



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Monday, September 16, 2019**  
**6:30 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/2019-meetings-minutes/2019-meetings>

**I. ROLL CALL**

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

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

- A) Approval of Minutes; review, discussion and/or potential action and/or vote August 19, 2019 (regular meeting)
- B) Open Forum  
*Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*
  - 1) Scheduled request to address – None.
  - 2) Non-scheduled request to address
- C) Report of Town Officials - Status Reports; review, discussion and/or potential action and/or vote
  - 1) Pumping report
  - 2) Town project reports
    - a) Town Wells
    - b) Water Treatment Plant
    - c) Transfer Pumping/Reservoir
    - d) Distribution System
    - e) Wastewater Treatment Facility

- 3) Clean Water Infrastructure Replacement Plan (July 2019), prepared by Pare Corporation; review, discussion and/or potential action and/or vote (continued from 08/19/19)

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

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

- A) Proclamations:
  - 1) No. 2019-18: Designating October as Community Planning Month
- B) Presentations:
  - 1) Gould Island by David Sommers, Gould Island Advisory Chair

**V. OPEN FORUM**

*Please note that under scheduled requests to address, comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

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

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

- A) Town Administrator's Report: Christina D. Collins, Interim Town Administrator
  - 1) Town Administrator's Search Update
  - 2) Conservation Easements/Restrictions Jamestown Shores

**VII. UNFINISHED BUSINESS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule: September October 7<sup>th</sup> and October 21<sup>st</sup> at 6:30 p.m.
  - 2) Schedule Hearing Date and Discussion of Hearing Process: Museler Appeal
  - 3) Schedule Special Meeting for the review of Town Administrator Applicants

**VIII. NEW BUSINESS**

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Discussion on Parking at Beach Facilities

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

*Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or take Action and/or Vote on the following items:*

- A) Discussion on Noise Ordinance Amendments to Article III- Sections- 22-66 C, 22-66 D, 22-66 E, 22-71; Proposed by Chief Edward A. Mello

**X. CONSENT AGENDA**

*An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately for review, discussion and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion and/or potential action and or vote.*

- A) Adoption of Town Council Minutes
  - 1) August 28, 2019 (special meeting)
  - 2) September 3, 2019 (executive session)
  - 3) September 3, 2019 (regular meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Zoning Board of Review (July 23, 2019)
- C) CRMC Notices
  - 1) Joint Public Notice RE-Notice of CRMC File No: 2019-06-014 and RI DEM No: WQC 19-123 DP19-174 Jamestown Boatyard
- D) Public Notice
  - 1) Zoning Board of Review Notice of ESJ Inc. /JTN LLC/ Simpatico Jamestown 13 Narragansett Ave
  - 2) Zoning Board of Review Notice of William & Glenna McCaffrey of 232 Beacon Ave.
- E) Abatements/Addenda of Taxes
  - Total Abatements \$ 1,219.59
  - Total Addenda \$ 1,666.66

**Account/Abatement Amount**

- 1) Abatements to 1998 Motor Vehicle Tax Roll
  - a) 06-0379-50 \$235.27
- 2) Abatements to 1999 Motor Vehicle Tax Roll
  - a) 06-0379-50M \$251.27
- 3) Abatements to 2000 Motor Vehicle Tax Roll
  - a) 06-0379-50M \$179.91
- 4) Abatements to 2019 Motor Vehicle Tax Roll
  - a) 07-0367-00M \$ 2.84
  - b) 08-1081-80M \$ 60.56
  - c) 11-0133-97M \$131.78
  - d) 19-0029-87M \$235.21
  - e) 19-0762-06M \$ 44.93
  - f) 19-0980-13M \$ 77.82
- 5) Addenda to Real Estate and Real Property 2019 Tax Roll
  - a) 18-0604-82 \$868.78
  - b) 22-0186-00 \$547.88
  - c) 23-0453-28 \$250.00

- F) Award of Bids:
  - 1) Public Works Department
    - a) New 2019 Four Wheel Drive Utility Truck
    - b) New 2019 Four Wheel Drive Extended Cab Pickup Truck and Plow
    - c) New 2019 Four Wheel Drive Dump Truck with Plow and Sander
    - d) New 7X14 Enclosed Trailer
    - e) New 44,000 GVW Dump Truck and Plow
    - f) New 44,000 GVW Hook Lift Truck, Plow, and Body Options
- G) Authorization of Agreement:
  - 1) Energy Agreement with Constellation

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

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion and/or potential action and/or vote.*

- A) Communications
  - 1) Letter of Mark Baker regarding Beavertail State Park
  - 2) Letter of Kayla E. O'Rourke, Special Assistant Attorney General regarding Dickinson v. Jamestown Board of Canvassers and Murphy v. Jamestown Board of Canvassers
  - 3) Email of Al McKibben regarding Construction Noise on East Shore Road

**XII. EXECUTIVE SESSION**

*The Town Council may seek to enter into Executive Session for review, discussion and/or potential action and/or vote on the following:*

- A) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation- Geoffrey Hamlin and Kristan Hamlin v. Zoning Board of Review of the Town of Jamestown, CA No. NC-2018-0373 and CA No. NC-2019-0166

**XIII. ADJOURNMENT**

***Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. Notice is also posted at the Jamestown Police Station and on the Internet at [www.jamestownri.gov](http://www.jamestownri.gov).***

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to 0 not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on September 11, 2019*

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

August 19, 2019

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:31 PM by Commission President Michael G. White.

The following members were present:

Mary E. Meagher, Vice-President  
Nancy A. Beye  
William J. Piva, Jr.  
Randall White

Also present were:

Andrew Nota, Town Administrator  
Peter D. Ruggiero Esq., Town Solicitor  
Michael Gray PE, Public Works Director  
Christina D. Collins, Finance Director  
Erin F. Liese, Town Clerk  
Cheryl Fernstrom, Town Clerk (outgoing)  
Denise Jennings, Water and Sewer Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

**READING AND APPROVAL OF MINUTES**

1) 07/08/19 (regular meeting)

Motion was made by Commissioner Meagher, seconded by Commission Piva to accept the 07/08/19 regular meeting minutes. So unanimously voted.

**OPEN FORUM**

Commission President White noted that this open forum would be for water and sewer matters only.

1) Scheduled requests to address:

(No scheduled requests)

2) Non-scheduled request to address:

(None)

## REPORT OF TOWN OFFICIALS

### 1) **Pumping Report:**

The Public Works Director reported the following:

- Pumping was average for the month of July.
- JR-1 is on for the season.
- Rainfall was above average for the month of July.
- No water was transferred during the month of July.
- North Reservoir is @ capacity, usable storage-60MG
- South Pond is @ capacity, usable storage-6MG

### 2) **Town project reports:** *(See attached Project Update Report dated August 2019)*

#### Treatment Plant/Reservoir

The Public Works Director reported the following:

#### **Clean Water Infrastructure Replacement Plan (July 2019)-**

- He has supplied the Commission with a copy of the Clean Water Infrastructure Replacement Plan (July 2019), prepared by Pare Corporation. The purpose of the plan is to identify water system infrastructure within the water supply system that require rehabilitation and replacement in accordance with the requirements of the Rules and Regulations for Clean Water Infrastructure Plans.
- Table 6-1 summarizes the 5-year infrastructure costs, which includes four major projects as follows:
  - Rebuilding the earthen berm at South Pond
  - Replacing the membranes at the water treatment plant
  - Refurbishing Howland Ave. Standpipe #1
  - Water main replacement work to includes Narragansett Avenue at Southwest Avenue going west towards west ferry.
- Table 6-2 summarizes the 5-20 year infrastructure improvements

The Public Works Director stated that he would like the Commission to review the plan and discussion could continue at the next meeting in September.

#### Transfer Pumping/Reservoir

The Public Works Director reported that Highway staff is making progress on the bike path and the bridge abutments at North Reservoir. Upon completion of the bridge abutments, staff will install the wooden bridge.

#### Wastewater Treatment Plant

The Public Works Director reported that during the weekend of July 20<sup>th</sup> and the high temperatures this summer, the town experienced brown outs within the electrical grid. All generators were turned on at the pump stations to avoid failure of our computer systems.

Following clarification on a few items, it was the consensus of the Commission to accept the Public Works Director's report, as presented.

### 3) **Finance Director's Report:** Comparison of Budget to Actuals as of July 31, 2019.

No action taken.

**LETTERS AND COMMUNICATIONS**

1) Letter of **Dennis H. Webster of 8 Mount Hope Avenue** to Michael Gray, Public Works Director re: **request for relief from excess sewer charges** on his July 2019 water and sewer bill.

The Public Works Director stated that when there is a leak, water staff goes out to do water meter reading and also checks to make sure that the excess water/leak did not affect or go into the municipal sewer system. The Public Works Director further stated that historically, relief is not given on the excess water side, as it costs money for the treatment of the excess water and that historically, we have given relief on the excess sewer side.

Motion was made by Commissioner Meagher, seconded by Commissioner Beye to grant the request from Dennis Webster for relief from excess sewer charges on his July 2019 water and sewer bill, as requested and suggested by the Public Works Director. So unanimously voted.

**UNFINISHED BUSINESS**

(None)

**NEW BUSINESS**

(None)

**TOWN BUSINESS**

(None)

**ADJOURNMENT**

There being no further business before the Commission, motion was made by Commission Vice-President Meagher, seconded by Commissioner Piva to adjourn the Water and Sewer meeting at 6:40 PM. So unanimously voted.

Attest:



Denise Jennings

Water and Sewer Clerk

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

## Project Update August 2019

### WELLS

JR-1, JR-3

- JR-1 has been turned on for the season. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### TREATMENT PLANT

- The Clean Water Infrastructure Replacement Plan was completed by Pare Corporation and submitted to the RI Department of Health for their review and comment. I will provide a hard copy of the full report to the Council at our meeting. Attached is Section 6 of the report that provides Summary Table 6-1 that includes the 5- year projected costs for improvements and Summary Table 6-2 for long-range costs for the 20-year plan. The total of \$2,934,000 for the 5-year plan includes \$1,210,000 for three projects that have already been approved for funding by the Commission that include the South Pond Dam, membrane filter replacement, and painting of one tank on Howland Avenue. Another \$1,250,000 are anticipated costs for watermain replacement on Narragansett Avenue and the bridge crossing on North Road at Great Creek (Zekes Creek). Both projects will need to be discussed in future budgets for the water department. RIDOT has scheduled road and bridge construction in 2023.

### TRANSFER PUMPING/RESERVOIR

- No water was transferred from South Pond.
- The highway department is making progress on the Bike Path project at North Reservoir. Work on the bridge abutments has been ongoing for the past 3 weeks. We should be accepting delivery of the bridge spanning the spillway later this month. In September crews will be working on regrading the slope face of the North Reservoir Dam as part of the Bike Path Construction.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 60 MG

Usable Storage 60 Million Gallons

- There were no leaks reported for July.

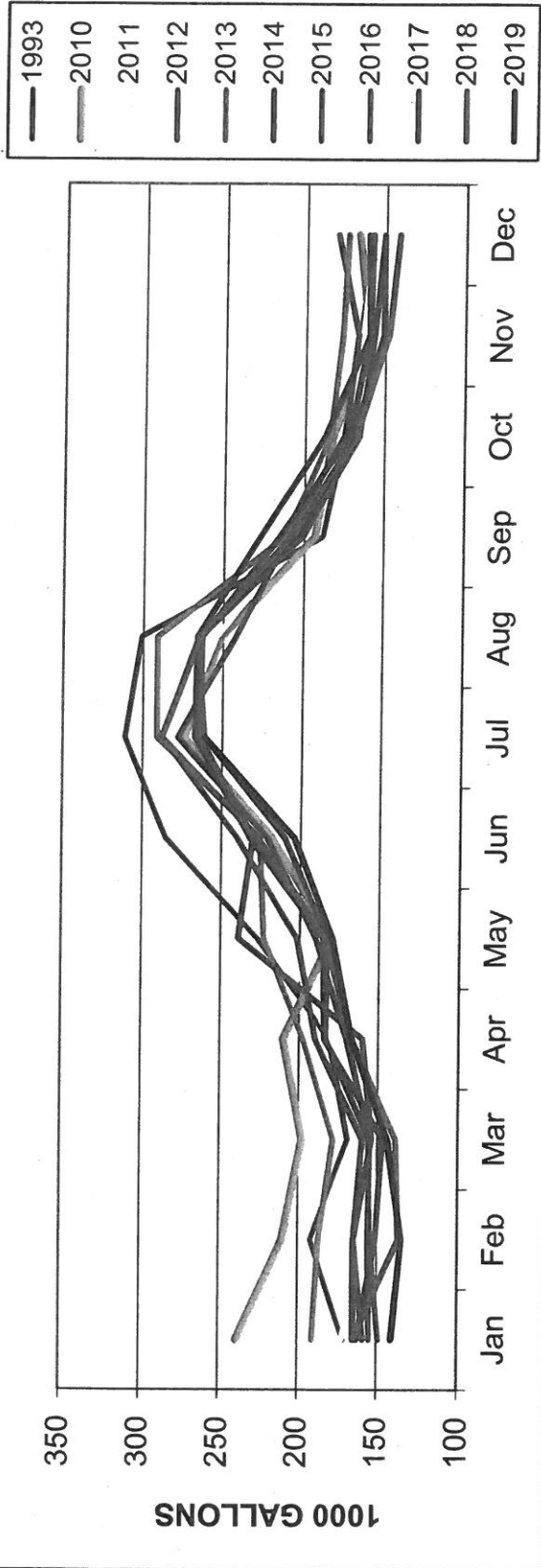
### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for July was 0.34 million gallons per day. The peak daily flow was 0.68 million gallons. The permitted monthly average is 0.73 million gallons per day as a condition of our discharge permit. There were no sanitary sewer overflows for the month of July.
- During the weekend of July 20<sup>th</sup> the Town experienced temperatures in the 90s with high humidity. When there are multiple days of high temperatures the Town experiences brown outs within our electrical grid. That weekend staff for both water and sewer had to respond to multiple alarms at our plants and pump stations due to electrical issues and intermittent power. All generators were turned on for the weekend to power our water and sewer infrastructure to avoid failures to our logic controls and computer SCADA systems. Some of our generators unfortunately are adjacent to homes that are near our pump stations but no complaints were received.



	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	171	172	173	239	172	155	191	163	165	159	149	165	141
Feb	192	154	173	210	158	156	187	151	165	165	155	137	135
Mar	169	155	165	198	157	155	178	147	154	160	156	139	144
Apr	181	174	196	210	180	170	198	184	160	190	183	167	167
May	227	202	195	180	212	190	223	185	239	202	183	184	179
Jun	285	246	215	218	226	221	226	232	230	240	210	227	204
Jul	311	296	277	274	279	278	291	267	264	288	261	288	261
Aug	301	256	290	251	254	242	291	266	263	264	266	265	265
Sep	188	210	245	193	205	210	212	227	215	201	203	208	208
Oct	175	187	259	182	175	175	184	187	172	166	170	168	168
Nov	166	175	226	160	164	167	177	160	160	157	151	148	148
Dec	158	192	230	167	158	180	174	161	158	151	151	142	142

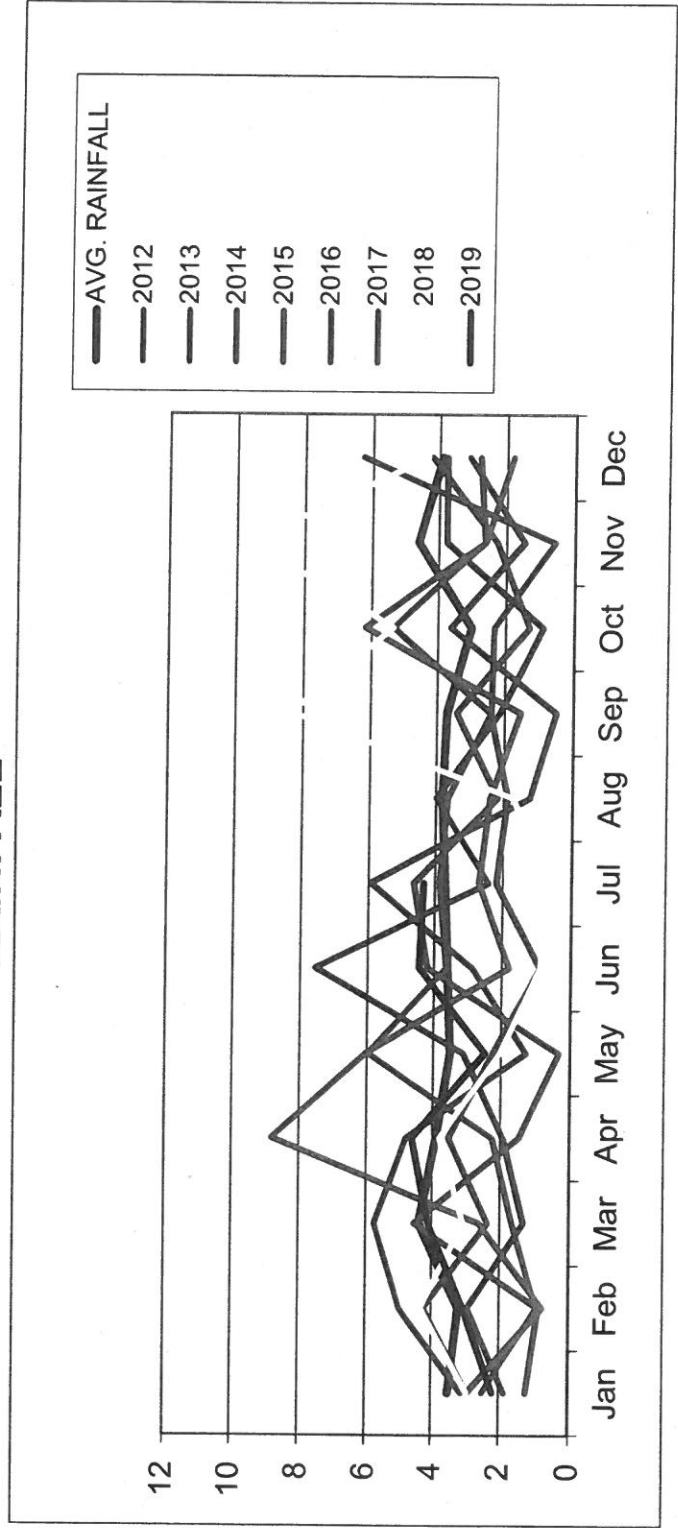
**PUMPING REPORT**



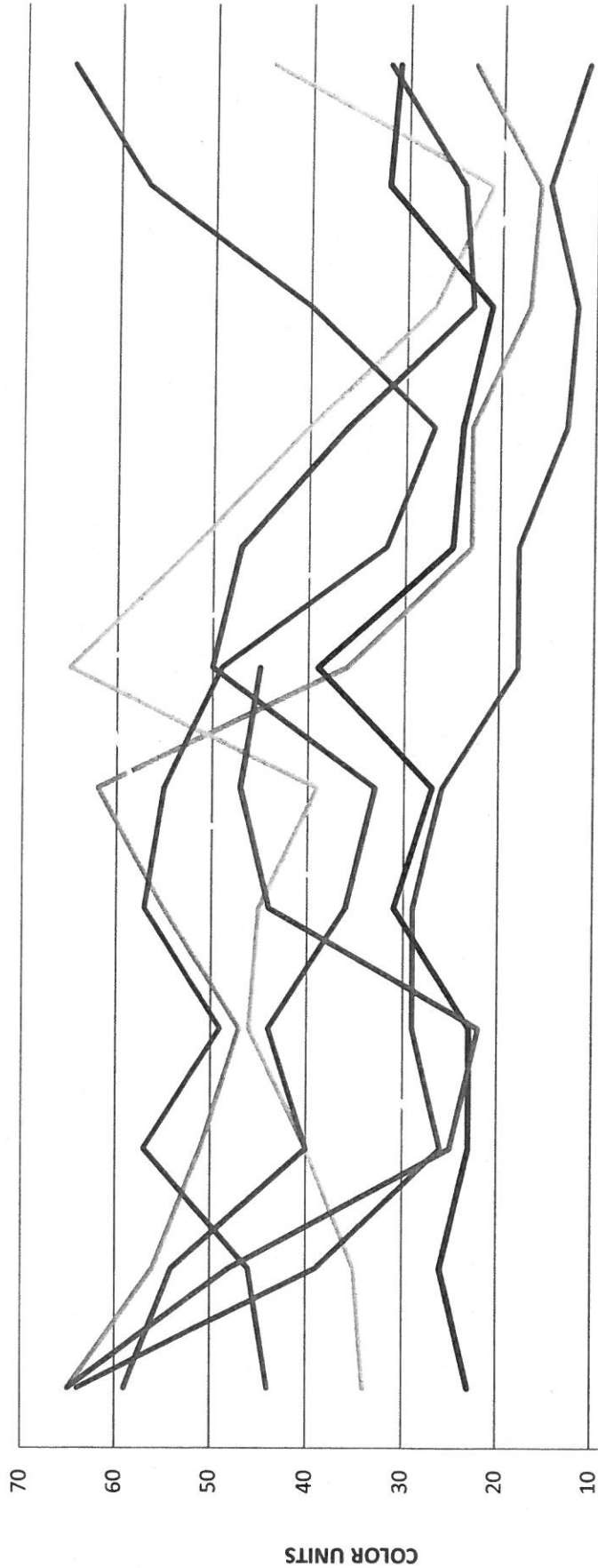


	AVG. RAINFALL												Total							
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Jan	3.5	4.22	1.85	3.1	1.22	2.94	2.94	2.94	2.19	3.5	4.22	1.85	3.1	1.22	2.94	2.94	2.94	2.19	3.5	44.8
Feb	3.2	3.09	2.94	4.98	0.86	4.25	0.76	4.33	2.19	3.2	3.09	2.94	4.98	0.86	4.25	0.76	4.33	2.19	3.2	40.18
Mar	4.4	1.32	1.32	5.74	4.53	2.36	2.62	3.07	4.11	4.4	1.32	1.32	5.74	4.53	2.36	2.62	3.07	4.11	4.4	47.02
Apr	3.9	4.25	1.92	4.8	1.47	3.53	8.8	3.79	4.61	3.9	4.25	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.61	40.18
May	3.5	2.32	3.11	1.27	0.32	2.24	6.03	2.03	2.46	3.5	2.32	3.11	1.27	0.32	2.24	6.03	2.03	2.46	2.46	40.18
Jun	3.6	4.4	7.55	2.86	4.2	0.89	1.79	0.89	4.44	3.6	4.4	7.55	2.86	4.2	0.89	1.79	0.89	4.44	4.44	40.18
Jul	3.7	2.01	2.42	5.93	4.63	2.19	2.7	0.61	4.33	3.7	2.01	2.42	5.93	4.63	2.19	2.7	0.61	4.33	4.33	40.18
Aug	3.8	5.23	3.98	1.23	2.17	1.88	2.4	1.73	2.52	3.8	5.23	3.98	1.23	2.17	1.88	2.4	1.73	2.52	2.52	40.18
Sep	3.7	5.41	2.13	0.5	3.41	2.42	1.54	8.35	2.52	3.7	5.41	2.13	0.5	3.41	2.42	1.54	8.35	2.52	2.52	40.18
Oct	3	7.18	0.9	3.61	1.31	5.33	6.18	5.34	2.52	3	7.18	0.9	3.61	1.31	5.33	6.18	5.34	2.52	2.52	40.18
Nov	4.6	4.05	3.76	1.47	2.27	2.63	2.61	9.61	2.52	4.6	4.05	3.76	1.47	2.27	2.63	2.61	9.61	2.52	2.52	40.18
Dec	3.9	2.51	3.76	3.1	4.2	2.79	1.81	4.33	2.52	3.9	2.51	3.76	3.1	4.2	2.79	1.81	4.33	2.52	2.52	40.18

## RAINFALL



# Transfer Pumping NORTH POND WATER QUALITY



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2012	65	56	51	47	55	62	36	23	23	17	16	23
2013	26	22	27	35	33	58	63	33	34	25	18	24
2014	34	35	40	46	45	39	65	52	40	27	21	44
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39	25	24	21	32	31
2018	44	46	57	49	57	55	49	32	27	40	57	65
2019	65	48	25	22	44	47	45					

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## SECTION 6 - INFRASTRUCTURE REPLACEMENT PLAN

The purpose of this Plan has been to identify water system infrastructure components within the JWD water supply system that require rehabilitation and replacement in accordance with the requirements of the Rules and Regulations for Clean Water Infrastructure Plans. It is the obligation of the JWD that in combination with these infrastructure improvements and general system maintenance, operation, and upkeep, that the water system operates and provides a safe and reliable water supply for an indefinite period of time.

Table 6-1 summarizes the 5-year infrastructure improvement costs. This includes four major projects including rebuilding the earthen berm at South Pond, replacing the membranes at the Treatment Plant, refurbishing Howland Standpipe #1, and nearly \$1.5 million in water main replacement work. The total cost of these projects has been estimated to be **\$2,934,000**, or \$587,000 per year over the 5-year period.

Table 6-2 summarizes the 5- to 20-year infrastructure improvement costs. This includes the rehabilitation of Howland Standpipe #2, routine inspections and equipment replacement. The total cost of all projects anticipated during the 5 to 20-year period has been estimated to be **\$1,423,000**, or \$95,000 over the 15-year period.



**Table 6-1  
JAMESTOWN WATER DISTRICT  
Infrastructure Improvements  
Five-Year Plan (2019 – 2024)**

<b>Time Interval/Year</b>	<b>Project Description</b>	<b>Opinion of Probable Construction Cost</b>
<b>North Pond</b>		
2019	Flatten dam embankment, extend toe drain, provide upstream slope protection	\$50,000
	Spillway repairs;	\$10,000
	Intake Repairs	\$5,000
2024	Inspect intake structure/spillway	\$3,500
<b>South Pond</b>		
Yearly	Maintain vegetation along entire dam	\$50,000
2019	Rebuild earthen berm, improvements to spillway and dike	\$500,000
2024	Inspect dam, dike, intake structure and spillway	\$3,500
<b>JR-1</b>		
2022	Well inspection/redevelopment as required	\$15,000
2022	Construct well building	\$10,000
<b>JR-3</b>		
2022	Well inspection/redevelopment as required	\$15,000
<b>Pretreatment Facility</b>		
2019	Replace asphalt shingle roof and fascia boards	\$2,000
2024	Inspect and repoint brick where needed, paint doors and trim	\$2,000
	Perform Facility Inspection, minor repairs	\$3,000
<b>Main Treatment Building</b>		
2020	Replace Roof and Windows on Original Treatment Building	\$40,000
	Replace membranes (15-year life span); tank improvements	\$310,000
	Replace Static Mixers	\$5,000

**Table 6-1 (cont'd)**  
**JAMESTOWN WATER DISTRICT**  
**Infrastructure Improvements**  
**Five-Year Plan (2019 – 2024)**

<b>Howland Standpipe #1</b>		
2019	Perform inspection	\$5,000
2020	Welding repairs/refurbish interior & exterior protective coatings	\$400,000
2024	Perform tank inspection	\$5,000
<b>Howland Standpipe #2</b>		
2023	Perform tank inspection	\$5,000
<b>Pump Station</b>		
2022	Inspect and service pumps	\$5,000
<b>Water Mains</b>		
2021	Conanicus Ave from Union to Lincoln – 400 feet 8”	\$60,000
2022	Fowler and Douglas – 800 feet of 8”	\$120,000
2023	Narragansett SW Ave to end of West Ferry - 2000 feet 12” and 1000 feet 8”, done by 2023	\$750,000
2023	Crossing at Great Creek – 1,500 feet 8 and 12”, by HDD	\$500,000
<b>Vehicles</b>		
2023	F550	\$60,000
<b>TOTAL 5 YEAR PLAN</b>		<b>\$2,934,000</b>

\* Information presented in this table is only a guideline. As such, it is important to note that it does not represent the JWD Infrastructure Replacement budget.

Table 6-2  
**JAMESTOWN WATER DISTRICT**  
**Infrastructure Improvements**  
**5-20 Year Plan (2025 – 2040)**

Time Interval/Year	Description	Opinion of Probable Construction Cost
<b>North Pond</b>		
10-year/2029	Inspect intake structure/spillway	\$3,500
10-year/2029	Replace Pond aeration building and blower motor	\$15,000
15-year/2034	Inspect intake structure/spillway	\$4,000
20-year/2039	Inspect intake structure/spillway	\$4,500
<b>South Pond</b>		
Yearly	Maintain vegetation along entire dam	\$150,000
10-year/2029	Inspect dam, dike, intake structure and spillway	\$3,500
15-year/2034	Inspect dam, dike, intake structure and spillway	\$4,000
20-year/2039	Inspect dam, dike, intake structure and spillway	\$4,500
<b>JR-1</b>		
10-year/2029	Perform well inspection, test pump	\$5,000
	Replace mechanical/electrical equipment, as required	\$15,000
15-year/2034	Well inspection/redevelopment as required	\$15,000
20-year/2039	Perform well inspection, test pump	\$5,000
<b>JR-3</b>		
10-year/2029	Perform well inspection, test pump	\$5,000
	Replace pump and mechanical/electrical equipment, as required	\$25,000
15-year/2034	Well inspection/redevelopment as required	\$15,000
20-year/2039	Perform well inspection, test pump	\$5,000
<b>Pretreatment Facility</b>		
10-year/2029	Perform Facility Inspection, minor repairs	\$3,000
	Replace Chlorine Dioxide Generator	\$10,000
15-year/2034	Perform Facility Inspection, minor repairs	\$4,000
20-year/2039	Perform Facility Inspection, minor repairs	\$5,000



**Table 6-2 (cont'd)**  
**JAMESTOWN WATER DISTRICT**  
**Infrastructure Improvements**  
**5-20 Year Plan (2025 – 2040)**

<b>Main Treatment Building</b>		
10-year/2029	Inspect and Service Generator, Pumps, & Other Components	\$15,000
10-year/2029	Replace Permeate Pumps	\$25,000
10-year/2029	Replace Blowers	\$50,000
15-year/2034	Perform Inspection of Treatment Facility	\$5,000
20-year/2039	Inspect and Service Generator, Pumps, & Other Components	\$15,000
<b>Howland Standpipe #1</b>		
10-year/2029	Perform tank inspection	\$6,000
15-year/2034	Perform tank inspection	\$7,000
20-year/2039	Perform tank inspection	\$8,000
<b>Howland Standpipe #2</b>		
10-year/2028	Perform tank inspection	\$6,000
10-year/2029	Welding repairs/refurbish interior & exterior protective coatings	\$500,000
15-year/2034	Perform tank inspection	\$7,000
20-year/2039	Perform tank inspection	\$8,000
<b>Howland Ave. Pumps</b>		
10-year/2029	Pump Replacement	\$5,000
10-year/2029	Compressor Replacement	\$5,000
<b>Pump Station</b>		
10-year/2027	Replace pumps as required	\$50,000
15-year/2032	Inspect and service pumps	\$5,000
20-year/2037	Inspect and service pumps	\$5,000
<b>Water Mains</b>		
10-year/2025	North Road from Narragansett Ave to Arnold Ave – 2000 feet	\$400,000
<b>TOTAL 5-20 YEAR PLAN</b>		<b>\$1,423,000</b>

\* Information presented in this table is only a guideline. As such, it is important to note that it does not represent the JWD Infrastructure Replacement budget.

## **Project Update September 2019**

### **WELLS**

JR-1, JR-3

- JR-1 has been turned on for the season. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### **TREATMENT PLANT**

- I have placed the Clean Water Infrastructure Replacement Plan on the agenda since it was hand delivered at the last meeting.

### **TRANSFER PUMPING/RESERVOIR**

- No water was transferred from South Pond.
- The bridge has been delivered and the beams have been assembled by the highway department. The structure will be lifted into place by crane and the decking and railings will be completed.

### **DISTRIBUTION SYSTEM**

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 56 MG

Usable Storage 60 Million Gallons

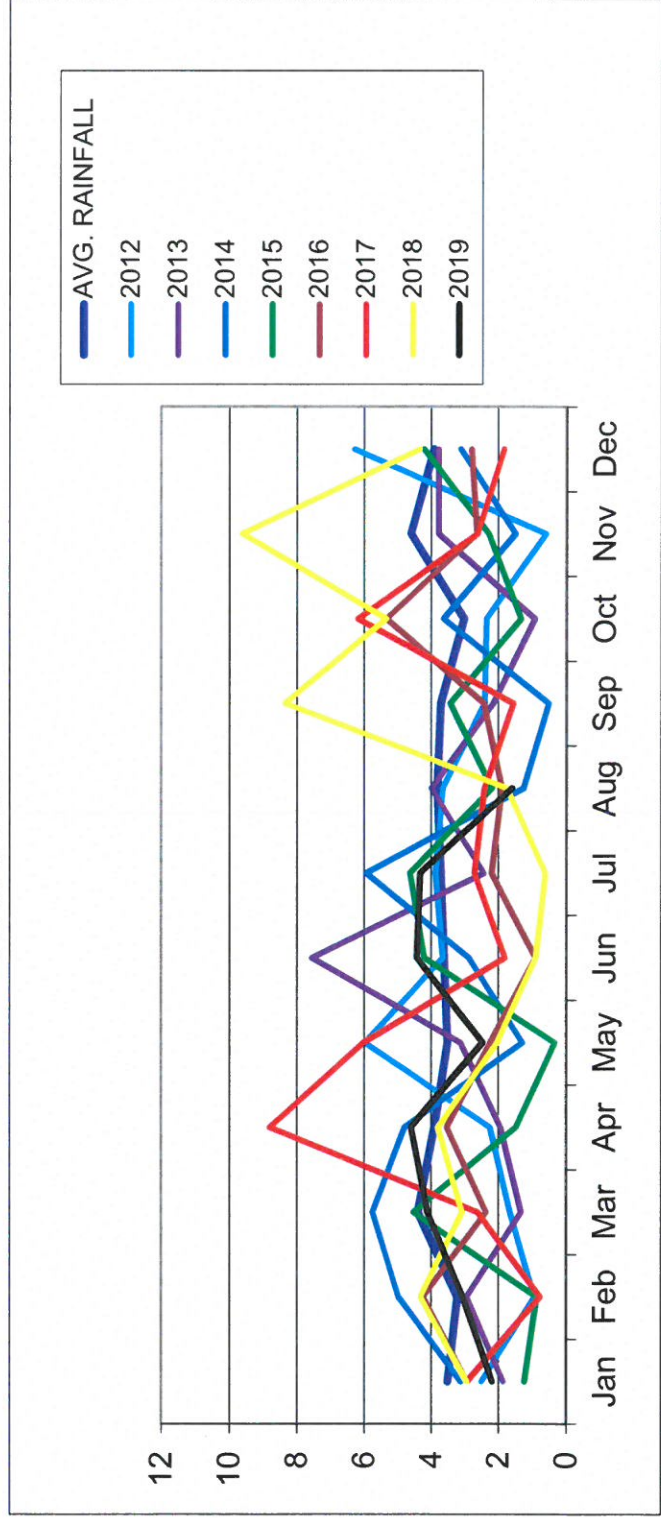
- There were no leaks reported for August.
- Staff from the water department have been inspecting services to our commercial accounts for backflow devices. Our Cross-Connection program requires each commercial customer to have a backflow device (check valve) at the meter to protect the water distribution system from cross connection. There are 97 commercial accounts on the water system.
- Inspections of both water storage tanks will be completed on September 18<sup>th</sup>.

### **WASTEWATER TREATMENT PLANT**

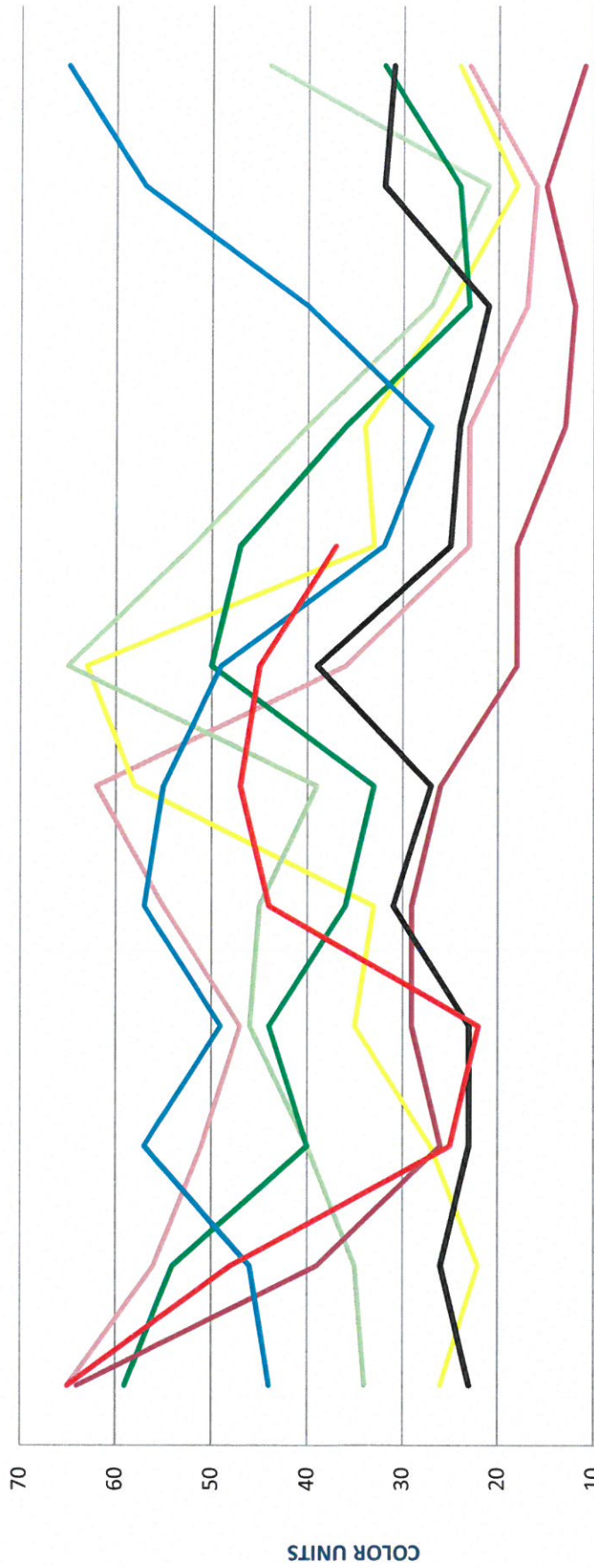
- The monthly average daily flow at the treatment plant for August was 0.20 million gallons per day. The peak daily flow was 0.31 million gallons. The permitted monthly average is 0.73 million gallons per day as a condition of our discharge permit. There were no sanitary sewer overflows for the month of August. There was 1.885 million gallons of effluent delivered to the golf course for irrigation.

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	3.5	4.22	1.85	3.1	1.22	2.94	2.94	2.94	2.19
Feb	3.2	3.09	2.94	4.98	0.86	4.25	0.76	4.33	3.06
Mar	4.4	1.32	1.32	5.74	4.53	2.36	2.62	3.07	4.11
Apr	3.9	4.25	1.92	4.8	1.47	3.53	8.8	3.79	4.61
May	3.5	2.32	3.11	1.27	0.32	2.24	6.03	2.03	2.46
Jun	3.6	4.4	7.55	2.86	4.2	0.89	1.79	0.89	4.44
Jul	3.7	2.01	2.42	5.93	4.63	2.19	2.7	0.61	4.33
Aug	3.8	5.23	3.98	1.23	2.17	1.88	2.4	1.73	1.58
Sep	3.7	5.41	2.13	0.5	3.41	2.42	1.54	8.35	
Oct	3	7.18	0.9	3.61	1.31	5.33	6.18	5.34	
Nov	4.6	4.05	3.76	1.47	2.27	2.63	2.61	9.61	
Dec	3.9	2.51	3.76	3.1	4.2	2.79	1.81	4.33	
<b>Total</b>	<b>44.8</b>	<b>45.99</b>	<b>35.64</b>	<b>38.59</b>	<b>30.59</b>	<b>33.45</b>	<b>40.18</b>	<b>47.02</b>	<b>26.78</b>

## RAINFALL



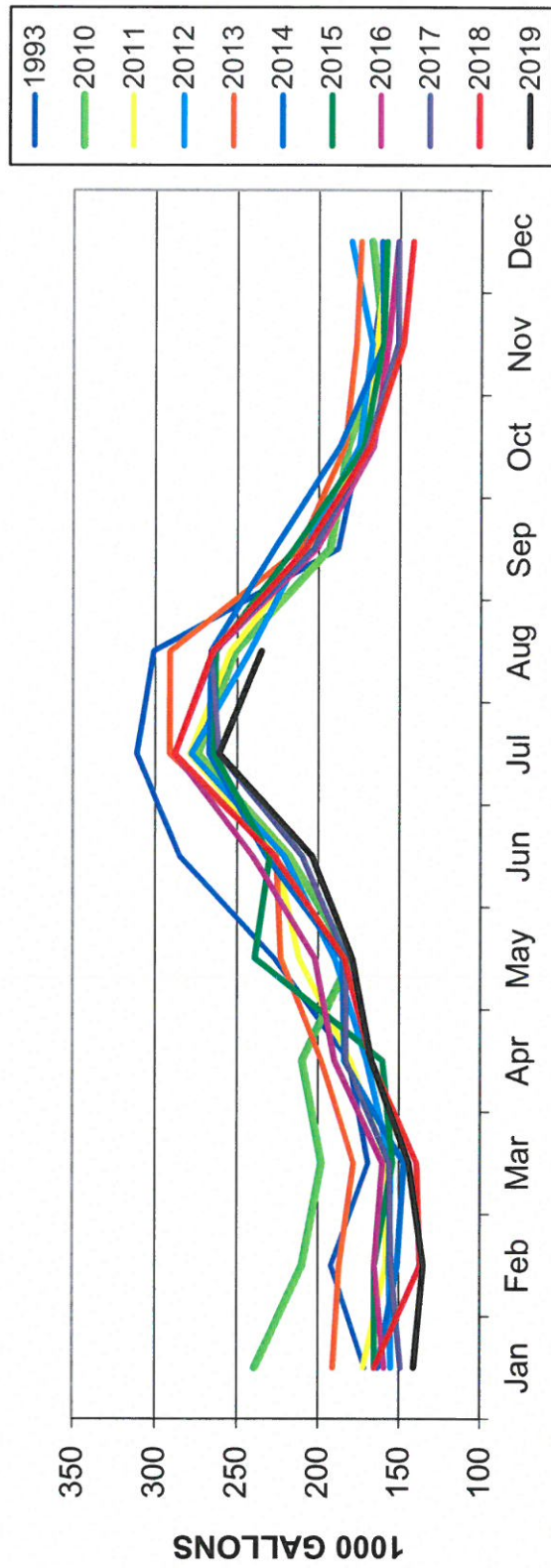
# Transfer Pumping NORTH POND WATER QUALITY



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2012	65	56	51	47	55	62	36	23	23	17	16	23
2013	26	22	27	35	33	58	63	33	34	25	18	24
2014	34	35	40	46	45	39	65	52	40	27	21	44
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39	25	24	21	32	31
2018	44	46	57	49	57	55	49	32	27	40	57	65
2019	65	48	25	22	44	47	45	37				

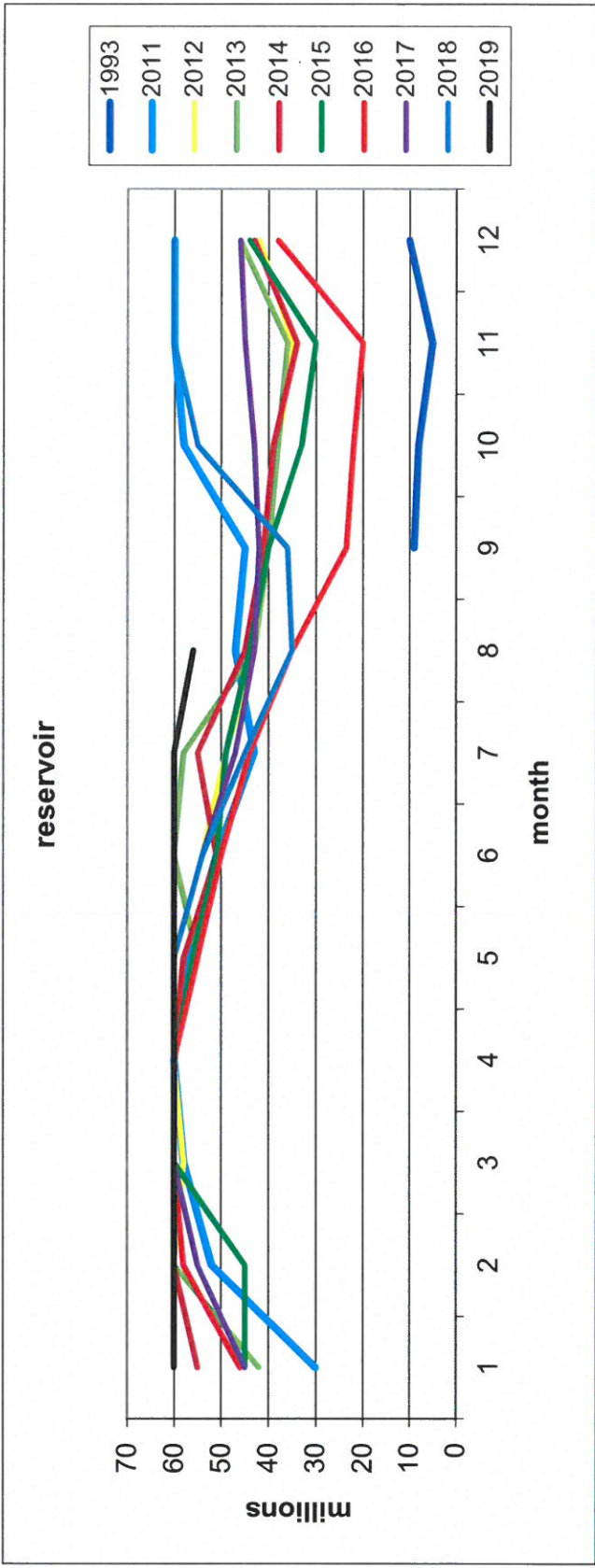
	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	171	172	173	239	172	155	191	163	165	159	149	165	141
Feb	192	154	173	210	158	156	187	151	165	165	155	137	135
Mar	169	155	165	198	157	155	178	147	154	160	156	139	144
Apr	181	174	196	210	180	170	198	184	160	190	183	167	167
May	227	202	195	180	212	190	223	185	239	202	183	184	179
Jun	285	246	215	218	226	221	226	232	230	240	210	227	204
Jul	311	296	277	274	279	278	291	267	264	288	261	288	261
Aug	301	256	290	251	254	242	291	266	263	264	266	265	235
Sep	188	210	245	193	205	210	212	227	215	201	203	208	208
Oct	175	187	259	182	175	175	184	187	172	166	170	168	168
Nov	166	175	226	160	164	167	177	160	160	157	151	148	148
Dec	158	192	230	167	158	180	174	161	158	151	151	142	142

### PUMPING REPORT



# RESERVOIR LEVEL

	1993	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan		60	30	60	42	55	45	46	45	60	60
Feb		60	52	60	60	60	45	58	55	60	60
Mar		60	58	58	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60
May		60	57	60	55	58	56	55	60	60	60
Jun		51	51	54	60	51	51	50	54	54	60
Jul		43	43	49	58	55	49	44	47	45	60
Aug		40	47	43	43	45	44	35	43	35	56
Sep	9	35	45	40	40	41	40	23.5	42	36	
Oct	8	30	58	38	38	39	33	22	43	55	
Nov	5	28	60	35	36	34	30	20	45	60	
Dec	10	29	60	42	46	43	44	38	46	60	



**JAMESTOWN, RHODE ISLAND  
COMMUNITY PLANNING MONTH PROCLAMATION**

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and planners can help manage this change in a way that provides better choices for how people work, live, and play; and

WHEREAS, community planning provides an opportunity for all residents to be equally involved in making choices that determine the shared-vision of their community; and

WHEREAS, the full benefits of community planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions that sound planning and plan implementation make, specifically to the quality of life of the residents in each community; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Jamestown, County of Newport, State of Rhode Island; and

WHEREAS, The Jamestown Town Council recognizes the many valuable contributions made by all the members of Jamestown's Planning Commissioners, since its formation by the Town on April 28, 1947 and our professional Town Planners since 1986 and extend our heartfelt thanks for their continued commitment to the residents of Jamestown and the Town of Jamestown;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2019 is hereby designated as Community Planning Month in the Town of Jamestown, County of Newport, State of Rhode Island in conjunction with the celebration of National Community Planning Month.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_ (SEAL)  
Chief Elected Official

\_\_\_\_\_  
Clerk

# Gould Island

## Jamestown Town Council, Sept 16, 2019

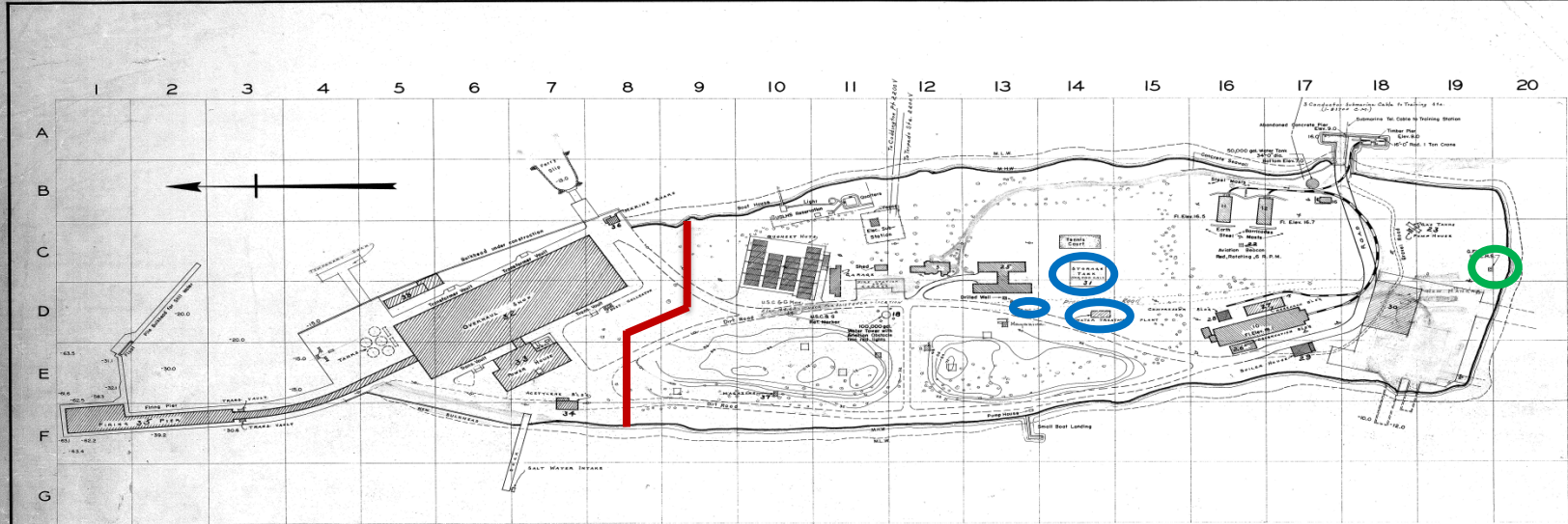




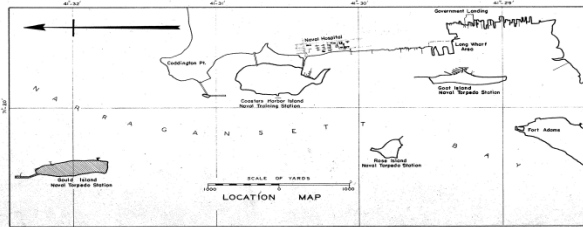
# Gould Island South RAB Summary

- Army Corps 2 Years Into Restoring South Gould
  - Formerly Used Defense Site (FUDS)
  - Under 1980 CERCLA legislation (Superfund)
    - Chemical contamination cleanup only
  - One time Federal presence for cleaning up Gould
  - Sampling/analysis plus minimal debris removal only to-date
- Issues Identified So Far
  - Contaminant cleanup plan was initially only for birds
    - Now for public recreation (RIDEM change)
  - Groundwater potability cleanup not agreed
  - **Physical cleanup limited to that incidental to chemical cleanup plus 4 additional structures**
  - 3 Navy owned sites & 1 Coast Guard site still excluded

# 1942 Navy Site Map



DEPT.	NO.	LOC.	DESIGNATION	LEGEND
MI.	1	100	WATER BARRIERS	---
MI.	2	100	TRAILS, DRIVEWAYS	---
MI.	3	100	RAILROADS	---
MI.	4	100	STEEL STRUCTURES	---
MI.	5	100	STEEL TOWER	---
MI.	6	100	STEEL BRIDGE	---
MI.	7	100	STEEL ARCH BRIDGE	---
MI.	8	100	STEEL TRUSS BRIDGE	---
MI.	9	100	STEEL GIRDER BRIDGE	---
MI.	10	100	STEEL PIPE BRIDGE	---
MI.	11	100	STEEL TOWER	---
MI.	12	100	STEEL BRIDGE	---
MI.	13	100	STEEL ARCH BRIDGE	---
MI.	14	100	STEEL TRUSS BRIDGE	---
MI.	15	100	STEEL PIPE BRIDGE	---
MI.	16	100	STEEL TOWER	---
MI.	17	100	STEEL BRIDGE	---
MI.	18	100	STEEL ARCH BRIDGE	---
MI.	19	100	STEEL TRUSS BRIDGE	---
MI.	20	100	STEEL PIPE BRIDGE	---
MI.	21	100	STEEL TOWER	---
MI.	22	100	STEEL BRIDGE	---
MI.	23	100	STEEL ARCH BRIDGE	---
MI.	24	100	STEEL TRUSS BRIDGE	---
MI.	25	100	STEEL PIPE BRIDGE	---
MI.	26	100	STEEL TOWER	---
MI.	27	100	STEEL BRIDGE	---
MI.	28	100	STEEL ARCH BRIDGE	---
MI.	29	100	STEEL TRUSS BRIDGE	---
MI.	30	100	STEEL PIPE BRIDGE	---
MI.	31	100	STEEL TOWER	---
MI.	32	100	STEEL BRIDGE	---
MI.	33	100	STEEL ARCH BRIDGE	---
MI.	34	100	STEEL TRUSS BRIDGE	---
MI.	35	100	STEEL PIPE BRIDGE	---
MI.	36	100	STEEL TOWER	---
MI.	37	100	STEEL BRIDGE	---
MI.	38	100	STEEL ARCH BRIDGE	---
MI.	39	100	STEEL TRUSS BRIDGE	---
MI.	40	100	STEEL PIPE BRIDGE	---
MI.	41	100	STEEL TOWER	---
MI.	42	100	STEEL BRIDGE	---
MI.	43	100	STEEL ARCH BRIDGE	---
MI.	44	100	STEEL TRUSS BRIDGE	---
MI.	45	100	STEEL PIPE BRIDGE	---
MI.	46	100	STEEL TOWER	---
MI.	47	100	STEEL BRIDGE	---
MI.	48	100	STEEL ARCH BRIDGE	---
MI.	49	100	STEEL TRUSS BRIDGE	---
MI.	50	100	STEEL PIPE BRIDGE	---
MI.	51	100	STEEL TOWER	---
MI.	52	100	STEEL BRIDGE	---
MI.	53	100	STEEL ARCH BRIDGE	---
MI.	54	100	STEEL TRUSS BRIDGE	---
MI.	55	100	STEEL PIPE BRIDGE	---
MI.	56	100	STEEL TOWER	---
MI.	57	100	STEEL BRIDGE	---
MI.	58	100	STEEL ARCH BRIDGE	---
MI.	59	100	STEEL TRUSS BRIDGE	---
MI.	60	100	STEEL PIPE BRIDGE	---
MI.	61	100	STEEL TOWER	---
MI.	62	100	STEEL BRIDGE	---
MI.	63	100	STEEL ARCH BRIDGE	---
MI.	64	100	STEEL TRUSS BRIDGE	---
MI.	65	100	STEEL PIPE BRIDGE	---
MI.	66	100	STEEL TOWER	---
MI.	67	100	STEEL BRIDGE	---
MI.	68	100	STEEL ARCH BRIDGE	---
MI.	69	100	STEEL TRUSS BRIDGE	---
MI.	70	100	STEEL PIPE BRIDGE	---
MI.	71	100	STEEL TOWER	---
MI.	72	100	STEEL BRIDGE	---
MI.	73	100	STEEL ARCH BRIDGE	---
MI.	74	100	STEEL TRUSS BRIDGE	---
MI.	75	100	STEEL PIPE BRIDGE	---
MI.	76	100	STEEL TOWER	---
MI.	77	100	STEEL BRIDGE	---
MI.	78	100	STEEL ARCH BRIDGE	---
MI.	79	100	STEEL TRUSS BRIDGE	---
MI.	80	100	STEEL PIPE BRIDGE	---
MI.	81	100	STEEL TOWER	---
MI.	82	100	STEEL BRIDGE	---
MI.	83	100	STEEL ARCH BRIDGE	---
MI.	84	100	STEEL TRUSS BRIDGE	---
MI.	85	100	STEEL PIPE BRIDGE	---
MI.	86	100	STEEL TOWER	---
MI.	87	100	STEEL BRIDGE	---
MI.	88	100	STEEL ARCH BRIDGE	---
MI.	89	100	STEEL TRUSS BRIDGE	---
MI.	90	100	STEEL PIPE BRIDGE	---
MI.	91	100	STEEL TOWER	---
MI.	92	100	STEEL BRIDGE	---
MI.	93	100	STEEL ARCH BRIDGE	---
MI.	94	100	STEEL TRUSS BRIDGE	---
MI.	95	100	STEEL PIPE BRIDGE	---
MI.	96	100	STEEL TOWER	---
MI.	97	100	STEEL BRIDGE	---
MI.	98	100	STEEL ARCH BRIDGE	---
MI.	99	100	STEEL TRUSS BRIDGE	---
MI.	100	100	STEEL PIPE BRIDGE	---



U. S. NAVAL OPERATING BASE - NEWPORT R. I.  
 OFFICIAL USE ONLY  
 MAP OF  
 GOULD ISLAND  
 U. S. NAVAL TORPEDO STATION  
 NEWPORT R. I.  
 SHOWING CONDITIONS ON  
 DEC 31, 1942

SCALE OF FEET

*Johnson*  
 CAPTAIN U. S. NAVY  
 PUBLIC WORKS OFFICER

Corrected to April 1, 1943

P.W.O. NO. G285-69

# Level of Cleanup

- Environmental Cleanup
  - RIDEM declaration Sept 2018
    - Cleanup for public recreation as well as wildlife
  - USACE accepted, except for groundwater
- Physical Cleanup
  - USACE limited to:
    - Incidental to chemical cleanup
    - Structures unsafe at transfer (3 of ~25 buildings, no debris)
  - RIDEM responsible for all other removal
  - RIDEM request for USACE to do all physical cleanup
    - USACE says not without additional Congressional authority

# Physical Cleanup in Perspective

- Federal Government took Gould in 1920
  - War fighting for benefit of nation
  - Navy left South Gould a mess in 1950s
- Transferred S. Gould to State/RIDEM in 70s-80s
  - RIDEM initially declared wildlife sanctuary
    - Did no cleanup
  - Now proposed as part of Bay Islands Park System
- Town/State cannot afford/may never cleanup
- Only Federal Government can make Gould safe

# August 15 Site Visit

- RAB Initiated / USACE Enabled / Volunteer Supported
  - Made possible by Richard DeSalvo, RI Mooring Services
- 36 Attendees
  - 14 RAB, 3 Town, 6 DEM, 4 Army, 5 Press, 3 Fed, 1 State
- 3 Press articles: ProJo, JTN Press, NPT This Week
- Follow up regarding physical cleanup
  - Conversations with Reed/Whitehouse/Ciccilline staff
  - Commitment from RIDEM to “needs assessment”

Visit Photos

# Choices

1. Do only chemical cleanup
    - Island will revert to overgrown wildlife habitat
  2. Follow RIDEM direction for Bay Islands Park
    - Walking trails & overnight campsites
    - Needs extensive physical cleanup for safety
    - Now is the time while USACE is on site
    - Requires federal funding and direction to USACE
- JHS interested in historical signage
  - June 2018 Council supported full cleanup
  - No objections to date with RIDEM direction

# Suggested Path Forward

- Confirm Town 2018 position
  - Support RIDEM objective
  - Request full clean up
- Town engagement with federal delegation
  - Reed office press statement:  
**“Before additional funds are secured, local and state partners need to coalesce around a plan and shared commitment, and Senator Reed will work to ensure the federal government and the U.S. Department of Defense are kept in the loop.”**
- Requires RIDEM long term plan
  - Agreed to by Town
  - To be implemented after full cleanup (10+years)

# Next Steps

- Town Council resolution
  - Support for RIDEM cleanup objective
  - Request RIDEM long term plan
  - Ask Town Administrator to:
    - Develop Town Plan in coordination with RIDEM
    - Request support from federal delegation for full physical cleanup
- Approval at October 7<sup>th</sup> Council meeting?



**BACKUP SLIDES**

# History of Gould Property Transfers

- 39 acres transferred from Fed Government to RI
  - South 2/3 of Gould
  - Deed restriction for conservation of wildlife
  - RIDEM is “owner” for State
- 4 South Gould parcels excluded from transfer
- North 17 acres held by Navy for NUWC
  - Cleanup on-going for 20 years
  - Demolition of pier building planned

# 4 Excluded Parcels


- Still owned by Federal Government for Navy/CG
  - 3 Navy sites now abandoned
  - CG navigation beacon on south tip in use
- Excluded parcels not part of FUDS
  - Not restorable by USACE
  - Contamination not being sampled
- CG plans to retain south beacon w/o cleanup
- Navy willing to transfer 3 sites to RIDEM w/o cleanup
  - Needs RIDEM action with NavSta Newport



**Town of Jamestown**  
Finance Department  
Town Hall  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9809 Fax 401-423-7229  
Email: ccollins@jamestownri.net

**Christina D. Collins**  
Finance Director

## MEMORANDUM

**TO:** Honorable Town Council  
**FROM:** Interim Town Administrator   
**DATE:** 9/12/2019  
**SUBJECT:** Town Administrator's Update

**Town Administrator Search** – The Town placed ads in the Boston Globe Sunday Edition (print & online), Providence Journal Sunday Edition (print & online), Newport Daily News (print & online), Jamestown Press, RI League of Cities and Towns (online), Massachusetts Municipal Association (MMA) (online), International City/County Management Association (ICMA), (online) & Indeed. We have started to receive applications and the posted deadline is September 30, 2019.

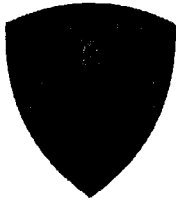
**Conservation Easement/Restrictions Jamestown Shores** – The Town, the Solicitors office and the Conanicut Island Land Trust are working on preparing easements for the properties which have clear titles. There is 22 lots in this group. There are 10 lots which have Tax Titles only. The Town via the Solicitors office would have to go through a process to “foreclose the right of redemption” on each lot, RIGL 44-9-25. The cost for each parcel would be approximately \$5,000.

### **§ 44-9-25. Petition for foreclosure of redemption.**

(a) After one year from a sale of land for taxes, except as provided in §§ 44-9-19 – 44-9-22, whoever then holds the acquired title may bring a petition in the superior court for the foreclosure of all rights of redemption under the title. The petition shall set forth a description of the land to which it applies, with its assessed valuation, the petitioner's source of title, giving a reference to the place, book, and page of record, and other facts as may be necessary for the information of the court. Two (2) or more parcels of land may be included in any petition brought by any purchaser of a title or titles, if the parcels are in the same record ownership at the time of bringing the petition (Form 5).

(b) No more than one foreclosure petition may be filed for each tax deed regardless of the number of tax title holders having an interest under such deed. If more than one petition is filed, the petitions shall be consolidated for hearing by the court. The court shall not award more than one attorneys' fee to the petitioners.

(c) Notwithstanding the provisions of subsection (a) of this section, no petition for foreclosure of redemption shall be filed or entertained by any court with respect to any property or title acquired by the Rhode Island Housing and Mortgage Corporation pursuant to § 44-9-8.3 of the general laws until after five (5) years from the sale of said property or title for taxes.



Edward A. Mello  
Chief of Police

## JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835  
Tel: (401) 423-1212 Fax: (401) 423-3710  
www.jamestownri.net/police



### MEMORANDUM

---

**TO:** Christina Collins, Actin Town Administrator  
**FROM:** Chief Edward A. Mello  
**DATE:** September 6, 2019  
**SUBJECT:** Noise Ordinance

---

Tina

Please see the attached DRAFT of the noise ordinance. This is a significant re-write of the existing ordinance. The existing noise and construction ordinance have been combined into one. As usual format, underline indicates new language and strike-through indicates deleted language.

Most of the current concerns in front of the Town Council are included in the language. I recommend this as draft language as a starting point for discussion by the Town Council.

Areas such as fines, time of day and activities are included as place holders for topics and not as specific recommendations as these are more in line with policy to be considered by the Council.

I have also included the existing noise and construction ordinance for reference.

I would suggest that particular attention be paid to the highlighted sections:

- Section 22-66 C
- Section 22-66 D
- Section 22-66 E
- Section 22-71

## Exhibit A

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

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

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

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

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

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

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

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

### Sec 22-63 Definitions

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

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

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

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

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

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

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

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

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

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

**NOISE DISTURBANCE** Any sound which:

- A. Exceeds the dBA level for such sound set out in this chapter and;
- B. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable person of normal sensitivities.

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

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

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

**PORTABLE COOLING/HEATING COMPRESSOR**

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



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

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

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

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

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

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

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

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

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

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

**ZONING DISTRICTS** Those districts established by and defined in Chapter 82, Zoning, of the Code of the Town of Jamestown.

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

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

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

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

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

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

B. Loading and unloading. Any person shall be permitted to load, unload, open, close or handle crates, containers, garbage cans and dumpsters, building materials or similar objects outdoors between the hours of 5:00 a.m. and 9:00 p.m.

C. Construction and manufacturing.

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

(2) Building construction activities. The operation of building construction, alteration or repair activities is permitted between the hours of: 7:00 a.m. and 8:00 p.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 7:00 p.m. Friday; 8:00 a.m. and 6 p.m. Saturday.

Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m. only when directly performed by the property owner or tenant.

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

E. Lawn care and grounds maintenance equipment. The use of lawn care and grounds maintenance equipment, such as a lawnmower, leaf blower, lawn or garden tool, if used and maintained in accordance with the manufacturer's specifications, is permitted

between the hours of 7:00 a.m. and 8:00 p.m. Monday, Tuesday, Wednesday, Thursday, 7:00 a.m. and 7:00 p.m. Friday, 8:00 a.m. and 6 p.m. Saturday.

Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m. only when directly performed by the property owner or tenant.

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

G. Town-permitted activities:

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

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

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

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

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

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

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

construction project itself and industrial activities otherwise permitted in an industrial zone.

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

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

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

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

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

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

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

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

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

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

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

F. Motor vehicles.

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

(2) Adequate mufflers or sound-dissipative devices.

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

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

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

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

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

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

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

Maximum permitted sound levels are as follows:

Table 1

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

<u>CL, CD, CW, DC, P</u>	<u>All</u>	<u>75</u>
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B. Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Subsection A Table 1 shall be reduced by five dBA.

C. Measurement of sound.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The provisions of this article shall not apply to:

- (1) ~~The operation of snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds.~~
- (2) ~~Lawn care and grounds maintenance equipment in normal daytime use if used and maintained in accordance with the manufacturer's specifications.~~
- (3) ~~Public emergency activities required to ensure the health, safety and welfare of the citizenry.~~
- (4) ~~The normal day to day agricultural activities associated with the raising of livestock and crops.~~
- (5) ~~Ordinary or routine maintenance and/or repair performed by the owner or resident of a property.~~

**Sec.22-71- Landlords and Property Owner Liability and Responsibility**

**The owner of any property shall be concurrently subject to all fines and penalties as prescribed in Sec. 22-72, regardless of the offending individual(s).**

**Sec. 22-72- Fines and Penalties.**

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

- (1) The first offense shall be punished by the issuance of a written warning to immediately cease and desist the violation.
- (2) The second offense within any twelve month period, shall be punished by a fine of \$25.00- \$250.00.
- (3) The third offense and each subsequent offense within twelve month period, shall be punished by a fine of \$100.00. \$500.00.

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



**~~Sec. 22-72. – Enforcement.~~**

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

**~~Sec. 22-73. – Penalties.~~**

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

- ~~(1)  
The first offense shall be punished by the issuance of a written warning to cease and desist the violation.~~
- ~~(2)  
The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist the violation.~~
- ~~(3)  
The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a notice to cease and desist the violation.~~

**~~Sec. 22-74. – Sunset clause.~~**

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

## ARTICLE III. - NOISE

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

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

(Code 2003, § 22-61; Ord. of 1-23-2006)

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

- (a) The purpose of this article is to establish objective standards to control extreme and excessive noise by setting maximum permissible sound levels for certain times and places in town.
- (b) This article may be cited as the "Noise Ordinance of the Town of Jamestown."
- (c) This article applies within the town limits as specified below.

(Code 2003, § 22-62; Ord. of 1-23-2006)

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

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

(Code 2003, § 22-63; Ord. of 1-23-2006)

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

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

(Code 2003, § 22-64; Ord. of 1-23-2006)

## Sec. 22-65. - Prohibited noises.

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

(Code 2003, § 22-65; Ord. of 1-23-2006)

## Sec. 22-66. - Maximum permissible sound levels.

Maximum permitted sound levels are as follows:

Zoning Category	Time	Decibel Limit
Residential, and open space	8:00 a.m. to 10:00 p.m.	<u>70</u>
OS-I, OS-II, RR-200, RR-80, R-40, R-20, R-8	10:00 p.m. to 8:00 a.m.	60
Business (neighborhood, waterfront and general)	All	75
(CL, CD, CW, DC)		
Public	All	75

(Code 2003, § 22-66; Ord. of 1-23-2006)

## Sec. 22-67. - Enforcement.

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

(Code 2003, § 22-67; Ord. of 1-23-2006)

## Sec. 22-68. - Penalties.

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

- (1) The first offense shall be punished by the issuance of a written warning to cease and desist the violation.
- (2) The second offense shall be punished by a fine of \$25.00.
- (3) The third offense and each subsequent offense shall be punished by a fine of \$100.00.

(Code 2003, § 22-68; Ord. of 1-23-2006)

**State Law reference—** Limitation on penalties generally, G.L. 1956, § 45-6-2.



## ARTICLE IIIA. - CONSTRUCTION ACTIVITIES

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

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

(Ord. of 12-15-2008, § 22-69)

## Sec. 22-70. - Definitions.

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

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

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

(Ord. of 12-15-2008, § 22-70)

## Sec. 22-71. - Exemptions.

The provisions of this article shall not apply to:

- (1) The operation of snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds.
- (2) Lawn care and grounds maintenance equipment in normal daytime use if used and maintained in accordance with the manufacturer's specifications.
- (3) Public emergency activities required to ensure the health, safety and welfare of the citizenry.
- (4) The normal day to day agricultural activities associated with the raising of livestock and crops.
- (5) Ordinary or routine maintenance and/or repair performed by the owner or resident of a property.

(Ord. of 12-15-2008, § 22-71)

Sec. 22-72. - Enforcement.

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

(Ord. of 12-15-2008, § 22-72)

Sec. 22-73. - Penalties.

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

- (1) The first offense shall be punished by the issuance of a written warning to cease and desist the violation.
- (2) The second offense shall be punished by a fine of \$250.00 and a notice to cease and desist the violation.
- (3) The third offense and each subsequent offense shall be punished by a fine of \$500.00 and a notice to cease and desist the violation.

(Ord. of 12-15-2008, § 22-73)

**State Law reference—** Limitation on penalties generally, G.L. 1956, § 45-6-2.

Sec. 22-74. - Sunset clause.

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

(Ord. of 12-15-2008, § 22-74)

Secs. 22-75—22-85. - Reserved.

**SPECIAL TOWN COUNCIL MEETING  
AUGUST 28, 2019**

**I. ROLL CALL**

A special meeting of the Jamestown Town Council was held on August 28, 2018. Town Council Members present were as follows: Michael G. White, Mary E. Meagher, Nancy A. Beye, Randall White, and William J. Piva, Jr. Also present Interim Town Administrator Christina Collins, Town Solicitor Peter Ruggiero, Chief of Police Edward Mello, Public Works Director Michael Gray and IT Consultant Michael Glier.

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

Town Council President White called the special meeting of the Jamestown Town Council to order at 9:09 a.m. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

**III. NEW BUSINESS**

A) Town Administrator's Search (Not all items were taken in agenda order)

- 1) Discussion regarding the Town Administrator, future search process for full-time appointment. Discussion and possible votes and/or actions.

Council President White announced we are here to discuss the process of hiring a Town Administrator. He also suggested the use of a flip chart as a potential tool to facilitate conversation.

- 2) Review information/documents from prior Town Administrator search. Discussion and possible votes, and/or actions.

Previous advertisements were reviewed.

- 3) Establish Criteria/Qualifications for Candidates. Discussion and possible votes, and/or actions.

Vice President Meagher suggested discussions regarding criteria should be held in Executive Session.

- 4) Determine Advertisement Scope. Discussion and possible votes, and/or actions.

Council President White suggested advertisement in the ICMA.

Town Solicitor Ruggiero advised on other sources, so that members outside the field would receive notice.

Discussion ensued on search outside of New England.

It was the consensus of the Council to advertise within New England.

Councilor Piva questioned the amount of time for advertisement.

Town Solicitor Ruggiero advised four weeks would be appropriate. He also suggested the Council nominate a member to provide assistance in preparing the materials.

Councilor Piva questioned if applications would be sent to Administrative Assistant Debbie Shea.

Town Solicitor Ruggiero stated it would be processed through the Town Clerk and applicants would be sealed and labeled Town Administrator Search Committee. He also advised on the confidentiality that would be needed during the process.

The Council concurred with the confidentiality needed to attract potential applicants.

**A motion was made by Councilor Beye with second by Vice President Meagher to nominate Councilor White as contact person of the Town Administrator's Search Committee. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor White, Aye.**

Councilor Piva agreed with the previous advertisement criteria and qualifications regarding BA/BS in public administration or related field.

The following items were discussed with regard to the advertisement :It was noted 7 years of municipal experience would be changed to 5 years; combine the two previous advertisements and include the following: local government operations, employee citizen relations, strong interpersonal, written, and verbal skills are essential.

It was noted that the language on bonds is outdated and can be stricken.

It was determined the tentative deadline for applicants would be September 30<sup>th</sup>.

Town Solicitor Ruggiero advised he would draft the advertisement in conjunction with Interim Town Administrator Collins and they would send for the Council's review and for approval would be held at the next meeting.

Discussion ensued on salary.

Interim Town Administrator Collins advised on the current salary. She further explained the base salary.



Vice President Meagher suggested the salary start lower than \$125,000.

Discussion ensued on salary range.

The Council's consensus was to start at \$120,000.00.

Discussion ensued on timeline and procedure to process.

Councilor White questioned his roll.

Town Solicitor Ruggiero advised Councilor White would be the liaison for questions and to assist on communications to the candidates.

Town Solicitor Ruggiero also cautioned the Council on speaking to prospective candidates.

Discussion ensued on advertisement locations. It was determined to be ICMA, Providence Journal, Boston Globe, Newport Daily, Jamestown Press, and Indeed (if can be placed locally).

Alma Davenport of Clinton Ave questioned the legality of requiring the Administrator to be a resident of Jamestown.

Council Vice President Meagher advised it is not required in the Charter, but they must be a resident of Rhode Island.

Town Solicitor Ruggiero advised you could request, but not require residency.

Discussion ensued on residency.

Joe Cannon of Capstan Street urged the Council to not have a number of limiting factors. He further discussed you may find a North Kingstown Administrator who would like to reside in North Kingstown that would do a fine job.

Councilor Beye suggested a rubric system.

- 5) Schedule Future Sessions – dates and times.  
Discussion and possible votes and/or actions.

Town Solicitor Ruggiero suggested setting a date to convene again at the September 16<sup>th</sup> regular meeting, and further advised on the need to convene in Executive Session.

Vice President Meagher stated she had a reservation with starting the salary at \$120,000. She would like to start at \$115,000; as Andy had reached the current salary after five years of service.

Discussion ensued on salary range.

Interim Town Administrator Collins advised on the Municipal Salary Survey; however that information would be a year old.

It was noted the advertisement would be approved at the September 3<sup>rd</sup> meeting.

The Council did not convene in Executive Session.

#### **IV. NEW BUSINESS/EXECUTIVE SESSION**

*The Town Council may seek to enter into Executive Session for review, discussion and/or potential action and/or vote on the following:*

- A) Pursuant to RIGL § 42-46-5(a) Subsection (1) Personnel (Town Administrator); review, discussion and/or potential action and/or vote in executive session and/or open session

#### **V. ADJOURNMENT**

**A motion was made by Vice President Meagher with second by Councilor Beye to adjourn the meeting. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye.**

The special meeting was adjourned at 9:49 a.m.

Attest:

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Erin F. Liese, CMC, Town Clerk

Copies to:     Town Council  
                  Interim Town Administrator  
                  Town Solicitor

**TOWN COUNCIL MEETING  
September 3, 2019**

**I. ROLL CALL**

A special meeting of the Jamestown Town Council was held on September 3, 2019. Town Council Members present were as follows: Michael G. White, Mary E. Meagher, Nancy A. Beye, Randall White, and William J. Piva, Jr. Also present Interim Town Administrator Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, Public Works Director Michael C. Gray and IT Consultant Michael Glier.

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

Town Council President White called the special meeting of the Jamestown Town Council to order at 6:32 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

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

**A) Presentation of Proclamations:**

- 1) No. 2019-15: Military Service Gordon Mitchell Bruce Livingston
- 2) No. 2019-16: Military Service Walter G. Swistak
- 3) No. 2019-17: Military Service Victor C. Richardson

Councilor Beye read the Proclamation for Gordon Mitchell Bruce Livingston.

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the 2019-15 Proclamation for Gordon Mitchell Bruce Livingston. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Councilor Piva read the Proclamation for Walter G. Swistak.

**A motion was made by Vice President Meagher with second by Councilor Piva to adopt the 2019-16 Proclamation for Walter G. Swistak. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Councilor White read the Proclamation for Victor C. Richardson

**A motion was made by Vice President Meagher with second by Councilor Beye to adopt the 2019-17 Proclamation for Victor C. Richardson. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

**A motion was made by Vice President Meagher with second by Councilor Piva to open the Public Hearing at 6:39 PM. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

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

*The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.*

- A) Entertainment License Application; review, discussion and/or potential action and/or vote
  - 1) Applicant Jamestown Beer Holdings LLC  
Dates: 09/01/2019 to 11/30/2019  
Location: 34 Narragansett Avenue

A representative for the applicant was present; however not familiar with the particular events Jamestown Beer Holdings LLC would like to hold.

Vice President Meagher questioned if Chief Mello had received all conditional items.

Chief Mello advised he had not; but the Town Clerk will not issue until all items have been provided. He also advised this license is only for a few months and would need to know the frequency and type of events held.

**A motion was made by Vice President Meagher with second by Councilor Piva to approve the Entertainment License for Jamestown Beer Holdings LLC for the period September 3, 2019 to November 30, 2019, contingent on all conditions of Entertainment License and of Chief Mello as follows: Applicant provide a tentative schedule of inside entertainment; entertainment be limited to inside only; Be limited to acoustical music and non-amplified entertainment; Applicant to provide a floor plan depicting the service area of beer, general seating plan and storage area of brewed products. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

No public comment.

- B) Holiday License Application; review, discussion and/or potential action and/or vote
  - 1) Applicant Jamestown Beer Holdings LLC  
Dates: 09/01/2019 to 11/30/2019  
Location: 34 Narragansett Avenue

**A motion was made by Councilor White seconded by Vice President Meagher to approve the Holiday License for Jamestown Beer Holdings LLC for the period September 3, 2019 to November 30, 2019, contingent on all conditions of a Holiday License and of Chief Mello as follows: Applicant provide a tentative schedule of inside entertainment; entertainment be limited to inside only; Be limited to acoustical music and non-amplified entertainment; Applicant to provide a floor plan depicting the service area of beer, general seating plan and storage area of brewed products. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

No public comment.

**A motion was made by Vice President Meagher with second by Councilor Piva to close the Public Hearing. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

#### **V. OPEN FORUM**

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

Frank Meyer, of Southwest Avenue commented on the Beavertail Lease and offered to make a power point presentation on Beavertail. He further advised he had provided the power point on a thumb drive to former Town Clerk Cheryl Fernstrom.

Deb Barone, of Cedar Lane questioned the allowance of public comment during the Cell Tower Presentation. She was informed she could speak during that time.

Councilor Piva questioned if Mr. Cannon intended on staying through the meeting or would he like his item to be heard sooner.

Mr. Cannon advised he would stay for the entire meeting.

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

- A) Town Administrator's Report: Christina D. Collins, Interim Town Administrator

Interim Town Administrator Collins reported on the bond rating and the savings to the Town.

#### **VII. UNFINISHED BUSINESS**

- A) Presentation and Report on North End Cell Tower by Public Works Director Mike Gray and IT Consultant Mike Glier; review, discussion and/or potential action and/or vote

Public Works Director Gray provided an update and history of the North End Cell Tower. He further advised in the summer of 2017 discussions were held on the lack of coverage on the North End of Town. He further explained in 2018 funds were allocated to determine the

feasibility to provide service to the North End. He explained in addition to staff; GIS Student Interns were used to determine potential locations on town owned parcels. It was identified Cedar Lane and North Main Road would be possible locations to be studied. The Council authorized the study of both sites. He explained IT Consultant Glier drafted an RFP to solicit engineers to assess the two sites.

Councilor Piva questioned how the study came to fruition.

Public Works Director Gray advised he did not recall the Council member that brought it forward.

Vice President Meagher advised it was initiated by Town Administrator Nota and Fire Department.

Interim Town Administrator Collins advised in August, 2017 the Town received many complaints about the coverage.

Chief Mello advised this initiative was not driven by law enforcement and advised on public safety communications.

Discussion ensued on Public Safety communication.

Public Works Director Gray advised on the two locations presented to Council.

Councilor White questioned the distance between the two points and northern tip of the island.

Public Works Director Gray advised it was about a ¼ mile apart in distance between locations. He further advised on the preliminary assessments and it was determined both sites were viable to provide service to the North End of the Island. He explained that Cedar Lane Tower would be 150 feet in height and would reach service as far as West Reach. The North Road Tower would be 175 feet in height and service would reach Summit. He explained utilities at each location. He explained the next phase of research would include balloons to measure from view points and a vehicle would be driving to collect the data.

Councilor White questioned what the balloon data would provide

Public Works Director Gray advised the balloons would provide for renderings; but the final report would determine existing coverage and also what proposed coverage would be if cell towers would be developed.

Discussion ensued on coverage and need.

Councilor Piva remarked if we are providing only a little bit of coverage, it is a lot to ask of the neighbors and would dramatically change the landscape of Route 138.

Councilor White advised on the letter received by Dennis Webster on the historical work done by the Council.

Discussion ensued on past applicants from private contractors and they were denied by Zoning and Planning due to aesthetics.

Discussion ensued on the evolution of service, viability of 5G, and distributed antenna systems.

IT Consultant Glier explained viability of 5G and coverage of antenna systems.

Public Works Director Gray summarized his presentation on opportunities to study (to provide) better coverage by the Town. He advised on the need to be transparent with the public on the next phase of study.

Attorney Dylan Connelly representing the residents of Cedar Lane requested Cedar Lane site be removed from consideration, due to the economic harm to his clients. He also apologized on the short notice of his letter. He requested the vote tonight be to no longer consider Cedar Lane. This would resolve the issue with his client and save the town money and the litigation obstacle. He also stated you do not see residents present tonight requesting more cell service.

Council Vice President stated for the record, she had previously done work for the Charron's; but no longer had a financial or professional interest with the Charron's.

Dennis Webster of Mt Hope Avenue advised on the locations of the previous cell towers that were denied by Planning and Zoning. He further commented on the distributed antenna system and the viability of 5G.

Deb Barone of Cedar Lane thanked those that spoke and for questions asked as the discussion has been informative. She stated no one wants a cell tower in their back yard. She further explained the scenic corridor and history on the initiative. She explained in 2005 cell tower applicants was denied due to disagreement with the Comprehensive Plan. She further stated concern with developing 5G and health concerns. She urged the Council to seek other ways of addressing this. She also was pleased to hear this was not a Public Safety issue. She also suggested reaching out to Cox, as sometimes lack of service can be a simple fix and further requested a study to look at what carriers are working on the island.

Public Works Director Gray clarified that he and Mike Glier are not developing towers. They are simply providing information to make available for a decision of the Council and is ultimately up to the tax payer if this project will move forward.

Council President White stated no Council has approved the building of a cell tower.

Discussion ensued on the scenic highway.

Attorney Connelly commented on effect of his clients with the lost interest in buyers of his client's property. He requested a meeting in Executive Session if Cedar Lane remains as a site to be considered.

Councilor White questioned the next step in the process. He suggested to only progress with the needs assessment to determine the scope of the problem.

Councilor Piva concurred with Councilor White and also commented it was not a Public Safety issue and why would we consider a large tower at this time, when the public is not here requesting a tower.

Vice President Meagher also concurred with the need assessment.

Jane Murray of Cedar Lane was so happy to hear that there is not a safety issue. She commented how the need of cellular is convenient and suggested those without service get a land line.

Chief Mello clarified he was not speaking for the Fire Department and to confirm with Fire Dept. if they have an issue. Also clarified the police do not have an issue communicating with each other; however he cannot confirm if residents have issue contacting the department.

Council President White advised getting a land line could have a financial burden.

Discussion ensued on the lack of cell service in the North End, carrier data and needs assessment.

**A motion was made by Councilor White to approve and commission a needs assessment consistent with the next step of the North End Cellular Survey measuring current cell service of all carriers, with an instrumented vehicle driving through all areas to establish a base line of current cell service levels. Seconded by Vice President Meagher.**

Councilor Piva stated he would like to eliminate both sites for consideration of a cell tower in Jamestown.

Vice President Meagher questioned if you could see a tower at the Transfer Station.

Discussion ensued on cell tower need and timeframe of the study.

President White questioned if you could suspend potential solutions without determining the need. He further stated no one has authorized a cell tower. They have only tried to determine a solution to add cell service to the North End

Attorney Connelly advised the motion does not prevent consideration of Cedar Ridge it does not resolve the concerns with potential litigation

Vice President Meagher advised consultation with the Town Solicitor would be needed to address Attorney Connelly's request.

**Councilor White further amended the motion to suspend the consideration of any cell tower until they analyze the need. Vice President Meagher seconded the addendum to the motion.**

**Back to the Motion:**

**Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Town Administrator's Search; review, discussion and/or potential action and/or vote, continued from August 28, 2019.
  - 1) Approval of Town Administrator's Candidate Recruitment Advertisement; review, discussion and/ or potential action and/or vote

Vice President Meagher stated it was a great advertisement.



Councilor Beye requested the 7 year experience be changed to 5.

Councilor Piva like's the commensurate with experience language.

Town Solicitor Ruggiero commented on the online publication.

Discussion ensued on location of advertisements.

**A motion was made by Vice President Meagher to approve advertisement with second by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Town Solicitor Ruggiero advised on the procedure to receive resumes. He stated the Council will receive all applicants at one time. He further explained Deb Shea will receive applications with a specific email address to allow for confidentiality.

- 2) Compensation of Interim Town Administrator; proposed to be the same as the Town Administrator budget amount, of \$123,437.74; review, discussion and/ or potential action and/or vote

Vice President Meagher stated they will be compensating Interim Town Administrator at the current budgeted amount of the previous Town Administrator.

**A motion was made by Vice President Meagher to approve the salary adjustment of \$123,437.74 for Interim Town Administrator Collins. Seconded by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- C) Upcoming Meetings and Sessions – dates and times
  - 1) Town Council Meeting Schedule: September 16, 2019 at 6:30 p.m.; review, discussion and/or potential action and/or vote (additional sessions to be added as needed)
  - 2) Schedule Hearing Date and Discussion of Hearing Process: Museler Appeal; review, discussion and/or potential action and/or vote

Town Solicitor Ruggiero advised this will be placed on September 16<sup>th</sup> Agenda to allow for Attorney Quentin Anthony to be present.

It was noted this would be for scheduling and the process will be reviewed. The hearing will not take place on the 16<sup>th</sup>.

## **VIII. NEW BUSINESS**

- A) Proposal by Jamestown Arts Center, Outdoor Art Experience (OAE) for approval of exhibit locations, summer 2020; review, discussion and/or potential action and/or vote

Molly Dickinson, Project Manager from the Jamestown Arts Center explained her request to add the town hall lawn as an additional exhibit location.

**A motion was made by Vice President Meagher with second Councilor Beye to approve the town hall lawn as an additional exhibit location for the Jamestown Arts Center, Outdoor Art Experience. Seconded by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- B) Amendment to Lease Agreement with AT&T Site ID: RI4182- 96 Howland Avenue Water Tank; review, discussion and/or potential action and/or vote

Interim Town Administrator Collins advised this was initiated with former Town Administrator Nota and the Solicitor had reviewed.

**A motion was made by Vice President Meagher to approve the Lease Agreement with AT&T Site ID: RI4182-96 Howland Avenue Water Tank with second by Councilor Piva. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

## **IX. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS**

- A) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote on each listed appointment, vacancy and/or expiring term
- 1) Jamestown Affordable Housing Committee (One vacancy with a three-year term ending date of May 31, 2022); duly advertised;
    - a) Letter of interest for appointment
      - i) Joseph Cannon Jr. (previously interviewed)

Council Piva commented on the qualifications of Mr. Cannon.

**A motion was made by Councilor Piva to appoint Joseph Cannon Jr. to the Affordable Housing Committee with a term ending May 31, 2022 with second by Councilor Beye. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye**

- 2) Jamestown Planning Commission Member (One vacancy with a four-year term ending date of December 31, 2019);
  - a) Request for appointment & continuation
    - i) Michael Swistak

Vice President Meagher spoke on the qualifications of Chairman Swistak.

**A motion was made by Vice President Meagher to reappoint Michael Swistak to the Planning Commission with a continuation through December 31, 2023 with second by Councilor Piva.**

**Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye**

## **X. CONSENT AGENDA**

**A motion was made by Vice President Meagher with second by Councilor White to approve and accept the Consent Agenda. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
  - 1) August 19, 2019 (regular meeting)
  - 2) August 19, 2019 (executive session)
- B) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Planning Commission (June 26, 2019)
  - 2) Jamestown Planning Commission (July 17, 2019)
  - 3) Jamestown Planning Commission (August 7, 2019)
- C) Abatements/Addenda of Taxes: \$550.00      Total Abatements: \$ 620.61
  - Account/Abatement Amount**
  - 1) Abatements to 2019 Motor Vehicle Tax Roll
    - a) 04-0160-06M      \$132.53
    - b) 04-0160-07M      \$82.06
    - c) 13-1559-60M      \$144.10
    - d) 19-0990-14M      \$261.92
  - 2) Addenda to Real Estate and Real Property 2017 Tax Roll
    - a) 19-0593-00      \$150.00
  - 3) Addenda to Real Estate and Real Property 2018 Tax Roll
    - a) 19-0593-00      \$150.00
  - 4) Addenda to Real Estate and Real Property 2019 Tax Roll
    - a) 07-0741-21      \$250.00
- D) One Day Event/Entertainment License Applications
  - 1) Applicant: Rhode Island Turnpike and Bridge Authority  
Event: 4 Bridges Ride  
Date: September 15, 2019  
Location: Rte. 138
  - 2) Applicant: Rhode Island Turnpike and Bridge Authority  
Event: Citizens Bank Pell Bridge Run  
Date: October 20, 2019  
Location: East Shore Road & Freebody to Pell Bridge
- E) Award of Bid:
  - 1) Parks & Recreation Department: Turf Management Supplies & Consulting Services to Tom Irwin Inc.

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

**A motion was made by Vice President Meagher with second by Councilor Beye to receive the Communications. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

The Communications and Proclamations and Resolutions from other RI cities and towns consists of the following:

- A) Communications
  - 1) Invitation to the Rhode Island Coalition for the Homeless's Annual Award Breakfast Monday, September 23, 2019
  - 2) Jamestown School Department Construction Project - Roof Replacement to Colony Roofing Industries Inc.
  - 3) Jamestown School Department Construction Project- Roof Replacement to Commercial Roofing & Contracting, Inc.
  - 4) Jamestown School Department Owner's Project Manager and Commissioning Services for School Building Projects, Revised Fees to Colliers International
  - 5) Jamestown School Department Architectural Services to Saccoccio & Associates, Inc.
- B) Resolutions and Proclamations from other RI cities and towns
  - 1) Resolution of the Town of Charlestown relative to Public Access to the Shoreline

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

- A) Presentation on Gould Island (September 16, 2019)
- B) Taxation items: RIGL § 44-3-12 Visually Impaired Persons – Exemption and RIGL § 44-3-5 Gold Star Parents' Exemption
- C) Beavertail Property Lease Terms

Councilor Piva questioned if Mr. Meyer's power point presentation would be reviewed in September.

It was noted they would receive the power point to schedule for a future meeting.

- D) Noise Ordinance (September 16, 2019)

Chief Mello commented on procedure of adopting ordinances and requested he would like to recommend some potential amendments to the Noise Ordinance for discussions; prior to drafting advertisement and adoption.

Discussion ensued on transparency and input on ordinances.

- E) Parking at Beach Facilities (September 16, 2019)

Councilor Piva announced his recusal from Executive Session: RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, et al, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS and departed Council Chambers at 8:11 p.m.

### **XIII. EXECUTIVE SESSION**

A) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS) review, discussion and/or potential action and/or vote

**A motion made by Vice President Meagher with second by Councilor Beye pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation (IBPO Retiree Pension Benefits: File No. Balzer vs. Town of Jamestown, C.A. No. 1:19-cv-00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS) Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye**

The Town Council reconvened the regular meeting at 8:42 p.m. It was announced the following action was taken in Executive Session:

**A motion was made by Vice President Meagher with second by Councilor Beye to authorize the Town Solicitor to act as necessary to protect the Town's interest in Balzer vs. Town of Jamestown, C.A. No. 1:19-cv00109-WES-PAS; Dube, etal, vs. Town of Jamestown, C.A. No. 1:19-cv-00018-WES-PAS. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye**

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

### **XIV. ADJOURNMENT**

**A motion was made by Vice President Meagher with second by Councilor Beye to adjourn. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor, White, Aye.**

The regular meeting was adjourned at 8:43 p.m.

Attest:

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Erin F. Liese, CMC, Town Clerk

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 23, 2019 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  
Terence Livingston, Member  
Edward Gromada, Member  
Marcy Coleman, Member  
Judith Bell, 1<sup>st</sup> Alt.  
James King, 3<sup>rd</sup> Alt.

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

MINUTES

Minutes of June 25, 2019

A motion was made by Edward Gromada and seconded by Terence Livingston to accept the minutes of the June 25, 2019 meeting as presented.

The motion carried by a vote of 5 -0.

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

James King was not seated and Dean Wagner and Erik Brine were absent.

CORRESPONDENCE

Clancy

A motion was made by Terence Livingston and seconded by Marcy Coleman to continue the application of David & Jennifer Clancy, whose property is located at 382 North Rd., and further identified as Assessor's Plat 7, Lot 22 for a variance from Article 3,

Section 82-302, Table 3-2. Per Newport Superior Court C.A. NC-2018-0188 Accordingly, this Court remands the Decision to the Zoning Board for findings of fact and conclusion of law. No testimony will be given or heard.

The application is continued to the August 27, 2019 meeting awaiting an ethic Commission ruling.

The motion carried by a vote of 5 -0.

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

James King was not seated and Dean Wagner and Erik Brine were absent.

#### NEW BUSINESS

##### Delude Dix

A motion was made by Terence Livingston and seconded by Marcy Coleman to grant the request of Elizabeth Delude Dix, whose property is located at 1070 East Shore Rd., and further identified as Assessor's Plat 1, Lot 373 for a variance from Article 3, Section 82-302, District Dimensional Regulations, to replace an existing 1980's era addition to a historic house with a new addition that provides an attached garage. The existing house is only 13.5 ft. from the front lot line. The new addition will be set back 20 ft. from the front lot line where 40 ft. is required. That portion of the proposed addition that contains the garage will be located 28 ft. from the side lot line, where 30 ft. is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following 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 RR80 zone and contains 1.627 acres.
2. The front set back will be less nonconforming.
3. The left side set back will be 28' where 30' is required due to placing the garage in the location for an "aging in place" concept and to not impede on the historical character of the house.
4. If the front set back were to be 40', then the addition would be divorced from the main structure and would completely negate the purpose of the project.
5. The owner testified about the historical character and purpose of the project.
6. The expert architect Shahin Barzin testified that the project is the least relief necessary not to any fault of the owner and would not alter or injure the character of the surrounding area and the Board accepts his testimony.
7. Two abutters testified in favor.
8. No one testified in opposition.

The motion carried by a vote of 5 -0.

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

James King was not seated and Dean Wagner and Erik Brine were absent.

#### Dumpling Land LLC

A motion was made by Edward Gromada and seconded by Terence Livingston to grant the request of Dumpling Land LLC, whose property is located at 28 Dumpling Drive, Jamestown, Rhode Island, and further identified as Tax Assessor's Plat 10, Lot 111 for an amendment, and/or modification, and/or correction to the Zoning Decision of February 27, 2018, in order to reflect the testimony and plans submitted at said hearing regarding the relief needed off of the North side property line and not the South side property line, pursuant to Article 6, Sections 82-600, 82-605, 82-606, and 82-607, and the inherent authority of the Board to amend, and/or modify, and/or correct, when appropriate, its decisions. Said property is located in a RR80 Zone and contains 33,930 square feet.

The following is agreed:



1. It is the opinion of the Board that the opinion of Feb. 28, 2018 is rewritten and every reference to the south side and north side setbacks is corrected as appropriate.
2. The testimony of 2/28/18 is incorporated here by reference.
3. Having sat for the arguments and decision of Fe. 28, 2018 myself, the discussion of setbacks and relief was clearly discussed at that time.
4. All other relief granted will remain in effect and included here by reference.

The motion carried by a vote of 5 -0.

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

James King was not seated and Dean Wagner and Erik Brine were absent.

#### OLD BUSINESS

##### Hamlin

A motion was made by Marcy Coleman and seconded by Edward Gromada to continue the appeal of Geoff Hamlin, whose property is located at 134 Battery Lane, and further identified as Assessor's Plat 11, Lot 38 pursuant to Article 5, Section 503 to appeal Building Official's refusal to obey Zoning Board of Review decision overruling his Stop Work Order, in which they found him to be arbitrary & capricious, as well as his illegal building permit order about a border wall. Said property is located in a R80 zone and contains 5.28 acres.

The application is continued to the September 24, 2019 meeting allowing time for the parties involved to try for a resolution.

The motion carried by a vote of 5 -0.

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

James King was not seated and Dean Wagner and Erik Brine were absent.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 8:03 p.m.  
The motion carried unanimously.

**State of Rhode Island**  
**Coastal Resources Management Council**  
**Oliver H. Stedman Government Center**  
**4808 Tower Hill Road, Suite 3**  
**Wakefield, RI 02879**  
**(401)783-3370**

**State of Rhode Island**  
**Department of Environmental Management**  
**Office of Technical and Customer Asst.**  
**235 Promenade Street**  
**Providence, RI 02908-5767**  
**(401)222-6822**

**JOINT PUBLIC RE-NOTICE**

CRMC File No.: 2019-06-014 Date: September 3, 2019

RIDEM Water Quality Certification Number: WQC 19-123 DP19-174

These offices have under consideration the application of:

**Jamestown Boat Yard**  
**60 Dumpling Drive**  
**Jamestown, RI 02835**

for State of Rhode Island Assent (in accordance with the Coastal Resources Management Program), and a State of Rhode Island Dredge Permit (in accordance with the Marina infrastructure Maintenance Act of 1996 and the Marine Waterways and Boating Facilities Act of 2001, Rhode Island General Laws Chapter 46-6.1) and State of Rhode Island Water Quality Certification (in accordance with Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the RIGL, as amended) to perform

The project will include: Establishment of a new Marina Perimeter Limit, new dredging of approximately 2,100 cubic yards and the relocation and expansion of the floating portion of the marina.

Project Location: Jamestown Boatyard

Street & Number: 60 Dumpling Road

City/Town: Jamestown

Plat Number: 10 Lot Number: 18

Waterway: East Passage

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.

RICRMC/RIDEM Joint Public **RE-Notice**

CRMC File No. 2019-06-014

September 3, 2019

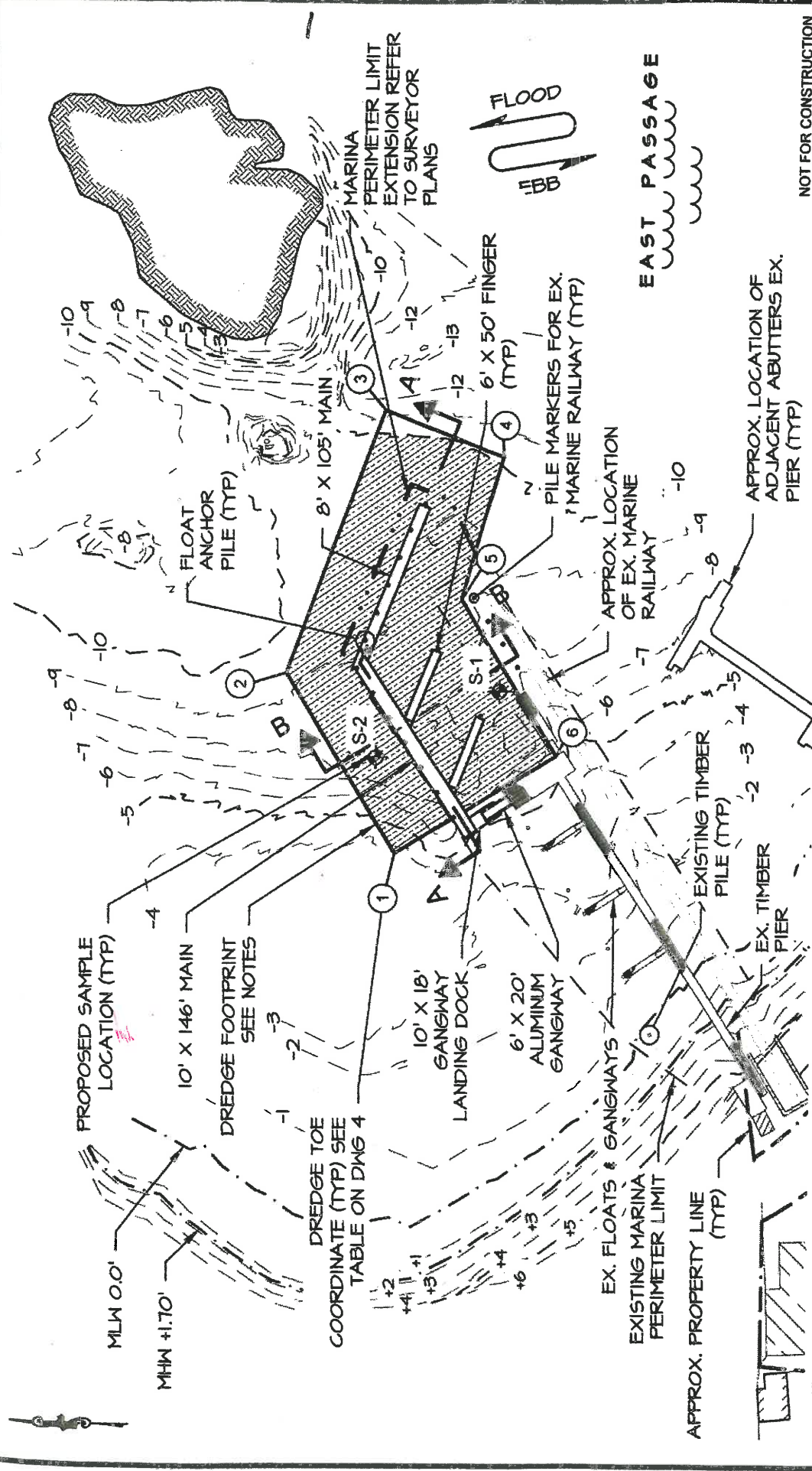
Page Two

This also serves as notice that the Rhode Island Department of Environmental Management, Office of Water Resources, Water Quality Certification Program has under consideration and review the same proposed activity as described above for compliance with the State's Water Quality Regulations (AUTHORITY: in accordance with Clean Water Act, as amended (33 U.S.C. 1251 et.seq.; Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the Rhode Island General Laws of 1956, as amended).

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 and be received at this office on or before September 18, 2019.

It is expected that objectors will review the application and associates plans thoroughly. Comments that pertain to this Joint Notice must be submitted in writing and must be addressed to Rhode Island Coastal Resources Management Council and Rhode Island Dept of Environmental Management at the above referenced addresses.

lat



NOT FOR CONSTRUCTION  
FOR REGULATORY REVIEW ONLY

**RACE**  
COASTAL ENGINEERING  
611 Access Road Stratford, CT 06615  
Tel: 203-377-0663 www.racecoastal.com  
DRAWING NO. 5 of 8

PROJECT: MARINE FACILITY IMPROVEMENT  
JAMESTOWN BOAT YARD  
JAMESTOWN, RI 02835

APPLICANT:  
JAMESTOWN BOAT YARD  
60 DUMPLING DRIVE  
JAMESTOWN, RI 02835

SEAL: DEVIN JON SANTA

REGISTERED PROFESSIONAL ENGINEER  
NOT VALID WITHOUT ENGINEER'S SEAL

DRAWN BY:	CEBK
CHECKED BY:	MRR
DATUM:	MLM
SCALE:	1"=100'-0"
DATE:	3/26/2019
REV:	
PROJECT #	20180006

**NOTES**

PROPOSED DREDGE AREA  
DREDGE DEPTH -10 MLM

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PROPOSED PLAN

COASTAL RESOURCES MANAGEMENT COUNCIL

- Legend**
- Approx. Project Location\*
  - Approx. Transect Location
  - Approx. Sample Location: No SAV Observed (0% cover)
  - Approx. Sample Location: SAV Observed
  - Approx. Limits of Observed SAV Bed
  - Approx. Low Tide Shoreline (10:52am 7/12/19)
  - Approx. Bathymetric Contours\*
  - Approx. Existing Docks, Piers, Rails\*
  - Approx. Proposed Dock Location\*

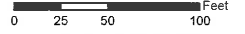
SAV = Submerged Aquatic Vegetation (Eelgrass: *Zostera marina*)  
 \*Locations referenced from plans by Race Coastal Engineering  
 "Marine Facility Improvement Jamestown Boatyard" 3/11/19



Location of Eelgrass Bed along Transects		
Transect	Distance to Start of Bed (ft)	Distance to End of Bed (ft)
A	102	198
B	94	206
C	89	207
D	93	176
E	n/a	n/a
F	95	99
G	82	112
H	85	178
I	89	184
J	92	167
K	89	189
L	88	195
M	94	200
N	100	261
O	101	266
P	103	278
Q	104	272

FOR ILLUSTRATIVE PURPOSES ONLY  
 NOT A SURVEY PLAN

**Sheet 1 of 2:**  
**Submerged Aquatic Vegetation Survey**  
**Dumpling Drive, Jamestown Boat Yard**  
**A.P. 10, Lots 17 & 18**  
 Jamestown, RI










Performed July 12, 2019  
 By Carolyn Decker and Sabrina Charron  
 Using hand-held Trimble Geo7X



April 2018 aerial  
 RI DEM Mapping  
**Natural Resource Services, Inc.**  
 100 Water Lane  
 Westport, MA 01886  
 (978) 335-0000  
 nrs@nrsinc.com

**Legend**

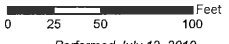
-  Approx. Project Location\* (limit of proposed dredging)
-  Approx. Shellfish Transect Locations (see data tables)
-  Approx. Limits of Observed SAV Bed (see Sheet 1)
-  Approx. Low Tide Shoreline (10:52am 7/12/19)
-  Approx. Bathymetric Contours\*
-  Approx. Existing Docks, Piers, Rails\*
-  Approx. Proposed Dock Location\*

\*Locations referenced from plans by Race Coastal Engineering  
 "Marine Facility Improvement Jamestown Boatyard" 3/11/19



FOR ILLUSTRATIVE PURPOSES ONLY  
 NOT A SURVEY PLAN

**Sheet 2 of 2:**  
**Shellfish Survey**  
**Dumping Drive, Jamestown Boat Yard**  
**A.P. 10, Lots 17 & 18**  
 Jamestown, RI



Performed July 12, 2019  
 By Edward J. Avizinis, CPSS, PWS  
 Using hand-held Trimble GeoXT

Natural Resource Services, Inc.  
 April 2018 aerial  
 RI DEM Mapping  
 © 2019

Town of Jamestown as an abutter.

Town Property: Plat 16, Lots 36, 54, 66, 37, 88, 52, 35, 59, & 60.

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 24, 2019, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of William & Glenna Mccaffrey, whose property is located at 232 Beacon Ave., and further identified as Assessor's Plat 16, Lot 70 for a variance/special use permit from Article 6, Section 82-600-602 Special permits pursuant Article 3, Section 82-314 High groundwater district subdistrict A. Also seeks Article 6, Section 82-600-605 variances for Article 3, section 82-302, table 3-2 setbacks. To demolish dwelling and reconstruct on existing foundation with a side yard setback of 17.36' where 20' is required. Proposal includes minor additions. Said property is located in a R40 zone and contains 21,600 sq. ft.

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 as abutter.

Town Property: Plat 8, Lots 173 & 573 and Plat 9, Lots 355, 356, 595 & 252.

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 24, 2019, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT **7:00** P.M. UPON THE FOLLOWING:

Application of ESJ Inc/JTN LLC/Simpatico Jamestown, whose property is located at 13 Narragansett Ave., and further identified as Assessor's Plat 9, Lot 603 for a variance from Article 12, Section 82-1203 to eliminate off-site shared parking requirement. Said property is located in a CD zone and contains 13,195 sq. ft.

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  
Tax Assessor**

93 Narragansett Avenue  
Jamestown, RI 02835

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

To: COUNCIL PRESIDENT WHITE, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ABATEMENT OF TAXES FOR THE **SEPTEMBER 16, 2019** MEETING

**MOTOR VEHICLE ABATEMENTS TO 1998 TAX ROLL**

06-0379-50 Fox, James V.	Uncollectable/ taxpayer is deceased.	\$235.27
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**MOTOR VEHICLE ABATEMENTS TO 1999 TAX ROLL**

06-0379-50M Fox, James V.	Uncollectable/ taxpayer is deceased.	\$251.27
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**MOTOR VEHICLE ABATEMENTS TO 2000 TAX ROLL**

06-0379-50M Fox, James V.	Uncollectable/ taxpayer is deceased.	\$179.91
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**MOTOR VEHICLE ABATEMENTS TO 2019 TAX ROLL**

07-0367-00M Gillerin, Edward & Carol	Motor Vehicle – 2013 Kia – Reg# UQ559, registered in Florida on 11/15/2018.	\$2.84
08-1081-80M Hyundai Lease Title Trust	Motor Vehicle – 2014 Hyundai – Reg.# 355369, returned leased vehicle on 8/9/2017	\$60.56
11-0133-97M Keller, Bradley	Motor Vehicle- soldier / sailor exempt	\$131.78
19-0029-87M Salm, Dane	Motor Vehicle- soldier / sailor exempt	\$235.21
19-0762-06M Shipman, Joy	Motor Vehicle – 2011 Toyota – Reg# 065731, registered in Wyoming on 7/25/2018.	\$44.93
19-0980-13M Theiss, Rachel Anne Smigelski,	Motor Vehicle- soldier / sailor exempt	\$77.82

**ADDENDA TO 2019 TAX ROLL**

18-0604-82 Robin, Loretta	Plat 11, Lot 60 – New Construction – Prorated 166 days – New Value \$1,303,400	\$868.78
22-0186-00 Vieira, Daniel & Lisa	Did not qualify for elderly exemption	\$547.88
23-0453-28 Welch, Gregory & Deborah	Removed Veteran’s exemption. Texas resident	\$250.00

<b>TOTAL ABATEMENTS</b>	<b>\$ 1,219.59</b>
<b>TOTAL ADDENDA</b>	<b>\$ 1,666.66</b>

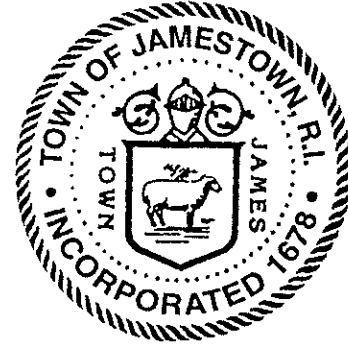
RESPECTFULLY SUBMITTED,

*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR

**Town of  
Jamestown, Rhode Island**

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 2019 Four Wheel Drive Utility Truck  
Public Works Department

---

The FY19/20 annual budget for the sewer department included capital funding to purchase a New 2019 Four Wheel Drive Utility Truck.

Bids were advertised and received August 27, 2019 where they were opened and read in public. Six bids were received for a **new 2020 four-wheel utility truck** from the following:

- Tasca Ford \$51,592
- Gervais Inc \$53,055
- Flood Ford of East Greenwich \$54,825
- Minuteman Truck – Bid A \$57,187.90
- Minuteman Truck-Bid B \$58,907.90
- Doering Equipment \$64,991

I have reviewed the bids and recommend that the **New four-wheel drive utility truck, be awarded to the lowest responsive bidder, Gervais Inc for an amount not to exceed \$53,055.**

Tasca Ford specified an alternative utility body manufacturer then specified. After review it was determined not to be of "Equal" specification then what was required in our bid.

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 2019 Four Wheel Drive Extended Cab Pickup Truck and Plow  
Public Works Department

---

The FY19/20 annual budget included capital funding to purchase equipment for the highway department which includes a new 2019 Four Wheel Drive Extended Cab Pickup and Plow.

Bids were advertised and received August 27, 2019 where they were opened and read in public. Three bids were received for a **new 2020 four-wheel drive extended cab pickup truck and plow** from the following:

- Tasca Ford \$41,966
- Gervais Inc. \$42,901
- Flood Ford of East Greenwich \$46,360

I have reviewed the bids and recommend that the **New four-wheel drive extended cab pickup truck and plow be awarded to the lowest responsive bidder, Flood Ford of East Greenwich for an amount not to exceed \$46,360.**

Tasca Ford and Gervais did not meet the minimum specifications in our bid advertisement for the truck and therefore not recommended.

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 2019 Four Wheel Drive Dump Truck and Plow with sander  
Public Works Department

---

The FY19/20 annual budget included capital funding to purchase equipment for the highway department which includes a new 2019 Four Wheel Dump Truck and Plow.

Bids were advertised and received August 27, 2019 where they were opened and read in public. Five bids were received for a **new 2020 four-wheel drive dump truck and plow with a sander option** from the following:

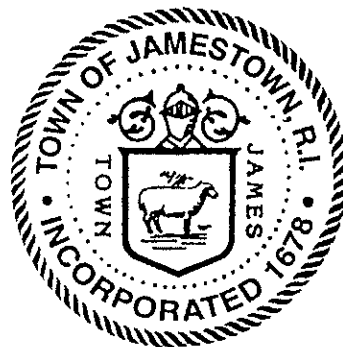
- Flood Ford of East Greenwich \$74,250 with sander
- Tasca Ford \$75,595 with sander
- Minuteman Truck – Bid A \$75,627.90 with sander
- Minuteman Truck-Bid B \$71,746.90 no sander
- Gervais Inc \$71,425 no sander

I have reviewed the bids and recommend that the **New four-wheel drive dump truck, plow and sander be awarded to the lowest responsive bidder, Flood Ford of East Greenwich for an amount not to exceed \$74,250.**

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 7x14 Enclosed Trailer  
Public Works Department

---

The FY19/20 annual budget included capital funding to purchase a new 7x14 trailer for the highway department.

Bids were advertised and received August 27, 2019 where they were opened and read in public. Four bids were received for a **new 7x14 trailer** from the following:

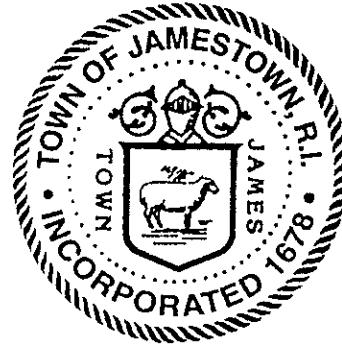
- |                         |            |
|-------------------------|------------|
| • Wright Trailers, Inc  | \$6,242    |
| • Carey Auto            | \$6,995    |
| • JC Madigan            | \$7,882    |
| • Steven Green Trailers | \$8,123.45 |

I have reviewed the bids received and recommend that the **New 7x14 Trailer, be awarded to the lowest responsive bidder, Wright Trailers, Inc. for an amount not to exceed \$6,242.**

**Town of  
Jamestown, Rhode Island**

---

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 44,000 GVW Dump Truck and Plow  
Public Works Department

---

The FY19/20 annual budget included capital funding to purchase a new 44,000 GVW Dump Truck and Plow for the highway department.

Bids were advertised and received August 27, 2019 where they were opened and read in public. 13 bids were received for a **44,000 GVW Dump Truck and Plow** from the following:

- RI Truck Center \$141,000
- Freightliner of Hartford – Bid 2 \$141,364
- Freightliner of Hartford – Bid 1 \$143,380
- Coastal International \$143,840
- Tristate Truck Center – Bid 1 \$144,984
- Minuteman Bid B \$146,163.41
- Ballard Truck -Bid 1 \$147,946
- Tristate Truck Center – Bid 2 \$148,772
- Minuteman Bid A \$153,121.41
- Ballard Truck - Bid 2 \$157,792
- Tristate Truck Center Bid 3 \$157,958
- Tristate Truck Center Bid 4 \$165,746
- Ballard Truck Center Bid 3 \$165,746

I have reviewed the bids received and recommend that the bid be awarded for the **New 44,000 GVW Dump Truck and Plow to Tristate Truck Center for an amount not to exceed \$144,984.**

Each Bid proposal was reviewed for the minimum specifications as advertised and components and options that were presented for the truck to be manufactured and delivered to the Town. Bids from Coastal, Ballard, and Minuteman did not meet the minimum requirements and were found not responsive. Bids were narrowed down between RI Truck Center, Freightliner of Hartford, and Tristate Truck Center and the proposals were reviewed. Each specification in their proposals were evaluated to determine which is in the best interest of the Town for the cost proposed.

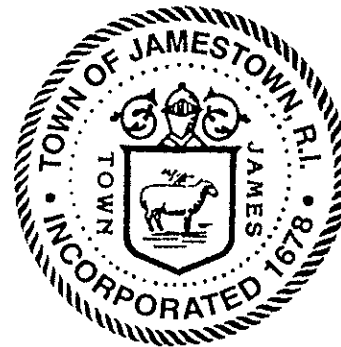
The Tristate proposal specified features that will protect equipment and enhance the longevity of the truck by providing brake dust shields, stainless steel clevis pins, stainless steel aftertreatment device/muffler/tailpipe, shocks, and polished rims with Dura-bright finishes to protect from salt.

Tristate proposed features within the cab that will provide driver comfort, operation, and safety that include a wing dash to operate controls, PTO controls on the dash, switches for plow lights, cloth seats, an air ride passenger seat, and roof storage console. Tristate will also provide a frame reinforcement for the plow where RI Truck did not and Front Tow Hooks where RI Truck and Freightliner of Hartford did not. The spare tire rating specified by Freightliner of Hartford does not meet the weight requirement for the vehicle.

Tristate Truck Center was recommended for bid award for the additional cost of \$3,980 over RI Truck Center's proposal and \$3,620 and \$1,604 over the proposals from Freightliner of Hartford for components and options that will provide the best overall value in the truck for the cost.

**Town of  
Jamestown, Rhode Island**

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



**Date:** September 11, 2019

**To:** Christina Collins  
Interim Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Bid Award  
New 44,000 GVW Hook Lift Truck, Plow, and Body Options  
Public Works Department

The FY19/20 annual budget included capital funding to purchase a new 44,000 GVW Hook Lift Truck, Plow, and Body options for the highway department.

Bids were advertised and received August 27, 2019 where they were opened and read in public. 15 bids were received for a **44,000 GVW Hook Lift Truck, Plow, and the following body options- #1 New Hook Lift Skid; #2 New 12' Platform Body; #3 New 10' Dump Body; #4 New Hydraulic Stainless-Steel Spreader; #5 New Chip Box** from the following Vendors:

- |                                                             |            |              |
|-------------------------------------------------------------|------------|--------------|
| • RI Truck Center                                           | Truck&Plow | \$149,600    |
| #1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879 |            |              |
| • Minute Man Bid "A"                                        | Truck&Plow | \$159,724.41 |
| #1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879 |            |              |
| • Minute Man Bid "B"                                        | Truck&Plow | \$148,563.41 |
| #1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879 |            |              |
| • Coastal International                                     | Truck&Plow | \$152,443    |
| #1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879 |            |              |
| • Tristate Truck Center – Bid 1                             | Truck&Plow | \$166,561    |
| #1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879 |            |              |



- Tristate Truck Center – Bid 2            Truck&Plow            \$153,687  
#1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879
- Tristate Truck Center – Bid 3            Truck&Plow            \$151,061  
#1-\$1,737; #2-\$4,360; #3-\$6,436; #4-\$13,879; #5-\$6,064
- Tristate Truck Center – Bid 3            Truck&Plow            \$163,935  
#1-\$1,737; #2-\$4,360; #3-\$6,436; #4-\$13,879; #5-\$6,064
- Ballard Truck -Bid 1                      Truck&Plow            \$160,081  
#1-\$1,737; #2-\$4,360; #3-\$6,436; #4-\$13,879; #5-\$6,064
- Ballard Truck -Bid 2                      Truck&Plow            \$174,696  
#1-\$2,400; #2-\$6,000; #3-\$15,300; #4-\$23,680; #5-\$12,500
- Ballard Truck -Bid 3                      Truck&Plow            \$151,546  
#1-\$3,500; #2-\$4,500; #3-\$5,800; #4-\$14,500; #5-\$5,900
- Freightliner of Hartford – Bid 1        Truck&Plow            \$151,983  
#1-\$2,451; #2-\$4,920; #3-\$8,849; #4-\$18,946; #5-\$6,879
- Freightliner of Hartford – Bid 2        Truck&Plow            \$147,064  
#1-\$1,400; #2-\$5,980; #3-\$9,000; #4-\$14,750; #5-\$8,250
- Freightliner of Hartford – Bid 3        Truck&Plow            \$160,702  
#1-\$1,400; #2-\$5,980; #3-\$9,000; #4-\$14,750; #5-\$8,250

Each Bid proposal was reviewed for the minimum specifications as advertised and components and options that were presented for the truck to be manufactured and delivered to the Town. Bids from Coastal, Ballard, and Minuteman and Bid #2 from Freightliner of Hartford did not meet the minimum requirements and were found not responsive. Bids were narrowed down between RI Truck Center, Freightliner of Hartford, and Tristate Truck Center and the proposals were reviewed. Each specification in their proposals were evaluated to determine which is in the best interest of the Town for the cost proposed.

The Tristate proposal specified features that will protect equipment and enhance the longevity of the truck by providing brake dust shields, stainless steel clevis pins, stainless steel aftertreatment device/muffler/tailpipe, shocks, and polished rims with Dura-bright finishes to protect from salt.

Tristate proposed features within the cab that will provide driver comfort, operation, and safety that include a wing dash to operate controls, PTO controls on the dash, switches for plow lights, cloth seats, an air ride passenger seat, and roof storage console. Tristate will also provide a frame reinforcement for the plow where RI Truck did not and Front Tow Hooks where RI Truck and Freightliner of Hartford did not. The spare tire rating specified by Freightliner of Hartford does not meet the weight requirement for the vehicle.

Mr. Michael White  
President  
Jamestown Town Council  
93 Narragansett Ave  
Jamestown, RI 02835

Mark Baker  
2 Baldwin Ct.  
PO Box 128  
Jamestown, RI 02835  
[mbaker@naturetours.com](mailto:mbaker@naturetours.com)

RE: Continued Disregard of State Law and Responsible Public Policy in Beavertail State Park

August 30, 2019

Dear Mr. White:

Please find enclosed a copy of a letter sent today to Mr. Nicholas A. Mattiello, Speaker of the House Rhode Island House of Representatives.

Despite repeated attempts to draw attention of various levels of state government, there continue to be serious mis-management and unwillingness to accept necessary responsibility at Beavertail State Park.

I respectfully request that this matter be given due attention.

Sincerely,



Mark Baker

The Honorable Representative Nicholas A. Mattiello  
Speaker of the House  
Rhode Island House of Representatives  
State House, Room 323  
Providence, RI 02903

Mark Baker  
2 Baldwin Ct.  
PO Box 128  
Jamestown, RI 02835  
[mbaker@naturetours.com](mailto:mbaker@naturetours.com)

RE: Continued Disregard of State Law and Responsible Public Policy in Beavertail State Park

August 30, 2019

Dear Mr. Mattiello:

I am a resident of Jamestown. In each of the last three years I have attempted through various contacts with the RIDEM, the Beavertail State Park Advisory Committee, and the Jamestown Conservation Commission to draw attention to very serious management issues Beavertail State Park, but without positive result. There is a nearly catastrophic problem of soil erosion throughout the park which is being exacerbated by actions which are not only contrary to the RIDEM Management Plan, but in lacking proper assents from CRMC appear to constitute a violation of RI law.

Erosion at Beavertail State Park is not only seriously threatening the viability of the park as a natural resource but has reached a point where there is now an immediate and urgent risk of a dangerous accident to cars and pedestrians. The problem worsens dramatically every single day. It is not now a question of if, but of when, a car or pedestrian will fall into one of the craters and tumble into the ocean. This will most certainly take place.

Below are summarized three ways in which various levels of state government of the State of Rhode Island, despite their mandate as defined by state law, are allowing severe damage to be inflicted on one of the most iconic natural sites in the state. Attached with this letter are recent photographs of some, but by no means all, of parts of the park being compromised by poor management.

**1) Not permitted road building** - According to the RIDEM "Rules and Regulations for the Development and Operation of Beavertail State Park, Jamestown, Rhode Island", "roads and bikeways at the Park shall be constructed only on roadways existing at the time of the State's acquisition of the land."

Contrary to these "Rules and Regulations" The RIDEM has for the third year in a row sent in heavy equipment to create new roads along the western side of the park, seriously damaging the few existing trails. This poorly planned action has severely damaged the root base of the vegetation making the trails all but impassable. These years of ill conceived clearing has created in many parts of these trails an ever worsening erosive morass of mud that will be very expensive to return to any kind of walk able trail. Not only is this clearing contrary to the RIDEM's own use regulations and recommendations, it clearly and fully negates the very purpose of the park itself.

Much of this clearing is with 200 feet of a coastal feature which, with no assents from CMRC, is clearly in violation of RI law. Despite this having been brought to the attention of the RIDEM through correspondence and the "Beavertail State Park Advisory Committee", this clearing continues, and continues to destroy the natural environment of the area. There appears to be no accountability or assumption of responsibility.

**2) Failure to take steps to reduce erosion in the developed sections of the park:** All along the developed portion of Beavertail State Park, especially along the entire southern tip of the peninsula, there are very serious erosive craters. These worsen weekly. No steps whatsoever are being taken to reduce this erosion. In fact, the RIDEM with no consideration of soil preservation and apparently no thought of the consequences, continually removes vegetation to the edge of these erosive zones. Responses to previous correspondence has been along the lines that nothing can be done because the erosion is caused to frequent storms. Unfortunately, that is not the case. This erosion is directly related to ill-considered removal of vegetation and especially neglecting to take obvious, necessary and urgent remedial action. This erosive process is now so advanced that it threatens the viability of the park itself as a safe and environmentally sustainable space.

**3) Road collapse at Beavertail State Park:** Obvious to every and all visitors to this park is that the asphalt roadway at the tip of Beavertail State Park is eroding into the ocean. As noted above, with the continued removal of vegetation in erosive areas as well as neglect to take remedial action, the road is being undermined. The roadway surface crumbles some every day. The guardrails are being undermined and the roadway substrate is being undermined. Again, it is only a matter of time until a car falls into one of these craters and rolls into the ocean.

When this condition was brought to the attention of the RIDEM in previous correspondence and in meeting with the "Beavertail State Park Advisory Committee" the concern was dismissed with the assertion that responsibility belonged to the US Coast Guard. Unfortunately, this really cannot be regarded as anything more than an avoidance of responsibility and a lack of willingness to address a very serious problem that most certainly is within the responsibility of the State of Rhode Island and the RIDEM. The complexity of the land ownership does not absolve the State of Rhode Island from the responsibility to protect this important environmental and historical resource and provide a safe place for visitors.

I request that Enforcement Division of the CMRC investigate the serious flaws in management of Beavertail State Park and require that these be corrected.

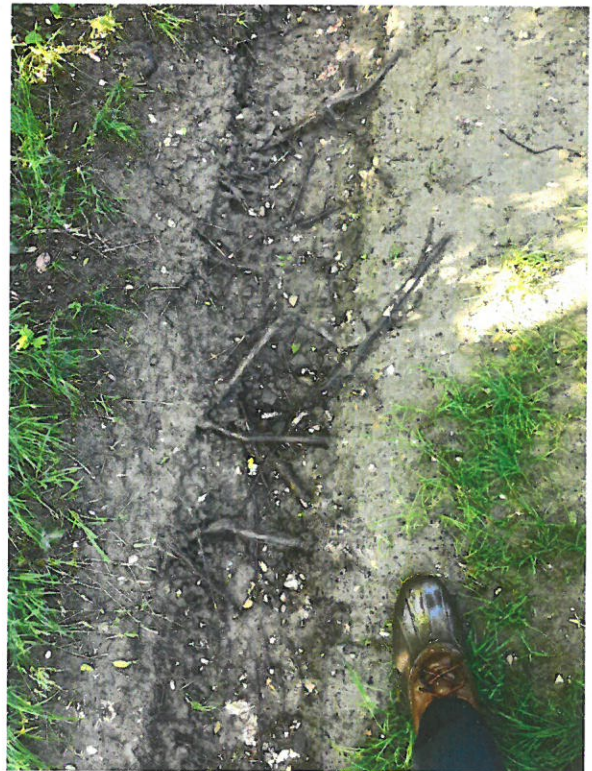
Sincerely,

Mark Baker

CC: Gov. Gina M. Raimondo, Mr. Grover Fugate CMRC, Ms. Anne Kuhn-Hines, Jamestown Conservation Commission, Mr. Michael White, Jamestown Town Council.

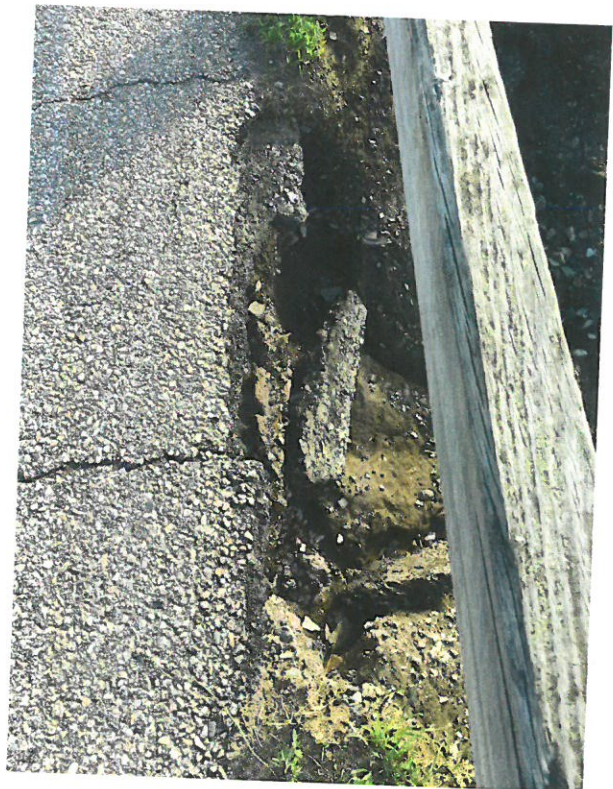
















State of Rhode Island and Providence Plantations

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**VIA EMAIL ONLY**

September 05, 2019  
OM 19-18

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**RE: Dickinson v. Jamestown Board of Canvassers**  
**Murphy v. Jamestown Board of Canvassers**

Dear Messrs. Dickinson and Murphy and Attorneys Ruggiero and Petrarca:

The investigation into the Open Meetings Act (“OMA”) complaints filed by Mr. Blake Dickinson and Mr. Hugh Murphy (collectively, “Complainants,” individually “Mr. Dickinson” and “Mr. Murphy”) against the Jamestown Board of Canvassers (“Board”) are complete. Since both complaints were submitted against the same entity and contain similar allegations, this Office will address both complaints in a single finding. For the reasons set forth herein, we find that the Board violated the OMA.

*Background*

By email correspondences sent to this Office in March 2019, the Complainants allege that the Board violated the OMA when it met outside the public purview to discuss instructing Conanicut

Sanctuary<sup>1</sup> to “cure” signatures submitted in a petition drive.<sup>2</sup> Along with his Complaint, Mr. Murphy submitted a transcript excerpt from the Board’s February 27, 2019, meeting at which the following exchange occurred:

MR. MURPHY: Well, I would just like to say in your letter you said that the Jamestown Board of Canvassers requested that Conanicut Sanctuary obtain signatures for printed names on the petitions as well as additional new signatures.

I would like to say that any new information solicited outside noticed meetings, . . . business and agenda is considered a violation of the Open Meetings Act.

MR. NEWMAN: I would like to respond to that. I was also concerned about this in the complaint [filed by Conanicut Sanctuary]. The complaint states that the Board of Canvassers asked for cured signatures and additional signatures. As I mentioned in the previous Town Council meeting, that is not the case.

I passed on a suggestion to the Petitioners from the Executive Director of the Board of Elections. Prior to doing that, I spoke with all of the members of the Board of Canvassers with the exception of Hugh Murphy. I left two messages for him, but he did not call me back.

I did speak with Melissa Burrows, and I was very clear in those conversations that this was a suggestion on the part of Bob Raposa [sic], the Executive Director [of the Board of Elections], but it was not an action of the Board of Canvassers. If the Board of Canvassers had made that action, they would have taken a vote and then contacted the Petitioners. . .

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<sup>1</sup> The record in this case indicates that “Conanicut Sanctuary” is a group of Jamestown residents concerned with enacting measures to protect immigrants.

<sup>2</sup> The Complainants also alleged that an individual Board member, Mr. Ken Newman, took actions on his own related to this issue involving Conanicut Sanctuary. As this Office already explained to the Complainants, the OMA is only implicated when a “quorum” of a “public body” has a “meeting[.]” as those terms are defined in the OMA. *See* R.I. Gen. Laws § 42-46-2. A single member is not a “public body” under the OMA. *See* R.I. Gen. Laws § 42-46-2(3) (defining “public body” as “any department, agency, commission, committee, board, council, bureau or authority or any subdivisions thereof of state or municipal government”). Accordingly, the Complainants’ allegations about a Board member’s individual actions do not implicate the OMA.

The Board's legal counsel, David R. Petrarca, Jr., Esquire, submitted a substantive response on behalf of the Board, which includes an affidavit from Board member Kenneth Newman and a transcript of the February 27, 2019 Board meeting. Attorney Petrarca concedes that "this string of conversations [referenced in the February 27, 2019 transcript] constitutes a 'rolling quorum' of the Board," however, he disputes that these conversations constituted a "meeting" as defined in the OMA. Attorney Petrarca asserts that the Board did not collectively discuss or act upon a matter over which it had jurisdiction.

Essentially, the Board argues that Mr. Newman's suggestion that Conanicut Sanctuary cure the signatures was an individual action and that his conversation with other Board members about that topic did not constitute a discussion about a matter over which the Board had authority. Specifically, Attorney Petrarca states, in pertinent part:

"Here, the conversations between Mr. Newman and other members of the Board concerned a suggestion from the Board of Elections Executive Director that a group of petitioners, known as the 'Conanicut Sanctuary,' should attempt to 'cure' alleged defective signatures and obtain more signatures on a Town Charter Initiative Petition that was being appealed to the Board of Elections. *See* Aff. ¶ 5. In these conversations, Mr. Newman merely informed the other members of the Board of his intention to pass along this advice of the Board of Elections Executive Director. *Id.* ¶ 6. Further, at the time of these conversations, that particular issue was not before the Board of Canvassers. Ultimately, however, at its meeting of February 8, 2019 and again at its February 27, 2019 meeting, the Board of Canvassers was asked to rule on the admission of 'cured' and new signatures obtained by Conanicut Sanctuary."

The Board informed this Office that after it determined that it would not accept any new or cured signatures offered by Conanicut Sanctuary, the matter was appealed to the Board of Elections. Research by this Office indicates that the appeal was subsequently withdrawn.

The Board further argues that at the time when the rolling quorum occurred, neither Mr. Newman nor the Board "reasonably suspect[ed] that they would be asked to rule on whether it would have to accept such 'cured' and new signatures . . . At that point in time, the matter was out of their hands and with the Board of Elections. . . Circumstances changed, but it was not reasonably foreseeable to Mr. Newman or the Board."

The affidavit provided by Mr. Newman specifically reveals that on January 18, 2019, he called Board Chair Carol Nelson Lee and alternate members Kitty Wineberg and Melissa Burrows to "state my intent to contact the Conanicut Sanctuary group with this suggestion from [Board of Elections Executive Director] Mr. Rapoza. I stated that I would be doing this as an individual not on behalf of the" Board. Mr. Newman also attested that he "left two messages for full member

Hugh Murphy but did not hear back from him.”<sup>3</sup> The Board did not describe the conversations in detail or provide affidavits from Ms. Nelson Lee, Ms. Wineberg or Ms. Burrows.

The extended transcript of the February 27, 2019 meeting provided by the Board also contains a statement from Mr. Newman that although his suggestion to Conanicut Sanctuary to “cure” the signatures had been characterized “as having been an action of the Board of Canvassers . . . it was not with the exception of having passed that suggestion on . . .”

We also note that minutes from the Board’s December 11, 2018 meeting reveal that the Town Administrator spoke at the meeting, at which Mr. Newman, Chair Nelson Lee, and Board members Wineberg and Burrows were present, and stated that the petition process and determining whether to accept the signatures presented by the petitioners is under the discretion of the Board.

We acknowledge both Complainants’ rebuttals.<sup>4</sup> Mr. Dickinson’s rebuttal disputes Attorney Petrarca’s contention that “at the time of these conversations, that particular issue was not before the” Board, by stating that, “[t]he petition matters were indeed open and before the” Board due to a related complaint filed by Mr. Dickinson with the Board of Elections initiated on January 16, 2019 that was “remanded back to the [Board] on February 5, 2019” and heard before the Board on February 8, 2019. Mr. Dickinson’s rebuttal also provided a copy of a letter dated February 20, 2019 from Helen O’Grady in her capacity as “Facilitator” for Conanicut Sanctuary. That letter states, in pertinent part, “[t]he Jamestown BOC requested that CS obtain ‘signatures’ for printed names on the petition as well as additional new signatures.” Mr. Murphy likewise argues that there is evidence that Conanicut Sanctuary understood Mr. Newman’s suggestion about curing the signatures to constitute an action of the Board.

With that background in place, we turn to the relevant law and substantive arguments that support our findings.

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<sup>3</sup> This Office has not been provided with information regarding the total number of Board members or the distinction between a full member and an alternate member, but that information is immaterial because the Board concedes that a rolling quorum occurred.

<sup>4</sup> The Complainants’ rebuttals proffer additional allegations beyond the scope of the initial Complaints, including the allegation that the Board failed to timely file minutes with the Secretary of State for its February 8, 2019 meeting and that the Board met outside the public purview in an unnoticed, unrecorded “meeting” with the Board of Elections and/or the Board of Elections Executive Director regarding the issue of curing signatures. The acknowledgment letters sent by this Office to the Complainants at the start of this matter expressly provided that the Complainant’s rebuttal should be limited to the matters addressed in the Board’s response and should not raise new issues that were not presented in this complaint or addressed in the Board’s response. In accordance with our usual practice and precedent, this Office declines to review issues which are raised for the first time in a rebuttal since the public body does not have an opportunity to respond. *See Mudge v. North Kingstown School Committee*, OM 12-35. Complainants are free to submit a new complaint(s) based on additional facts provided that the statute of limitations has not expired.

Relevant Law and Findings

When we examine an OMA complaint, our authority is to determine whether a violation of the OMA has occurred. *See* R.I. Gen. Laws § 42-46-8. In doing so, we must begin with the plain language of the OMA and relevant caselaw interpreting this statute. We also note that our decision in this matter is limited to considering whether the OMA was violated and that we do not opine on any substantive issues pertaining to election law or the petition signatures.

For the OMA to apply, a “quorum” of a “public body” must convene for a “meeting” as these terms are defined by the OMA. *See Fischer v. Zoning Board of the Town of Charlestown*, 723 A.2d 294 (R.I. 1999). For purposes of the OMA, a “meeting” is defined as “the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.” R.I. Gen. Laws § 42-46-2(1). All three of these elements—a quorum, a meeting, and a public body—must be present in order for the OMA to apply; the OMA is not applicable when one or more of these elements is absent. *See Ahlquist v. Energy Facilities Siting Board*, OM 17-25.

Although the definitions under R.I. Gen. Laws § 42-46-2 are seemingly straightforward, a quorum may be created, and a meeting “convened,” by unconventional means. In particular, this Office has previously recognized the “rolling” or “walking” quorum, where a majority of the members of a public body attain a quorum by a series of one-on-one conversations or interactions, including communications via email. *See In Re: Pawtucket City Council*, ADV OM 05-01 (warning against the “walking quorum,” where public business is conducted in a series of individual encounters that may not constitute a quorum, but which collectively do so); *In Re: South Kingstown School Committee Electronic Mail Policy*, ADV OM 04-01 (series of email communications among a quorum of a Committee would satisfy the quorum requirement and implicate the OMA).

Here, there is no question that the Board is a “public body” and it is undisputed that a “rolling quorum” of the Board, facilitated by Mr. Newman, had discussions via telephone on or about January 18, 2019. We now turn to a consideration of whether this “rolling quorum” of the Board convened a “meeting” outside the public purview. Several cases from this Office have reviewed the “meeting” requirement and determined that either “action” or a “collective discussion” by a quorum of a public body on matters over which the public body has “supervision, control, jurisdiction, or advisory power” satisfies the “meeting” element and triggers the OMA and its attendant requirements. *See, e.g., The Valley Breeze v. Cumberland Fire Committee*, OM 15-04. *See also Caldwell v. East Greenwich Town Council*, OM 18-01. Conversely, if a “quorum” of a “public body” convenes, but does not collectively discuss and/or act upon matters over which they have “supervision, control, jurisdiction, or advisory power,” a “meeting” has not convened. *Id.*

The Board represents that Mr. Newman had individual “conversations” with a quorum of the Board concerning “a suggestion from the Board of Elections Executive Director that a group of

petitioners, known as ‘Conanicut Sanctuary,’ should attempt to ‘cure’ alleged defective signatures and obtain more signatures on a Town Charter Initiative Petition.” The Board contends that these conversations were only for Mr. Newman to “inform” the other members about his intended course of action, but the Board does not expressly argue that these conversations did not constitute a “discussion” (as opposed to a one-way unilateral communication by Mr. Newman). Despite this Office’s request that the Board provide “detailed affidavits from the Board members indicating any conversations they engaged in with any other Board members outside of a public meeting about” this topic, the Board only provided this Office with one affidavit from Mr. Newman and did not provide a detailed account of what was said by whom in each individual conversation that took place between Board members about this topic. In light of that failure and the lack of evidence to the contrary, the evidence will be construed against the Board and this Office concludes that the Board members engaged in a “discussion.”

There is also no question that the Board had authority over the topic of the petition signatures since the Board ultimately determined that it would not accept the “cured” signatures. Although Mr. Newman contends that he reached out to Conanicut Sanctuary in his individual capacity, it is telling that before doing so, he discussed this course of action with other Board members before proceeding. Indeed, during the February 27, 2019 Board meeting, Mr. Newman stated that his conversation with Conanicut Sanctuary was not an action of the Board “*with the exception of having passed that suggestion on . . .*” (Emphasis added.). Additionally, during the December 11, 2018 Board meeting, it was discussed how the petition process is under the discretion of the Board and how the Board has authority to accept the signatures presented by the petitioners. Moreover, the undisputed evidence demonstrates that the issue of the Conanicut Sanctuary petition was pending before the Board well before the rolling quorum occurred. *See also Murphy v. Jamestown Board of Canvassers*, OM 19-09 (referencing January 9, 2019 Board meeting that included an agenda item related to an objection filed by Mr. Murphy pertaining to Board’s certification of signatures on the Conanicut Sanctuary petition). The Board’s contention that it did not anticipate being asked to review the signature issue after the time when the rolling quorum occurred is irrelevant. This was clearly a topic over which the Board exercised authority at the time the rolling quorum occurred. In light of this information, we find that the January 18, 2019 individual communications collectively formed a rolling quorum of the Board, wherein they discussed a matter over which the Board has “supervision, control, jurisdiction, or advisory power.” Accordingly, we find the Board violated the OMA.

### Conclusion

Upon a finding that a complaint brought pursuant to the OMA is meritorious, the Attorney General may initiate suit in the Superior Court. R.I. Gen. Laws § 42-46-8(a). There are two remedies in suits filed under the OMA: (1) “[t]he court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of [the OMA];” or (2) “[t]he court may impose a civil fine not exceeding five thousand (\$5,000) dollars against a public body or any of its members found to have committed a willful or knowing violation of [the OMA].” R.I. Gen. Laws § 42-46-8(d).



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In the instant case, insufficient evidence has been presented that the Board knowingly or willfully violated the OMA. Although the Board should have been cognizant of the fact that it was discussing a matter within its authority, we credit the uncontested assertion of the Board that it believed the matter was with the Board of Elections. It appears based on the undisputed evidence presented that Mr. Newman and the other members involved in the rolling quorum were acting on a good faith belief that Mr. Newman's suggestion to Conanicut Sanctuary about curing signatures was not intended to be an official action of the Board. We also note that there are no findings regarding any recent similar violations by the Board.

We also do not believe that injunctive relief is appropriate. The Board did not take any action pursuant to the rolling quorum with the exception of suggesting that Conanicut Sanctuary attempt to "cure" the signatures, but the Board ultimately voted to not accept the cured signatures and the matter was appealed to the Board of Elections and then later withdrawn. As such, injunctive relief is not appropriate in this case.

This finding serves as notice that the conduct discussed herein is violative of the OMA and could in the future serve as evidence of a willful or a knowing violation.

Although the Attorney General will not file suit in this matter, nothing in the OMA precludes an individual from pursuing a complaint in the Superior Court as specified in the OMA. The Complainant may pursue an OMA complaint within "ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later." R.I. Gen. Laws § 42-46-8. We consider this matter closed as of the date of this decision.

We thank you for your interest in keeping government open and accountable to the public.

Sincerely,

By: /s/ Kayla E. O'Rourke

Kayla E. O'Rourke

Special Assistant Attorney General

korourke@riag.ri.gov

KO/dg

Erin,

My wife, Susan, and I have a summer cottage at 1031 East Shore Rd. This summer, the property across the road from us (1026) has been the site of an extensive landscaping project. When we have been in residence during the summer, the project work has been continuous. This has involved multiple pieces of construction equipment (back hoe, excavator, skid steer, etc.), multiple dump and other trucks, and miscellaneous other equipment – blowers, mixers, compactors, jack-hammers, pump trucks, rock saws. There were typically many workers on-site, I would guess 10-12, with many activities going on at once.

The biggest impact that the project has had on us has been the noise. On the loudest days, it has been impossible for my wife and I to converse normally with each other on our side porch, while eating breakfast and lunch, or in our living room. On most days throughout the summer the combined noise level often reached near this level. Work often began shortly after 7AM and lasted until after 5PM. Going into the summer we had entertained hope of renting out our cottage; this plan did not come to fruition, but if it had, any renters would have surely been distressed by the noise.

Previously, houses have been built adjacent to us at 1021 and 1026 East Shore Road, taking, respectively, 1 and 2 years. These projects involved all of the noise associated with building construction, including generators that they opted to run constantly rather than connecting to the power grid. In each case, while annoying, the noise impact of these projects was far less than the current project at 1026. The same can be said about the equipment used by landscapers and firms doing tree work, which we hear frequently.

I am surprised to learn that there is currently only limited regulation in Jamestown of this type of noise. Based upon our experience, I suggest that this is sorely needed. The issues as I see them are:

- |                  |                                                                                                                                                                                                                                                                                                                     |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Duration         | The longer noise continues, the more disruptive it becomes                                                                                                                                                                                                                                                          |
| Season           | Summer is clearly the construction season. This is also the time of year when residents hope to keep their doors and windows open and to enjoy the out-of-doors. Jamestown by its nature would seem to have a particular obligation to support its residents' outdoor enjoyment.                                    |
| Proximity        | Where the noise originates on a property has a clear impact on how loud it is when it reaches a neighbor.                                                                                                                                                                                                           |
| Notification     | Knowing about noise in advance is a good thing. But, frankly, even when we were told that the project would be "loud", we did not really comprehend how loud "loud" would be and the extent to which it would impact us. The uncertainty about which hours/days would be impacted by noise was a constant question. |
| Use of town road | Loaders, trucks, and excavators made intensive use of East Shore Road. Our cottage, built in 1873, is located very close to the road. In addition to noise generated by this traffic, there are issues of safety, pollution, dust, and impact on the road surface.                                                  |
| dB limits        | There has to be some point at which a sound is too loud.                                                                                                                                                                                                                                                            |

I recognize that creating a regulation that is fair to all is a challenge. However, I urge that any new regulations include provisions that consider and regulate the impacts of noise on adjacent and near neighbors.

Thank you for your attention. Please feel free to contact me regarding this issue.

Al McKibben