, to promote safety, convenience, and enjoyment of travel upon highways within this State and to protect the public investment therein, to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, and in the general welfare of the people of this State, the general assembly declared it to be the policy of this State that the erection and maintenances of outdoor advertising in areas adjacent to the rights-of-way of the interstate, *primary, secondary* road systems within the State shall be regulated in accordance with the terms of the RIGL 24-10.1 “et al” and the regulations promulgated by the Director of Transportation pursuant thereto and finds that all outdoor advertising which does not conform to the requirements of the RIGL and these *Rules and Regulations* is a public nuisance. Note: No new outdoor advertising structures may be erected except as provided in the state statute [RIGL 24-10.1]

JURISDICTION

The Rhode Island Department of Transportation shall have the legal jurisdiction to enforce the Federal Law, State Law, and the *Rules and Regulations* for Outdoor Advertising upon the identified *state-ways* [See Exhibit A and Exhibit A1]. Furthermore any future routes or additions thereto, added to the highway system inventory will also come under the *Department’s* jurisdiction.

I. PURPOSE

The purpose of these *Rules and Regulations* is to control the erection and maintenance of *outdoor advertising signs* in accordance with the following Statutory and Regulatory empowerments:

- The United States Constitution
- The Rhode Island Constitution
- 23 United States Code (23 USC 131)
- 23 Code of Federal Regulations 750 (23 CFR 750)
- General Laws of Rhode Island, 1956, as amended, included but not limited to Chapter 24-10.1
- Federal-Aid Highway Act of 1958 (P.L. 85-381 the Bonus Act)
- Agreement for Carrying Out the National Policy Relative to Advertising Adjacent to the National System of Interstate and Defense Highways (1963) (Bonus Act)
- Amended Agreement for Carrying Out the National Policy Relative to Control of Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System (1972) (Bonus Act)
- Highway Beautification Act of 1965, as amended (P.L. 89-285)
- Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240)
- National Environmental Policy Act
- National Historic Preservation Act, Section 106
- RIDOT Rules Regarding the Use of Highways, *Freeways*, Bridges and Structures
- RIDOT *Rules and Regulations* for Accommodating Utility Facilities Within Railroad Rights-of-Way

- RIDOT *Rules and Regulations* for Accommodating Utility Facilities Within *Freeway Rights-of-Way*
- RIDOT *Rules and Regulations* Relating to Highways and Outdoor Advertising
- Telecommunication Act of 1996
- Transportation Equity Act of 1998

II. APPLICATION

These *Rules and Regulations* are applicable to all areas *visible* from the *state-way* in the State, as designated by the General Assembly. These provisions apply regardless of whether Federal funds participated in the cost of such *state-ways*. Nothing contained in these *Rules and Regulations* shall prohibit a *municipality* from establishing regulations imposing stricter limitations. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply.

III. DEFINITIONS [All italicized terms or words throughout this document refer to definitions found in this Section]

1. *Billboard* means a *panel* designed to carry outdoor advertising. *Billboards* are considered to be personal property by the *Department* and all municipal governments in the State of Rhode Island.
2. *Commercial or industrial activities*, for the purposes of the *unzoned area* definition, mean those activities generally recognized as *commercial or industrial* by zoning authorities in this State, except that none of the following shall be considered *commercial or industrial*:
 1. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to wayside fresh produce stands.
 2. Transient or temporary activities.
 3. Activities not *visible* from the *state-way*.
 4. Activities more than 300 feet from the nearest edge of the *state-way*.
 5. Railroad tracks and minor sidings
 6. Activities normally and regularly in operation less than 5 months per year.
 7. Activities conducted in a building principally used as a residence.
3. *Commercial or industrial zone* means areas, which were zoned industrial or commercial, under authority of the law as of September 21, 1959, and any newly developed commercial or industrial areas set forth by City or Town Planning Authorities.
4. *Controlled area* means:
 1. In an *urban area*, those areas adjacent to, and within 660 feet of, the edge of the *right-of-way* of the *state-way*.

2. Outside an *urban area*, those areas adjacent to the edge of the *right-of-way* of the Interstate and Federal-Aid *primary* and *secondary highway systems* and *visible* from the *state-way*.
5. **Controlled Routes** means: The Federal-aid *primary* system in existence on June 1, 1991, and any highway which is not on such a system, but which is on the National Highway System.
6. **Department** means the Department of Transportation of the State of Rhode Island.
7. **Designated Scenic Roadways** are any State Roadways that have been designated a “Rhode Island Scenic Roadway” by the Rhode Island Scenic Roadway Board, under the current Rhode Island legislation for Scenic Roadways.
8. **Directional** and *official signs and notices* include only *official signs and notices, public utility signs, service clubs and religious notices, public service signs, agricultural signs, and directional signs*.
9. **Directional Signs** means *signs* containing *directional* information about public places owned or operated by Federal, State, or Local governments or their agencies; publicly or privately owned natural phenomena, historic, agricultural, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, including bicycle paths, and state-owned railroad corridors deemed to be in the interest of the public.
10. **Double Panel Signs** means two [2] *signs* side by side facing the same direction no more than five [5] feet apart.
11. **Erect** means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a *sign* or *sign structure*.
12. **Erected** with the purpose of its message being read means any *sign* that is *visible* from the *state-way*.
13. **Freeway** means a way especially designed for through traffic over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon the way.
14. **Illegal sign** means a *sign erected* or *maintained* in violation of the Federal Law, State Law, State *Rules and Regulations*, local law or ordinance.
15. **Immediate vicinity** means the area bounded by the buildings, driveways and parking areas where the *sign* is located, in which the principal activity is conducted and is within 50 feet of the activity.
16. **Information center** means an area or site established and *maintained* as *safety rest areas* for the purpose of informing the public of places of interest within the state and providing such other information as the Director of Transportation may consider desirable.

17. Interchange means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels. *Interchanges* may be of various types or a combination of types as set forth in “A Policy on Geometric Design of Highways and Streets” 1984, published by the American Association of State Highway and Transportation Officials, as may be amended, which is incorporated by reference.
18. Interstate System means that a portion of the national system of interstate and defense highways located within this State, or highways built to interstate or defense highway standards [See Exhibit A1], as officially designated, or as may hereafter be so designated, by the Director of Transportation, and approved pursuant to the provisions of Title 23, United States Code, Highways.
19. Maintain means to allow to exist, or keep in repair.
20. Major official guide sign means a sign with a total area of not less than 12 square feet, erected and authorized by the State or Federal Government to designate route numbers or route names, distances and directions to certain localities or municipalities.
21. Municipality means a city or town in the State of Rhode Island.
22. Non-Conforming signs [grandfathered] are those *signs* which were lawfully *erected*, but which do not comply with the provisions of subsequent State law or *rules and regulations* or which later fail to comply with State law or *rules and regulations* due to changed conditions.
23. Official signs and notices means *signs* and *notices* *erected* and *maintained* by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorizations contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and *erected* by State or local government or nonprofit historical societies may be considered official *signs*.
24. On-Premise Advertising Sign means a *sign* at a business location advertising a business or businesses that are conducted on the property [the principal activity], or *signs* advertising the sale or lease of the real property upon which they are located, subject to the requirements of Section VII.
25. Outdoor Advertising Sign means advertising *signs*, displays, and devices in adjacent areas consistent with the terms of these *Rules and Regulations*, the Federal-Aid Highway Act of 1958 [P.L. 85-381], and the Highway Beautification Act of 1965, as amended [P.L. 85-381], and any and all subsequent amendments and laws. Any outdoor *sign*, device, figure, painting, drawing, message, notices, placard, poster, *billboard*, *billboard structure*, *monopole structure*, letter board, or other thing which is designed, including lighting, intended or used to advertise or inform, any part of the advertising or informative contents of which is *visible* from any place on the *state-way* or the Interstate, *Primary* or *Secondary Systems*.
26. Panel means a flat piece of material, usually rectangular, made to form part of a sunken or raised surface set in a frame for the sole purpose of advertising, or any other shaped surface and/or structure [i.e., Digital Display, Trivision, other type of Commercial Electronic Changeable Message Sign (CEVMS), etc.] approved by the *Department*.

27. Permit means a revocable certificate issuing permission by the *Department* authorizing the erection and maintenance of a *sign* at the location described thereon for a twelve [12] month period **beginning from the date of issuance**. The issuance of an outdoor advertising *permit* does not supersede municipal or other agency *sign* requirements or restrictions. Permits are not chattel.
28. Permit Holder means any *person* holding a valid and unrevoked outdoor advertising *permit*. *Permit holders* must demonstrate to the satisfaction of the *Department* that they have legal control of the real property [i.e., footprint] where the *sign* is located and legal control of the *sign*.
29. Person means any individual, group, corporation, limited liability company, partnership, association, any public entity, as the context may require, or combination thereof.
30. Primary means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Director of Transportation, and approved by the U.S. Secretary of Transportation, pursuant to the provisions of Title 23, United States Code entitled, "Highways."
31. Public Service signs means *signs* located on bus stop shelters, which *sign*:
1. Identify the donor, sponsor, or contributor of said shelters;
 2. Contain safety slogans or messages, which shall occupy not less than fifty percent [50%] of the area of the *sign*;
 3. Contain no other message;
 4. Are located on bus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county or State agency controlling the *state-way* involved; and must be located on a designated, active transit system.
 5. May not exceed 32 square feet in area. Not more than one *sign* on each shelter shall face in any one direction
32. Public utility signs means warning *signs*, informational *signs*, notices, or markers, which are customarily *erected* and *maintained* by publicly or privately owned public utilities, as essential to their operations.
33. Replacement Costs are based on a mixture of *signs* in each category with different components such as backbracing, aprons, scaffolds, and differing heights above ground level. The basic *structure* cost figure will thus apply whether or not the *sign* being valued has any (or all) of the above-mentioned features. Additives for such items as incandescent lighting, mercury vapor lights, quartz floodlights, unusual features, or differing heights above ground level over eleven (11) feet, should be made when appropriate and the costs are verified by the *Department's* Appraisal Unit.
34. Right-of-Way means the easement in or property acquired by the public through the *Department* of Transportation, for the purposes of highway construction, *safety rest areas*, landscaping or any other purpose incidental to highway travel or highway use.
35. Rules and Regulations means the State of Rhode Island and Providence Plantations, Rhode Island *Department* of Transportation, Outdoor Advertising *Rules and Regulations*.

36. Safety Rest Area means an area or site established and *maintained* within or adjacent to the *right-of-way* by or under public supervision or control, for the convenience of the traveling public. No advertising of any form will be allowed and is strictly prohibited within *Safety Rest Areas* unless previously reviewed and approved by the Director of the *Department* of Transportation.
37. State-way: for the purpose of this document when the term “*State-way*” appears it means the following: an interstate, a road, highway, route, traveled way, *interchange*, *primary*, Federal-aid *primary* or secondary system, designated scenic roadway and arterials [see Exhibits A and A1].
38. Secondary Systems means that portion of state *maintained* roads that are neither interstate nor *primary* roads.
39. Service club and religious notices means *signs* and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which *signs* do not exceed 8 square feet in area.
40. Sign for the purpose of this document, when the term “*sign*” or “*signs*” appears it means the following: a display as a lettered board, a posted command, warning, or direction, including messages utilizing new technologies such as Trivision or equivalent technologies such as CMS, Digital LED, Video LED, Price Pack [changed by satellite or other], Lottery [changed by satellite or other], Electronic Water Art, Holographic, Projectorized, Gas Plasma, or other changeable messages as approved by the *Department* of Transportation, and if and when necessary the Federal Highway Administration, any outdoor advertising *sign*, device, figure, painting, drawing, message, notices, placard, poster, *billboard*, *billboard structure*, monopole structure, letter board, or other thing which is designed, including lighting, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the *state-way* of the Interstate or *primary* system, or *secondary system*.
41. Structure: means any device, engineered or not which provides support for *panels* that provide an advertising message, including but not limited to monopoles, multipoles, or any other thing used to provide support.
42. Unzoned commercial or industrial area means those areas not zoned by State or local law, regulation or ordinance, which are occupied by one or more industrial or *commercial activities*, other than *outdoor advertising signs*, and the lands along the *state-way* for a distance of 500 consecutive feet immediately adjacent to the activities. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the *state-way*. Measurements shall not be from the property lines of the activities unless said property lines coincide with the limits of the activities. Unzoned industrial or commercial areas shall not include land predominately used for residential purposes, or land adjacent to Interstate or *primary* highway constructed on *right-of-way*, the entire width of which was acquired subsequent to the Federal Aid Highway Act of July 1, 1956. In addition, “spot or strip zoning,” will not be considered as a commercial or an industrial area.
43. Urban Area means an urbanized area or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, which boundaries to be fixed by the Office of Statewide Planning, subject to approval by the Secretary of the U.S. Department of Transportation. Such boundaries shall be as a minimum, encompass the entire urban place designated by the Bureau of the Census. *Urbanized area* means an area so

JAMESTOWN

Beavertail Road

Conanicus Avenue

East Shore Road
(Rte. 138)

Eldred Avenue (Rte. 138)

Hamilton Avenue

Jamestown-Verranzano Bridge

Narragansett Avenue

North Road

Southwest Avenue

Walcott Avenue

Southwest Ave. to State Park Entrance

East Shore Rd. to Narragansett Ave.

Summit Ave. to Eldred Ave.
Eldred Ave. to Newport Bridge

Jamestown Bridge to East Shore Rd.

Beavertail Rd. to Walcott Ave.

Conanicus Ave. westerly to end

Eldred Ave. to Narragansett Ave.

Narragansett Ave. to Hamilton/Beavertail Rd.

Ocean St. to Narragansett Ave.



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

August 30, 2018

BY EMAIL AND MAIL

Christopher Costa
Building Official
Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

Dear Mr. Costa:

I am writing to express our organization's concerns about the enforcement of various provisions of the Town's sign ordinance against the display of political signs. We believe the ordinance is constitutionally problematic in a number of respects. A memo you prepared that was recently provided to individuals running for political office in Jamestown highlights our concerns about the ordinance, which I briefly address below. Based on those concerns, the ACLU requests that you rescind any pending citations that have been issued under these questionable ordinance provisions, cease any further enforcement of them, and seek Town Council action in repealing those provisions in order to avoid any future disputes or the necessity of litigation.

There are at least three significant constitutional problems with the ordinance provisions cited in your memo. First is the ordinance's ban on the posting of political signs more than 120 days prior to, or seven days after, an election. Section 82-1308. There has been virtual unanimity among the courts, in cases stretching back decades, including in Rhode Island, that durational limits on the posting of political signs amount to unconstitutional content-based restrictions on core political speech, and are not sufficiently narrowly-tailored to serve a significant government interest.¹

Second, the memo to candidates cites the same section of the ordinance and its limit on the size of political signs to 12 square feet. Even assuming that this size limitation is not *per se* an

¹ To give just two examples a few decades apart: *Orazio v. Town of North Hempstead*, 426 F.Supp. 1144, 1149 (E.D.N.Y. 1977) (ordinance limiting erection of political wall signs to six weeks prior to election is unconstitutional; "the court also holds that no time limit on the display of pre-election political signs is constitutionally permissible under the First Amendment"); *Quinly v. City of Prairie Village*, 446 F.Supp.2d 1233 (D.Kan. 2006)(ruling unconstitutional an ordinance allowing non-commercial signs to be posted only for a period of up to ninety days, and requiring signs tied to an election to be removed immediately after the election). In Rhode Island, the ACLU has sued a number of municipalities over this issue, with the earliest ruling going back thirty years. See *Thibodeau v. Town of Cumberland* (C.A. 88-460T, 8/2/1988) (Temporary restraining order issued against town ordinance banning display of political signs more than thirty days before, and fourteen days after, an election).

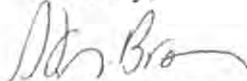
unreasonable restriction, it is clearly unconstitutional because it treats political signs less favorably than other types of signs. We note, for example, that real estate signs can be twenty square feet in size. Section 82-1306(3). Court decisions make clear that this type of discriminatory treatment against political signs cannot withstand scrutiny under the First Amendment. *Reed v. Town of Gilbert*, 576 U.S. ___, 135 S.Ct. 2218 (2015).

Finally, the memo quotes Section 82-1305 for the proposition that the Town Council “shall have the sole discretion as to the suitability of signs erected, or to be erected on town-owned property, under lease of private enterprises or otherwise.” While we fully recognize that the Town has the right to regulate signs on its own property, we do not believe an ordinance can give Town officials unbridled discretion in exercising that authority. However, that is precisely what this ordinance does. Such standardless discretion violates basic First Amendment principles that have been articulated by the courts for decades.²

As long as these ordinance provisions remain on the books, their potential chilling effect on candidates and residents wishing to post election signs cannot be discounted. This uncertainty is something the First Amendment does not countenance. In light of the clear unconstitutionality of these provisions, we urge that you rescind any outstanding citations under those restrictions, halt further enforcement of them, and request the Town Council to repeal them. By copy of this letter to the Council, we are making the same request.

I would appreciate your prompt attention to this matter. Thank you.

Sincerely,



Steven Brown
Executive Director

cc: Jamestown Town Council
Andy Nota, Town Administrator
Peter Ruggiero, Town Solicitor
Cheryl Fernstrom, Town Clerk
(All cc's via email only)

² “[E]ven if the government may constitutionally impose content-neutral prohibitions on a particular manner of speech, it may not condition that speech on obtaining a license or permit from a government official in that official's boundless discretion.” *Lakewood v. Plain Dealer Publishing Company*, 486 U.S. 750, 764 (1988).

Cheryl Fernstrom

Subject: FW: Jamestown political sign ordinance

From: Andrew Nota

Sent: Thursday, August 30, 2018 2:22 PM

To: Chris Costa <ccosta@jamestownri.net>

Cc: peter@rubroc.com; cfernstrom@jamestown.ri.net; trockijamestowntc@gmail.com; mgblanco@cox.net; dickinsonjamestowntc@gmail.com; meagherjamestowntc@gmail.com; eugene@mihaly.org

Subject: RE: Jamestown political sign ordinance

Chris,

There is no immediate need to respond to Mr. Brown, as I spoke with him earlier today about the issues raised in his letter which are the same issues discussed during the last election in 2016 at which time the Council also discussed a process involving a re-write of the zoning ordinance pertinent to signs as well as other sections. The re-write of the ordinance will address the concerns raised by the ACLU in this letter, thus prompting the elimination of the political sign section and its inclusion in the residential and commercial sections of the local sign regulations. Mr. Brown is aware and agrees with the process the Town has taken regarding a rewording of the ordinance and its application in the other sections of the code. Regulation will continue to exist for political signs, although the same restrictions will be applied equally to signs of all types in the residential and commercial districts without being directed at one specific type.

In our prior conversations, you made it clear to me your overall understanding of the issues dealing with the constitutionality and protections afforded political signs as they involve public free speech. In this understanding you have also expressed that you are not enforcing the provisions of that section at this time and are purely enforcing the general prohibition of private signs of all types on public property, including, (contractor, yard sale real estate, political, etc.). Please be prepared to provide any necessary insight on this and other related matters at Tuesdays Town Council meeting. The Solicitor and I will also be present to add to the discussion. Thank you.

Andy

Andrew E. Nota, J.D., ICMA-CM
Town Administrator,
Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835
401- 423-7201 Office
401- 423-9805 Desk
anota@jamestownri.net

From: Steven Brown <sbrown@riaclu.org>

Sent: Thursday, August 30, 2018 12:10 PM

To: Chris Costa <ccosta@jamestownri.net>

Cc: Andrew Nota <anota@jamestownri.net>; peter@rubroc.com; cfernstrom@jamestown.ri.net; trockijamestowntc@gmail.com; mgblanco@cox.net; dickinsonjamestowntc@gmail.com; meagherjamestowntc@gmail.com; eugene@mihaly.org

Subject: Jamestown political sign ordinance

Dear Mr. Costa -

Attached please find a letter raising concerns about Jamestown's sign ordinance as it applies to political signs. I look forward to hearing back from you about it. Thank you.

Steven Brown
Executive Director
ACLU of Rhode Island
128 Dorrance Street, Suite 400
Providence, RI 02903
401-831-7171 (phone)
401-831-7175 (fax)

ARTICLE 13. - SIGN REGULATIONS

Sec. 82-1300. - General intent.

It is the intent of this chapter to:

1. Establish rules and regulations to control and regulate all signs in the Town of Jamestown;
2. Maintain a high degree of excellence in the quality of all signs;
3. Prevent the proliferation of signs which cause visual clutter and disharmony; and
4. Encourage a rational pattern of signs with regard to the area where such signs are located.

(Code 2003, § 82-1300)

Sec. 82-1301. - Building permit required.

No sign shall be erected without the issuance of a building permit by the zoning enforcement officer. An application for a permit to erect a sign shall be made in writing upon forms prescribed and provided by the zoning enforcement officer, who may also require any drawings, descriptions, or plot plans of the sign and/or its location upon the lot, as may be reasonably necessary to administer the sign provisions of this ordinance [chapter].

(Code 2003, § 82-1301)

Sec. 82-1302. - Exempt signs.

The following signs are exempt from the provisions of this ordinance [chapter], and may be installed without a building permit:

1. Residence signs, not exceeding a total of two square feet, displaying the name and address of the occupant or resident of the premises.
2. Real estate signs advertising sale or rent, or signs naming the builder, architect, developer or engineer of a project in progress, placed on the premises, not exceeding eight square feet. All such signs must be removed within seven days of sale, rental, or completion of the project for which the sign was placed.
3. Notices of tag, yard, or garage sales may be erected. A maximum of four signs per sale, not to exceed a total of two square feet per sign, may be erected on their own post, provided the sale is licensed by the town clerk. All signs must be removed within 48 hours of the sale.
4. Signs prohibiting trespass, hunting and the like, signs warning of danger, such as high voltage, and necessary public utility signs, not to exceed a total area of two square feet.
5. Temporary window signs, such as advertising a sale. Normal displays of merchandise in windows shall not be considered signs.
6. Traffic and other governmental signs, erected by any public safety agency in the discharge of any governmental function. Such signs may be illuminated in accordance with section 82-1309.
7. Signs designating historical places or points of interest, erected by governmental authority or the like, not to exceed a total area of 12 square feet.
8. Signs indicating entrance, exit, parking, erected on a premise[s] for the direction of people and vehicles, not to exceed a total area of 1.5 square feet. Such signs shall incorporate conventional instructions and symbols but shall be integrated by style and materials with other signage and landscape elements in the development.

9. Church, school or other public use may have one sign, not to exceed a total area of 12 square feet. Such signs may be illuminated in accordance with section 82-1309.

(Code 2003, § 82-1302)

Sec. 82-1303. - General prohibitions.

The following signs are prohibited in all zoning districts:

1. [*Advertising signs.*] Advertising signs tacked, posted, painted or otherwise attached to utility poles, trees, sidewalks, curbs or rocks.
2. [*Billboards.*] Billboards or any sign or advertising device which advertises a use or activity not located on, or a product not sold nor manufactured on the lot upon which the sign or device is located.
3. [*Interior-lighted signs.*] Interior-lighted signs, which are signs lighted by an interior lighting source and projected through a translucent sign material; provided that neon signs which do not fall within the definition of interior-lighted signs are permitted in accordance with section 82-1309.
4. [*Moving, revolving, flashing, mobile or animated signs.*] Moving, revolving, flashing, mobile or animated signs, or signs with any such visible parts; provided, however, that clocks, barber poles and time/temperature devices may be permitted if they comply with all other provisions of this ordinance [chapter]. Signs with any visible moving parts shall also be prohibited.
5. [*Roof signs.*] Roof signs or display signs placed above or supported on the top of a building or structure.
6. [*Trailer signs.*] Trailer signs, defined as any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to, mobile advertising signs attached to a truck, chassis, detachable vehicle trailer or other such mobile signs, but shall not include signs painted or otherwise inscribed on a self-propelled vehicle or towed vehicle which identify the product, service or activity for which the vehicle is used, unless the principal use of such vehicle is for advertising purposes.

(Code 2003, § 82-1303)

Sec. 82-1304. - Signs permitted for special permit uses.

Signs in connection with a use permitted by a special use permit shall also be considered as special uses subject to review and approval of the zoning board of review.

(Code 2003, § 82-1304)

Sec. 82-1305. - Regulations for commercial districts.

The total number of signs, including wall, window, awning, ground, projecting and sandwich board signs shall not exceed three for any single commercial use on lots exceeding 10,000 square feet in size and two for any single commercial use on lots under 10,000 square feet in size, except multiple uses on a single lot, which shall not exceed the total number of commercial units on the lot plus one additional group sign. The following signs may be erected in the CD, CL and CW districts (except as noted):

1. *Wall sign.* [Wall sign is] defined as a sign attached parallel to, or painted on, the vertical wall of a building exterior. One wall sign per established business for each street frontage not exceeding a total of 16 square feet.

2. *Window sign.* [Window sign is] defined as any sign affixed to, in contact with, or within 12 inches of a window thereof. Window signs permanently erected or maintained in the window of any building, which are visible from any public or private street or highway, are permitted provided such signs shall not occupy more than 25 percent of the area of said window. Normal displays of merchandise in store windows shall not be considered signs.
3. *Ground sign or ladder sign.* [Ground sign or ladder sign] is permitted in the CL district only and is a freestanding single- or double-faced sign, supported from ground level by posts or similar vertical supports. A ladder sign differs from a regular ground sign in that it has two or more horizontal crosspieces serving as individual signs for identification or advertising purposes. One ground [sign] or ladder sign, not to exceed five feet in height nor 20 square feet in area, shall be permitted for each lot.
4. *Projecting, overhanging blade signs.* [Projecting, overhanging blade signs] are signs which project over public ways. These signs installed perpendicular to the facade within the first layer shall be restricted to one per business, and shall not exceed eight square feet in area. In addition, they must have a clear height of eight feet above the sidewalk and be erected and secured in such a manner as to preclude their becoming a safety hazard to the public. The zoning enforcement officer shall require proof of adequate public liability coverage applicable to all signs extended over town property.
5. *Awnings and canopies.* The lowest portion of any awning or canopy shall be not less than eight feet above the level of a sidewalk or public right-of-way. No awning may extend beyond a point two feet inside the curbline. There is no limitation on the horizontal width of an awning.

There shall be no advertising on any awning or canopy, except that the business name may be painted on the vertical portion of the street apron which is geometrically parallel to the building front.

6. *Signs for multiuse commercial establishments.* A single lot containing more than one commercial unit as an identifiable group shall be allowed one group sign, up to 20 square feet in area, as well as one wall-mounted sign for each separate commercial unit, each sign not to exceed 12 square feet in area.
7. *Signs for gasoline stations, garages and commercial boating facilities.* Such businesses may, if they elect to do so, divide that one exterior sign affixed to the front wall of the building, to which they are entitled as herein above provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area of the separate signs shall not exceed the maximum area (16 square feet) permitted under this ordinance [chapter] for a single, exterior sign on such a wall.

In addition, one ground [sign] or ladder sign, subject to limitations as defined above [subsection 3. of this section] (up to 20 square feet), may be permitted. In addition, one sign, standing or otherwise, indicating the company whose gasoline is being sold, may be erected, subject to the approval of the zoning enforcement officer. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof, or any other sign required by state law, shall not be deemed to be in violation of this ordinance [chapter]. Temporary or movable signs of any and every type are specifically prohibited.

8. *Signs on town-owned property.* The town council shall have sole discretion as to the suitability of all signs erected, or to be erected on town-owned property, under lease of private enterprise, or otherwise. Any person wishing to place a sign on or over town property shall make a request for such to the town council. All said signs shall conform to the existing sign code. This provision shall include sandwich boards, and other signs which are customarily placed on the public sidewalks. Sandwich boards shall not exceed 24 inches in width nor 40 inches in height.

(Code 2003, § 82-1305; Ord. of 10-22-2009, § 82-1305)

Sec. 82-1306. - Regulations for residential districts.

[Regulations for residential districts are as follows:]

1. *Customary home occupations.* Other than a sign identifying the name and address of a resident, one single or double faced projecting, overhanging blade sign installed perpendicular to the facade within the first layer, to identify premises of a permitted customary home occupation, shall be permitted provided such sign does not exceed two square feet in area.
2. [*Ladder-type signs.*] Ladder-type signs for property owners are permitted for group listings of the residents sharing an unnamed driveway or private road.
3. [*Real estate developers.*] Real estate developers in the business of long-range property development for sale shall be restricted to one sign, single- or double-faced, not to exceed 20 square feet in area per development. When a development is sold, the sign shall be removed within 30 days.
4. [*Permanent signs.*] Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted provided such signs bear no commercial advertising, and do not exceed 15 square feet in area.
5. [*Real estate open house signs.*] Real estate open house signs, located off-premise[s], not to exceed six square feet in area, may be erected by permit for up to six hours. A maximum of four signs may be erected, including not more than three off-premises signs.
6. *Bed and breakfast house signs.* One single- or double-faced sign not to exceed two square feet in area.

(Code 2003, § 82-1306; Ord. of 10-22-2009, § 82-1306)

Sec. 82-1307. - Special permit signs.

Temporary signs, banners, posters and special promotions, except posters intended for window display, will require a special permit from the zoning enforcement officer. Permits for these signs are not to be issued more than 14 days prior to the scheduled event and are to be removed within 48 hours after the event.

(Code 2003, § 82-1307)

Sec. 82-1308. - Political signs.

Signs which express opinion regarding candidates for political office or political issues shall be permitted in all zoning districts; provided, nevertheless, [that if]:

1. Attached or affixed to the exterior of a building or other structure, or to a window thereof, shall not exceed 12 square feet in area;
2. Freestanding, shall not exceed 12 square feet in area;
3. Used in connection with a determinable event, including but not limited to an election, meeting or hearing, shall not be displayed for a period in excess of 120 days prior to said event and shall be removed within seven days after said event is terminated.

(Code 2003, § 82-1308)

Sec. 82-1309. - Illumination.

The light from any sign, advertising lights or reflective material used on a sign shall be so shaded, shielded or directed, or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighborhood premises nor the safe vision of operators of vehicles moving on

public roads and highways. All lighted signs and advertising lights shall be so shaded, shielded or directed that they shall not reflect or shine on or into residential structures to an extent that would adversely affect them. Sodium-vapor type lighting is prohibited.

Neon signs, defined as fluorescent paint or gaseous tube illumination, are permitted, provided that:

1. Such signs are placed in the window and advertise a product served in the establishment;
2. Such signs do not exceed three per establishment;
3. The area of such signs does not exceed 25 percent of the window area of any window in which they are placed.

(Code 2003, § 82-1309)

Sec. 82-1310. - Nonconforming signs.

Any sign in existence prior to the effective date of this ordinance [from which this chapter is derived] which does not meet the requirements of this chapter shall be considered a nonconforming sign. Any alteration of a nonconforming sign (other than routine maintenance) shall require that the sign conform to this ordinance [chapter].

(Code 2003, § 82-1310)

Sec. 82-1311. - Maintenance required.

All signs shall be maintained in a safe condition.

(Code 2003, § 82-1311)

**Town of
Jamestown, Rhode Island**

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



Date: August 29, 2018

To: Andrew Nota
Town Administrator

From: Michael Gray
Public Works Director

RE: Bid Award
Articulated Concrete Block and Engineered Fill
South Pond Dam Improvements

The South Pond Improvement project includes the reconstruction of the earthen dike section of the dam. The earthen dike will be excavated and reconstructed with an engineered fill material meeting typical dam construction specifications. The finished surface will then be protected from erosion with articulated concrete blocks placed along the length of the dike. Bids were advertised for both items and received on August 28, 2018. One bid was received for each item and reviewed according to the project specifications.

I have reviewed the bid received for the Articulated Concrete Block and recommend the bid be awarded to ACF Environmental for an amount not to exceed \$48,450.

I have reviewed the bid received for the Engineered Fill and recommend the bid be awarded to Dry Bridge Sand and Stone for a unit bid price of \$14.60 per ton.

The project is funded through the Water Department capital budget. We are anticipating the start of construction in September 2018 with a completion in October.

TOWN COUNCIL MEETING
August 20, 2018

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
Edward A. Mello, Police Chief
Lisa W. Bryer, Town Planner
James Bryer, Fire Chief
Steven Tiexiera, Deputy Fire Chief
Anne Kuhn Hines, Conservation Commission Chair
Joyce Antoniello, Conservation Commission Member
Peter D. Ruggiero, Town Solicitor
Denise Jennings, Water Clerk
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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.

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

The Town Council convened as the Board of Water and Sewer Commissioners at 6:37 p.m. and adjourned from sitting as the Board of Water and Sewer Commissioners at 7:12 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

None.

VI. OPEN FORUM

- A) Scheduled request to address. None.
- B) Non-scheduled request to address.

Gayen Thompson of Grinnell Street shares the publication called “Underwater” by the Union of Concerned Scientists regarding storm water issues as it may be of interest to the Town Council. Council members noted the seriousness of this issue.

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

- A) Town Administrator’s Report: Andrew E. Nota
Mr. Nota reported on:

- 1) Jamestown Golf Course update

Mr. Nota reported the progress since the August 8th special meeting and approval of a short-term plan for greens rehabilitation (\$110,000) that includes purchase of sod from SODCO, with responsibilities and labor and shared costs with the operator. This will keep the course open and improve conditions. A long-term lease will be worked out in the next phase which includes construction and drainage work on the greens and CRMC permitting. The support by Council on the short-term plan bought us time and allows us to work collaboratively over next few years.

- 2) State Aid FY2018 Revised and FY2019 Enacted for the Town of Jamestown

Mr. Nota reported the Town is estimated to receive approximately \$80,000 more from Pass Through (\$32,000) and Education (\$48,000) Aid than originally anticipated. There are unknown expenses that may affect the additional revenue’s impact.

- 3) Island Rubbish Contract Renewal

Mr. Nota reported an agreement has been reached with Island Rubbish for an additional five-year lease continuation. This will be brought back before Council for review and approval in September.

- 4) Final Overview of FY2019 State Budget as Enacted

Mr. Nota reported on the budget summary provided by the RI League of Cities and Towns highlighting major impacts for municipalities. This information is included in the meeting packet.

- 5) RI Interlocal Risk Management Trust Loss Prevention Training Schedule

Mr. Nota reported on loss prevention training seminars offered by The Trust for members, most of them at no cost.

6) Building Code Commission Establishes Statewide Building Permit Fees

Mr. Nota reported on the new statewide building permit fees implemented by the State Building Commission using formulas and criteria assigned to each community based on costs for services. The new system was initiated to prevent price gauging by municipalities. The fee structure can be adjusted in the future based on costs. The Town was granted an extension and the new fee schedule will be in effect September 1st. The RI League of Cities and Towns fought this and will be tracking it over the next year. Discussion ensued of the new permit fees.

VIII. UNFINISHED BUSINESS

- A) Upcoming Meetings and Sessions – dates and times
- 1) Scheduling of public information session for Golf Course, Library and School Bonds; review, discussion and/or potential action and/or vote

President Trocki noted proposed public information sessions to provide facts and education on the upcoming projects for the Golf Course, Library and Schools. The end of September and early October would be appropriate, with one session at a Town Council Meeting and one stand-alone session with questions and answers, so that voters have an understanding of the projects in order to make an educated decision on Election Day. The first session will be an agenda item for the October 1, 2018 Town Council Meeting, followed by a public information session early to mid-October. The Town Clerk will coordinate with the School Department, Library, Golf Course and Town staff for the second session.

- 2) Town Council Meeting Schedule; review, discussion and/or potential action and/or vote
- a) September meeting schedule

The Town Council will have two regular meetings in September on Tuesday, September 4th and Monday, September 17th.

IX. NEW BUSINESS

- A) Donation of Diepenbrock Sculpture to the Town of Jamestown for placement at East Ferry, as requested by Councilor Mihaly; review, discussion and/or potential action and/or vote

President Trocki referenced the Whale's Tail sculpture by Jamestown artist Peter Diepenbrock displayed at East Ferry for two weeks prior to departing for Tarrytown, NY.

Pat Tuff of Racquet Road noted the citizens group formed with Joan Swift, Wendy Ross and herself as a result of their appreciation for the sculpture on display temporarily at East Ferry. Jamestown is home to so many artists and a sculpture would make an amazing entrance to the Island. They asked the artist if another sculpture could be created for placement at an East Ferry location, and he informed them yes, and what is proposed is a

sculpture to be privately funded and gifted to the Town of Jamestown. The cost is \$90,000, and as of this morning, \$60,500 has been pledged.

Joan Swift of Emerson Road referenced the photographs of the proposed sculpture. Councilor Mihaly noted the discussion of a bronze texture for the sculpture as an alternative. Ms. Swift noted the group met with the artist and determined the stainless steel texture would be a more durable piece of art and less expensive to maintain, and that is what is proposed. They want citizens to enjoy and appreciate the work that speaks for itself. A photo-shopped version was displayed to show the ten-foot statue at an East Ferry location by the seawall. We have a proven piece by a gifted artist of a subject that would be appropriate for our Island community and its marine environment and heritage. The \$60,500 raised to date represents pledges from many people and they plan to continue to solicit donations from community in any amount.

Artist Peter Diepenbrock stated the sculpture would be a replication of the original one on a two-foot base of a material to be determined.

Wendy Ross of East Shore Road stated they are excited about this project and gifting it to the Town of Jamestown. Our momentum is amazing, we would like to raise the rest of the money quickly, and we are here to answer any questions.

Councilor Dickinson noted Jamestown is a vibrant arts community and there is precedent for this type of project. Public involvement on all levels is needed to be sensitive to all members of the community and to the iconic view at the proposed location.

Peter Diepenbrock displayed photos of the sculpture in varying views at different times of day and explained the proposal and why it is appropriate for the location. The sculpture base could be a cast concrete cylinder or granite, which not included in the \$90,000 price. Additional contributions would be solicited for the pedestal and footing at approximately \$12,500. Discussion ensued of the bronze texture, noting if the sculpture was the victim of graffiti, it would be difficult and more expensive to clean and restore than stainless steel, and would cost an additional 15% to 20% higher than stainless, which he feels is more reflective of the colorations around it. The sculpture would probably have a different rotation that is more appropriate than the one pictured, perhaps facing East Ferry Deli with the back spine facing Shoreby Hill, depending on how it looks when suspended from the crane. Discussion ensued of the strength and durability of the 3/16" stainless steel material chosen.

Councilor Dickinson commented this is a great idea to give people the opportunity to view public art. He suggested the northern sector of the square as an appropriate location so as not to obstruct the iconic view shed. Mr. Diepenbrock noted this will not block the view, but enhance it. Councilor Dickinson asked about the cost of maintenance. Mr. Diepenbrock stated it would require two people for one day every other year, and if ignored, it would still be fine.

Councilor Mihaly stated this will be a great enhancement for the Town, the group has done an amazing job, and he would like to see it happen, as we need more public art. Detailed questions on insurance costs and lighting design need to be considered.

Ms. Tuff noted the lighting and base costs are separate and part of the \$12,500, and donations will be solicited for that as well and all who donate will get the recognition deserved. Vice President White commented he is impressed with the statue and the proposed location.

The group would like Council approval.

President Trocki expressed her appreciation for and enjoyment of the sculpture while it was on display, noting she does not object to the project. However, it is difficult to make a decision that changes the view shed permanently, especially since the community is unaware of this initiative. It is important to be sure that the artist community and our citizens are on board with moving forward with the project. She would be honored to have the sculpture there, but doesn't want it to happen too quickly without knowing the level of interest of the community.

Councilor Mihaly agreed with her concerns, as the public does need to be informed. The JAC has already said yes to the project. President Trocki feels it is fair to be cautious as this is a permanent display rather than a rotating art display. We need to get this out to the public and give them a chance to weigh-in. Discussion ensued.

Mr. Diepenbrock asked for an indication of where the Council stands on the sculpture to help them move forward. Ms. Swift stated she will solicit support from arts organizations, East Ferry businesses and Shoreby Hill residents, noting not every citizen will be in agreement.

Vice President White noted it would behoove us to pass a motion supporting the concept of this gift of over \$100,000 and encourage the community to respond and support the concept of the project.

Solicitor Ruggiero was asked for his opinion, and stated the donation could be deferred until there is public input. President Trocki is in favor of soliciting donations and giving everyone the opportunity to be part of it (the playground project was referenced). We want everyone onboard before moving forward. She suggested the group invite people to the next meeting, bring public awareness through *Jamestown Press* articles, sending letters to the Clerk and Council, and approach the Chamber of Commerce and arts organizations.

Councilor Mihaly suggests we do several things:

- Follow Vice President White's suggestion for non-binding support;
- Make this an agenda item for the September 4th meeting;

- Depending on feedback from the public, have a special workshop if needed to give us a sense of where the public is.

Councilor Mihaly suggested next steps for the group to contact associations, put ads in the newspaper, and get the information out in public, as people need to know what is proposed.

Councilor Dickinson commented he has received texts asking that people be informed prior to making a decision, suggests speaking to business owners for their input, and letting people know what funds have been raised.

Councilor Meagher noted that process is important and the process for determining place-making is important. It is very different working in the private sector from working in the public sector. Public art is important, Mike’s proposed motion is perfect and she supports it, and she supports asking the community to weigh-in.

A motion was made by Councilor Meagher with second by Councilor Mihaly to approve this in concept.

Discussion. Mr. Diepenbrock was asked the timeline to build, and he answered five months, once legal issues and other details are worked out, with work estimated to begin in January with a projected June delivery. Council members commented they never considered such a project until the sculpture was on display. This is accepting a gift that will have a long-term public impact at a very important location in the community. We need input from the public that will make this decision and the raising of the funds easier. The community has something to offer and that is why the process is necessary and works. The group was urged to get the word out through various means to make the public aware.

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

This will be on the September 4th meeting agenda.

- B) Cell Tower development in the north end: IT Consultant Michael Glier; review, discussion and/or potential action and/or vote

Mr. Glier noted poor cellular service and public safety concerns for the north end have been discussed for a long time. Data supports locating a cell tower on town-owned land and leasing to carriers, as wireless is the preferred service going forward. Mr. Glier proceeds with a PowerPoint Presentation “Prospective Cell Tower Site to Service the North End of Jamestown” prepared with the assistance of Jean Lambert, Amy Wengefeld and Azure Giroux as follows:

Initiative:

- Cellular service on the north end is poor to non-existent
- Public safety communications experience poor performance
- Town-owed parcels on the north end may be suitable for a cell site
- Town has experience leasing to cellular carriers

- Market opportunity for carriers

Important Issues:

- More households disconnecting landline-based services
- Reliable public safety (police and fire) communications needed
- Wireless is the preferred service delivery method

Goals:

- Identify at least 2 parcels for prospective cell sites
- Estimate number of north end parcels to be served by each site
- Criteria for preliminary site selection/rejection

Overview of Terms:

- Parcel – properties from existing plat maps
- Primary Service Area – within 1.62 mile radius around proposed site
- Secondary Service Area – between 1.62 and 2.0 mile radius around proposed site

Criteria for Location by Priority:

- Serve the largest number of north end parcels
- Parcel height above sea level – elevation reduces required tower height
- Minimum parcel size to accommodate 3 carriers (1/2 to 1 acre)
- Access and distance to utilities - fiber communications service most important
- Accessibility during and after extreme weather conditions

Initial Survey Results

- Town-owned parcels that met base criteria: 1) Cedar Lane 2) North Pond 3) East Shore Road
- Cedar Lane Survey Area map reviewed
- Howland Avenue Survey Area map reviewed
- North Main Road Survey Area map reviewed
- East Shore Road Survey Area map reviewed

Site Survey Parcel Coverage Comparisons (using 2 mile radius, 125 ft. tower)

- Cedar Lane 1775 parcels
- Howland Avenue (100 ft. tower) 1434 parcels
- North Main Road 1215 parcels
- East Shore Road 598 parcels

Next Steps:

- Town Council direction before proceeding
- Internal discussions between Administration, Planning, Zoning, Public Works; Preliminary site reviews; RFI or RFP development to bid outside engineering services

Council discussion ensued of other non-Town-owned (private, CILT) properties that may be available and suitable and the possibility a private parcel could be “swapped” for a Town-owned parcel (may be long, drawn-out process). Discussion ensued of best possible locations, options, needed cellular and public safety services, landowners coming forward, and contacting landowners to discuss property purchase/swap. It was noted private parcels usually end up as single carrier sites and a site with multiple carriers is preferred.

Discussion ensued of costs to construct a tower, potential revenues, engineering services and best site (North Road area) may be non-town owned parcel.

A motion was made by Councilor Meagher with second by Vice President White to proceed with phone calls to pursue properties and solicit an RFP. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

Public Comment:

Carol Crafts of North Main Road asked if one tall tower or two smaller towers, perhaps one at the Transfer Station and one at another location, would be a solution. President Trocki stated a tower needs to be tall enough to be above the tree canopy and carriers may not be willing to pay to be on multiple towers. Mr. Glier stated height above sea level is most desirable, and data is available from a survey focused on a smaller tower.

- C) Award of Bid: Jamestown Fire Department Rescue Boat Outboard Motors for One (1) F225XCA and One (1) LF225XCA 25” Shaft Yamaha four-stroke outboard motors to repower the 2008 28’ Protector Rescue Boat, with Yamaha OEM Equipment and Rigging and Two (2) Year On-site Service Contract, to Conanicut Marine Services, Inc. of Jamestown, RI for an amount not to exceed \$49,000.00, as bid, as recommended by Fire Chief James Bryer

Chief Bryer noted the \$60,000 anticipated cost for this repair.

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

- D) Town-owned Lots in the Jamestown Shores (34) to be placed under the Conanicut Island Land Trust Conservation Easement for preservation, as requested by the Jamestown Conservation Commission; review, discussion and/or potential action and/or vote
 - 1) Memorandum of Town Planner Lisa Bryer
 - 2) Photographs and Maps of Proposed Conservation Easements in the Jamestown Shores
 - 3) 2012 Conservation Easement

Town Planner Lisa Bryer noted the 2012 Conservation Easement granted to the Conanicut Land Trust for preservation and protection of 86 lots in the Jamestown Shores. The Conservation Commission advocates adding an additional 34 lots in the Shores acquired since 2012 to the Conservation Easement. It appears some of the lots may have viable other uses, and we don’t want to put them in a Conservation Easement if that is the case. The Wetlands Map examined indicates 90% of the lots fall in the wetlands. It may be prudent to hire an environmental person to determine if the lots included in the 10% have viable uses.

Councilor Meagher noted properties that appear to be viable. Area 4 contains lots that do not appear to be in the Wetlands. Councilor Dickinson noted the watershed that runs through the area and the Water Resources Protection Committee should weigh-in before any decisions are made. Councilor Mihaly stated evaluation and determination by a professional going lot-by-lot would be prudent.

Joyce Antoniello of Columbia Avenue, Conservation Commission Member, noted many lots have been extensively observed and determined to be wet, and if not in the wetlands, abut wetlands, and don't appear to have any municipal value. Council members note the possibility for affordable housing. Ms. Antoniello noted some of the lots are land-locked and inappropriate for any type of development. Council members don't object to placing many of the lots in the existing Conservation Easement, but want to investigate others for potential uses, as once they become part of the Conservation Easement they can no longer be used for other purposes.

Sav Rebecchi of Sail Street commented on challenges for access to the shore, water, and the Upper Shores Advocates group he is part of with a web address of www.uppershores.us. The issue of water, water usage, and alternatives discussed recently on Facebook (Jamestown Yard Sale) were noted. Past water resources reports indicated the water is there as long as there is rain, and that some wells are not as deep as they should be. Noted was a report from the RIDEM Division of Forestry that included a section "Timber Stand Improvement" containing guidelines for forest management and water resources preservation. It revealed that a 60 to 80 feet tall tree uses in excess of 200 gallons of water per day, more than the average family uses daily, and an acre of mature trees could consume more than 1,000,000 gallons of water per year. Many homes in the Shores have trees that consume more water than the families who live there. Perhaps the growth of large trees on the Conservation lots could be managed.

Mr. Rebecchi noted the Jamestown Shores Lots Management Plan in place that prohibits the land from being used for public parks (Page 8), and prohibits cutting, trimming or removal of vegetation except for invasive species management (Page 10), and the concern is this restricts the use of forest management on those 34 lots. Mr. Rebecchi was thanked for the information.

Jerome Scott of Walcott Avenue asked what benefits accrue to the Town by giving up the 34 lots for Conservation. Town Administrator Nota stated the Town would not be giving them up, only putting them in the Conservation Easement. The original intent was for preservation and would prohibit future sale and development of the lots, but that does not prohibit other neighborhood uses. Mr. Scott further asked if any of the 34 lots could be used for affordable housing using above-ground OWTS. He feels the Town should not enter into an agreement that gives up control at this time.

Councilor Members appreciate Mr. Scott's comments and thanked Ms. Antoniello for her efforts and recognize this proposal. Next steps will include hiring a professional to walk the properties to determine any potential uses.

Councilor Dickinson noted he prefers to see the Water Resources Protection Committee reinstated prior to making any decisions.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Appointments, Vacancies and Expiring Terms
 - 1) Jamestown Fire Department Compensation Committee (Two vacancies with three-year term ending dates of May 31, 2021; Fire Department Representative and Citizen-at-Large Representative); duly advertised; review, discussion and/or potential action and/or vote
 - b) Letter of interest for reappointment
 - i) Ron Barber (Fire Department Representative)

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

- 2) Jamestown Zoning Board of Review (One vacancy with an unexpired five-year term ending date of December 31, 2018); review, discussion and/or potential action and/or vote
 - a) Letter of resignation
 - i) Joseph Logan
 - b) Appointment of 1st Alternate to Member for the unexpired term to December 31, 2018
 - i) Marcy Coleman
 - c) Appointment of 2nd Alternate to 1st Alternate for the unexpired term to December 31, 2018
 - i) Judith Bell
 - d) Appointment of 3rd Alternate to 2nd Alternate for the unexpired term to December 31, 2018
 - i) Lisa Hough

A letter of thanks will be sent to Joe Logan for his many years of service to the Town of Jamestown.

A motion was made by Councilor Meagher with second by Vice President White to move the Alternates up one spot and advertise for a 3rd Alternate. President Trocki, Aye; Vice President White, Aye; Councilor Dickinson, Aye; Councilor Meagher, Aye; Councilor Mihaly, Aye.

Advertising of vacancies will continue.

XI. CONSENT AGENDA

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

- A) Adoption of Town Council Minutes
 - 1) July 16, 2018 (regular meeting)
 - 2) August 8, 2018 (special meeting)
- B) Minutes of Town Boards/Commissions/Committees
 - 1) Jamestown Seniors Working Group (04/05/2018)
 - 2) Jamestown Seniors Working Group (04/19/2018)
 - 3) Jamestown Zoning Board of Review (06/26/2018)
- C) CRMC Notices
 - 1) August 2018 Calendar
- D) Abutter Notification
 - 1) Notice of Proposed Administrative Decision: An application for modification has been submitted to the Zoning Enforcement Officer, pursuant to Article 6, Section 609 of the Jamestown Zoning Ordinance. The Zoning Enforcement Officer has decided that the request is consistent with the requirements of 609. You have the right to file a written objection to this determination and, if timely filed, the request for modification shall be denied. If no written objections are received within thirty (30) days of July 26, 2018 the modification shall be granted. Application of Mark & Donna Hemphill, whose property is located at 120 Garboard St., and further identified as Assessor's Plat 15, Lots 173 & 174, for a variance from Article 3, Table 3.2 (District Dimensional Regulations) to construct a 24' x 26' garage 11'3" from the side (Garboard) lot line, 15' being required. Said property is located in a RR80 zone and contains 14,400 sq. ft.
- E) Event/Entertainment License Applications
 - 1) Applicant: Jamestown Police Department
Event: Wheels n' Steel Touch-a-Truck
Date: October 7, 2018
Location: Jamestown Police Station, 250 Conanicus Avenue
 - 2) Applicant: Arthur H. Washburn, Jr.
Event: Jamestown Seaside Family Cruise
Date: September 2, 2018
Location: Fort Getty
- F) Vendor/Peddler License Application
 - 1) Applicant: Rebecca Madeiro
Event: Seaside Family Cruise
Date: September 2, 2018
Location: Fort Getty

- (September)
- J) Fort Getty Utility Impacts (September)
 - K) Water supply concerns in the Jamestown Shores (October)

The following items will be added to future agendas as requested:

- Summer Recreation wrap-up – September 17th
- Safe Routes to School – September 4th or 17th

XIV. EXECUTIVE SESSION

None.

XV. 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 9:38 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor

JAMESTOWN PHILOMENIAN LIBRARY
26 North Main Road, Jamestown, RI 02835
Board of Trustees Meeting Minutes
Tuesday, July 10, 2018

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:

The meeting was called to order at 5:01 pm by board chair Sanborn. In attendance were Jennifer Cloud, Chris Walsh, Donna Fogarty, Peter Carson, Mary Lou Sanborn, and Marianne Kirby.

B. Executive Session - The Library Board of Trustees may seek to go into Executive Session to discuss the following item:

1 Pursuant to RIGL §42-46-5(a) Subsection (10) - Any discussion of the personal finances of a prospective donor to a library.

2. Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel - **Library Director's** Evaluation

A motion by Walsh to move into executive session at 5:04; seconded by Cloud. Motion passed unanimously.

A motion Kirby by to move out executive session at 6:26; seconded by Walsh. Motion passed unanimously.

No votes were taken during Executive Session

C. Native American Collection: Item has been postponed until the August meeting.

D. 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

1. **Minutes from June 11, 2018 LBOT and May 15, 2018 Building Committee**

2. **Financial Reports:**

a. **Library**

b. **Trustee**

3. **Progress and service report of the Library Director**

A motion was made by Carson to approve consent agenda, seconded Walsh. The motion passed unanimously.

E. Friends of Library Report: Friends made a total of \$6,880. on their annual fundraiser. Senator Reed event was well attended. Membership drive will be underway soon.

F. Unfinished Business:

1. Board of Trustees sub-committees update:

- a. Finance/Budget: No report.
- b. Policy: Defer to August meeting.
- c. Facilities: Donna Fogarty will contact three landscaping companies to get prices for maintaining garden.

2. Library Renovation Project:

- a. Building Committee: A review of questions that arose from building committee meeting around the delineation of estimates of cost and design development phase. Motion to move project into design development phase was made by Cloud, seconded by Walsh. The motion passed unanimously.
- b. Fundraising: Meeting Tuesday, July 17 at 5:00
- c. Project Outline: Project update to be presented to town council on Monday, July 16 at town council meeting.

3. Board Process Review: No comments.

4. Playground Renovation Committee: Open and a big success. Donna will reach out to town to talk about concern about level of trash and other issues.

5. Jamestown Philomenian Library Foundation: Current balance of \$ 121,000. Completion of IRS forms and tax filing are underway. Ongoing efforts to fill board ember spots.

6. Strategic Plan/Mission Statement: Meeting Tuesday, July 17 at 5:00.

7. November Library Bond Referendum: Develop plan to educate population and encourage vote.

G. New Business: None

H. Future Agenda Items:

- 1. Letter to Town Council regarding LBOT vacancies Board member Kirby will write draft letter.

I. Public Comment: None

K. Adjournment

A motion was made by board member Carson, seconded by board member Walsh to adjourn the meeting at 7:19 pm. The motion passed unanimously.

Date of next meeting: Tuesday, August 14, 2018.

Respectfully submitted,
Marianne Kirby
Secretary

JAMESTOWN PHILOMENIAN LIBRARY
26 North Main Road, Jamestown, RI 02835
Board of Trustees Meeting Minutes
Tuesday, July 17, 2018

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:

The meeting was called to order at 5:01 pm by board chair Sanborn. In attendance were Jennifer Cloud, Paul Housberg, Chris Walsh, Donna Fogarty, Mary Lou Sanborn, and Marianne Kirby.

A motion by board member Kirby to adjourn the open meeting at 5:01 and move into executive session at seconded by member Cloud. The motion passed unanimously.

B. Executive Session - The Library Board of Trustees may seek to go into Executive Session to discuss the following item:

1 Pursuant to RIGL §42-46-5(a) Subsection (10) - Any discussion of the personal finances of a prospective donor to a library.

A motion Walsh by to move out executive session at 6:07; seconded by Housberg. Motion passed unanimously.

No votes were taken during Executive Session

C. Strategic Plan: The board reviewed and revised the draft of the strategic plan. Members will review for next meeting.

D. Adjournment

A motion was made by board member Cloud, seconded by board member Walsh to adjourn the meeting at 7:30 pm. The motion passed unanimously.

Date of next meeting: Tuesday, August 14

Respectfully submitted,
Marianne Kirby
Secretary

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 24, 2018 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
Dean Wagner, Member
Terence Livingston, Member
Edward Gromada, Member
Judith Bell, 2nd Alt.
Lisa Hough, 3rd Alt.

Also present: Brenda Hanna, Stenographer
Chris Costa, Zoning Officer
Pat Westall, Zoning Clerk
Wyatt Brochu, Counsel

MINUTES

Minutes of June 26, 2018

A motion was made by Edward Gromada and seconded by Dean Wagner to accept the minutes of the June 26, 2018 meeting as presented.

The motion carried by a vote of 5 - 0.

Richard Boren, Dean Wagner, Terence Livingston, Edward Gromada, and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Joseph Logan and Marcy Coleman were absent.

CORRESPONDENCE

An e-mail from John L. Vallone, Esq. for Louis Mariorenzi requesting his application be withdrawn without prejudice.

Mariorenzi

A motion was made by Terence Livingston and seconded by Dean Wagner to accept the withdrawal of the application of A. Louis Mariorenzi without prejudice.

The motion carried by a vote of 5 - 0.

Richard Boren, Dean Wagner, Terence Livingston, Edward Gromada, and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Joseph Logan and Marcy Coleman were absent.

NEW BUSINESS

Town of Jamestown

A motion was made by Dean Wagner and seconded by Terence Livingston to grant the request of the Town of Jamestown (James T. and Lisa M Rafferty, owners) whose property is located at 91 Carr Lane and further identified as Assessors Plat 4, Lot 52 for variances from Article 3 Section 302 - District Dimensional Regulations and Table 3-2 to subdivide a 6.89 acre/300,252 square foot property located in the RR-200 zoning district into two parcels 1) residential parcel with existing house and 2) Conservation parcel to be permanently protected by Rhode Island Department of Environmental Management conservation easement. The following variances are requested: Parcel 1 (Residential Lot) - Lot Size, 59,119 square feet where 200,000 square feet are required. Parcel 2 (Conservation Lot) - Lot Width (frontage), 10 feet proposed where 300 feet are 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 restriction/condition(s):

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. The creation of a new conservation lot of approximately 5.5 acres is aligned with the Town's goals of pursuing watershed and open space protection and is consistent with the Comprehensive Plan.
2. Selling parcel A to Church Community Housing Corp. an affordable housing developer is aligned with the Town's goals of developing more affordable housing and is consistent with the Comprehensive Plan.
3. The lot sizes are compatible with other lots in the area.
4. The density of the existing lots will not change with this subdivision.
5. The water use will not change as a result of the granting of the variances.
6. Two abutters testified and there were no objections.
7. The "Condition of Approval" set forth in the Memorandum from the office of the Town Planner dated June 22, 2018 are incorporated herein and adopted by the Board.

The motion carried by a vote of 5 - 0.

Richard Boren, Dean Wagner, Terence Livingston, Edward Gromada, and Judith Bell voted in favor of the motion.

Lisa Hough was not seated and Joseph Logan and Marcy Coleman were absent.

LEE

A motion was made by Terence Livingston and seconded by Richard Boren to grant the request of Susanna Lee, whose property is located at 1036 East Shore Road, and further identified as Assessor's Plat 1, Lot 322 for a Variance, pursuant to Article 3 Section 82-302, Table 3-2, District dimensional regulations, to reconstruct the existing residence, where the required side setback is 30 feet and the proposed setback is 15.1 feet. The application also seeks a Variance from Article 7, Section 82-705, Alteration of a nonconforming structure, in order to utilize the existing foundation, where the existing side setback is 9.6 feet and the proposed side setback is 15.1 feet.

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 restriction/condition(s):

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 R80 Zone and contains 51,770 square feet.
2. The subject property although currently non-conforming will be less non-conforming after completion of the project.
3. Northern and western additions are all within the setbacks.
4. The garage which was abutting on the southern property line will be removed.
5. The project will remove the concrete patios and be replaced with pervious decks.

The motion carried by a vote of 5 - 0.

Richard Boren, Terence Livingston, Edward Gromada, Judith Bell, and Lisa Hough voted in favor of the motion.

Dean Wagner was recused and Joseph Logan and Marcy Coleman were absent.

Hamlin

A motion was made by Terence Livingston and seconded by Edward Gromada to continue the appeals of Geoffrey and Kris Hamlin to the August 28, 2018 meeting.

Memorandums are to be submitted by August 23, 2018.

The motion carried by a vote of 5 - 0.

Richard Boren, Terence Livingston, Edward Gromada, Judith Bell, and Lisa Hough voted in favor of the motion.

Dean Wagner was recused and Joseph Logan and Marcy Coleman were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:00 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 3
 Wakefield, RI 02879-1900

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

PUBLIC NOTICE

File Number: 2018-07-081 Date: August 16, 2018

This office has under consideration the application of:

**Eastward Vista, LLC
 c/o Providence Equity Partners Inc.
 50 Kennedy Plaza; 18th Floor
 Providence, RI 02903**

for a State of Rhode Island Assent to construct and maintain:

1200-pound boat lift on existing residential boating facility.

Project Location:	368 East Shore Road
City/Town:	Jamestown
Plat/Lot:	4 / 33
Waterway:	East Passage of Narragansett Bay

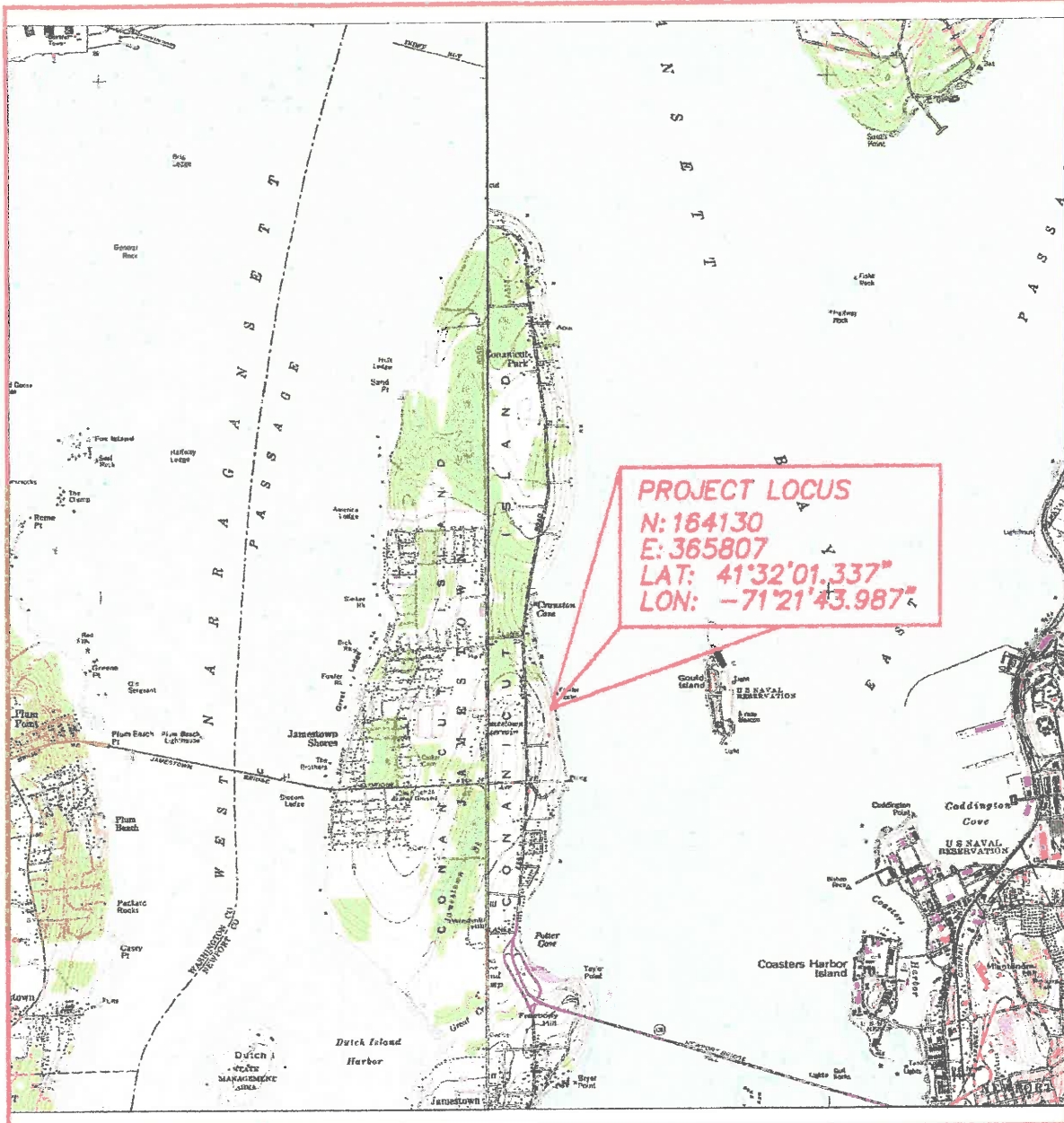
Plans of the proposed work may be seen at the CRMC office in Wakefield.

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 September 15, 2018.

/lat



PROJECT LOCUS
1"=5280'

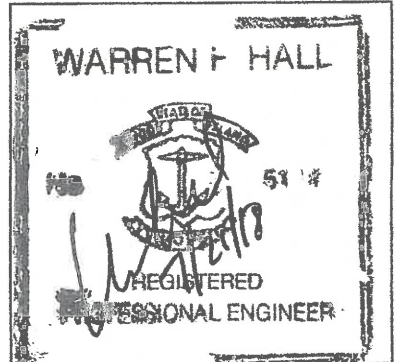


PROPOSED 1200 POUND BOAT LIFT
 EASTWARD VISTA, LLC
 368 EAST SHORE RD
 AP 4, LOT 33
 JAMESTOWN, RI 02835
 BY: WARREN HALL, CIVIL ENGINEER
 JULY 21, 2018 SHEET 1 OF 3

RECEIVED

JUL 30 2018

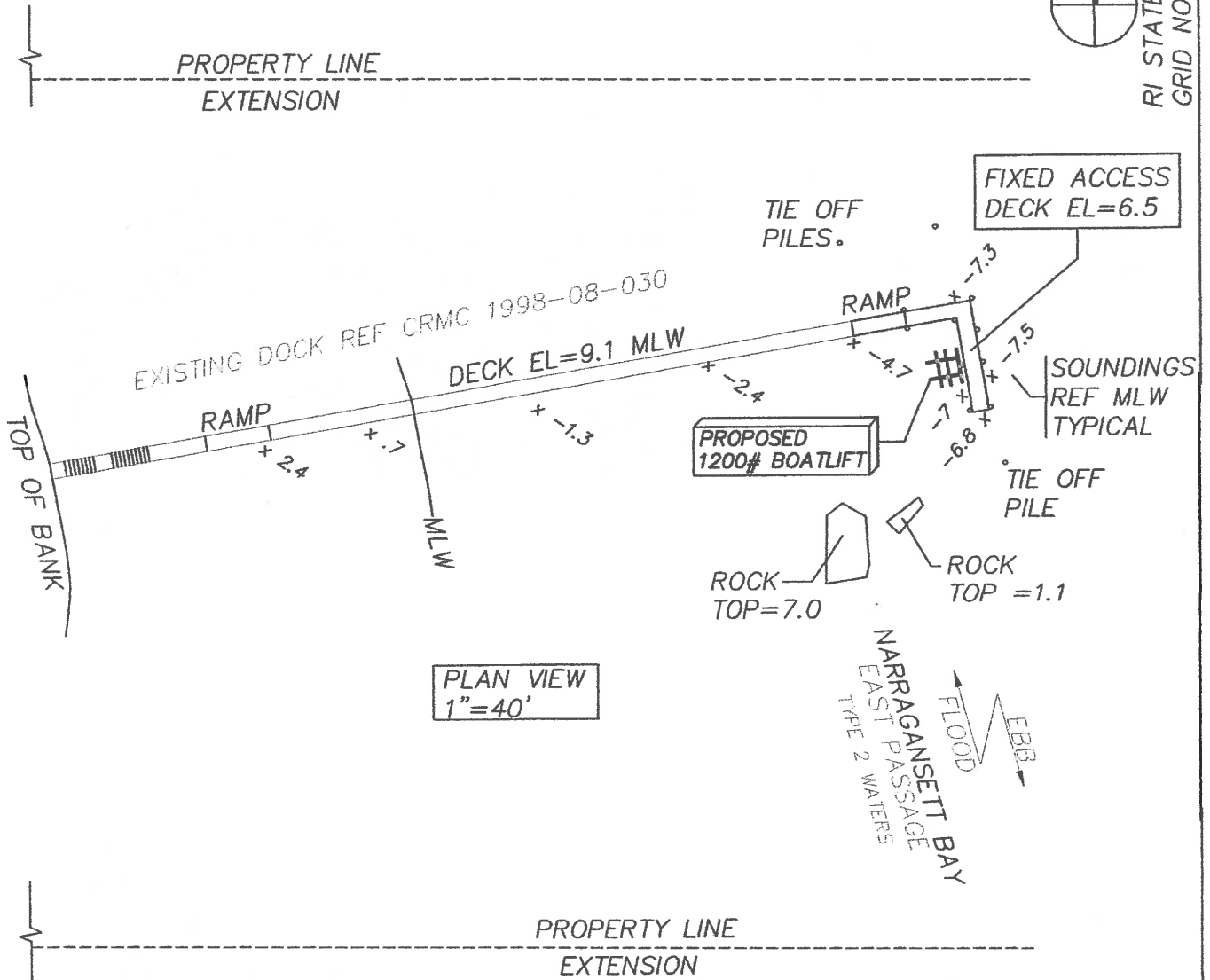
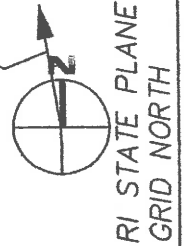
COASTAL RESOURCES
 MANAGEMENT COUNCIL



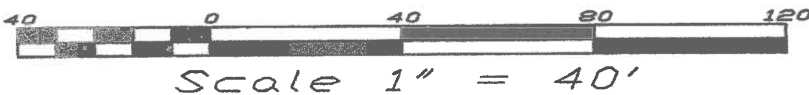
BURDICK & SHORT:

H=3.08+2(0)
3.08x3.281=10.1' (FIXED ACCESS PIER)
13.3' PROVIDED

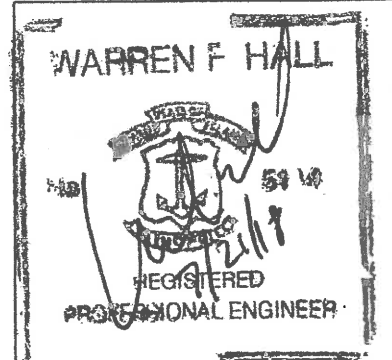
FIXED ACCESS
PIER DIRECTION
10° NW



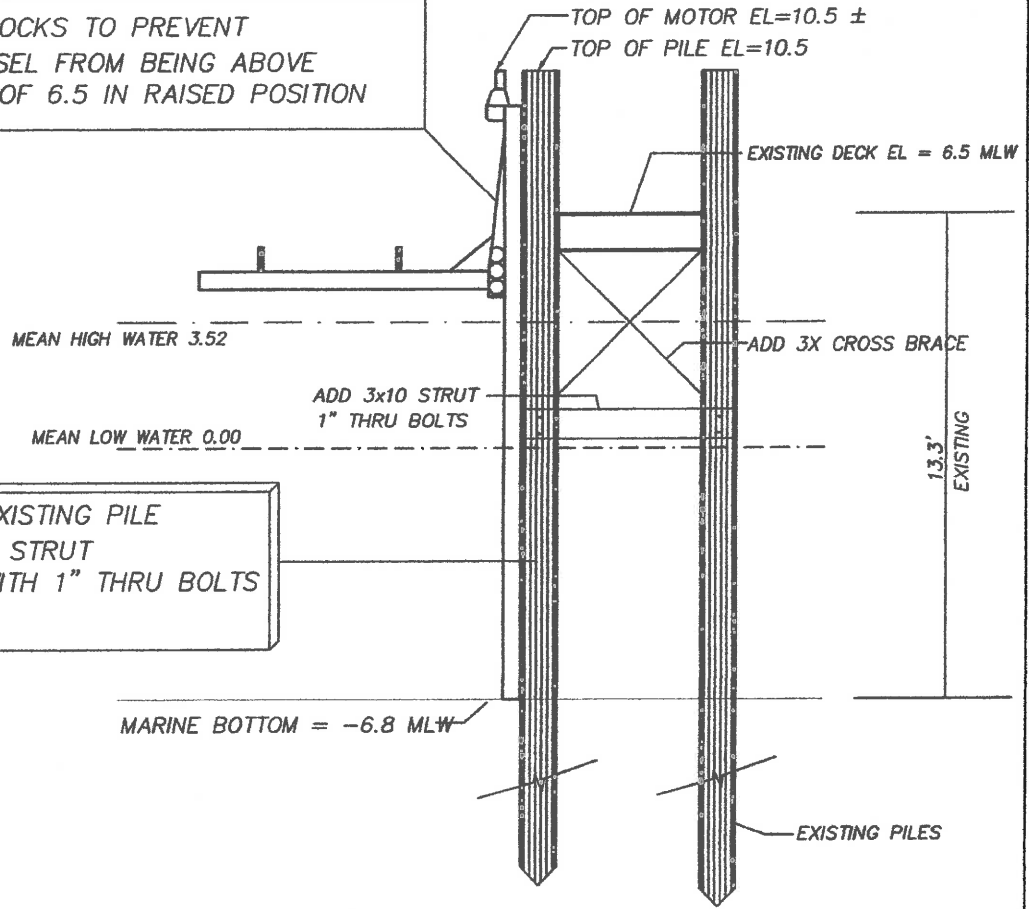
PLAN VIEW
1"=40'



PROPOSED 1200 POUND BOAT LIFT
EASTWARD VISTA, LLC
AP 4, LOT 33
368 EAST SHORE ROAD, JAMESTOWN, RI 02835
BY: WARREN HALL, CIVIL ENGINEER
JULY 21, 2018 1"=40' SHEET 2 OF 3



PROVIDE STOP BLOCKS TO PREVENT GUNWALE OF VESSEL FROM BEING ABOVE DECK ELEVATION OF 6.5 IN RAISED POSITION



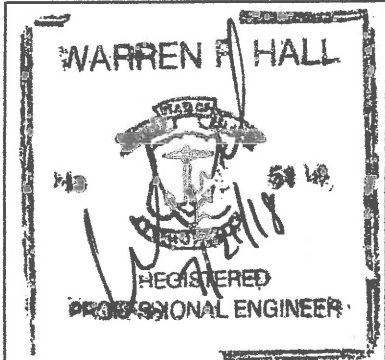
ATTACH NEW LIFT TO EXISTING PILE IF PROVIDE X BRACE & STRUT TO EXISTING, FASTEN WITH 1" THRU BOLTS AS NECESSARY

SECTION THRU PROPOSED BOAT LIFT
3/16"=1'-0"

- GENERAL NOTES ON BOAT LIFT
- 1) FACILITY SHALL BE LIMITED TO TOUCH "N" GO OPERATION ONLY.
 - 2) A MOORING IS PROVIDED AND IS AVAILABLE FOR LONG TERM DOCKING.
 - 3) BOATLIFT RESTRICTED TO VESSELS 12' OR LESS IN LENGTH & 1200 POUNDS OR LESS IN WEIGHT

RECEIVED
JUL 30 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

PROPOSED 1200 POUND BOAT LIFT
EASTWARD VISTA, LLC
AP 4, LOT 33
368 EAST SHORE ROAD, JAMESTOWN, RI 02835
BY: WARREN HALL, CIVIL ENGINEER
JULY 21, 2018 1"=40' SHEET 3 OF 3



**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Rhode Island Coastal Resources Management Program - Aquidneck Island SAMP - Coastal Development Regulations

Rule Identifier: 650-RICR-20-00-7

Rulemaking Action: Direct Final Amendment

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq

Coastal Zone Management Act 16 U.S.C. §§ 1451 through 1464

Summary of Rulemaking Action:

The purpose of this proposed rule is to reformat the Aquidneck Island (SAMP) Coastal Development Regulations and codify the rules in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"). Figures 5, 6 and 7 showing CRMC and DEM freshwater wetlands jurisdiction are being deleted, as DEM has established a user-friendly online map service for determining freshwater wetlands jurisdiction. Part 7.11 - Appendix A is being added to provide habitat maps currently available on the CRMC website here: http://www.crmc.ri.gov/samp_ai/AI_SAMP_Habitat_Linkage_Map.pdf. There are no substantive changes to the rule.

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Amendment without opportunity for public comment..

Objections should be addressed to:

James Boyd,

Coastal Resources Management Council

RI Coastal Resources Management Council

4808 Tower Hill Road

Wakefield, RI 02916

jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Rhode Island Coastal Resources Management Program - Coastal and Estuarine Land Conservation Program

Rule Identifier: 650-RICR-XXX-XX-3492

Rulemaking Action: Direct Final Repeal

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq.

Summary of Rulemaking Action:

The Coastal and Estuarine Land Conservation Program was included as part of the Coastal Resources Management Plan and adopted by Council on March 14, 2005 to implement a plan to assess Rhode Island's priority land conservation needs and provide clear guidance to applicants for nominating and selecting land conservation projects within the state. For the past several years there have been no federal funds to implement the CELCP. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations, the Rhode Island Code of Regulations (RICR). Since the Coastal and Estuarine Land Conservation Program does not contain any RICR regulatory requirements it is being repealed. However, the current CELCP will remain as a CRMC guidance document in accordance with R.I. Gen. Laws §§ 42-35-1(9) and 42-35-2.12, which will allow Rhode Island to compete for federal funds for the acquisition of worthy coastal and estuarine properties should any federal funding be available in the future for CELCP.

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Repeal without opportunity for public comment..

Objections should be addressed to:

James Boyd,
Coastal Resources Management Council
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Energy Amendments

Rule Identifier: 650-RICR-XXX-XX-1060

Rulemaking Action: Direct Final Repeal

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

GLRI 46-23 et. seq.

Summary of Rulemaking Action:

The Energy Amendments regulations were included as part of the Coastal Resources Management Plan (CRMP) and adopted by Council in 1978 and subsequently amended in February 1982 to implement regulations and procedures for managing energy facility siting and related impacts to the coastal environment. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations, the Rhode Island Code of Regulations (RICR). Desirable regulatory elements of the Energy Amendments (formerly Section 600 of the CRMP) are being codified within the RICR Red Book within § 1.3.1(H) and the original Energy Amendments will be repealed in their entirety.

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Repeal without opportunity for public comment..

Objections should be addressed to:

James Boyd,
Coastal Resources Management Council
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879
jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory

provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Rhode Island Coastal Resources Management Program - Guidelines for the Development of Municipal Harbor Management Plans

Rule Identifier: 650-RICR-XXX-XX-1062

Rulemaking Action: Direct Final Repeal

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq

Summary of Rulemaking Action:

The Guidelines for the Development of Municipal Harbor Management Plans (HMP) were included as part of the Coastal Resources Management Plan and adopted by Council on November 22, 1988 (with subsequent revisions) to implement practices and regulations for mooring management within waters of the State, and to also provide requirements for public access, water quality management, storm preparedness, and model local ordinances for local municipalities. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations, the Rhode Island Code of Regulations (RICR). Desirable regulatory elements of the HMP requirements are being codified within the RICR Red Book and the remaining non-RICR elements will be incorporated in a guidance document in accordance with R.I. Gen. Laws §§ 42-35-1(9) and 42-35-2.12.

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Repeal without opportunity for public comment..

Objections should be addressed to:

James Boyd,

Coastal Resources Management Council

RI Coastal Resources Management Council

4808 Tower Hill Road

Wakefield, RI 02879

jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: RI Coastal Resources Management Program - MetroBay SAMP - Urban Coastal Greenways

Rule Identifier: 650-RICR-20-00-5

Rulemaking Action: Direct Final Amendment

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq.

Coastal Zone Management Act 16 U.S.C. §§ 1451 through 1464

Summary of Rulemaking Action:

The purpose of these regulations is to provide a concise set of coastal development regulations for properties located within the Metro Bay Region SAMP boundary that are predictable and provide developers with several options for coastal buffers to promote economic development and coastal resource protection. The purpose of this amendment is to reformat the Metro Bay Region SAMP in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"), consolidate and integrate desirable elements of the Providence Harbor SAMP, and to make other non-technical changes. There are no substantive changes to the existing regulations. Reformatting of the regulation in accordance with RICR includes, but is not limited to, renumbering, moving of definitions, movement of text, and elimination of duplicative or non-regulatory text, among other format changes. A summary of changes between current and proposed regulation by section is as follows:

- Add new § 5.1(B) to highlight federal Coastal Zone Management Act authority for implementation of Special Area Management Plans
- Add new § 5.1(C) to further clarify the purpose of the consolidated rules
- Add new § 5.3 as a consolidation of Metro Bay Region policies
- Add new § 5.3.1 to account for Providence Harbor SAMP prohibitions
- Add new § 5.3.2 to account for specific Providence Harbor policies

- Clarify applicability of roadway projects at § 5.5(C)(1)(a)(2)(CC)
- Clarify status of the compensation option at §§ 5.4(C)(3), 5.5.1(B)(5), 5.8(C)(3)(b)(2), 5.8(C)(4)(a)(4), and 5.9(B)(4)(a)

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Amendment without opportunity for public comment..

Objections should be addressed to:

James Boyd,
Coastal Resources Management Council
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879
jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Rhode Island Coastal Resources Management Program - Metro Bay (Providence Harbor) SAMP - Hazards Chapter

Rule Identifier: 650-RICR-XXX-XX-5766

Rulemaking Action: Direct Final Repeal

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq

Summary of Rulemaking Action:

The Hazards Chapter of the Metro Bay SAMP seeks to advise the communities, state and local governments, and the public on the relevant coastal hazard issues in the Metro Bay region and propose recommendations to effectively address and mitigate those hazards. The subject regulations were adopted by the Council in 2009 as part of the Metro Bay Region SAMP. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations, the Rhode Island Code of Regulations (RICR). The Natural Hazards chapter contains findings and recommendations, but does not contain any enforceable policies or standards. Accordingly, the CRMC plans to repeal the Hazards chapter and include the chapter's findings and recommendations within the Metro Bay Region SAMP guidance document to provide helpful information to assist with compliance with the RICR portions of the Metro Bay Region SAMP (650-RICR-20-00-5).

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Repeal without opportunity for public comment..

Objections should be addressed to:

James Boyd,

Coastal Resources Management Council

RI Coastal Resources Management Council

4808 Tower Hill Road

Wakefield, RI 02879

jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Providence Harbor: A Special Area Management Plan

Rule Identifier: 650-RICR-XXX-XX-1064

Rulemaking Action: Direct Final Repeal

Important Dates:

Date of Public Notice: 08/22/2018

End of Public Comment: 09/21/2018

Authority for this Rulemaking:

RIGL 46-23 et. seq.

Summary of Rulemaking Action:

The subject regulations were adopted by the Council in 1983 and this particular Special Area Management Plan was the first one adopted by the CRMC. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations, the Rhode Island Code of Regulations (RICR). Accordingly, the CRMC is codifying the Metro Bay Region SAMP and desirable elements of the Providence Harbor SAMP have been integrated into the amended Metro Bay Region SAMP (650-RICR-20-00-05). Therefore, the Providence Harbor SAMP can now be repealed.

Additional Information and Comments:

If no formal objection is received on or before September 21, 2018, Coastal Resources Management Council will file the Repeal without opportunity for public comment..

Objections should be addressed to:

James Boyd,

Coastal Resources Management Council

RI Coastal Resources Management Council

Wakefield, RI 02879

jboyd@crmc.ri.gov

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.



**Town of Jamestown
Tax Assessor**

**93 Narragansett Avenue
Jamestown, RI 02835**

**Phone: 401-423-9802
Email: cbrochu@jamestownri.net**

To: COUNCIL PRESIDENT TROCKI, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR THE **SEPTEMBER 4, 2018** MEETING

MOTOR VEHICLE ABATEMENTS TO 2016 TAX ROLL

#07-0123-50M Gargaro-Larson, Janet M	Abatement per Finance Director	\$74.77
-----------------------------------------	--------------------------------	---------

MOTOR VEHICLE ABATEMENTS TO 2017 TAX ROLL

#07-0123-50M Gargaro-Larson, Janet M	Abatement per Finance Director	\$43.27
-----------------------------------------	--------------------------------	---------

MOTOR VEHICLE ABATEMENTS TO 2018 TAX ROLL

#03-0120-77M Campbell, John W	Motor Vehicle – 2014 Jeep Reg. #QQ543, incorrect information from DMV	\$6.17
#10-0230-00M Johnson, Kathleen L	Motor Vehicle-2013 Lincoln Reg. # KLJ, incorrect information from DMV	\$130.75
#18-0140-06M Reisinger, Stacey	Motor Vehicle – 2010 Honda – Reg# BQ795, registered in Illinois.	\$19.39

REAL PROPERTY/TANGIBLE ABATEMENTS TO 2018 TAX ROLL

#02-0896-93 Bond, Ronald & Christine	Plat 7, Lot 188, transferred on 07-31-2018 to Account #13-2251-00	\$6,471.65
#02-1035-80 Bowen, Catherine F	Plat 8, Lot 334, transferred on 08-10-2018 to Account #12-0100-97	\$5,805.78
#03-0330-00 Carr, Alice (Est)	Plat 3, Lot 444, transferred on 08-14-2018 to Account #03-1419-10	\$3,410.44
#07-0367-00 Gillerin, Edward & Carol J	Plat 9, Lot 817, transferred on 07-31-2018 to Account #07-0034-65	\$3,793.90
#07-0894-04 Greenhalgh, John M.	Plat 14, Lot 200, transferred on 08-02-2018 to Account #19-1159-91	\$2,191.79
#08-0021-00 Hagen, Robert Steven	Plat 8, Lot 79, Unit 10 transferred on 07-31-2018 to Account #02-1301-20	\$4,208.51
#08-0460-88 Hester, Frances Stuart	Plat 9, Lot 142, transferred on 08-06-2018 to Account #12-0927-75	\$2,561.04
#12-0927-75 Lundy, Barbara	Plat 9, Lot 23, transferred on 08-14-2018 to Account #14-0432-20	\$8,726.91
#16-0054-40 Page-Evans, Catherine L	Plat 14, Lot 224, transferred on 08-03-2018 to Account #03-1545-50	\$2,375.87
#18-0006-19 Rafferty, James & Lisa	Plat 4, Lot 52, transferred on 08-17-2018, purchased by the Town of Jamestown. Account #28-0170-00 (tax exempt)	\$3,433.70
#20-0539-40 Travisono, Peter & Pottish, Nancy	Plat 2, Lot 100, transferred on 08-08-2018 to Account #26-0027-00	\$8,271.74

#23-0110-02 Walls, Andrew et al	Plat 5, Lot 73, transferred on 08-01-2018 to Account #02-0896-93	\$2,719.25
#26-0098-00 Zweir, Kathryn & Crowell, Susan	Plat 9, Lot 226, transferred on 08-14-2018 to Account #23-0138-00	\$3,262.47

ADDENDA TO 2018 TAX ROLL

#02-0896-93 Bond, Ronald & Christine	Plat 5, Lot 73, transferred on 08-01-2018 from Account #23-0110-02	\$2,719.25
#02-1301-20 Brix, Charles	Plat 8, Lot 79, Unit 10 transferred on 07-31-2018 from Account #08-0021-00	\$4,208.51
#03-1419-10 Coyle, Lisca VL	Plat 3, Lot 444, transferred on 08-14-2018 from Account #03-0330-00	\$3,410.44
#03-1545-50 Cribb, Gregg & Ledoux, Kathleen	Plat 14, Lot 224, transferred on 08-03-2018 from Account #16-0054-40	\$2,375.87
#07-0034-65 Gallagher, Michelle & Alejandro	Plat 9, Lot 817 transferred on 07-31-2018 from Account #07-0367-00	\$3,793.90
#12-0100-97 Langston, Elizabeth & Fulweiler, John	Plat 8, Lot 334, transferred on 08-10-2018 from Account #02-1035-80	\$5,805.78
#12-0927-75 Lundy, Barbara	Plat 9, Lot 142, transferred on 08-06-2018 from Account #08-0460-88	\$2,561.04
#13-2251-00 Murphy, Patricia & Carrigan, Rosanne	Plat 7, Lot 188 transferred on 07-31-2018 from Account #02-0896-93	\$6,471.65
#14-0432-20 Northen Lights Consulting LLC	Plat 9, Lot 23, transferred on 08-14-2018 from Account #12-0927-75	\$8,726.91
#19-1159-91 Smith, Stefanie & Ryder, Dylan	Plat 14, Lot 200, transferred on 08-02-2018 from Account #07-0894-04	\$2,191.79
#23-0138-00 Walsh, James & Maureen	Plat 9, Lot 226, transferred on 08-14-2018 to Account #26-0098-00	\$3,262.47
#26-0027-00 Zimmer, Adam & Lisa	Plat 2, Lot 100, transferred on 08-08-2018 from Account #20-0539-40	\$8,271.74

ADDENDA TO 2018 MOTOR VEHICLE TAX ROLL

#02-0380-80M Beaupre, Anastasia M	Motor Vehicle-2014 Honda - Reg. # PP308 Transferred from Hopkinton	\$160.39
#03-0590-60M Charpentier, Kristin L	Motor Vehicle-2013 Volvo - Reg. # X707 Transferred from North Kingstown	\$189.26
#06-0108-30M Farrell, Mary K	Motor Vehicle-2012 Audi - Reg. # MKF Transferred from Providence	\$126.65
#16-0147-55M Paquette, Darryl J	Motor Vehicle- 2014 Jeep – Reg. # QQ543, updated data from DMV	\$6.17
#18-0020-20M Ranaldi, Kristina L	Motor Vehicle-2006 Saab - Reg. # 613954 & 2016 Mazda – Reg. # Q0956 Transferred from North Kingstown	\$124.39

TOTAL ABATEMENTS	\$ 57,507.40
TOTAL ADDENDA	\$ 54,406.21

RESPECTFULLY SUBMITTED,

Christine Brochu

CHRISTINE BROCHU,
TAX ASSESSOR

Town of Jamestown as an abutter.

Town Property: Plat 5, Lot 28

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING SEPTEMBER 25, 2018, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of WILDACRE ALLAGASH, LLC (ERIC BOTTARO, OWNER) whose property is located at Seaside Drive and Beach Avenue, and further identified as Tax Assessor's Plat 15, Lot 215 for:

1. a Variance from Article 3, Section 302, District Dimensional Regulations to allow front setback relief from Beach Avenue for 27.9' setback in an R-40 zone where front setback requirement is 40'; and
2. a Special Use Permit from Article 3, Section 2-314(c), High Groundwater Table and Impervious Layer Overlay District to allow construction of a single family home with a 4 bedroom OWTS. Said property is located in an R-40 zone and contains 25,668 square feet.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.



TOWN OF JAMESTOWN One Day Event/Entertainment Application

\$5.00 Application Fee

Date Rec'd _____
Office will enter date _____

**All licenses are issued subject to the resolution of debts, taxes and appropriate signatures
(This form can be used with or without vendors)**

Please complete the following information:

- Seasonal Event
- Parade
- Race:
 - Bicycle/Wheelchair
 - Run/Jog/Walk/Wheelchair
 - Marine Vessel
- Art/Craft Show
- Theatre/Film Production
- Concert
- Miscellaneous Function (please explain)

RECEIVED
TOWN OF JAMESTOWN, R.I.
18 AUG 28 AM 8:53

Name of Event: (if applicable) 43rd Annual Jamestown Classic Bike Race

Date of Event: 10-8-2018 Hours of Event: 7:00 AM - 12:00 Noon

Location of Event: Fort Getty Number of people attending: 200

Name of Applicant/ Business: Jamestown Rotary Club

Mailing Address: P.O. Box 652 Business Phone #: _____
Jamestown, RI 02835

Contact Person: Mark Holland Phone Number: 401-480-4221

List the type of entertainment being requested, if applicable (Band, DJ, etc.) _____

Who will the event benefit? Charities of Jamestown Rotary Club

Type of Operation: (Private, State Sponsored, Non-Profit): Non-Profit

R.I. Show Promoter's Permit Number, per RIGL § 44-19-1, (if applicable): _____

If the applicant is a Non-Profit organization, is it registered with the State? Yes No

RI Tax ID #: _____ Non-Profit ID #: _____

Number of Vendors/Peddlers: (circle one) N/A 1-10 11-20 21-30 31-40 41-50

(\$5.00 each Vendor/Peddler in addition to Application Fee)

A list of vendor/peddler and fee must be submitted to the Town Clerk's Office with this license. Vendor/Peddler list

Must include name, address, phone number, date of birth, type of merchandise to be sold and exact location of sales.

What types of items will be sold at this event? N/A

Will food be sold at the location? If yes, you must contact the R.I. Department of Health Yes No

Will alcohol be provided and/or served at this event? If yes, Alcohol Liability Insurance must be provided Yes No

Will traffic control or a public facility be needed? Yes No

If yes, Please contact the Jamestown Police Department, Public Works Department and/or the Recreation Department for rates and forms for approval.

Note: All applicants must submit a liability insurance policy with coverage in the amount of \$1,000,000 (one million dollars) when using Town owned property. Certificate of insurance: Yes No

If there is additional information for the Town Council that you would like to add please attach separate correspondence.

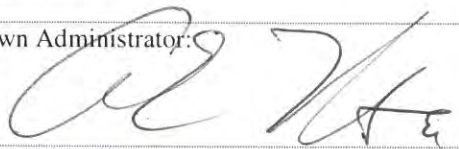



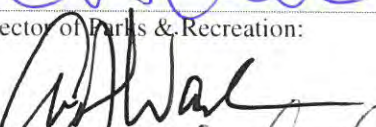
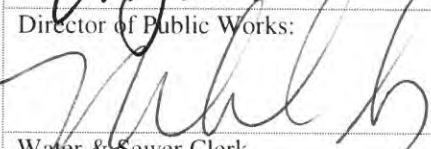

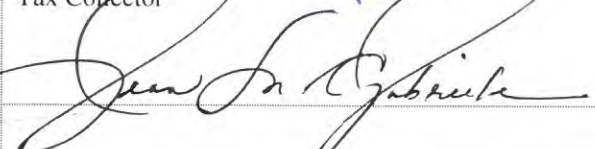
Signature of Applicant: Mark Holland

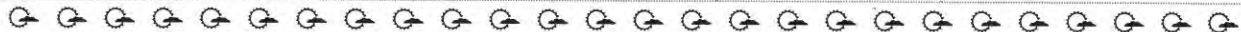
Please attend the Town Council meeting on the _____ day of _____, 20____ for Council review.

For Office Use Only

License Fee: \$ _____ Ins. Policy: _____ Ft. Getty Rental Permit: _____

For Approval: Please sign, date & provide approximate cost to Town.

Department	Date	Approximate Cost or Comments
Town Administrator: 	8/28/18	
Chief of Police: 	8/29/18	- police detail req'd - RIOT permit req'd
Fire Chief: 	8-28-18	
Zoning Official: 	8-28-18	
Director of Parks & Recreation: 	8/28/18	
Director of Public Works: 	8/28/18	
Water & Sewer Clerk 	8/28/18	
Tax Collector 	8/28/18	



This application has been **GRANTED/DENIED** by the Jamestown Town Council at a meeting held on the _____ day of _____, 20____ for the event scheduled for: (date) _____ (time) _____ with a location of _____.

Issued: _____

Cheryl A. Fernstrom, CMC, Town Clerk

Please keep this license on hand for the day of the event.

To: Jamestown Town Council

August 28, 2018

From: Jamestown Rotary Club

Re: Rental Fee for Fort Getty Pavilion

Dear Town Council Member,

The Jamestown Rotary Club has requested the use of the Fort Getty Pavilion for this year's 43rd Annual Jamestown Classic Bike Race. We hereby request that the rental fee for the Pavilion be waived again this year as it was for the previous two years when we launched the bike race from that location. The Jamestown Rotary Club sincerely appreciates the support that the Town provides for our bike race which supports our local charities.

Sincerely,
Mark Holland
Jamestown Rotary

18 AUG 28 PM 12:40

RECEIVED
TOWN OF JAMESTOWN, N.H.

JAMES RUGH

200 America Way, Jamestown, RI 02835

August 23, 2018

Town Council
Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835

To the Town Council:

Let me add my total and enthusiastic support to the idea of placing a sculpture by local artist Peter Diepenbrock at East Ferry.

Public art adds richness to our communities, something that is largely lacking in Jamestown. If the proposed sculpture were to become a reality, viewers would capture a photo of this striking public art on their smartphone and share the work and the “Jamestown experience” with others, extending the reach of Jamestown’s public art beyond the site.

The community had a rare opportunity to actually see the proposed art in situ. I thought it was terrific and could be a “signature” for the town. It would draw people to the downtown to see “the amazing whale tail” and many would likely stay to shop or dine. I heard many positives comments and I personally heard no negative feedback.

Historically, there was an arts-and-craft style well at the end of Narragansett that you could say was public art. This would be a 21st century replacement.

You have already cleared the major hurdle, the cost of public art. *The Jamestown Press* reported that nearly \$70,000 of the \$90,000 cost has already been privately raised, with very little publicity.

I urge you not to miss this opportunity.

Regards,



James Rugh

Cheryl Fernstrom

From: Allie Sabalis
Sent: Tuesday, August 28, 2018 8:01 AM
To: Cheryl Fernstrom
Subject: Public Art in Jamestown

While I applaud and admire the "Whale" sculpture as a very accomplished work by artist Peter Diepenbrock, it has been my experience as an artist, that any public work of art that is to be displayed in the "town square" is usually the result of a broadcasted artist's competition, for example, the well- known Vietnam Memorial with whom many people are familiar and is a testament to all those who fought and served during the Vietnam war and is located in Washington, DC.

If Jamestown is to have a public work of Art displayed and townspeople are being asked for contributions -- it should be opened up to a competition available to all RI artists including the work that is now being considered for placement for public view in Jamestown.

Proposals should be considered from RI artists and a call for ideas should be announced. RI artists should be given the opportunity to compete for this honor and receive recompense for their work if selected.

Respectfully,

Allie Sabalis

Jamestown Shores

Get [Outlook for Android](#)

Get [Outlook for Android](#)

Subject: Jamestown Public Art Policy and Proposal for New Installation

Dear Town Council Members, Andy, Lisa and Duncan,

I am concerned about the rapid review and approval process of the newly proposed public art installation for East Ferry. Further, I am surprised that project has already received “unanimous conditional approval” as reported in the Jamestown Press and as part of the Jamestown Whale’s Tail Project flyer being distributed in town.

My question is - what is the process by which this project will receive approval or be rejected. Is a council chamber full of supporters; a petition with a few hundred signatures and encouraging testimony, the best way to vet a public art installation? Is one council meeting with public input the ‘best’ way to vet a project that would result in a new permanent piece of art on public property in a prominent location?

Jamestown already has public art installations, and there are likely to be additional proposals and opportunities in the future.

There needs to be a long term plan with a longer view than just approving a project because it seems like a good idea today.

I strongly suggest that the Town Council pause, and consider that the next step should be to consider what is the Town’s policy for Public Art. Certainly we don’t have one today. The Comprehensive Plan does not address the topic, nor is there any guidance in our zoning manual or other planning documents. Yet - planning for Public Art is not an obscure concept.

Jamestown has limited space for public art installations - and the development of a Public Art Policy should be accomplished before approving any new installation.

The enthusiasm of the residents who support the Whale Tale project is admirable - but there are many questions to answer before moving ahead.

For example - What type of artwork is appropriate for Jamestown?

Given the limited public space in Jamestown, where is public art appropriate in Jamestown?

Should there be size limitations on a public art project? Will the project be permanent or temporary?

How many public art installations should there be?

What is the Town’s policy on historical monuments and memorials?

What happens to the artwork once it is deemed to be removed and who decides when artwork is ready for removal.

What are the policies and guidelines for indoor and outdoor installations.

What is the process for accepting or refusing a gift of artwork.

What is our policy for temporary installations. Who bears the cost of installation and removal?

Are the sitting members of a Town Council the best group to decide what is an appropriate public art installation, or should approval include local experts and professionals and local residents?

When the Town is presented with a new Public Art Project - can it replace an existing installation? Who makes that decision?
If artwork is donated - must there be signage on or near the project that memorializes the donors?
Who decides if artwork meets the Town's standards of decency or historical accuracy?

Without a written policy, the decision process related to approval of a public structure or installation - that could last 50 years or more - is too arbitrary and haphazard. Written Public Art Policies are common in cities and towns across the country, and Jamestown is not too small to put one in place immediately. When the Town of Jamestown invests in any project - buildings, roads, infrastructure, or long term planning - it is commonplace to engage experts and professionals to determine the best solutions to a project or problem. In turn, public Art proposals should also be reviewed by a committee of people who are recognized experts and professionals along with other independent members of the community, using carefully developed policies and procedures as guidance. A written process and thorough review then provides the Town Council with the tools to render a defensible decision.

Perhaps the Whale's Tail project is appropriate for East Ferry - or maybe it is appropriate for some other location in Jamestown. However rushing through the review process without first establishing what the Town's policies and long term goals are - is not the 'best' approach.

Respectfully,

Mike Swistak
143 Narragansett Avenue
Jamestown

On Aug 26, 2018, at 4:29 PM, Duncan Pendlebury wrote:

Mike, thanks for these thoughts. I agree one hundred per cent. As I read the bit in the paper I was reminded of public art we placed the airports on Saudi Arabia. Nothing can be placed without a story, what why, where and what is the relationship of the art to the entire population. Art is meant tell you a story that you can then repeat and expand the appreciation. The wrong art placement without a relatable story fails on just about every level. I hope that wide community will share your cautions.

Cheers

Duncan

August 28, 2018

Mr. Andrew E. Nota
Town Administrator
The Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835

Re: Dysautonomia Awareness Month
Proclamation Request

Dear Administrator Nota,

I am seeking your assistance in raising awareness of an important public health matter. October is "Dysautonomia Awareness Month" around the world. We're asking the Town of Jamestown to help us raise awareness by issuing a Proclamation declaring October to be Dysautonomia Awareness Month in Jamestown.

Dysautonomia (pronounced "dis – oughta – know' – me – uh") is an umbrella term used to describe several different neurological conditions caused by a malfunction of the autonomic nervous system. The autonomic nervous system controls all of the involuntary bodily functions that we normally take for granted – regulation of our blood pressure, heart rate, respiratory rate, digestion, kidney function, temperature control, pupil constriction and dilation, etc. When the autonomic nerves are damaged, it can cause very serious problems in one or more of these systems.

In 2013, I was diagnosed with a form of dysautonomia known as Postural Orthostatic Tachycardia Syndrome (POTS). While many people have never heard of it, POTS is not rare. Mayo Clinic researchers estimate that POTS impacts 1 out of 100 teens, and a total of 1-3 million Americans including adult onset patients, and millions more around the globe, making POTS more common than well-known conditions like multiple sclerosis and Parkinson's disease. The majority of people living with POTS are young women between ages 12 and 40, although older adults and males can be impacted too. POTS symptoms include tachycardia upon standing, blood pooling in the extremities, blood pressure dysregulation, fainting, dilated pupils which cause a sensitivity to light and frequent migraines, chest pains, shortness of breath, gastrointestinal motility problems, peripheral neuropathy, and many other symptoms. Autonomic disorders cause so many symptoms, because the autonomic nervous system controls so many different bodily functions. Experts compare the disability seen in POTS to what is seen in COPD and congestive heart failure. 25% of people living with POTS cannot work or attend school, resulting in a substantial economic and social impact to families and our country as a whole.

Raising awareness about dysautonomia will help other patients get diagnosed in a more timely manner, as many dysautonomia patients suffer undiagnosed or misdiagnosed for many years due to a lack of public and physician awareness about dysautonomia. With


your help, we can change that in Jamestown!

I have attached a sample proclamation and some information about dysautonomia for your consideration. The proclamation was drafted by Dysautonomia International, a 501(c)(3) non-profit that is dedicated to improving the lives of individuals living with dysautonomia through research, education, advocacy and awareness. If you are interested, you can learn more about POTS and other forms of dysautonomia on their website, www.dysautonomiainternational.org.

Please let me know if your office is able to help us raise awareness of dysautonomia by issuing the attached proclamation declaring October to be Dysautonomia Awareness Month in Jamestown. Ideally, we would like to obtain the proclamation in early October so that we can obtain some press coverage about Dysautonomia Awareness Month after the proclamation is issued.

If there is any other information you need, or if you have any questions, please feel free to contact me.

Respectfully,



Maria Semeraro-Bellanca
401-626-8495
Italytousa92@gmail.com
13 Nautilus St.

Jamestown, RI 02835

Encs.

A PROCLAMATION FOR DYSAUTONOMIA AWARENESS MONTH

WHEREAS, dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;

WHEREAS, some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the US and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope and Postural Orthostatic Tachycardia Syndrome;

WHEREAS, dysautonomia impacts people of any age, gender, race or background, including many individuals living in _____;

WHEREAS, some forms of dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;

WHEREAS, some forms of dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;

WHEREAS, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our community;

WHEREAS, Dysautonomia International, a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;

WHEREAS, we seek to recognize the contributions of the professional medical community, patients and family members who are working to educate our citizenry about dysautonomia in _____.

**NOW, THEREFORE, I, _____,
_____ of _____, do hereby proclaim
the month of October as,**

DYSAUTONOMIA AWARENESS MONTH

Throughout _____

10 Facts About POTS: Postural Orthostatic Tachycardia Syndrome

DYSAUTONOMIA INTERNATIONAL



AWARENESS



ADVOCACY



ADVANCEMENT

- 1** There are an estimated 1-3 million Americans living with POTS, making POTS more common than multiple sclerosis. According to Mayo Clinic, POTS impacts 1 in every 100 teens. About 50% of patients develop POTS in adulthood.
- 2** About 85-90% of POTS patients are female, most between the ages of 12 and 50.
- 3** POTS is a disorder of the autonomic nervous system. When the autonomic nerves don't work properly, this can cause symptoms throughout the body like tachycardia, chest pain, lightheadedness, fainting, fatigue, shortness of breath, GI problems, migraines, cognitive impairment, blood pooling in the extremities, and more.
- 4** Some POTS symptoms can be relieved by laying down. This helps restore normal blood flow to the brain and chest area. Improper blood flow makes standing and exercise difficult for POTS patients.
- 5** POTS can range from mild to severe. Experts estimate that 25% of POTS patients are so disabled that they cannot work or attend school. Researchers compare the disability seen in POTS to the disability seen in congestive heart failure or COPD.
- 6** POTS is not contagious. About 40% of POTS patients have a family member with POTS or a similar form of dysautonomia, suggesting a genetic component for some patients.
- 7** 50% of POTS patients have a loss of autonomic nerve fibers in their skin. These nerve fibers control our ability to sweat and maintain body temperature. POTS can occur with other forms of neuropathy too.
- 8** POTS patients endure an average four-year diagnostic delay, due in large part to a lack of awareness. The prolonged search for a diagnosis causes tremendous financial strain on the patient and their family, in addition to years of suffering without a diagnosis or proper treatment.
- 9** Mayo Clinic research suggests that about five years after diagnosis, 86% of adolescent patients see some improvement (including 19% who report recovery), while 3.5% report worsening over time. Most people who develop POTS live with it as a chronic condition.
- 10** There are many non-pharmacological and pharmacological treatments used to manage symptoms, but there is no cure and no FDA approved drugs to treat POTS.

Dysautonomia International is raising funds for POTS research so that we can find better treatments and *a cure!*

Learn more: www.CurePOTS.org


August 28, 2018

Dear Mr. Nota,

I hope you can help me to raise awareness about this umbrella of awful syndromes called Dysautonomia in order to prevent others from going through what I did. It took eight years of unnecessary tests, lots of misdiagnosis, substantial financial loss to only find my own diagnosis on Google, confirmed by a specialist in Boston. POTS has been in the news a lot lately since Ms. Foles, the wife of Eagles quarterback Nick Foles, has been openly sharing her ordeal. I would love if the town of Jamestown joins me in spreading awareness. I am a native of Italy, I have been living Jamestown for the past 4 years, I am loving it and planning to make it my permanent home.

I am attaching the proclamation request and some info about POTS. Your attention and support is appreciated.

Sincerely,


Maria Semeraro-Bellanca



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

August 30, 2018

Christopher Costa
Building Official
Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

BY EMAIL AND MAIL

Dear Mr. Costa:

I am writing to express our organization's concerns about the enforcement of various provisions of the Town's sign ordinance against the display of political signs. We believe the ordinance is constitutionally problematic in a number of respects. A memo you prepared that was recently provided to individuals running for political office in Jamestown highlights our concerns about the ordinance, which I briefly address below. Based on those concerns, the ACLU requests that you rescind any pending citations that have been issued under these questionable ordinance provisions, cease any further enforcement of them, and seek Town Council action in repealing those provisions in order to avoid any future disputes or the necessity of litigation.

There are at least three significant constitutional problems with the ordinance provisions cited in your memo. First is the ordinance's ban on the posting of political signs more than 120 days prior to, or seven days after, an election. Section 82-1308. There has been virtual unanimity among the courts, in cases stretching back decades, including in Rhode Island, that durational limits on the posting of political signs amount to unconstitutional content-based restrictions on core political speech, and are not sufficiently narrowly-tailored to serve a significant government interest.¹

Second, the memo to candidates cites the same section of the ordinance and its limit on the size of political signs to 12 square feet. Even assuming that this size limitation is not *per se* an

¹ To give just two examples a few decades apart: *Orazio v. Town of North Hempstead*, 426 F.Supp. 1144, 1149 (E.D.N.Y. 1977) (ordinance limiting erection of political wall signs to six weeks prior to election is unconstitutional; "the court also holds that no time limit on the display of pre-election political signs is constitutionally permissible under the First Amendment"); *Quinly v. City of Prairie Village*, 446 F.Supp.2d 1233 (D.Kan. 2006) (ruling unconstitutional an ordinance allowing non-commercial signs to be posted only for a period of up to ninety days, and requiring signs tied to an election to be removed immediately after the election). In Rhode Island, the ACLU has sued a number of municipalities over this issue, with the earliest ruling going back thirty years. See *Thibodeau v. Town of Cumberland* (C.A. 88-460T, 8/2/1988) (Temporary restraining order issued against town ordinance banning display of political signs more than thirty days before, and fourteen days after, an election).

Page Two
Christopher Costa
August 30, 2018

unreasonable restriction, it is clearly unconstitutional because it treats political signs less favorably than other types of signs. We note, for example, that real estate signs can be twenty square feet in size. Section 82-1306(3). Court decisions make clear that this type of discriminatory treatment against political signs cannot withstand scrutiny under the First Amendment. *Reed v. Town of Gilbert*, 576 U.S. ___, 135 S.Ct. 2218 (2015).

Finally, the memo quotes Section 82-1305 for the proposition that the Town Council “shall have the sole discretion as to the suitability of signs erected, or to be erected on town-owned property, under lease of private enterprises or otherwise.” While we fully recognize that the Town has the right to regulate signs on its own property, we do not believe an ordinance can give Town officials unbridled discretion in exercising that authority. However, that is precisely what this ordinance does. Such standardless discretion violates basic First Amendment principles that have been articulated by the courts for decades.²

As long as these ordinance provisions remain on the books, their potential chilling effect on candidates and residents wishing to post election signs cannot be discounted. This uncertainty is something the First Amendment does not countenance. In light of the clear unconstitutionality of these provisions, we urge that you rescind any outstanding citations under those restrictions, halt further enforcement of them, and request the Town Council to repeal them. By copy of this letter to the Council, we are making the same request.

I would appreciate your prompt attention to this matter. Thank you.

Sincerely,



Steven Brown
Executive Director

cc: Jamestown Town Council
Andy Nota, Town Administrator
Peter Ruggiero, Town Solicitor
Cheryl Fernstrom, Town Clerk
(All cc's via email only)

² “[E]ven if the government may constitutionally impose content-neutral prohibitions on a particular manner of speech, it may not condition that speech on obtaining a license or permit from a government official in that official’s boundless discretion.” *Lakewood v. Plain Dealer Publishing Company*, 486 U.S. 750, 764 (1988).