



**TOWN COUNCIL MEETING**  
**Monday, September 21, 2020**  
**6:30 PM**

**PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand.

**JOIN VIA PHONE: 1-646-558-8656 or 1-301-715-8592**  
**WHEN PROMPTED, ENTER MEETING ID: 939 5621 5296**  
**PRESS # AGAIN TO JOIN THE MEETING**

**JOIN VIA COMPUTER OR MOBILE APP: Meeting ID: <https://zoom.us/j/93956215296>**

**TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING**

**LINK: <http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>**

**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 17, 2020 (regular meeting)

B) Open Forum – Water & Sewer Matters

*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 – Robert S. Powers- Ownership of Westwind Drive as listed in Communications
  - 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
- D) Letters and Communications
- 1) Copy of Letter to: Jamestown Town Council  
From: Robert S. Powers  
Dated: July 29, 2020  
Re: Ownership of Westwind Drive Sewer Line
- E) 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*
- 1) Review, Discussion and Possible Action regarding Proposed Water Budget FY2020/2021 (cont. from 08/17/20)
  - 2) Review, Discussion and Possible Action regarding Proposed Sewer Budget FY2020/2021 (cont. from 08/17/20)
- F) 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:*
- 1) Review, Discussion and Possible Action regarding the Application of Adam et Phyllis Kurzer (Plat 12, Lot 27; Hull Cove Farm Road) for utility service (water only) connection
  - 2) Review, Discussion and Possible Action regarding the Application of Church Community Housing Corp. and Owner: Jamestown Center Partners, Inc. /Timothy E. Baker, President (Plat 9, Lot 207; 53 Narragansett Avenue) for utility service change of use
  - 3) Review, Discussion and Possible Action regarding Municipal Water Restriction

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



## V. 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. 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) Public Hearings:
- 1) Discussion and Possible Action on Proposed Amendments to the Code of Ordinances, Article III- Noise Ordinance; Sections 22-63C through Section 22-71. These Amendments are proposed to update and modernize the existing Noise Ordinance (Continued from August 17, 2020)
    - i) Memorandum of Chief Mello dated September 8, 2020 regarding the Noise Ordinance
  - 2) Discussion and Possible Action on Proposed Amendments to the Zoning Ordinance related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements (Continued from August 17, 2020)
- B) Approval of One Day Event License Application
- 1) Applicant: Arnold-Zweir Post 22, American Legion  
Event: 2020 Veterans Day Ceremony  
Dates: November 11, 2020  
Location: Veterans Memorial Square
- C) Renewal of Event License Application
- 1) Applicant: Jamestown Chamber of Commerce  
Event: Restaurant Outdoor Dining  
Dates: Extending to October 20, 2020 unless revoked earlier  
Location: Narragansett Avenue, Narragansett Avenue Municipal Parking Lot & East Ferry Parking Lot
- D) Town Council Sitting as the Alcoholic Beverage Licensing Board
- Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended.
- 1) Renewal of Approval of Requests for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas valid with Special Event Application of the Chamber of Commerce for Dine Out Event in response to COVID- 19; with proposed Extension to October 20, 2020 unless revoked earlier .
    - i) KALI LLC dba J22 Tap & Table, 22 Narragansett Ave.
    - ii) Jamestown Beer Holdings LLC dba The Generals Crossing- 34 Narragansett Ave.
    - iii) Jamestown Restaurant Group LLC dba Narragansett Café- 25 Narragansett Ave.
    - iv) Johnny Angels Clam Shack LLC dba Angels Kitchen- 23B Narragansett Ave.

- 2) Renewal of Approval of KAILI LLC dba J22 Tap & Table for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas to include property contingent on lease agreement with REGNUM LLC, located at 20 Narragansett Ave. With proposed Extension to October 20, 2020 unless revoked earlier.
- E) Town Council adjourns as the Liquor Licensing Board

## **VI. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS**

*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) Resolutions
  - 1) Relating to State Assistance during the COVID 19 Emergency

## **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: October 5, 2020 and October 19, 2020
  - 2) Rescheduling of Noise Ordinance Workshop
- B) Review, Discussion and Possible Action to extend the March 16, 2020 Declaration of the Town of Jamestown State of Emergency to October 20, 2020 unless revoked earlier, to curtail the spread of the COVID 19 Virus.
- C) Review, Discussion and Possible Action to extend the Executive Order 2020-1, to October 20, 2020, unless revoked earlier; the continuation of the authorization of the Town Administrator to take any and all necessary actions to implement best practices guidance regarding municipal government actions to curtail the spread of the COVID 19 virus.
- D) Review, Discussion and Possible Action on the Golf Course Club House Project and requested change order in the amount of \$81,719, for the addition of cart storage to the building construction; approve the design changes and credit of \$39,711. With a total request net amount of \$6,049.81 above the \$2.9 million that was allocated for the project
  - 1) Memorandum dated September 16, 2020 from Public Works Director Gray regarding Golf Course Project

## **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) Conanicut Island Sailing Foundation Memorandum of Agreement Agreement Amendment; review discussion and/or potential action and/or vote
  - 1) Memorandum dated September 16, 2020 from Parks & Recreation Director Wade regarding MOU-CISF Alteration Request

**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) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote:
  - 1) Discover Newport
    - a) Letter of Interest for Reappointment -Thomas McNiff
  - 2) Zoning Board of Review
    - a) Letter of Interest-John E. Shekarchi, Esq.
  - 3) Permission to Advertise Expiring Terms:
    - a) Beavertail State Park Advisory- 1 opening
    - b) Conservation Commission- 1 opening
    - c) Fire Department Compensation- 1 opening
    - d) Harbor Management – 2 openings
    - e) Jamestown Housing Authority – 1 opening
    - f) Juvenile Hearing Board- 4 openings (2 Full, 2 Alternate)
    - g) Library Board of Trustees - 3 openings
    - h) Police Pension Committee- 1 opening
    - i) Traffic Committee – 2 openings
    - j) Zoning Board of Review- 4 openings (1 full, 3 Alternate)

**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 17, 2020 (Regular Meeting)
  - 2) September 1, 2020 (Regular Meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Zoning Board of Review (July 28, 2020)
- C) Ratification of Administrative Event Approvals
  - 1) Meatball Grab &Go- September 19, 2020
  - 2) Swim Event Fort Getty- September 13, 2020
- D) Rescinded Executive Orders
  - 1) Executive Order 20-06- Regarding Parking Fines an No Parking
- E) Award a Bid for Improvements at the Lawn Avenue Recreation Complex’s Basketball Courts Crack Repairs and Resurfacing to J. G. Coffee in an amount not to exceed \$4,683.00

- F) Award a Bid for Improvements at the Lawn Avenue Recreation Complex’s Tennis Courts Crack Repairs and Resurfacing to J.G. Coffee for \$6.35 per linear foot for the Upper Courts and \$7.25 per linear foot for Lower Courts.
- G) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

**ADDENDA TO 2020 TAX ROLL**

03-1154-10	Plat 16, Lot 222	\$ 834.56
04-0594-57	Plat 9, Lot 662	\$ 771.86
07-1111-65	Plat 14, Lot 247	\$ 502.94
12-0102-46	Plat 14, Lot 89	\$ 112.09
13-1522-65	Plat 9, Lot 123	\$ 187.50
15-0240-50	Plat 5, Lot 519	\$ 182.83
16-0840-03	Plat 8, Lot 58	\$ 712.50

<b>TOTAL ADDENDA</b>	<b>\$ 3,304.28</b>
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**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 Received:
  - 1) Copy of Letter to: Town Administrator Hainsworth  
From: Christine Ariel  
Dated: August 24, 2020  
Re: Noise Ordinance
  - 2) Copy of Letter to: Town Administrator Hainsworth  
From: Christopher Gray  
Dated: August 20, 2020  
Re: Noise Ordinance
  - 3) Copy of Letter to: Town Administrator Hainsworth  
From: Christian Infantolino  
Dated: August 17, 2020  
Re: Noise Ordinance
  - 4) Copy of Letter to: Town Administrator Hainsworth  
From: Dennis Webster  
Dated: August 17, 2020  
Re: Noise Ordinance

- 5) Copy of Letter to: Chief Mello  
From: Patrice Kilroy  
Dated: August 18, 2020  
Re: Noise Ordinance
- 6) Copy of Letter to: Town Council  
From: Melody Drnach  
Dated: August 28, 2020  
Re: Recreation Department Thank You
- 7) Copy of Letter to: Town Council  
From: Guy Settipane  
Dated: August 13, 2020  
Re: Zoning Amendment, Ch. 82
- B) Public Notice Received:
  - 1) Zoning Board of Review: Jamestown as an Abutter  
Application of Andrew Bilodeau- Plat 5 Lot 164  
Hearing Date: September 22, 2020
  - 2) Zoning Board of Review: Jamestown as an Abutter  
Application of Paul Hamilton & Patricia Young- 260 Beavertail Road  
Hearing Date: September 22, 2020

**XII. OPEN FORUM- To participate you will press \*9 to raise your hand.  
The meeting moderator will coordinate your participation.**

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

**XIII. 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 (5) Lease of Real Property – 18,000 sq. ft. of real property at the westerly end of Narragansett Avenue to Dutch Harbor Boat Yard, LLC
- B) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation- Complaint of The Laura C. Albert Revocable Trust and Gerard J. Albert Revocable Trust - Case Number: NC-2020-0220 Quiet Title Conanicut Park Plat

- C) Pursuant to RIGL § 42-46-5(a) Subsection (2) Potential or Pending Litigation-  
Hull Cove Plat 12, Lot 138 & Lot 6

#### **XIV. 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: 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 [eliese@jamestownri.net](mailto:eliese@jamestownri.net) not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on September 17, 2020*

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

August 17, 2020

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 6:32 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:

Jamie A. Hainsworth, Town Administrator  
Erin F. Liese, Town Clerk  
Denise Gamon, Town Clerk's Assistant  
Christina D. Collins, Finance Director  
Michael Gray PE, Public Works Director  
Peter D. Ruggiero Esq., Town Solicitor  
Denise Jennings, Water and Sewer Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

**READING AND APPROVAL OF MINUTES**

(None)

**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 up for the month July.
- JR-1 has been in operation and being monitored to make sure that the well pump is in the water column. If groundwater elevations drop below the pump elevation the well pump will need to be turned off.
- Rainfall was below average for the month of July.
- No water was transferred during the month of July.
- North Reservoir is @ 43MG, usable storage-60MG.
- South Pond is @ 5MG, usable storage-6MG

### 2) **Town project reports:** *(See attached Project Update Report dated August 2020)*

## LETTERS AND COMMUNICATIONS

(None)

## UNFINISHED BUSINESS

(None)

## NEW BUSINESS

### 1) **Review, Discussion and Possible Action regarding the application of Michael and Shannon Boxer (Plat 12, Lot 216; 15 Hull Cove St.) for utility service (water only) connection**

Attorney Christian Infantolino stated that his clients purchased the property in 2019 and have never had enough water for their family of 6 and that they have provided the well report for the Boards review. Mr. Boxer stated that he has four kids and that water has always been a challenging issue.

The Public Works Director reported the following:

- The applicant is seeking approval for a new water service connection to their existing dwelling located at 15 Hull Cove Street, which is in the Rural Water District.
- The rules and regulations of the Board of Water and Sewer Commissioners, allow a new service connection in the Rural Water District with approval by the Board.
- The applicant has provided a Well Quantitative Flow Analysis Report. It has been determined that the existing well is no longer yielding sufficient water supply to support a residential dwelling.
- The Board has previously granted water services to properties in the Rural Water District.
- He has reviewed the Town's Water Supply Management Plan and the Safe Yield Study and this applicant's request will not have an adverse impact to the water users in the Urban Water District.

Following clarification on a few items, motion was made by Commissioner Piva, seconded by Commissioner Meagher to approve the application of Michael and Shannon Boxer (Plat 12, Lot 216; 15 Hull Cove St.) for utility service (water only) connection, as recommended by the Public Works Director. So unanimously voted.

The Public Works Director noted that there are others out there that may come before the Board that are experiencing challenges and that each applicant can be reviewed on their own merits.



**2) Review, Discussion and Possible Action regarding Proposed Water Budget FY2020/2021**

The Public Works Director stated that the Proposed Water and Sewer Budgets FY2020/2021 have been provided to the Board for their review and that he is not expecting a decision this evening. He is hoping for an adoption of the budgets at the next meeting in September, as the next Water and Sewer bills will be going out the end of September.

The Public Works Director reported the following:

- Each treatment plant has 3 employees, which run 24/7. Staff must cover weekend shifts and they are very reliable.
- Operating and chemical expenses are fixed.
- Infrastructure is old. Water staff goes out on a daily basis, to investigate leaks in the system.

The Finance Director reported the following:

- Two million gallons less were billed out last year and although the Town is encouraging conservation, we still need the revenue to support the budget.
- The proposed water budget includes additional expenses totaling \$34,290. or a 2.72% increase in the operating costs for the Water Department which includes costs for personnel, operating expenses and equipment maintenance.
- The proposed water budget will require a 5% increase for metered excess water and also the minimum in advance charge. The minimum in advance charge has not been increased in 5 years.
- The proposed water budget for FY2020/2021 also includes debt for interest only payments for the dam repair. Full debt payments will be required for FY2021/2022.

**3) Review, Discussion and Possible Action regarding the Proposed Sewer Budget FY2020/2021**

The Finance Director reported the following:

- The proposed sewer budget includes additional expenses totaling \$50,490. or a 6.56% increase in the operating costs for the Sewer Department, which includes costs for personnel, operating expenses and equipment maintenance.
- The proposed sewer budget will require a 10% increase for sewer usage rates.

Following clarification on a few items, it was the consensus of the Commission to continue discussion on the proposed Water and Sewer Budgets FY2020/2021 to the next meeting on September 21, 2020.

**TOWN BUSINESS**

(None)

**ADJOURNMENT**

There being no further business before the Commission, motion was made by Commissioner Meagher, seconded by Commissioner Beye to adjourn the Water and Sewer meeting at 7:00 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 2020

### WELLS

JR-1, JR-3

- JR-1 is currently being monitored for drawdown in the well to make sure the pump is in the water column. During the summer months' groundwater elevations may drop below the pump elevation which requires the well to be turned off. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### TREATMENT PLANT

- Demand for water has been at or above peak levels at times during the summer months. Our average pumping for the month is consistent with past years as shown on the attached pumping report graph. During weekends we have experienced water demand as high as 400,000 gpd during our stretches of 90-degree weather. The plant has performed well with the extended run times meeting our demand. The rainfall deficit continues for the Town of Jamestown with our current total for the year at almost 10 inches below normal. When you compare our supply on the graph provided you can see that we are about the level we would see in August in the 10-year period shown.
- We have been working on our budget for the upcoming fiscal year. Operating expenses continue to grow which will require a rate increase. This is true for all water and sewer districts. Capital expenses for water 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. Future watermain replacement projects include 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 has returned to the Bike Path project at North Reservoir. Work will continue with earthen dam improvements over the coming weeks so that we may pave the path this fall.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 5 Million Gallons

North Pond @ 60 MG

Usable Storage 43 Million Gallons

- There were no leaks reported for August.

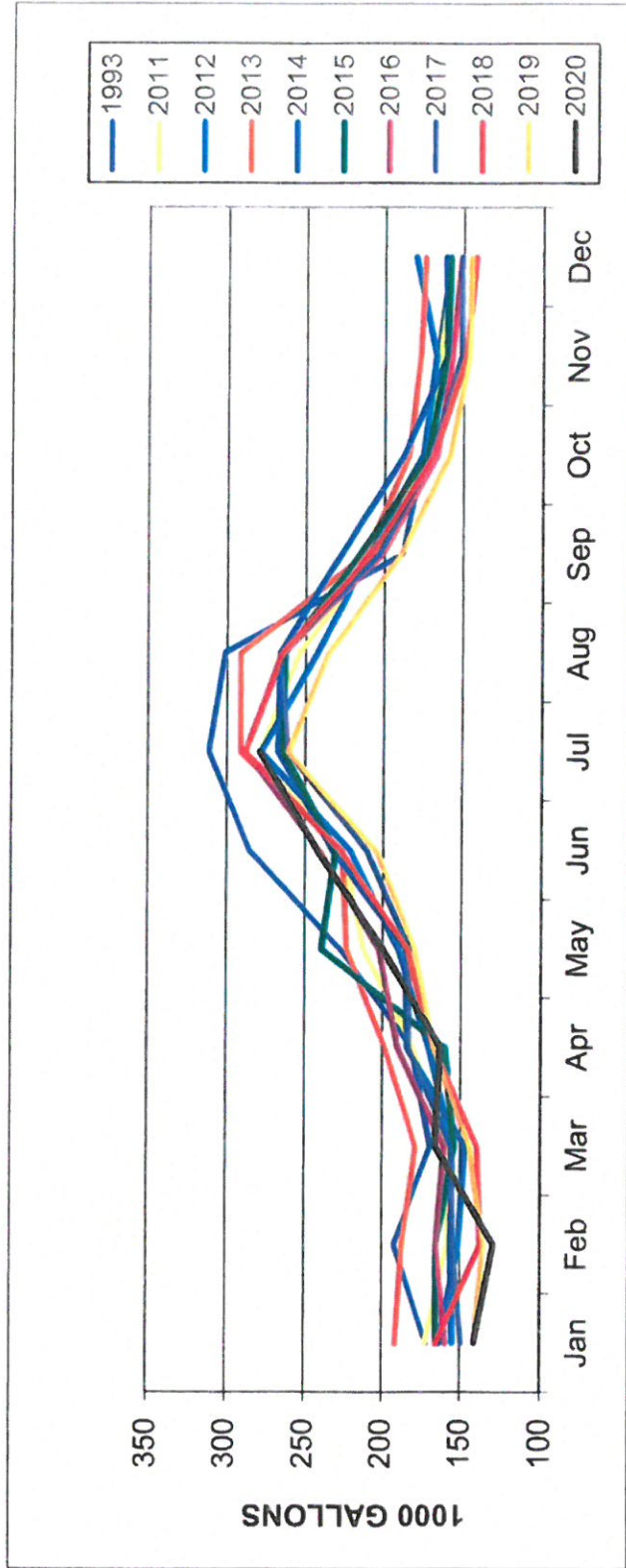
### WASTEWATER TREATMENT PLANT

- We have been working on the sewer budget for the upcoming fiscal year. Similar to the water side sewer operating expenses have grown and will need to be funded with a rate increase. For capital expenses there are two projects that we are planning, one is the replacement of 3 valves at pump station #2 located at Southwest Avenue near mackerel cove and the second is a sewer pipe replacement project on Clarke Street.
- The monthly average daily flow at the treatment plant for August was 0.12 million gallons per day. The peak daily flow was 0.21 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.



	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan	171	172	173	239	172	155	191	163	165	159	149	165	141	141
Feb	192	154	173	210	158	156	187	151	165	165	155	137	135	129
Mar	169	155	165	198	157	155	178	147	154	160	156	139	144	166
Apr	181	174	196	210	180	170	198	184	160	190	183	167	167	163
May	227	202	195	180	212	190	223	185	239	202	183	184	179	200
Jun	285	246	215	218	226	221	226	232	230	240	210	227	204	242
Jul	311	296	277	274	279	278	291	267	264	288	261	288	261	279
Aug	301	256	290	251	254	242	291	266	263	264	266	265	235	235
Sep	188	210	245	193	205	210	212	227	215	201	203	208	189	189
Oct	175	187	259	182	175	175	184	187	172	166	170	168	158	158
Nov	166	175	226	160	164	167	177	160	160	157	151	148	146	146
Dec	158	192	230	167	158	180	174	161	158	151	151	142	145	145

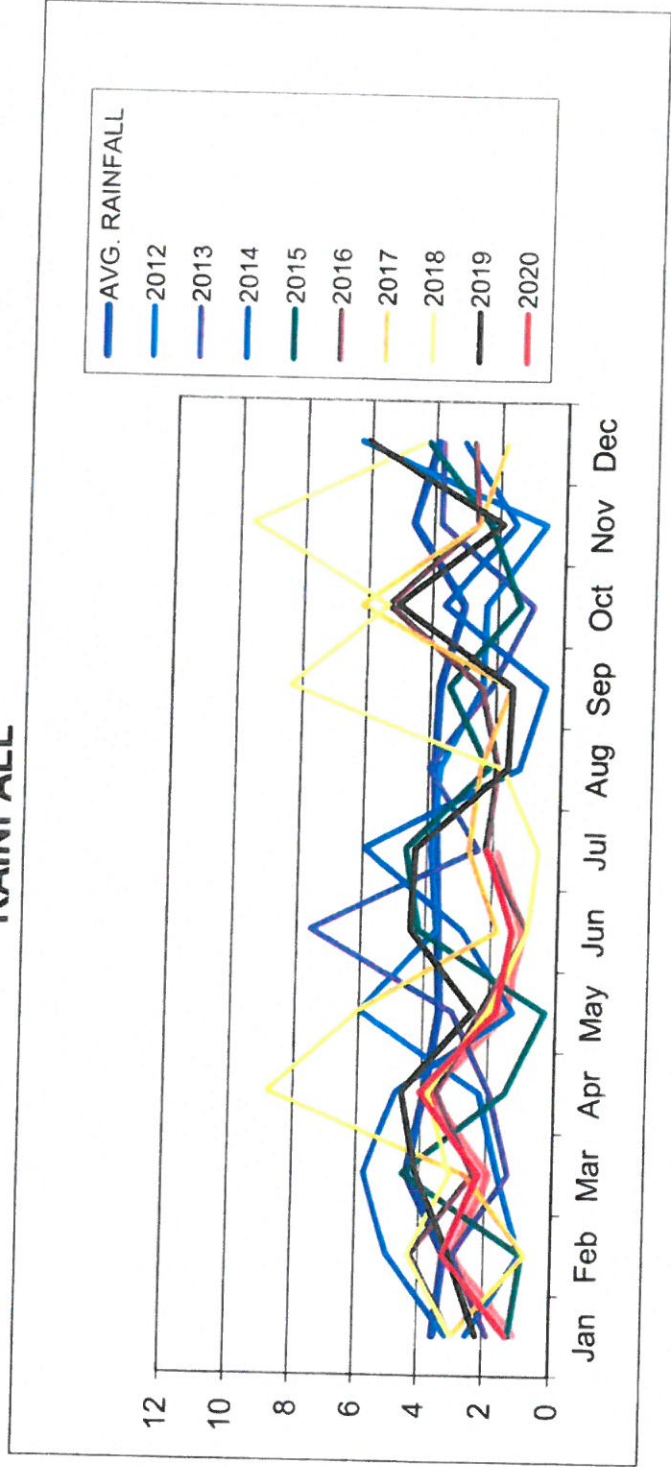
### PUMPING REPORT



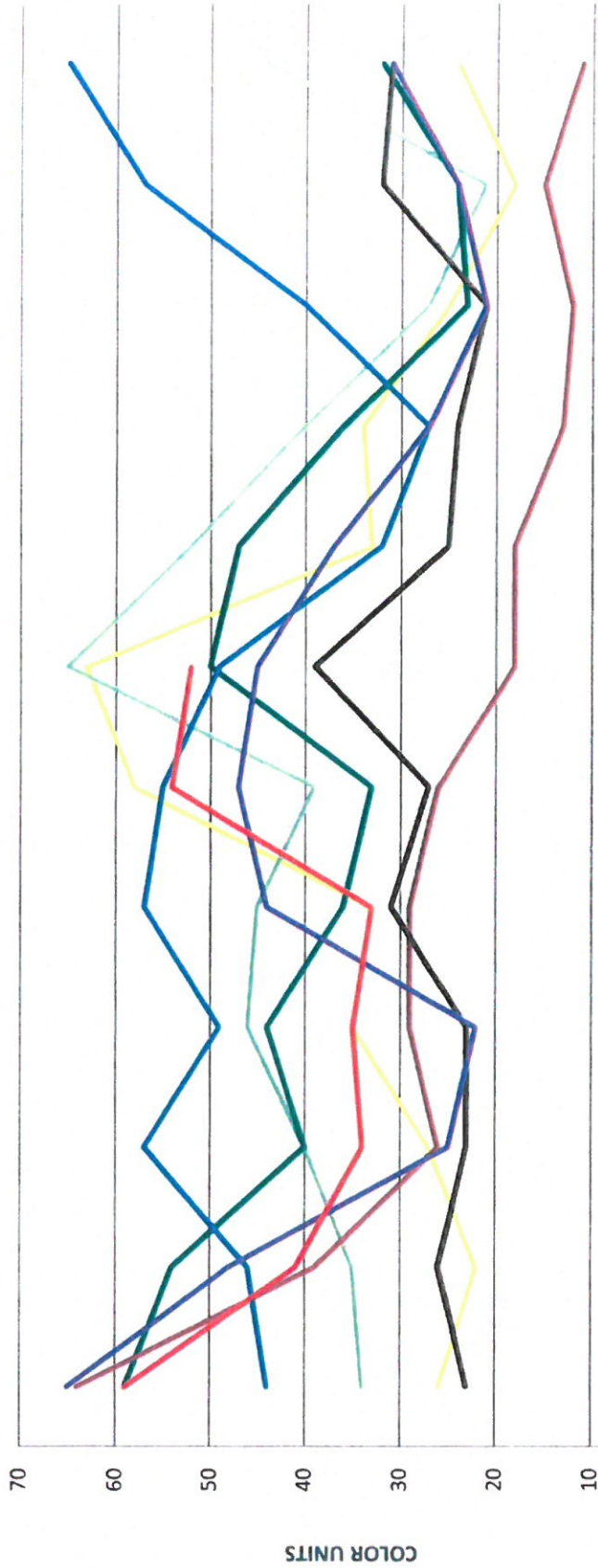


	AVG. RAINFALL												Total	
	2012	2013	2014	2015	2016	2017	2018	2019	2020				2.16 avg	25.8
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3					
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26					
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21					
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03					
May	3.5	3.11	1.27	0.32	2.24	6.03	2.03	2.46	1.79					
Jun	3.6	7.55	2.86	4.2	0.89	1.79	0.89	4.44	1.36					
Jul	3.7	2.42	5.93	4.63	2.19	2.7	0.61	4.33	2.16					
Aug	3.8	3.98	1.23	2.17	1.88	2.4	1.73	1.58	2.16					
Sep	3.7	2.13	0.5	3.41	2.42	1.54	8.35	1.49	2.16					
Oct	3	0.9	3.61	1.31	5.33	6.18	5.34	5.04	2.16					
Nov	4.6	3.76	1.47	2.27	2.63	2.61	9.61	1.89	2.16					
Dec	3.9	3.76	3.1	4.2	2.79	1.81	4.33	6.09	2.16					
<b>Total</b>	<b>44.8</b>	<b>35.99</b>	<b>38.59</b>	<b>30.59</b>	<b>33.45</b>	<b>40.18</b>	<b>47.02</b>	<b>41.29</b>	<b>16.11</b>					

## RAINFALL



# Transfer Pumping NORTH POND WATER QUALITY



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
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	27	21	24	31
2020	59	41	34	35	33	54	52					



TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
JULY 2020

Douglas Ouellette, Superintendent

## Parameters

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.1202	MGD	.73 MGD
Daily Max	.2060		
BOD Removal	99.5%	85%	% Removed
TSS Removal	98.8%	85%	% Removed
Fecal Coliform	1.0	No limit, report only	
Enterococci	1.16	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

## Environmental Compliance (Violations)

There are 0 violations to report for the month of July 2020

## Complaints

There were two complaints received for July. Complaint 1 was for a slow flowing sewer and complaint 2 was for odors in the home. It was determined that neither were the cause of problems within the towns collection system.

## Alarms

The facility had three alarms in July 2020, two were low Cl2 alarms, and one was a highwater alarm at PS#4 that was caused by a power blip.

## Septage

The facility received 7050 gallons for July 2020



### **Sludge Production**

The facility processed 113,500 gallons of sludge through Wastewater Services Incorporated.

### **Maintenance Management**

### **Chemical Use**

The facility used 455.6 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

### **Collection System**

31 pump station inspections were completed. All stations are operating as designed.

### **Energy Use**

Energy use for July 2020 was: 196 KWH

### **Precipitation**

Precipitation for July 2020 was 1.76"

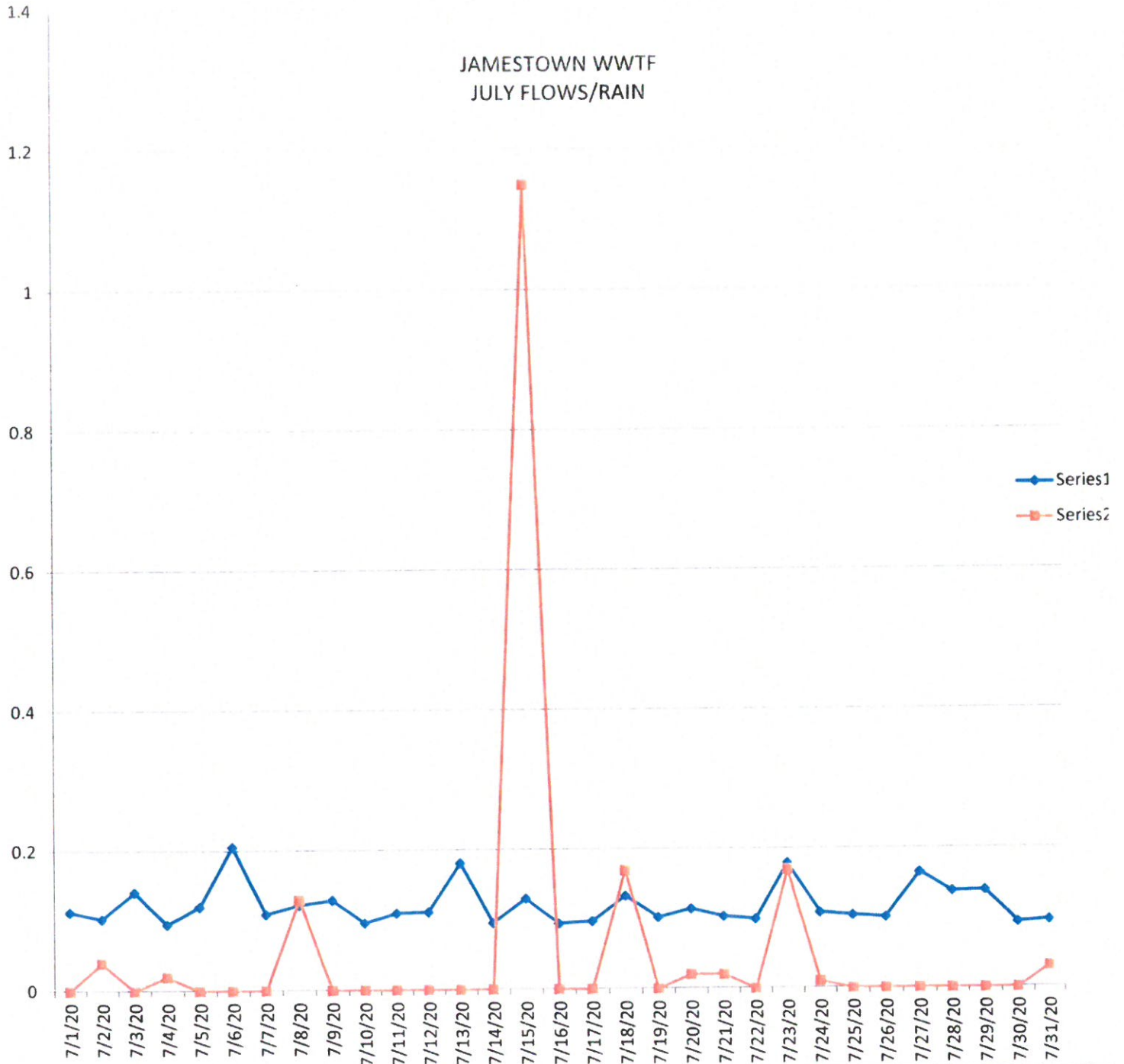
### **Golf Course**

1.810 gallons of effluent was pumped to the pond in July.

### **Work Orders**

62 work orders were completed.

## Graphs



## Project Update September 2020

### WELLS

JR-1, JR-3

- JR-1 is currently being monitored for drawdown in the well to make sure the pump is in the water column. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

### TREATMENT PLANT

- Since Labor Day demand for water has been adjusting to normal levels with pumping returning to averages typical for this time of year. The rainfall deficit continues for the Town of Jamestown with our current total for the year at almost 13 inches below average. As of September 16<sup>th</sup> the reservoir storage has dropped to 42" below the spillway elevation with usable storage at 31 million gallons or half the total at North Reservoir. This elevation triggers limitations on use for our customers which prohibits lawn irrigation, house washing, boat washing, and car washing.

### TRANSFER PUMPING/RESERVOIR

- No water was transferred from South Pond.
- The highway department has returned to the Bike Path project at North Reservoir. Crews have been working on filling and grading the south face of the earthen dam using soil material generated from the bike path construction. Fill and grading should be complete the week of September 21<sup>st</sup>. Crews will spread loam across the dam for seed then install the subsurface drain along the toe of the slope. Once complete work will continue on grading the gravel surface to prepare the entire length of the path for asphalt paving. The last item will be the split rail fencing along the length of the dam to prohibit access to the top of the dam and reservoir.
- I have contacted the RIDEM wetlands program about addressing a small patch of phragmites that have been growing in the north reservoir. If reservoir levels continue to drop and/or remain low into October we may be able to remove the phragmites for offsite disposal with minimal disturbance. If we do not address the phragmites they will continue to expand in area at the northern limits of the reservoir impacting native vegetation and eventually taking over the shoreline of the reservoir. The phragmites have doubled in area just in the past two years.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 5 Million Gallons

North Pond @ 60 MG

Usable Storage 31 Million Gallons

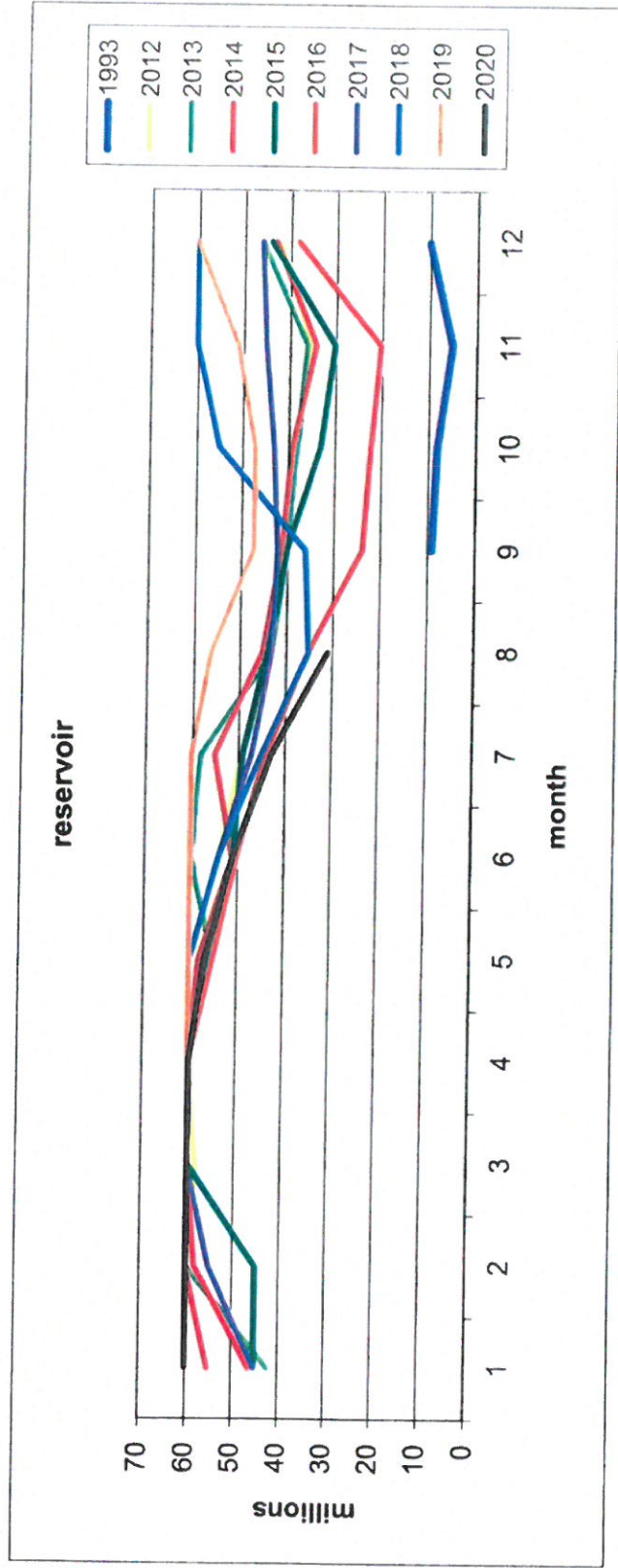
- There were no leaks reported for September.

### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for August was 0.11 million gallons per day. The peak daily flow was 0.18 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.

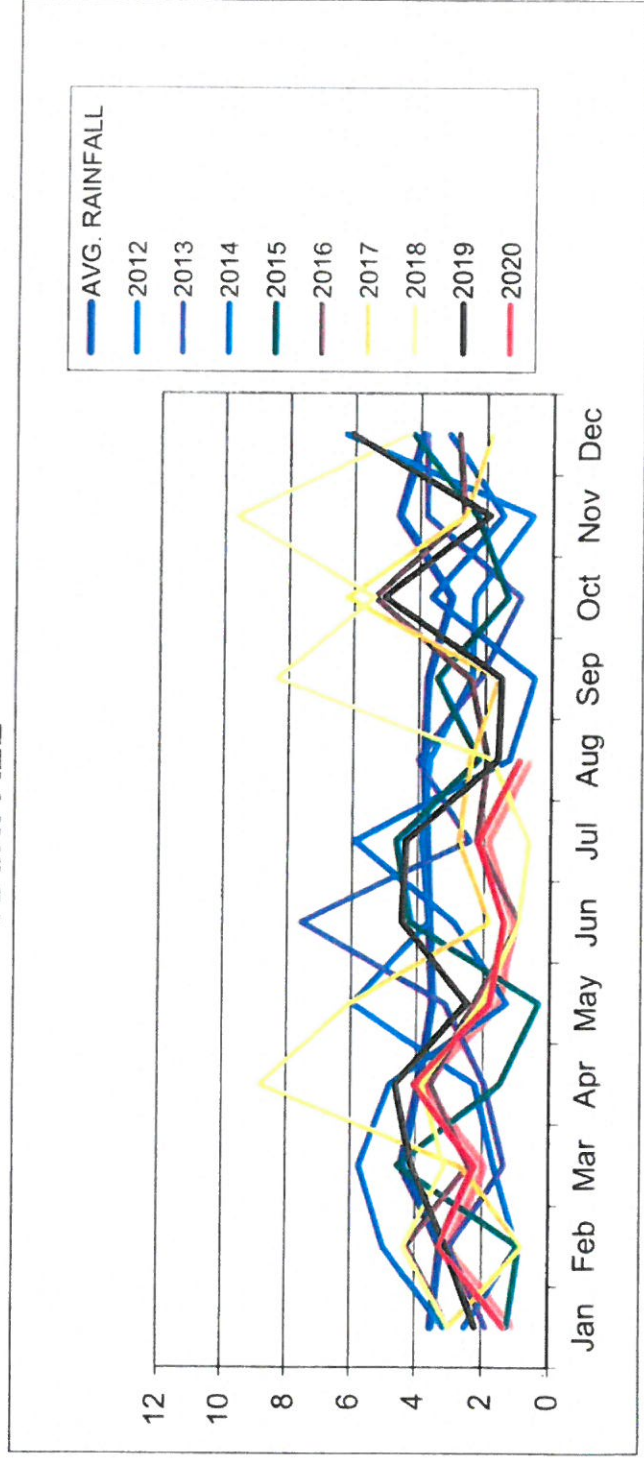
# RESERVOIR LEVEL

	1993	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan		30	60	42	55	45	46	45	60	60	60
Feb		52	60	60	60	45	58	55	60	60	60
Mar		58	58	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60
May		57	60	55	58	56	55	60	60	60	57
Jun		51	54	60	51	51	50	54	54	60	51
Jul		43	49	58	55	49	44	47	45	60	43
Aug		47	43	43	45	44	35	43	35	56	31
Sep	9	45	40	40	41	40	23.5	42	36	47	
Oct	8	58	38	38	39	33	22	43	55	47	
Nov	5	60	35	36	34	30	20	45	60	51	
Dec	10	60	42	46	43	44	38	46	60	60	



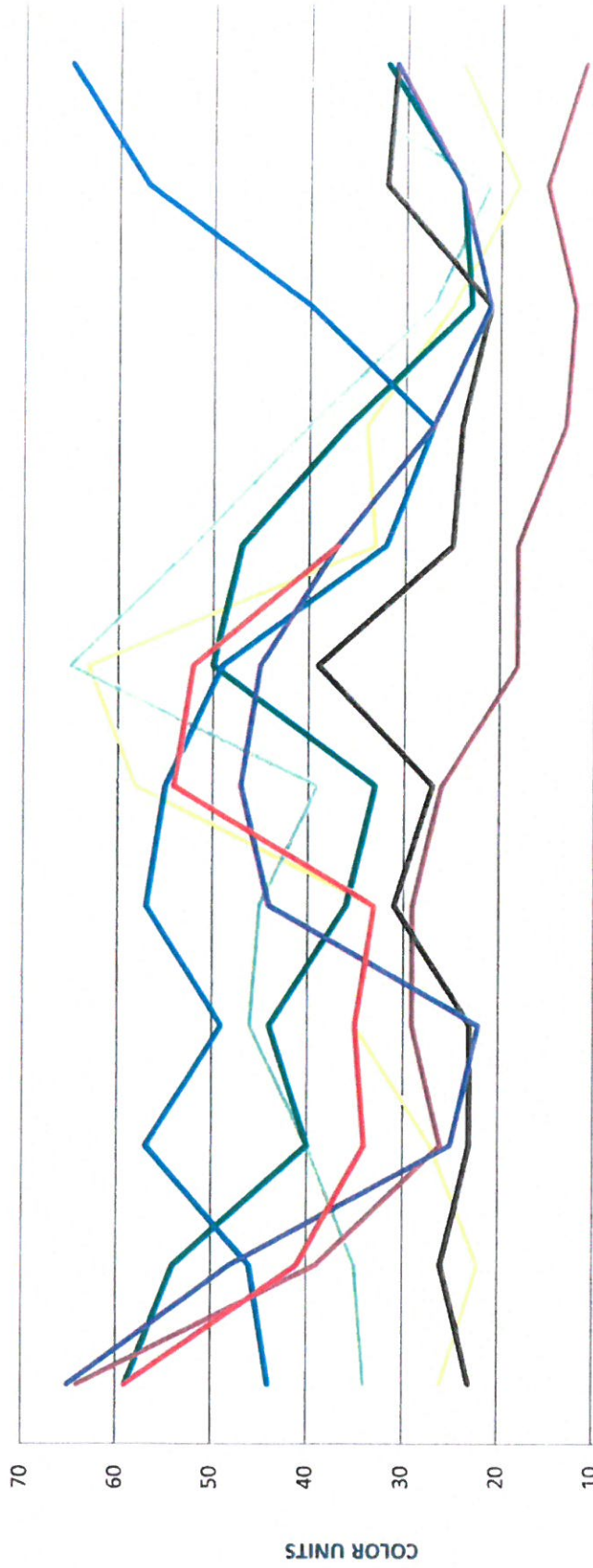
	2012	2013	2014	2015	2016	2017	2018	2019	2020
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03
May	3.5	3.11	1.27	0.32	2.24	6.03	2.03	2.46	1.79
Jun	3.6	7.55	2.86	4.2	0.89	1.79	0.89	4.44	1.36
Jul	3.7	2.42	5.93	4.63	2.19	2.7	0.61	4.33	2.16
Aug	3.8	3.98	1.23	2.17	1.88	2.4	1.73	1.58	0.91 avg 29.6
Sep	3.7	2.13	0.5	3.41	2.42	1.54	8.35	1.49	
Oct	3	0.9	3.61	1.31	5.33	6.18	5.34	5.04	
Nov	4.6	3.76	1.47	2.27	2.63	2.61	9.61	1.89	
Dec	3.9	3.76	3.1	4.2	2.79	1.81	4.33	6.09	
Total	44.8	35.64	38.59	30.59	33.45	40.18	47.02	41.29	17.02

### RAINFALL





## Transfer Pumping NORTH POND WATER QUALITY



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
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	27	21	24	31
2020	59	41	34	35	33	54	52	37				





TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
AUGUST 2020

Douglas Ouellette, Superintendent



## Parameters

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.1149	MGD	.73 MGD
Daily Max	.1800		
BOD Removal	99.2%	85%	% Removed
TSS Removal	98.8%	85%	% Removed
Fecal Coliform	1.29	No limit, report only	
Enterococci	0.72	(<35 cfu/100ml Monthly)	(<276 cfu/100ml Daily)

## **Environmental Compliance (Violations)**

There are 0 violations to report for the month of August 2020

## **Complaints**

There were no complaints reported for this month.

## **Alarms**

The facility had five alarms in August 2020, two were low Cl2 alarms, and one was a highwater alarm at PS#1 which was caused by the pump pulling air due to low flows and a check valve limit switch malfunction. The fourth was an RAS pump alarm caused by a power blip. The fifth was at PS#4, a lightning strike damaged the dialer and level controller.

## **Septage**

The facility received no septage for August 2020

### Sludge Production

The facility processed 78,000 gallons of sludge through Wastewater Services Incorporated.

### Maintenance Management

Facility staff installed a new dishwasher in the lab, a refurbished Verbatim alarm dialer and Multi Trode Controller were installed at PS#4. Inland Waters removed grit from aerators #1,2 and 3, the grit tank and the septage receiving station were also cleaned. Grease and grit were removed from PS#1,2 and 3 as well.

### Chemical Use

The facility used 507 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

### Collection System

31 pump station inspections were completed. All stations are operating as designed.

### Energy Use

Energy use for August 2020 was: 187 KWH

### Precipitation

Precipitation for August 2020 was 1.31"

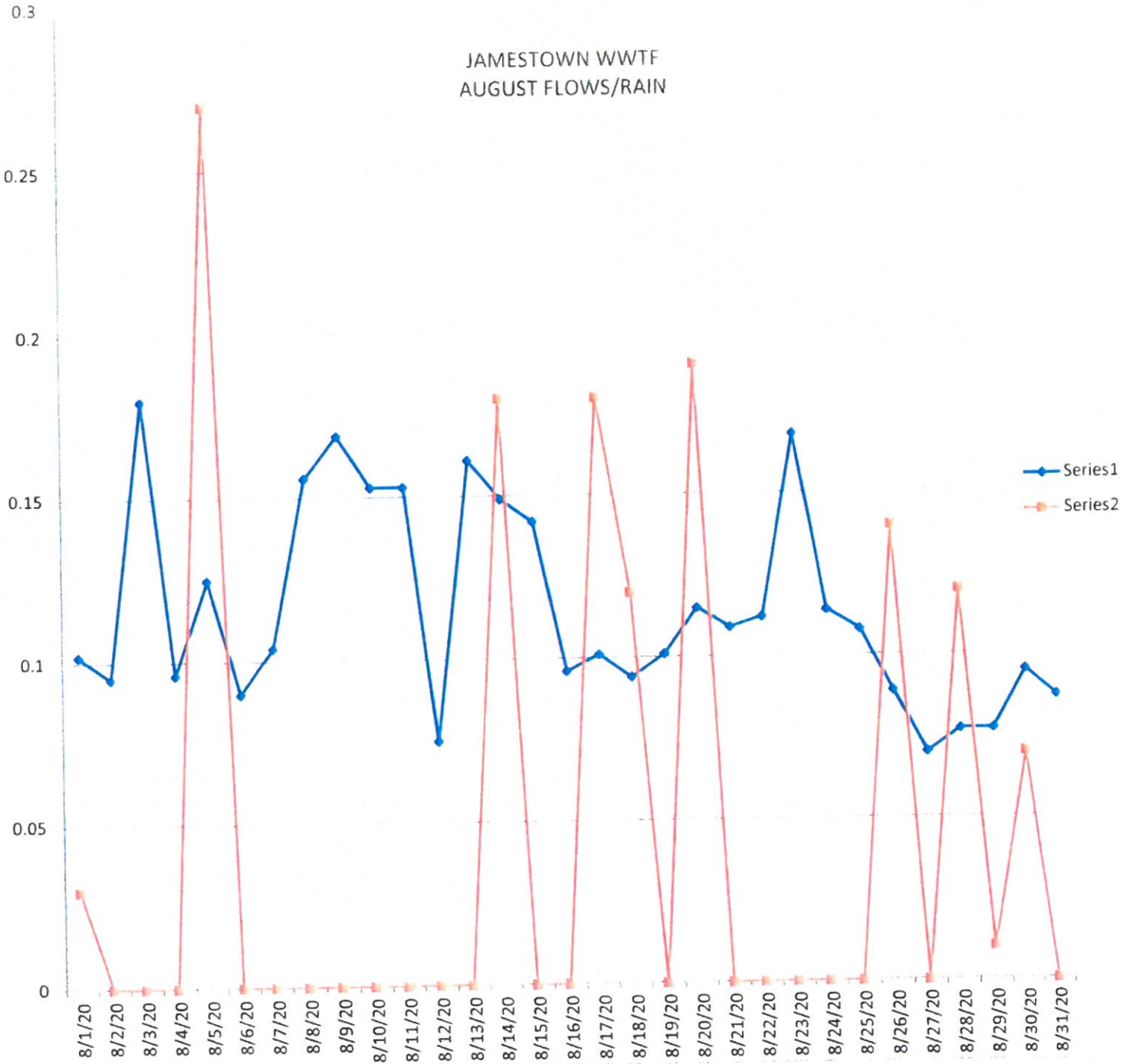
### Golf Course

1.377 gallons of effluent was pumped to the pond in August.

### Work Orders

70 work orders were completed.

Graphs



**JAMESTOWN ESTATES HOMEOWNER'S ASSOCIATION  
C/O ROBERT S. POWERS, PRESIDENT  
30 WESTWIND DRIVE  
JAMESTOWN, RI 02835**

July 29, 2020

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

**RE: Ownership of Westwind Drive Sewer Line**

Dear Council Members:

The Jamestown Estates Homeowner's Association (the "JEHA") is comprised of 14 lot owners, all living along Westwind Drive. The purpose of this letter is to request that the Town Council formally declare that the existing sewer line on Westwind Drive (the "Sewer Line") is owned by and is therefore the responsibility of the Town of Jamestown, not JEHA. For several years, the JEHA has attempted to resolve this matter with the Town without success. The JEHA has conducted extensive due diligence on this matter. As set forth in this letter, there are numerous reasons why JEHA has concluded that the Town owns and is responsible for the Sewer Line. Any one of these reasons supports JEHA's finding.

First, as part of the review and consideration of the subdivision, the installation of a sewer line to service each of the 14 lots was presented to the Jamestown Board of Water and Sewer Commissioners (the "Sewer Board"). During an extensive review and approval process by the Sewer Board, there was no mention whatsoever in the Minutes of the various Sewer Board meetings or in the follow-up correspondence from Town Officials that the Sewer Line was to be anything other than part of the Town sewer system and owned by the Town. Specifically, the final approval by the Sewer Board for the Sewer Line does not include any provision that the individual lot owners are the owners of the Sewer Line. See the letters dated December 16, 1985 and June 19, 1986 attached.

Second, as part of our due diligence, the JEHA made an Access to Public Records Act request to the Town for all documents related to this issue. The JEHA performed a detailed review of those documents, and conspicuous by its absence is any suggestion, reference, note or other indicia of any kind that the Westwind Drive lot owners own the Sewer Line. Instead, there are multiple references to a payment made to the Town in the

amount of \$85,000 by the developers to rehabilitate the existing sewer line on Pemberton Avenue as part of the overall approval of the Sewer Line. See Affidavit from Matthew T. Marcello attached.

Third, none of the lot owner's deeds or any documents in the Town's Land Evidence Records contains any provision whatsoever regarding ownership of the Sewer Line by the individual lot owners.

Fourth, in addition to the official records being completely silent on the issue of ownership of the Sewer Line, common sense dictates that allowing a private sewer line to operate beneath a public road is a recipe for disaster. What happens when and if emergency repairs need to be made to the Sewer Line? Do the Westwind Drive lot owners need to seek approval from the Town? Where is that requirement documented? What is the procedure? One would think that the Sewer Board would have detailed these requirements as part of its approval of the Sewer Line if it was intended to be private.

Finally, it should be made clear that the Westwind Drive lot owners all pay the same sewer hookup fees as well as the annual usage fees as any other resident in the Town for being tied into the sewer. It once again defies common sense and goes against general principles of fairness that the Westwind Drive lot owners should pay the same costs and fees as other Jamestowners, yet apparently would not receive the same service if there was an issue with the Sewer Line.

For all of the above reasons, the JEHA, on behalf of all of the 14 Westwind Drive lot owners, respectfully requests that the Town formally declare that the Westwind Drive Sewer Line is owned by the Town and that the lot owners have no responsibility, financial or otherwise for the Sewer Line, other than payment of any applicable fees and usage charges assessed to all similarly situated Jamestowners. Given that this matter has lingered for too long and is potentially a shadow on the future sale of these properties, we ask the Town Council to provide its response as soon as possible. In the event that the Town is unwilling to accept ownership of the Sewer Line, the JEHA will have no other choice but to proceed with a declaratory judgment action against the Town to resolve this matter.

Thank you for your review and consideration of this matter. We would appreciate the opportunity to discuss this matter further. You may contact me at the above address or by email at [r.powers@aipso.com](mailto:r.powers@aipso.com).



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

To: Honorable Council Members  
From: Christina D. Collins, Finance Director  
Date: August 13, 2020

Subject: 2020/2021 Water & Sewer Budget

Attached please find the Town Administrator's proposed Water & Sewer budgets for fiscal year 2020/2021.

The Water budget as presented includes additional expenses of \$34,290.00 or a 2.72% increase in the operating costs for the Water department. Proposed increases include costs for personnel (\$17,605.00 or 4.14%), operating expenses and equipment maintenance. The proposed budget will require an increase of 5% for metered excess water and a 5% increase on minimum in advance for the next fiscal year. Minimum in advance has not had an increase in 5 years.

The Sewer budget as presented includes additional expenses of \$50,490.00 or a 6.56% increase in the operating cost for the Sewer department. The proposed increases include costs for personnel (\$19,645.00 or 4.56%), operating expenses and equipment maintenance. The proposed budget will require an increase of 10% (\$14.89 to \$16.38) in the rate for customers for the next fiscal year.

Attached is a summary of rates for water and sewer for the existing fiscal year and the proposed FY2020/2021 year which shows an increase between 4.62% and 6% based on the tiered structure for gallons used and the increase for Sewer usage.

With operating costs continuing to increase, the rates as presented are needed to operate the Facilities in accordance with State and Federal guidelines.



**TOWN OF JAMESTOWN - WATER DIVISION**

**Proposed Budget**

**July 1, 2020 - June 30, 2021**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>Actual FY18.19 6/30/2019</u>	<u>BUDGET FY19.20</u>	<u>PROPOSED FY20.21</u>	<u>FY19.20 YTD 6/30/2020</u>	<u>\$ Change Prev. Yr.</u>	<u>% Change Prev. Yr.</u>
<b>OPERATING REVENUES</b>						
2102 0000 40101 Metered Excess Water	377,409.67	362,250.00	365,381.00	323,768.77	3,131.00	0.86%
2102 0000 40402 Minimum Charge	532,333.93	532,225.00	561,267.00	534,540.04	29,042.00	5.46%
2102 0000 40403 Fire Protection Charges	165,000.00	170,000.00	170,000.00	170,000.00	0.00	0.00%
2102 0000 40408 Income From New Services	7,850.00	15,000.00	15,000.00	15,700.00	0.00	0.00%
2102 0000 40409 Miscellaneous Income	11,856.03	17,000.00	17,000.00	11,137.27	0.00	0.00%
2102 0000 40415 Interest Income	3,274.01	3,500.00	3,500.00	3,721.37	0.00	0.00%
2102 0000 40420 Rental Water Tower	156,626.52	158,883.00	161,000.00	157,878.20	2,117.00	1.33%
<b>40100 TOTAL REVENUES</b>	<b>1,254,350.16</b>	<b>1,258,858.00</b>	<b>1,293,148.00</b>	<b>1,216,745.65</b>	<b>34,290.00</b>	<b>2.72%</b>
<b>OPERATING SALARIES</b>						
2102 7000 70100 Public Works Director	24,948.85	24,845.00	26,103.00	25,569.99	1,258.00	5.06%
2102 7000 70102 Accounting	42,775.33	40,571.00	43,162.00	43,756.02	2,591.00	6.39%
2102 7000 70103 Treatment Plant Oper	69,547.49	69,548.00	78,537.00	74,334.67	8,989.00	12.92%
2102 7000 70104 Ass't Treat Plant Oper w/long	69,682.88	69,155.00	73,435.00	72,484.19	4,280.00	6.19%
2102 7000 70105 Plant Operator	46,492.33	57,725.00	60,798.00	59,153.01	3,073.00	5.32%
2102 7000 70501 Water Charge backs	0.00	0.00	0.00	427.88	0.00	#DIV/0!
2102 7000 70513 Treatment Plant Oper - OT	19,310.63	13,000.00	13,000.00	14,238.25	0.00	0.00%
2102 7000 70514 Ass't Treatment Plant - OT	16,198.65	11,000.00	11,000.00	11,692.59	0.00	0.00%
2102 7000 70515 Plant Operator OT	6,827.09	8,000.00	8,000.00	9,223.60	0.00	0.00%
<b>7000 Salaries</b>	<b>295,783.25</b>	<b>293,844.00</b>	<b>314,035.00</b>	<b>310,880.20</b>	<b>20,191.00</b>	<b>6.87%</b>
7001 70900 Social Security	20,783.94	22,480.00	24,024.00	20,427.66	1,544.00	6.87%
7001 70901 Blue Cross/Delta Dental	36,420.69	37,379.00	41,239.00	35,232.34	3,860.00	10.33%
7001 70902 Worker's Compensation	30,000.00	32,000.00	30,000.00	30,000.00	-2,000.00	-6.25%
7001 70903 Retirement Fund	37,054.71	28,815.00	31,250.00	27,143.24	2,435.00	8.45%
7001 70906 Life Insurance	595.20	780.00	620.00	613.80	-160.00	-20.51%
7001 70910 Clothing Allowance	1,585.98	1,500.00	1,500.00	1,799.95	0.00	0.00%
Salary Adjustment	0.00	8,265.00	0.00	0.00	-8,265.00	-100.00%
<b>7001 Benefits</b>	<b>126,440.52</b>	<b>131,219.00</b>	<b>128,633.00</b>	<b>115,216.99</b>	<b>-2,586.00</b>	<b>-1.97%</b>
<b>7000/7001/7002 SALARIES/BENEFITS</b>	<b>422,223.77</b>	<b>425,063.00</b>	<b>442,668.00</b>	<b>426,097.19</b>	<b>17,605.00</b>	<b>4.14%</b>
2102 7005 70601 Maintenance	7,421.08	6,000.00	6,000.00	8,690.08	0.00	0.00%
2102 7005 70606 Alarm Lines	2,017.22	2,000.00	2,500.00	2,491.49	500.00	25.00%
<b>7005 Reservoirs/Rights of Way</b>	<b>9,438.30</b>	<b>8,000.00</b>	<b>8,500.00</b>	<b>11,181.57</b>	<b>500.00</b>	<b>6.25%</b>
2102 7006 70601 Maintenance	5,090.90	1,000.00	1,000.00	521.42	0.00	0.00%
2102 7006 70636 Electricity	9,619.54	7,000.00	10,000.00	9,550.45	3,000.00	42.86%
2102 7006 70934 Depreciation Expense	0.00	0.00	0.00	0.00	0.00	#DIV/0!
<b>7006 Wells</b>	<b>14,710.44</b>	<b>8,000.00</b>	<b>11,000.00</b>	<b>10,071.87</b>	<b>3,000.00</b>	<b>37.50%</b>
2102 7010 70008 Lab Supplies	12,095.27	10,000.00	10,000.00	10,429.13	0.00	0.00%
2102 7010 70631 Chemicals	48,452.45	47,000.00	50,000.00	47,662.02	3,000.00	6.38%
2102 7010 70632 Heat	10,750.29	13,500.00	13,500.00	10,195.67	0.00	0.00%
2102 7010 70633 Equipment Maintenance	34,736.35	30,000.00	30,000.00	23,646.03	0.00	0.00%
2102 7010 70634 Professional Services	5,460.71	5,000.00	5,000.00	745.00	0.00	0.00%
2102 7010 70635 Telephone	2,809.28	2,500.00	3,500.00	3,502.63	1,000.00	40.00%
2102 7010 70636 Electricity	36,649.74	38,000.00	40,000.00	38,317.43	2,000.00	5.26%
2102 7010 70637 Building Maintenance	8,299.38	8,000.00	8,000.00	10,089.10	0.00	0.00%
2102 7010 70638 State Testing	11,796.26	10,824.00	10,000.00	9,260.45	-824.00	-7.61%
2102 7010 70639 License Fees	1,200.00	2,000.00	6,000.00	8,384.00	4,000.00	200.00%
2102 7010 70643 Pump Out Treatment Plant	3,510.00	2,000.00	3,200.00	3,120.00	1,200.00	60.00%
2102 7010 70645 Sludge Remonal	19,934.77	16,000.00	16,000.00	13,531.33	0.00	0.00%
<b>7010 Pump Station &amp; Treatment Plant</b>	<b>195,694.50</b>	<b>184,824.00</b>	<b>195,200.00</b>	<b>178,882.79</b>	<b>10,376.00</b>	<b>5.61%</b>
7011 70636 South Pond - Electricity	1,941.54	1,650.00	2,000.00	1,965.06	350.00	21.21%
7011 70637 South Pond - Transfer Pump	150.00	3,300.00	3,300.00	0.00	0.00	0.00%
<b>7011 South Pond Pre-Treatment Bldg</b>	<b>2,091.54</b>	<b>4,950.00</b>	<b>5,300.00</b>	<b>1,965.06</b>	<b>350.00</b>	<b>7.07%</b>
2102 7012 70636 Water Tower - Electricity	1,335.01	3,000.00	3,000.00	1,317.18	0.00	0.00%
2102 7012 70643 Water Tower - Maintenance	0.00	500.00	500.00	0.00	0.00	0.00%
<b>7012 Water Tower</b>	<b>1,335.01</b>	<b>3,500.00</b>	<b>3,500.00</b>	<b>1,317.18</b>	<b>0.00</b>	<b>0.00%</b>
2102 7013 70644 Gasoline/Oil	729.98	1,500.00	1,500.00	868.33	0.00	0.00%
2102 7013 70645 Repairs/Maintenance	2,727.48	4,000.00	4,000.00	3,768.09	0.00	0.00%
<b>7013 Vehicles</b>	<b>3,457.46</b>	<b>5,500.00</b>	<b>5,500.00</b>	<b>4,636.42</b>	<b>0.00</b>	<b>0.00%</b>
2102 7020 70651 Clamps	-1,901.44	1,000.00	1,000.00	0.00	0.00	0.00%
2102 7020 70652 Pipe	1,585.03	5,000.00	5,000.00	3,517.82	0.00	0.00%
2102 7020 70653 Backfill & Excavation	0.00	2,000.00	2,000.00	3,238.21	0.00	0.00%
<b>7020 Maintenance &amp; Laterals</b>	<b>-316.41</b>	<b>8,000.00</b>	<b>8,000.00</b>	<b>6,756.03</b>	<b>0.00</b>	<b>0.00%</b>

**TOWN OF JAMESTOWN - WATER DIVISION**  
**Proposed Budget**  
**July 1, 2020 - June 30, 2021**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>Actual FY18.19</u> <u>6/30/2019</u>	<u>BUDGET</u> <u>FY19.20</u>	<u>PROPOSED</u> <u>FY20.21</u>	<u>FY19.20 YTD</u> <u>6/30/2020</u>	<u>\$ Change</u> <u>Prev. Yr.</u>	<u>% Change</u> <u>Prev. Yr.</u>
2102 7030 70661 Service Repairs	3,235.76	8,000.00	10,000.00	11,034.02	2,000.00	25.00%
2102 7030 70663 New Services	-1,795.81	3,000.00	5,000.00	7,344.93	2,000.00	66.67%
<b>7030 Water Division Services</b>	<b>1,439.95</b>	<b>11,000.00</b>	<b>15,000.00</b>	<b>18,378.95</b>	4,000.00	36.36%
2102 7040 70672 Supplies/Expenses	11,384.34	14,000.00	14,000.00	13,366.85	0.00	0.00%
<b>7040 Meters</b>	<b>11,384.34</b>	<b>14,000.00</b>	<b>14,000.00</b>	<b>13,366.85</b>	0.00	0.00%
2102 7050 70681 Maintenance	6,419.29	8,000.00	7,500.00	2,243.59	-500.00	-6.25%
<b>7050 Hydrants</b>	<b>6,419.29</b>	<b>8,000.00</b>	<b>7,500.00</b>	<b>2,243.59</b>	-500.00	-6.25%
2102 7060 70923 Billing	4,115.56	6,500.00	6,500.00	4,748.72	0.00	0.00%
2102 7060 70924 Insurance	7,200.00	7,200.00	7,200.00	7,200.00	0.00	0.00%
2102 7060 70925 Audit	0.00	4,000.00	4,000.00	0.00	0.00	0.00%
2102 7060 70926 Supplies & Training	10,054.72	6,000.00	6,000.00	5,456.61	0.00	0.00%
<b>7030 Administration</b>	<b>21,370.28</b>	<b>23,700.00</b>	<b>23,700.00</b>	<b>17,405.33</b>	0.00	0.00%
2102 7070 70350 Principal	0.00	0.00	0.00	0.00	0.00	#DIV/0!
2102 7070 70940 Interest	123,235.70	19,644.00	0.00	115,677.05	-19,644.00	-100.00%
Dam Repair (\$550K)	0.00	0.00	9,625.00	0.00	9,625.00	#DIV/0!
Water Tank Painting (\$400k)	0.00	0.00	6,000.00	0.00	6,000.00	#DIV/0!
Membrane Filter (\$265k)	0.00	0.00	3,644.00	0.00	3,644.00	#DIV/0!
2102 7070 70300 Transfer to \$6.2 Water Debt	199,827.12	434,677.00	434,011.00	434,677.00	-666.00	-0.15%
<b>7070 Debit Service</b>	<b>323,062.82</b>	<b>454,321.00</b>	<b>453,280.00</b>	<b>550,354.05</b>	-1,041.00	-0.23%
7080 70800 Infrastructure Replacement						
Fund/Capital Improvements	39,890.05	100,000.00	100,000.00	38,744.84	0.00	0.00%
<b>7080 Total</b>	<b>39,890.05</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>38,744.84</b>	0.00	0.00%
<b>TOTAL EXPENSES</b>	<b>1,052,201.34</b>	<b>1,258,858.00</b>	<b>1,293,148.00</b>	<b>1,281,401.72</b>	34,290.00	2.72%
<b>TOTAL REVENUES</b>	<b>1,254,350.16</b>	<b>1,258,858.00</b>	<b>1,293,148.00</b>	<b>1,216,745.65</b>	34,290.00	2.72%
<b>DIFFERENCE</b>	<b>202,148.82</b>	<b>0.00</b>	<b>0.00</b>	<b>-64,656.07</b>	0.00	



TOWN OF JAMESTOWN WATER DIVISION  
PROPOSED OPERATING BUDGET  
July 1, 2020- June 30, 2021

NUMBER	ACCOUNT	PROPOSED 2020/2021	
70070940	Principal Due	\$330,000.00	
	Interest Due	\$104,011.00	\$434,011.00
	Income to offset Debt	\$434,011.00	

**TOWN OF JAMESTOWN - SEWER DIVISION**

**Proposed Budget**

**July 1, 2020 - June 30, 2021**

<u>ACCOUNT NUMBER &amp; DESCRIPTION</u>	<u>Actual</u>	<u>BUDGET</u>	<u>PROPOSED</u>	<u>FY19.20</u>	<u>\$ Change</u>	<u>% Change</u>
	<u>FY18.19</u>			<u>YTD</u>		
	<u>6/30/2019</u>	<u>FY19.20</u>	<u>FY20.21</u>	<u>6/30/2020</u>	<u>Prev. Yr.</u>	<u>Prev. Yr.</u>
<b>OPERATING REVENUES</b>						
2103 0000 40400 Sewer Line Frontage Assessment	80,761.56	80,042.00	81,085.00	81,085.24	1,043.00	1.30%
2103 0000 40405 Inspection Fees	125.00	250.00	300.00	275.00	50.00	20.00%
2103 0000 40406 Sewer Use Sales	630,578.49	661,262.00	713,409.00	638,201.49	52,147.00	7.89%
2103 0000 40408 New Service Connect Fees	6,000.00	15,000.00	15,000.00	19,850.00	0.00	0.00%
2103 0000 40414 Dumping Fees	2,418.50	5,000.00	5,000.00	1,032.50	0.00	0.00%
2103 0000 40850 Golf Course Allocation	8,000.00	8,000.00	8,000.00	8,000.00	0.00	0.00%
<b>40100 TOTAL REVENUES</b>	<b>727,883.55</b>	<b>769,554.00</b>	<b>822,794.00</b>	<b>748,444.23</b>	<b>53,240.00</b>	<b>6.92%</b>
<b>OPERATING EXPENSES</b>						
2103 7000 70100 Public Works Director	24,948.84	24,844.00	26,103.00	25,569.98	1,259.00	5.07%
2103 7000 70101 Wastewater Super w/Long	74,989.46	74,763.68	80,781.00	76,688.35	6,017.32	8.05%
2103 7000 70102 Accounting w/Long	42,775.21	40,571.00	40,571.00	43,755.83	0.00	0.00%
2103 7000 70103 Asst. Super w/Long	69,729.47	69,434.46	73,435.00	71,269.88	4,000.54	5.76%
2103 7000 70104 Plant Operator w/Long	61,184.31	60,899.86	64,750.00	62,857.89	3,850.14	6.32%
2103 7000 70111 Sewer - Temp Labor	0.00	7,200.00	8,500.00	8,281.88	1,300.00	18.06%
2103 7000 70511 Wastewater Super OT	5,445.53	9,000.00	9,000.00	12,058.35	0.00	0.00%
2103 7000 70513 Asst. Superintendent OT	13,219.28	9,000.00	9,000.00	8,496.49	0.00	0.00%
2103 7000 70514 Plant Operator OT	7,773.58	9,000.00	9,000.00	9,527.11	0.00	0.00%
<b>7000 Salaries</b>	<b>300,065.68</b>	<b>304,713.00</b>	<b>321,140.00</b>	<b>318,505.76</b>	<b>16,427.00</b>	<b>5.39%</b>
2103 7000 70900 Social Security	20,037.58	22,899.00	23,917.00	20,921.76	1,018.00	4.45%
2103 7000 70901 Health & Dental	49,483.11	50,171.00	52,527.00	39,597.66	0.00	4.70%
2103 7000 70902 Worker's Compensation	10,000.00	9,000.00	10,000.00	10,000.00	1,000.00	11.11%
2103 7000 70904 Retirement	34,194.58	31,919.00	38,768.00	24,443.31	6,849.00	21.46%
2103 7000 70906 Life Insurance	669.64	670.00	670.00	613.80	0.00	0.00%
2103 7000 70910 Salary Adjustment	0.00	8,005.00	0.00	0.00	-8,005.00	-100.00%
2103 7000 70336 Clothing Allowance	2,094.00	1,500.00	1,500.00	1,627.00	0.00	0.00%
2103 7000 70339 License Fees	1,800.00	1,800.00	1,800.00	1,800.00	0.00	0.00%
<b>7000 Benefits</b>	<b>118,278.91</b>	<b>125,964.00</b>	<b>129,182.00</b>	<b>99,003.53</b>	<b>3,218.00</b>	<b>2.55%</b>
<b>7000 TOTAL SALARY &amp; BENEFITS</b>	<b>418,344.59</b>	<b>430,677.00</b>	<b>450,322.00</b>	<b>417,509.29</b>	<b>19,645.00</b>	<b>4.56%</b>
2103 7002 70001 Power - Electricity	39,859.49	38,000.00	42,000.00	40,942.22	4,000.00	10.53%
2103 7002 70002 Chemicals	3,055.55	2,500.00	2,500.00	1,585.70	0.00	0.00%
2103 7002 70003 Heat	10,181.64	9,500.00	9,500.00	5,198.73	0.00	0.00%
2103 7002 70004 Water	2,342.67	2,200.00	2,000.00	1,600.50	-200.00	-9.09%
2103 7002 70005 Chlorine	6,258.04	7,000.00	7,000.00	6,061.47	0.00	0.00%
2103 7002 70006 Equipment Maintenance	25,347.96	22,000.00	24,000.00	24,000.30	2,000.00	9.09%
2103 7002 70007 Misc Supplies, Office Cleaning	8,011.14	5,000.00	10,000.00	9,239.02	5,000.00	100.00%
2103 7002 70008 Laboratory Supplies	2,238.10	4,500.00	4,500.00	902.97	0.00	0.00%
2103 7002 70009 Telephone	602.80	750.00	2,200.00	2,199.30	1,450.00	193.33%
2103 7002 70010 Alarm Lines	6,758.63	5,500.00	7,000.00	7,130.34	1,500.00	27.27%
2103 7002 70011 Sludge Composting	40,576.76	39,400.00	35,000.00	28,186.75	-4,400.00	-11.17%
2103 7002 70012 Truck Operation & Main.	44.62	1,000.00	2,000.00	1,827.06	1,000.00	100.00%
2103 7002 70013 Gas - Truck	717.32	2,500.00	2,500.00	350.80	0.00	0.00%
2103 7002 70014 State Mandated Testing	24,447.09	22,400.00	26,000.00	25,671.42	3,600.00	16.07%
2103 7002 70201 Professional Services - Legal	0.00	2,500.00	2,500.00	0.00	0.00	0.00%
2103 7002 70315 Training	1,327.00	1,000.00	1,000.00	300.00	0.00	0.00%
2103 7002 70600 Professional Services	0.00	2,000.00	2,000.00	3,000.00	0.00	0.00%
<b>7002 Wastewater Treatment Facility</b>	<b>171,768.81</b>	<b>167,750.00</b>	<b>181,700.00</b>	<b>158,196.58</b>	<b>13,950.00</b>	<b>8.32%</b>
2103 7003 70017 Pumping Station #3 (W Ferry)	3,711.68	4,000.00	5,000.00	4,559.57	1,000.00	25.00%
2103 7003 70018 Pumping Station #1 (Bayview)	25,567.79	15,000.00	25,000.00	21,759.41	10,000.00	66.67%
2103 7003 70019 Pumping Station #2 (Hamilton)	13,049.76	10,000.00	11,000.00	10,099.25	1,000.00	10.00%
2103 7003 70020 Pumping Station #4 (Maple)	765.93	750.00	750.00	638.02	0.00	0.00%
<b>7003 Pumping Stations</b>	<b>43,095.16</b>	<b>29,750.00</b>	<b>41,750.00</b>	<b>37,056.25</b>	<b>12,000.00</b>	<b>40.34%</b>
2103 7004 70598 Equipment Insurance	4,000.00	4,000.00	4,000.00	4,000.00	0.00	0.00%
<b>7004 Insurance</b>	<b>4,000.00</b>	<b>4,000.00</b>	<b>4,000.00</b>	<b>4,000.00</b>	<b>0.00</b>	<b>0.00%</b>
2103 7005 70021 Maintenance Sewer Mains	4,412.22	6,500.00	5,000.00	200.00	-1,500.00	-23.08%
<b>7005 Sanitary Sewers, Laterals&amp;Mains</b>						
2103 7005 70xxx Jet Vac Truck Lease	10,096.79	26,406.00	25,844.00	4,900.00	-562.00	-2.13%
2103 7005 70xxx Sewer Truck	0.00	8,125.00	5,895.00	0.00	-2,230.00	-27.45%
2103 7005 70xxx Slip Lining	0.00	41,025.00	40,425.00	0.00	-600.00	-1.46%
2103 7005 70xxx Pump Station	0.00	0.00	2,750.00	0.00	2,750.00	#DIV/0!
2103 7005 70605 West Ferry Extension Notes	36,330.46	5,321.00	5,108.00	3,501.34	-213.00	-4.00%
<b>Debt</b>	<b>50,839.47</b>	<b>87,377.00</b>	<b>85,022.00</b>	<b>8,601.34</b>	<b>-2,355.00</b>	<b>-2.70%</b>
<b>7081 70801 Capital Expense</b>	<b>32,744.40</b>	<b>50,000.00</b>	<b>60,000.00</b>	<b>19,833.27</b>	<b>10,000.00</b>	<b>20.00%</b>
<b>TOTAL EXPENSES</b>	<b>720,792.43</b>	<b>769,554.00</b>	<b>822,794.00</b>	<b>645,196.73</b>	<b>53,240.00</b>	<b>6.92%</b>
<b>TOTAL REVENUE</b>	<b>727,883.55</b>	<b>769,554.00</b>	<b>822,794.00</b>	<b>748,444.23</b>	<b>53,240.00</b>	<b>6.92%</b>

TOWN OF JAMESTOWN SEWER DIVISION  
PROPOSED OPERATING BUDGET  
July 1, 2020- June 30, 2021

NUMBER	ACCOUNT	PROPOSED 2020/2021	
70070940	Principal Due	\$441,903.74	
	Interest Due	\$21,797.02	\$463,700.76
	Income to offset Debt	\$463,700.76	

**CURRENT WATER RATES 2019/2020**

**PROPOSED WATER RATES  
FY2020/2021**

Water - Minimum in Advance-5% inc.  
Water- Excess Water - 5% inc.  
Sewer - 10% inc.

	Unit	Rate	Qtrly Amount
<b>3,000/12,000 gallons</b>			
Minimum in Advance	1	\$76.13	\$76.13
Excess Water	0	\$0.00	\$0.00
State Surcharge 1	3	\$0.11	\$0.32
State Surcharge 2	3	\$0.17	\$0.50
Sewer Charge- usage	3	\$14.89	\$44.67
Sewer Debt Flat Fee	1	\$38.02	\$38.02
Sewer Debt Usage Fee	3	\$6.49	\$19.47

	Unit	Rate	Qtrly Amount	Yrly.	Yrly \$ inc.	Yrly % inc.
	1	\$79.94	\$79.94	\$319.75	\$15.23	
	0	\$0.00	\$0.00	\$0.00	\$0.00	
	3	\$0.11	\$0.32	\$1.26	\$0.00	
	3	\$0.17	\$0.50	\$2.00	\$0.00	
	3	\$16.38	\$49.14	\$196.55	\$17.87	
	1	\$38.02	\$38.02	\$152.08	\$0.00	
	3	\$6.49	\$19.47	\$77.88	\$0.00	
			\$187.38	\$749.52	\$33.09	4.62%

	Unit	Rate	Qtrly Amount
<b>8,000/32,000 gallons</b>			
Minimum in Advance	1	\$76.13	\$76.13
Excess Water	3	\$6.76	\$20.28
State Surcharge 1	8	\$0.11	\$0.84
State Surcharge 2	8	\$0.17	\$1.33
Sewer Charge- Usage	8	\$14.89	\$119.12
Sewer Debt Flat Fee	1	\$38.02	\$38.02
Sewer Debt Usage Fee	8	\$6.49	\$51.92

	Unit	Rate	Qtrly Amount	Yrly.	Yrly \$ inc.	Yrly % inc.
	1	\$79.94	\$79.94	\$319.75	\$15.23	
	3	\$7.10	\$21.29	\$85.18	\$4.06	
	8	\$0.11	\$0.84	\$3.37	\$0.00	
	8	\$0.17	\$1.33	\$5.32	\$0.00	
	8	\$16.38	\$131.03	\$524.13	\$47.65	
	1	\$38.02	\$38.02	\$152.08	\$0.00	
	8	\$6.49	\$51.92	\$207.68	\$0.00	
			\$324.38	\$1,297.51	\$66.93	5.44%

	Unit	Rate	Qtrly Amount
<b>13,000/52,000 gallons</b>			
Minimum in Advance	1	\$76.13	\$76.13
Excess Water	8	\$7.28	\$58.24
State Surcharge 1	13	\$0.11	\$1.37
State Surcharge 2	13	\$0.17	\$2.16
Sewer Charge- usage	13	\$14.89	\$193.57
Sewer Debt Flat Fee	1	\$38.02	\$38.02
Sewer Debt Usage Fee	13	\$6.49	\$84.37

	Unit	Rate	Qtrly Amount	Yrly.	Yrly \$ inc.	Yrly % inc.
	1	\$79.94	\$79.94	\$319.75	\$15.23	
	8	\$7.64	\$61.15	\$244.61	\$11.65	
	13	\$0.11	\$1.37	\$5.48	\$0.00	
	13	\$0.17	\$2.16	\$8.65	\$0.00	
	13	\$16.38	\$212.93	\$851.71	\$77.43	
	1	\$38.02	\$38.02	\$152.08	\$0.00	
	13	\$6.49	\$84.37	\$337.48	\$0.00	
			\$479.94	\$1,919.76	\$104.30	5.75%

	Unit	Rate	Qtrly Amount
<b>16,000/64,000 gallons</b>			
Minimum in Advance	1	\$76.13	\$76.13
Excess Water	11	\$9.22	\$101.42
State Surcharge 1	16	\$0.11	\$1.69
State Surcharge 2	16	\$0.17	\$2.66
Sewer Charge- usage	16	\$14.89	\$238.24
Sewer Debt Flat Fee	1	\$38.02	\$38.02
Sewer Debt Usage Fee	16	\$6.49	\$103.84

	Unit	Rate	Qtrly Amount	Yrly.	Yrly \$ inc.	Yrly % inc.
	1	\$79.94	\$79.94	\$319.75	\$15.23	
	11	\$9.68	\$106.49	\$425.96	\$20.28	
	16	\$0.11	\$1.69	\$6.75	\$0.00	
	16	\$0.17	\$2.66	\$10.65	\$0.00	
	16	\$16.38	\$262.06	\$1,048.26	\$95.30	
	1	\$38.02	\$38.02	\$152.08	\$0.00	
	16	\$6.49	\$103.84	\$415.36	\$0.00	
			\$594.70	\$2,378.80	\$130.81	5.82%

<b>32,000/128,000 gallons</b>									
	Unit	Rate	Amount	Yrly.	Unit	Rate	Amount	Yrly.	Yrly \$ inc.
Minimum in Advance	1	\$76.13	\$76.13	\$304.52	1	\$79.94	\$79.94	\$319.75	\$15.23
Excess Water	27	<b>\$12.83</b>	<b>\$346.41</b>	<b>\$1,385.64</b>	27	<b>\$13.47</b>	<b>\$363.73</b>	<b>\$1,454.92</b>	<b>\$69.28</b>
State Surcharge 1	32	\$0.11	\$3.37	\$13.49	32	\$0.11	\$3.37	\$13.49	\$0.00
State Surcharge 2	32	\$0.17	\$5.32	\$21.30	32	\$0.17	\$5.32	\$21.30	\$0.00
Sewer Charge- usage	32	<b>\$14.89</b>	<b>\$476.48</b>	<b>\$1,905.92</b>	32	<b>\$16.38</b>	<b>\$524.13</b>	<b>\$2,096.51</b>	<b>\$190.59</b>
Sewer Debt Flat Fee	1	\$38.02	\$38.02	\$152.08	1	\$38.02	\$38.02	\$152.08	\$0.00
Sewer Debt Usage Fee	32	\$6.49	\$207.68	\$830.72	32	\$6.49	\$207.68	\$830.72	\$0.00
			<b>\$1,153.42</b>	<b>\$4,613.67</b>			<b>\$1,222.19</b>	<b>\$4,888.77</b>	<b>\$275.10</b>
			Qtrly				Qtrly		5.96%

<b>68,000/272,000 gallons</b>									
	Unit	Rate	Amount	Yrly.	Unit	Rate	Amount	Yrly.	Yrly \$ inc.
Minimum in Advance	1	\$76.13	\$76.13	\$304.52	1	\$79.94	\$79.94	\$319.75	\$15.23
Excess Water	63	<b>\$15.73</b>	<b>\$990.99</b>	<b>\$3,963.96</b>	63	<b>\$16.52</b>	<b>\$1,040.54</b>	<b>\$4,162.16</b>	<b>\$198.20</b>
State Surcharge 1	68	\$0.11	\$7.17	\$28.67	68	\$0.11	\$7.17	\$28.67	\$0.00
State Surcharge 2	68	\$0.17	\$11.32	\$45.26	68	\$0.17	\$11.32	\$45.26	\$0.00
Sewer Charge- usage	68	<b>\$14.89</b>	<b>\$1,012.52</b>	<b>\$4,050.08</b>	68	<b>\$16.38</b>	<b>\$1,113.77</b>	<b>\$4,455.09</b>	<b>\$405.01</b>
Sewer Debt Flat Fee	1	\$38.02	\$38.02	\$152.08	1	\$38.02	\$38.02	\$152.08	\$0.00
Sewer Debt Usage Fee	68	\$6.49	\$441.32	\$1,765.28	68	\$6.49	\$441.32	\$1,765.28	\$0.00
			<b>\$2,577.46</b>	<b>\$10,309.85</b>			<b>\$2,732.07</b>	<b>\$10,928.28</b>	<b>\$618.43</b>
			Qtrly				Qtrly		6.00%

<b>169,000/676,000 gallons</b>									
	Unit	Rate	Amount	Yrly.	Unit	Rate	Amount	Yrly.	Yrly \$ inc.
Minimum in Advance	1	\$76.13	\$76.13	\$304.52	1	\$79.94	\$79.94	\$319.75	\$15.23
Excess Water	164	<b>\$20.14</b>	<b>\$3,302.96</b>	<b>\$13,211.84</b>	164	<b>\$21.15</b>	<b>\$3,468.11</b>	<b>\$13,872.43</b>	<b>\$660.59</b>
State Surcharge 1	169	\$0.11	\$17.81	\$71.25	169	\$0.11	\$17.81	\$71.25	\$0.00
State Surcharge 2	169	\$0.17	\$28.12	\$112.49	169	\$0.17	\$28.12	\$112.49	\$0.00
Sewer Charge- usage	169	<b>\$14.89</b>	<b>\$2,516.41</b>	<b>\$10,065.64</b>	169	<b>\$16.38</b>	<b>\$2,768.05</b>	<b>\$11,072.20</b>	<b>\$1,006.56</b>
Sewer Debt Flat Fee	1	\$38.02	\$38.02	\$152.08	1	\$38.02	\$38.02	\$152.08	\$0.00
Sewer Debt Usage Fee	169	\$6.49	\$1,096.81	\$4,387.24	169	\$6.49	\$1,096.81	\$4,387.24	\$0.00
			<b>\$7,076.26</b>	<b>\$28,305.06</b>			<b>\$7,496.86</b>	<b>\$29,987.44</b>	<b>\$1,682.38</b>
			Qtrly				Qtrly		5.94%

<b>210,000/840,000 gallons</b>									
	Unit	Rate	Amount	Yrly.	Unit	Rate	Amount	Yrly.	Yrly \$ inc.
Minimum in Advance	1	\$76.13	\$76.13	\$304.52	1	\$79.94	\$79.94	\$319.75	\$15.23
Excess Water	205	<b>\$25.63</b>	<b>\$5,254.15</b>	<b>\$21,016.60</b>	205	<b>\$26.91</b>	<b>\$5,516.86</b>	<b>\$22,067.43</b>	<b>\$1,050.83</b>
State Surcharge 1	210	\$0.11	\$22.13	\$88.54	210	\$0.11	\$22.13	\$88.54	\$0.00
State Surcharge 2	210	\$0.17	\$34.94	\$139.78	210	\$0.17	\$34.94	\$139.78	\$0.00
Sewer Charge- usage	210	<b>\$14.89</b>	<b>\$3,126.90</b>	<b>\$12,507.60</b>	210	<b>\$16.38</b>	<b>\$3,439.59</b>	<b>\$13,758.36</b>	<b>\$1,250.76</b>
Sewer Debt Flat Fee	1	\$38.02	\$38.02	\$152.08	1	\$38.02	\$38.02	\$152.08	\$0.00
Sewer Debt Usage Fee	210	\$6.49	\$1,362.90	\$5,451.60	210	\$6.49	\$1,362.90	\$5,451.60	\$0.00
			<b>\$9,915.18</b>	<b>\$39,660.71</b>			<b>\$10,494.38</b>	<b>\$41,977.53</b>	<b>\$2,316.82</b>
			Qtrly				Qtrly		5.84%

## JAMESTOWN WATER AND SEWER RATES

Minimum in advance:		
Meter size	Quarterly	Seasonal
<b>Current Billing Rates</b>		
5/8"	\$76.13	\$304.51
3/4"	\$114.27	\$457.07
1"	\$141.92	\$567.64
1 1/2"	\$174.81	\$698.46
2"	\$227.71	\$910.84
3"	\$419.82	\$1,679.23
4"	\$631.91	\$2,527.68

Proposed Minimum in Advance		
Meter size	Quarterly	Seasonal
5/8"	\$79.94	\$319.74
3/4"	\$119.98	\$479.92
1"	\$149.02	\$596.02
1 1/2"	\$183.55	\$733.38
2"	\$239.10	\$956.38
3"	\$440.81	\$1,763.19
4"	\$663.51	\$2,654.06

Current Excess Water Rates:		
Minimum	Maximum	Rates
0	5,000	\$0.00
5,001	9,999	\$6.76
10,000	14,999	\$7.28
15,000	19,999	\$9.22
20,000	49,999	\$12.83
50,000	99,999	\$15.73
100,000	199,999	\$20.14
200,000	999,999,999	\$25.63

\*per 1,000 gallons

Proposed Excess Water Rates:		
Minimum	Maximum	Rates
0	5,000	\$0.00
5,001	9,999	\$7.10
10,000	14,999	\$7.64
15,000	19,999	\$9.68
20,000	49,999	\$13.47
50,000	99,999	\$16.52
100,000	199,999	\$21.15
200,000	999,999,999	\$26.91

\*per 1,000 gallons

Current Water Rates:	
Sewer use rate (per 1000 gallons):	\$14.89
Sewer flat rate for pump out:	\$172.31
Sewer flat rate for those without meters and without water:	\$68.99
Sewer metered rate for those without water (per 1000 gallons):	\$14.89
Sewer Debt Flat Fee:	\$38.02
Sewer Debt Usage Fee (per 1000 gallons):	\$6.49

Proposed Sewer Rates:	
Sewer use rate (per 1000 gallons):	\$16.38
Sewer flat rate for pump out:	\$189.54
Sewer flat rate for those without meters and without water:	\$75.89
Sewer metered rate for those without water (per 1000 gallons):	\$16.38
Sewer Debt Flat Fee:	\$38.02
Sewer Debt Usage Fee (per 1000 gallons):	\$6.49

Misc. Charges:	Rates
Turn on/off (\$15. per service)	\$30.00
Install/Remove (\$50. per service)	\$100.00
Early Install/Remove (\$25. per service)	\$50.00
Sprinkler Charge (per unit)	\$0.18
Frozen Meter	\$125.00
Special Reading	\$20.00
Call out	\$150.00
Lien discharge recording fee	\$49.00

State Surcharge Rates
SC 1 .01054 per 100 gals.
SC 2 .01664 per 100 gals.

Water consumption FY21

Property type	FY20 vs FY19	% chg from same	Gallon chg from	% chg from same		Gallon chg from	3/20	
		qtr. last yr. 6/19	same qtr last yr. 6/19	qtr. last yr. 3/20 v. 3/19	Gallon chg from same qtr last yr. 3/20 v. 3/19			
COMMERCIAL	-713,719	-31.08%	-324,632	<u>6/20</u>	719,834	14.76%	111,797	869,209
GOVERNMENT	-883,164	-60.27%	-139,830		92,180	3.53%	6,633	194,380
RESIDENTIAL	<u>-1,321,348</u>	<u>13.90%</u>	<u>1,444,767</u>		<u>11,841,793</u>	<u>-3.91%</u>	<u>-352,598</u>	<u>8,658,784</u>
Grand Total	-2,918,231	8.40%	980,305		12,653,807	-2.35%	-234,168	9,722,373

Yrly. Consumption

Property type	% chg from same	Gallon chg from	% chg from same		Gallon chg from	9/19	
	qtr. last yr. 12/19 v. 12/18	same qtr last yr. 12/19 v. 12/18	qtr. last yr. 9/19 v. 9/18	Gallon chg from same qtr last yr. 9/19 v. 9/18			
COMMERCIAL	-1.33%	-18,989	<u>12/19</u>	1,409,716	-23.91%	-481,895	1,533,934
GOVERNMENT	-50.60%	-787,700		769,164	18.74%	37,733	239,093
RESIDENTIAL	<u>0.97%</u>	<u>107,335</u>		<u>11,176,154</u>	<u>-14.45%</u>	<u>-2,520,852</u>	<u>14,919,884</u>
Grand Total	-4.98%	-699,354		13,355,034	-15.08%	-2,965,014	16,692,911

Property type	Total Gallons					Average
	FY20	FY19	FY18	FY17	FY16	
COMMERCIAL	4,532,693	5,246,412	5,205,421	5,040,748	5,449,824	53,966,219
GOVERNMENT	1,294,817	2,177,981	1,470,521	1,672,599	1,839,906	
RESIDENTIAL	<u>46,596,615</u>	<u>47,917,963</u>	<u>45,203,875</u>	<u>48,056,107</u>	<u>48,125,612</u>	
Grand Total	52,424,125	55,342,356	51,879,817	54,769,454	55,415,342	
	-2,918,231	3,462,539	-2,889,637	-645,888	1,449,123 *	

\*from ave.

**Town of  
Jamestown, Rhode Island**

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



**Date:** September 17, 2020

**To:** Board of Water and Sewer Commissioners

**From:** Michael Gray  
Public Works Director

**RE:** Application for Water Service  
Plat 12 Lot 27  
Hull Cove Farm Road

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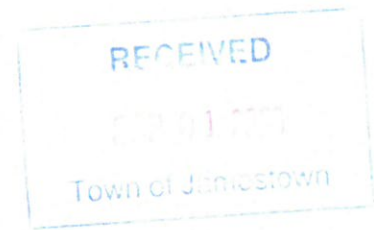
Attached is an application for a new water service for the above referenced property owned by Adam and Phyllis Kurzer. The Owners are seeking approval for a new water service connection to a new residential dwelling on an existing lot of record located in the Rural Water District. The rules and regulations, Section III, subsection 14B allows new service connections in the Rural Water District with approval by the Board.

The applicant is requesting a connection based upon historical information regarding well yields on neighboring lots along Hull Cove. The commission has approved an extension of water on Hull Cove Farm Road due to inadequate groundwater yields to support residential use including most recently the lot located to the east where two wells were drilled and found to not yield sufficient water for one house. Based upon a review of the lots in the area this is the last existing lot of record that is not developed on the road.

The Board has granted water services to individual properties in the Rural Water District where the property has frontage on an existing main and an extension was not required. I have reviewed the Water Supply Management Plan and Safe Yield Study for available capacity and supply. The Town has not met the full-build out projections within the District and we remain below the acceptable withdrawal rate for our water supply as determined in our Safe Yield Study, therefore the new connection will not have an adverse impact to the available water users within the Urban District.



DIMAURO  
ARCHITECTS



August 21, 2020

Re: Kurzer Residence water tie in on Hull Cove Farm Road, Plat 12, Lot 27

Dear Members of the Water and Sewer Commission,

Our clients Adam and Phyllis Kurzer are seeking approval to tie into the town water line for their new construction single-family year-round residence. They had purchased the property under the premise that town water would be available to them as all residences on the south side of Hull Cove Farm Road are tied into it. Our ISDS plan was designed and approved with the intention of tying into the town water line. Additionally, a new construction project currently underway at 205 Hull Cove Farm Rd (Plat 12, Lot 218) has tied into the water line.

There have been multiple attempts by neighbors to drill wells for potable water with no avail, including our client of 4 years ago at 215 Hull Cove Farm Road (Plat 12, Lot 217) after they had two wells that failed. They had spearheaded the effort to bring the town waterline down the street (along with the owners of 205 Hull Cove Farm Road and Norton Reamer who owned and sold the last two lots on Hull Cove Farm Road). Working with the town our clients, the owners of 205 Hull Cove Farm Road and Mr. Reamer installed a robust water line to provide all the residences on Hull Cove Farm Road as well as the Jamestown Fire Department with adequate capability.

Another instance was the town required the neighbors at 228 Hull Cove Farm Road (Plat 12, Lot 78) to tie into the town water line after it was ran down the street.

We have included our application filled out by our site engineer, Matt Cotta from American Engineering, Inc. along with the application fee.

Please reach out to us with any questions.

Best Regards,

Tyler Zagryn  
Project Architect

Location of nearest water main Front of site in Hull Cove Farm Road

sewer main \_\_\_\_\_

Location of nearest fire hydrant 335' West of site

Size of water main 6" PVC

Type and condition of main Great

Water pressure at applicants location Unknown

Estimated water usage 460 Gallons per Day per RIDEM Regulations

New construction

Retrofit N/A

Compliant with water saving devices \_\_\_\_\_

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

\_\_\_\_\_

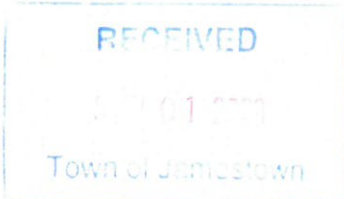
\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Signature/Title \_\_\_\_\_

Please Note: This worksheet was filled out by the applicant or their representative. The Public works Director will supply this information. *ce*



Board of Water and Sewer Commissioners  
TOWN OF JAMESTOWN, RHODE ISLAND 02835

APPLICATION FOR UTILITY SERVICE CONNECTION

COMPLETED BY APPLICANT

DATE: 8/21/2020

X Rural Water and Sewer District  
Urban Water and Sewer District

Applicant:

Name: Adam + Phyllis Kurzer

Phone:

Address: 6 East Shore Road  
Narragansett, RI 02882

Plat: 12 Lot: 27

Zoning District: R-80

Type of Service Being Requested:

Water X Sewer N/A

Use: Residential (single family) X  
Commercial  
Other

(multi family)  
Number of Units

Plans Required Yes No (For Office Use Only-to be checked by the Public Works Director)

New Building X

Existing Building No

Existing Well No

Existing ISDS No

Does applicant own contiguous land?

Yes No X

Estimated water usage 460 gallons per day per RIDEM Regulations

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. 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 or

423-1212 not less than 3 business days prior to this meeting.

Please provide a written description and plans addressing Sections 13A, 13B, 14A, 14B (Applications and Transfers) required in the Rules and Regulations of the Board of Water Commissioner. All plans when required by the Director of Public Works Director, must be received a minimum of two weeks prior to the application being placed on the agenda. Any questions concerning the rules and regulations, please call the Pubic Works Director, Mike Gray at 423-7225.

Section 13A + 13 B + are N/A.

14B- Rural Water Districts

[ ]-\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RJGL 34-13-7(a) This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000 for Water Service Connection fee and \$3000 for Sewer Service Connection fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: 8/31/2020

Applicants Signature: Adam Kuzer August Kuzer

Owners Signature: Adam Kuzer August Kuzer

Approval by the Board of Water and Sewer Commissioners:

Commission President  
Date

The following information is requested by the Federal Government in order to monitor our

compliance with various civil rights laws. You are not required to furnish this information, but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information

Race/National Origin: American Indian or Alaskan Native \_\_\_\_\_

Asian or Pacific Island \_\_\_\_\_

White, not of Hispanic origin \_\_\_\_\_

Black, not of Hispanic origin \_\_\_\_\_

Hispanic origin \_\_\_\_\_

Other (specify) \_\_\_\_\_

Sex: Female \_\_\_\_\_

Male \_\_\_\_\_

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location of nearest water main HULL COVE FARM RD

sewer main N/A

Location of nearest fire hydrant 335' WEST OF PROPERTY

Size of water main 6" PVC

Type and condition of main EXCELLENT

Water pressure at applicants location 35-40 PSI

Comments: SEE MEMO

Date 9/17/2020

Signature/Title  PWD



**COMPLETED BY PLANNING DEPARTMENT**

Is request consistent with Comprehensive Community Plan?

Please explain

Although the Comprehensive Plan does not provide specific policy in terms of water or sewer connections in the Rural district, it does have reference to the issue as follows:  
The main service area for the public water supply is the village area. The urban district is the area that has historically served as the commercial and residential focus for the Island. Public services and facilities have traditionally been located in the village area. Water service is also supplied to the rural water district. The current policy of the Town in the rural water district is to provide public water only to existing lots and not subdivided lots. Water service connections in this area are subject to the approval of the Town's Board of Water and Sewer Commissioners, and must be consistent with the Comprehensive Community Plan.

Goals and Policies relevant to this application are as follows:

**Public Services and Facilities Element**

**Goal #1** : Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

**Goal #2**: Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

**Policy #4**: Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

Potential for future subdivision? Please explain This parcel of land (Plat 12, Lot 27) is an existing lot of record containing 1.35 acres. This parcel is in the RR-80 Zoning District requiring 80,000 square feet of land per residential dwelling. Based upon the existing non-conforming size of the lot and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 27 is not subdividable.

Date September 15, 2020 Signature/Title Lisa W. Bryer, AICP, Town Planner

Water-Sewer Applications/Kurzer, Plat 12 Lot 27

KURZEL

**COMPLETED BY FIRE CHIEF**

Request will or will not reduce the level of fire protection of the community? Please explain

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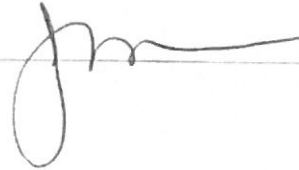
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Fire Hydrants required? Yes  No  IN AREA

Date 9.16.2020

Signature/Title

 CHIEF

**Town of  
Jamestown, Rhode Island**

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



**Date:** September 17, 2020

**To:** Board of Water and Sewer Commissioners

**From:** Michael Gray  
Public Works Director

**RE:** Change of Use Application  
Plat 9 Lot 207  
53 Narragansett - Former Pharmacy  
Church Community Housing

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Attached is an application of Church Community Housing for a change of use at the above referenced property owned by Jamestown Center Partners, Inc. The applicant is seeking approval for a change of use from a commercial/residential use to all residential units. The existing building has 4 residential units and the proposed redevelopment will bring the total to 9 units.

The applicant has provided an estimate of water usage based upon the most recent per capita demand of 39 gallons per person/day in the Jamestown Water District. With 21 anticipated occupants for 9 units they have estimated 819 gallons per day and 298,935 gallons per year.

I support the change of use application based upon the average daily usage for the 9 units proposed. I recommend that as a condition of approval that all washers, dishwashers, toilets, and fixtures meet the efficiency standards established by the water and sewer commission.

**Board of  
Water and Sewer Commissioners**  
TOWN OF JAMESTOWN, RHODE ISLAND 02835

RECEIVED  
08/31/2020  
TOWN OF JAMESTOWN

APPLICATION FOR UTILITY SERVICE CHANGE OF USE

COMPLETED BY APPLICANT

DATE: 08.31.2020

OWNER: James town Center Partners Inc  
Timothy E. Baker, President

         Rural Water and Sewer District

  X   Urban Water and Sewer District

Applicant:

Name: Church Community Housing Corp.

Phone: (401) 846-5114

Address: 50 Washington Square

Plat:   9   Lot:  207 

  Newport, RI  

Zoning District:  CD 

Type of Service Being Requested:

Water  X  Sewer  X 

Use: Residential  
(single family)         

(multi family)   X  

Commercial         

Number of Units   9  

Other         

New Building         

Existing Building  X  (Already  
Connected)

Existing Well         

Existing ISDS         

Does applicant own contiguous land?

Yes  X  No         

Please provide detail description of proposed expansion/change of use and anticipated annual water consumption.

Please see attached narrative description including anticipated water consumption.

\_\_\_\_\_  
\_\_\_\_\_

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[ ]--\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7)  
This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000. for Water Service Connection fee and \$3000 for Sewer Service Connection fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: September 3, 2020

Applicants Signature: Chris Keller, Exec. Dir. CCHC

Owners Signature: T. E. Balcer, President  
Jamestown Center Partners, Inc.

Approval by the Board of Water and Sewer Commissioners:

\_\_\_\_\_  
Commission President

Date \_\_\_\_\_

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held on the third Monday of each month, with the exception of those Mondays that fall on a holiday. The meeting would then be held on the Tuesday following. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. @ 6:00 PM. 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 or 423-1212 not less than 3 business days prior to this meeting.

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### Narrative Description and Anticipated Annual Water Consumption

*Please provide detail description of proposed expansion/change of use and anticipated annual water consumption:*

This application proposes a change of use to the 53 Narragansett Ave property. Church Community Housing Corp. proposes to convert the existing use from one retail, three office, and four residential units to 9 residential units.

Estimated water usage for the entire property is 298,935 gals. per year (819 gals. per day). This is based on the 39 gallon average Jamestown resident consumption per day (per Mike Gray, PE Director of Public Works), multiplied by the 21 estimated occupants. The proposed conversion will retain the existing 4 residential units: two 3br units, one 2br unit, and one 1br unit; and will add four 2br units and one 3br unit. Please see attached usage estimate.



Unit Summary:	# of Bedrooms	# of Baths	Square Footage	Est. # Occupants	Est. Water Cons. Gals Per Day*	Est. Annual Water Consumption Gals
Unit #1 Aff.	3	2	1,105	4	156	56,940
Unit #2: M.R.	2	2	1,165	3	117	42,705
Unit #3 M.R.	2	1	970	2	78	28,470
Unit #4 M.R.	2	1 1/2	795	1	39	14,235
Unit #5 M.R.	2	1	875	2	78	28,470
Unit #6 Aff. Sale	1	1	585	1	39	14,235
Unit #7 Aff.	2	1	645	3	117	42,705
Unit #8 M.R.	3	2	1,500	2	78	28,470
Unit #9 M.R.	3	2	1,595	3	117	42,705
Total:	20	13.5	9,235	21	819	298,935

\* calculated using 39 gallons, per person, per day, the average consumption by Jamestown residents per Mike Gray, PE Director of Public Works.

The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information, but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information \_\_\_\_\_ *Not yet available.*

Race/National Origin: American Indian or Alaskan Native \_\_\_\_\_

Asian or Pacific Island \_\_\_\_\_

White, not of Hispanic origin \_\_\_\_\_

Black, not of Hispanic origin \_\_\_\_\_

Hispanic origin \_\_\_\_\_

Other (specify) \_\_\_\_\_

Sex: Female \_\_\_\_\_

Male \_\_\_\_\_

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location of nearest water main NARRAGANSETT AVE.

sewer main SAME

Location of nearest fire hydrant ACROSS THE STREET

Size of water main 12"

Type and condition of main DUCTILE IRON, EXCELLENT

Water pressure at applicants location 55 PSI

Comments: SEE MEMO

Date 9/17/2020 Signature/Title *M. M. M.* PWD

## COMPLETED BY PLANNING DEPARTMENT

### **Is request consistent with Comprehensive Community Plan? Please explain**

This parcel is located in the Commercial Downtown (CD) zoning district. The proposed multi-family residential use is a permitted use in this district by special use permit and the applicant has applied for a Comprehensive Permit for affordable housing. This use is consistent with and encouraged by the Comprehensive Plan. The Comprehensive Community Plan does not specifically address water and sewer connections within the Urban District however it does have reference to the issue as follows:

*The main service area for the public water supply is the village area. The urban district is the area that has historically served as the commercial and residential focus for the Island. Public services and facilities have traditionally been located in the village area.*

The Technical Review Committee has reviewed this application and the Planning Commission reviewed the application on August 19. The Planning Commission will review this application as a comprehensive permit for affordable housing and has the ability to approve all planning and zoning permits. This application is consistent with the Comprehensive Plan. The applicant CCHC is listed as an asset and resource in the Comprehensive Plan and it also notes that the Comprehensive Permit process provides the flexibility to approve appropriate affordable housing proposals. The following Goals and Policy from the 2015 Jamestown Comprehensive Plan are relevant to this application:

### **Housing Element**

**Goal # 1:** Create a Diversity of Housing Types (such as homeownership, rental, employee preference, etc.) to meet the needs of Jamestown's low-moderate income residents, employees, and special populations while maintaining Jamestown's unique mixture of village and rural character.

**Goal # 2:** Attain the 10% low and moderate housing goal set by the state.

**Goal # 3:** Ensure the Long-Term Affordability of Jamestown's Housing Stock.

**Policy #1:** Strengthen partnerships and build community support for affordable housing development.

☀ **Policy #3:** Identify potential locations for affordable housing development.

a) **Target Appropriate Buildings for Adaptive Re-use into Affordable Housing.**

Adaptive re-use of underutilized buildings has become a popular community development strategy. Adaptive re-use can accommodate a mix of uses, as well as mixed incomes.

**Public Services and Facilities Element**

**Goal #1 :** Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

**Goal #2:** Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

**Policy #4:** Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

**Potential for future subdivision? Please explain:** This parcel of land (Plat 9, Lot 207) is developed (formerly Bakers Pharmacy) and currently partially vacant. Based upon the location of the existing building, the size of the lot (approximately 16,000+ square feet) and the minimum lot size for the CD District (5,000 square feet), the only way this property would be subdividable is to demolish the existing building.

Date September 15, 2020 Signature/Title Lisa W. Bryer , Town Planner

CHURCH COMM. HOUSING

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fire Hydrants required? Yes  No \_\_\_\_\_ 1st AREA - SPRINKLERED  
Date 9.16.2020 Signature/Title [Signature] CHIEF





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

September 17, 2020

# **NOTICE**

## **MUNICIPAL WATER USE RESTRICTIONS**

### **EFFECTIVE IMMEDIATELY**

Individuals on the Municipal Water System are prohibited from outdoor water use. This restriction includes a ban on lawn irrigation, boat washing, housing washing or car washing.

In addition, and in accordance with the Rules and Regulations of the Board of Water and Sewer Commissioners, in-ground irrigation or sprinkler systems **shall not** be connected to the Municipal Water System.

Town officials will be monitoring for outdoor water use in the Municipal Water District.

These restrictions will be in effect until further notification.

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on August 17, 2020 at 6:30 p.m. on the following proposed amendment to the Code of Ordinances regarding Chapter 22 – Noise. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at [www.jamestownri.net](http://www.jamestownri.net).

**PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:** The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen to the deliberations of this meeting by using the call in phone number provided herein. To participate during Public Hearing or Public Input you will press \*9 to raise your hand. Please join the Zoom Meeting as follows:

**JOIN VIA PHONE:1-646-558-8656 or 1-301-715-8592 or 833 548 0276 US Toll-free.  
WHEN PROMPTED, ENTER MEETING ID: 933 7541 1296  
PRESS # AGAIN TO JOIN THE MEETING**

**JOIN VIA COMPUTER OR MOBILE APP:  
Meeting ID: <https://zoom.us/j/93375411296>**

**THIS MEETING WILL ALSO BE LIVE STREAMED: To view the meeting with no interaction:**<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.htm>

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

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

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

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 22 of the Town of Jamestown’s Code of Ordinances.

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



## 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.

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**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, street cleaning and public works equipment. The operation of snow-removal, street cleaning and public works 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>

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.~~



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:** Jamie Hainsworth, Town Administrator  
**FROM:** Chief Edward A. Mello  
**DATE:** September 8, 2020  
**SUBJECT:** Noise Ordinance

---

Jamie

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- These sections address lawn care, construction and similar activities. Creates a distinction between commercial work and that which is performed by the homeowner allowing homeowner "extended" times to perform such work. I further remind the Council that these times are merely placeholders and should be considered further before adoption.

Section 22-71-This places responsibility on landowners. This is an effort to address concerns about short term rental property and "consistent" complaints about short term tenants.



I have further revised the draft and eliminated section 22-67 B which related to animal noise. I would suggest that if necessary this area should be addressed at such time the animal ordinance is reviewed.

You will also find attached the comments which I received from the public as a result of the first public hearing.

## 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.

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(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.

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**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 Fire Marshal 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, street cleaning and public works equipment. The operation of snow-removal, street cleaning and public works 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.

**See 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.

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on August 17, 2020 at 6:30 p.m. on the following proposed amendment to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. Join Zoom Meeting as follows:

Join Zoom Meeting

<https://zoom.us/j/93375411296>

Meeting ID: 933 7541 1296

One tap mobile

+13126266799,,93375411296# US (Chicago)

+16465588656,,93375411296# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

833 548 0276 US Toll-free

833 548 0282 US Toll-free

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 933 7541 1296

Find your local number: <https://zoom.us/u/ad3IgWuCoW>

**To view the meeting live stream with no interaction:**

<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>

The proposed amendment is available for review on the Town's web site at <http://www.jamestownri.gov/town-government/town-council/town-council-new> and/or purchase from the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays by calling 401-423-9800 or email [eliese@jamestownri.net](mailto:eliese@jamestownri.net)

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code of Ordinances, Chapter 82, Zoning Ordinance, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

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

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

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

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

Ad Date(s): July 30, August 6 and August 13, 2020

Publication Source: Jamestown Press

Hearing Date: August 17, 2020

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

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

### Exhibit A

Amend the Zoning Ordinance Definitions as follows:

Sec. 82-103. Definitions.

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

(26) *Building height.* ~~The vertical distance from lowest point of original grade on any of the four sides of the building or structure to the top of the highest point of the roof. (see also Height definition in Section 317)~~ For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or



(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

Sec. 82-317. Community floodplain ordinance for special flood hazard areas.

A. Definitions. Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage and give this ordinance its most reasonable application.

Height. The maximum height for buildings and structures erected in Special Flood Hazard areas shall be in accordance with the Dimensional Table of this ordinance (§82-302) minus the difference between the base flood elevation, however established, and the average existing grade.

C. Applicability.

1. Special flood hazard areas. The special flood hazard areas are herein established as a floodplain overlay district. The district includes all special flood hazard areas within the Town of Jamestown designated as zones A, AE, AH, AO, A99, V, or VE on the Newport County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Newport County FIRM that are wholly or partially within the Town of Jamestown are panel numbers 44005C0059J, 44005C0067J, 44005C0069J, 44005C0078J, 44005C0088J, 44005C0157J, 44005C0159J and 44005C0176J dated September 4, 2013 (as periodically amended). The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Newport County Flood Insurance Study (FIS) report dated September 4, 2013. The zoning enforcement officer is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the town clerk, planning board, and building official.

Arnold-Zweir Post 22, American Legion  
P. O. Box 41  
Jamestown, RI 02835

September 14, 2020

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

Dear Councillors:

Enclosed is an Event Application from the American Legion for our 2020 Veterans Day ceremony to be held at Veterans Memorial Square on November 11.

We intend to put up approximately 100 flags at 7:00 am, hold our usual ceremony from 11:00 to 11:45 am, and take the flags down starting at 3:00 pm.

We will work closely with the Recreation Director and Town Administrator to assure Coronavirus precautions are incorporated throughout the event. Flags will be put up and taken down by a limited group of 8 to 12 veterans, working in groups of two and wearing masks. We will not accept any additional assistance from the public. At the 11:00 am ceremony the Veterans, firing squad, band, and elected officials will be spaced at least six feet apart in their separate formations, all wearing masks (with the exception of speakers, the bugler, and the band). The audience will be asked to maintain 6-foot spacing and to wear masks. As planning progresses, any additional precautions suggested by Town officials will be implemented.

Since this is not a social gathering, the 15-person limit should not apply. The combination of masks, six-foot spacing, and being outdoors should provide adequate protection from the spread of the virus.

We recognize that the situation may change between now and November 11, requiring modifications to or even the cancellation of the planned ceremony.

We will not be holding the Veterans Day lunch in the Recreation Center as we have in past years.

We request that all fees, reimbursements for Town employee time, and insurance requirements be waived as they have in the past.

Respectfully,

Dennis Webster  
Commander,  
Arnold-Zweir Post 22, American Legion

Enclosure:  
Event Application



**DRAFT**, as of Sept 15, 2020

**Veterans Day, Wednesday, November 11, 2020  
Veterans Memorial Square Flags - Coronavirus Precaution Plan**

**Flag go up at 7:00 am    Flags come down at 3:00 pm**

The American Legion and VFW will put up approximately 100 flags for Veterans Day, taking precautions to prevent the transmission of COVID 19.

3 principles we need to follow:

- Stay 6 feet apart from each other; don't bunch up at the flag pole trailer.
- Wear a mask, covering both mouth and nose, the entire time.
- Only one person should touch any surface, both morning and afternoon. This may seem extreme, but it can prevent transmission of the virus.

Don will drive the flag pole trailer to Veterans Square.

Dennis and (Mark Girard?) will bring the flags from the Senior Center to Veterans Square, and place the baskets near where needed. Nobody else should touch the baskets

At Veterans Square, four 2-person teams will remove caps, move poles, then attach and raise the flags. Each team will be responsible for their own sector - only these two people will touch the poles and flags in their sector; they will not assist another team. The same 2-person teams will take down the flags at the end of the day.

Team West: Front 3 rows along Narragansett Ave. (30-35 flags)

Team East: Back 3 rows at the east end of the square. (30-35 flags)

Team South: 2 rows on the south side of the Square (about 22 flags)

Team North: 2 rows on the north side of the Square. (about 22 flags)

Sequence of events:

1. One person from each team will remove the caps from the flag pole holders
2. The other person on the team will carry flag poles and place at each holder in the outer two rows. He should remember which poles he carried.
3. If the cap-remover finishes first, he will carry poles and place at the inner row of holes. He should remember which poles he carried.
4. The person who carried each pole will hold it while his teammate gets a flag from a nearby basket and attaches it to the pole. Then the pole-holder will place the pole in it's hole.
5. In the afternoon, we will reverse the procedure, with the same people handling the same flags and poles they touched in the morning.

**THERE WILL BE SOME DOWN TIME WHILE YOU ARE WAITING FOR YOUR TEAM MATE, OR THE OTHER TEAMS, TO FINISH THEIR TASK. DON'T ATTEMPT TO HELP THEM IF IT WILL MEAN TOUCHING A BASKET, FLAG, OR FLAG POLE THAT ISN'T "YOURS."**

**DRAFT**, as of Sept 15, 2020

**Veterans Day, Wednesday, November 11, 2020  
11:00 am Veterans Day Ceremony - Coronavirus Precaution Plan**

Coronavirus precautions at the 2020 Veterans Day ceremony rest on 2 principles: Wearing masks and maintaining a 6-foot distance between people. The fact that the entire ceremony is outdoors adds greatly to the protection.

Ceremony participants:

- All participants will be asked not to attend if they are sick.
- The Veterans, firing squad, band, and elected officials will be spaced at least six feet apart in their separate formations.
- All participants will wear masks, except the band, bugler, and speakers, who will remove their masks when necessary.
- In announcements and invitations, participants will be asked not to congregate before the ceremony; at the end of the ceremony, the Master of Ceremonies will remind the participants and the audience not to congregate after the ceremony ends.
- In case of inclement weather, the ceremony will be cancelled, rather than being moved to the Recreation Center as is usually done.
- There will not be a Veterans Lunch this year.

Audience:

- The advance press release will ask those coming to watch the ceremony to not attend if sick, to wear a mask, to maintain a 6-foot distance from others, and not to congregate before or after the ceremony.

The American Legion will work with the Recreation Department to mark locations 6 feet or more apart for each formation and for the audience.

The American Legion will work with the Recreation Department to arrange for any monitoring or enforcement of these rules, if considered necessary.

The PA system and chairs will be set up and taken down by the Recreation Department. They will follow their usual covid-protection protocols, which are not detailed in this plan.

The American Legion will work closely with the Jamestown Recreation Department and Town Administrator to refine and finalize this draft plan.

Town (City) of

Resolution of the Town (City) Council Relating to State Assistance During the COVID 19  
Emergency

WHEREAS, the Governor and municipal leaders across the state have declared a state of emergency as a result of COVID-19; and

WHEREAS, municipal leaders have worked cooperatively and productively with the state administration to respond to and contain the virus; and

WHEREAS, the City/Town of \_\_\_\_\_ has incurred expenses associated with its efforts to respond to and contain the virus; and

WHEREAS, cities and towns have been given guidance that there will be delays in receiving reimbursements from the Federal Emergency Management Agency (FEMA) for qualifying COVID-19-related expenses; and

WHEREAS, the state has received \$1.25 billion dollars under the CARES Act's Coronavirus Relief Fund to cover state and municipal costs associated with the emergency; and

WHEREAS, the U.S. Department of the Treasury has stated that the Coronavirus Relief Fund may be used for COVID-19 expenses not otherwise reimbursable by FEMA, including public safety expenditures, personnel costs associated with COVID-19 response and the mandatory local match for expenses submitted to FEMA; and

WHEREAS, according to the National League of Cities, Rhode Island is one of only three states that have not distributed a portion of their Coronavirus Relief Fund to local governments; and

WHEREAS, cities and towns across Rhode Island face potential revenue risks resulting from the economic impacts of COVID-19, including a possible reduction in state aid programs, lower collection rates of property taxes, and other business activity revenue losses, all of which could exceed \$100 million; and

WHEREAS, the state has withheld scheduled state aid payments in the current fiscal year by over \$50 million dollars through the beginning of August; and

WHEREAS, the state has not yet completed a budget for Fiscal Year 2021, creating even greater uncertainty about expected aid to local governments and schools.

NOW, THEREFORE, BE IT RESOLVED that this Council calls on the Governor to execute a plan for distributing CRF funds to cities and towns taking into account expenses incurred and revenues lost by each city and town as a result of the emergency; and


BE IT FURTHER RESOLVED that the Council urges the General Assembly to fully fund the state education funding formula at the FY 2021 projected levels and to support total state aid to local governments at the same aggregate levels as in FY 2020.

# September

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		<b>1</b> Town Council Meeting: 6:30 pm	<b>2</b> Probate Court 9am Planning Commission 7pm <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>	<b>3</b> CIAA Intake 1:00 – 6:00 <i>Town Council Packets</i>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> Labor Day Town Hall Closed	<b>8</b> Primary	<b>9</b> Housing Authority 10am (PA) Harbor Commission 7pm	<b>10</b> CIAA Opening 5:50 – 7:30	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b> Tree Committee 6:45pm (JPL)	<b>16</b> Planning Commission 7pm <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>	<b>17</b> Traffic Committee 6pm <i>Town Council Packets</i>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> Town Council/Water & Sewer: 6:30 pm	<b>22</b> Zoning Board of Review 7pm	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b> <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>			

**2020**

# October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Town Council Meeting: 6:30 pm	6	7 Probate Court 9am Planning Commission 7pm	8	9	10
11	12 Columbus Day Town Hall Closed	13 Library Board of Trustees 5pm (JPL) Conservation Commission 7pm (CR)	14 Housing Authority 10am (PA) Harbor Commission 7pm Town Council Agenda & Bills Deadline @ Noon	15 Traffic Committee 6pm Town Council Packets	16	17
18	19 Town Council/Water & Sewer: 6:30 pm	20 Tree Committee 6:45pm (JPL)	21 Planning Commission 7pm	22	23	24
25	26	27 Zoning Board of Review 7pm	28 Town Council Agenda & Bills Deadline @ Noon	29 Town Council Packets	30	31 



# November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Town Council Meeting: 6:30 pm	3 <b>General Election</b>	4 Probate Court 9am Planning Commission 7pm	5 CIAA Intake 1:00 – 6:00	6	7
8	9	10 Library Board of Trustees 5pm (JPL) Conservation Commission 7pm (CR)	11 <b>Veteran's Day</b> <b>Town Hall Closed</b>	12 CIAA Opening 5:30 – 7:30 <i>Town Council Packets</i>	13	14
15	16 Town Council/Water & Sewer: 6:30 pm	17 Tree Committee 6:45pm (JPL)	18 Planning Commission 7pm	19 Traffic Committee 6pm	20	21
22	23	24 Zoning Board of Review 7pm	25	26 <b>Thanksgiving Day</b> <b>Town Hall Closed</b>	27 <b>Town Hall Closed</b>	28
29	30					

**Town of  
Jamestown, Rhode Island**

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



**Date:** September 16, 2020

**To:** Jamie Hainsworth  
Town Administrator

**From:** Michael Gray  
Public Works Director

**RE:** Golf Course Clubhouse Update and Cart Storage Addition

---

In February the Town Council awarded the bid to Mill City Construction for \$2,813,893 with the Town DPW performing the required site work. At that time the Town did not approve the alternate for the construction of the cart storage of \$160,000 as submitted by Mill City Construction.

To reduce the overall project cost below the \$2.9 million, the Town DPW was responsible for the site work associated with the building construction. This work included excavation, backfill, and utility work. Site work associated with the building construction is substantially complete. Remaining items include backfill for electrical trenching, excavation and backfill for propane tank installation, excavation and backfill for concrete piers to support the porch roofing, and the installation of the water service from Conanicus Avenue. To date we have spent \$36,510 for site construction with the remaining items involving equipment and labor.

There have been two changes that were encountered during construction, the first involved a redesign to the basement plumbing due to the ledge that was encountered and the second was an addition of detector in the basement. The costs for the two changes are \$13,638.81. The total project cost for Mill City construction with the two additional items is \$2,827,531.81 and a total project cost including expenses for the site work completed by the DPW to date is \$2,864,041.81.

Since the project began it was a goal to get the cart storage back into the scope. Bill Burgin and I have been working with the project manager for Mill City to develop a plan for the cart storage to see if we can get that element back into the project. I believe we have come up with a cost effective solution to the design eliminating steel and using conventional wooden trusses for the roof structure. Mill City has prepared an estimate to construct this design of \$81,719 with the Town DPW excavating and installing the concrete piers and footings. We have also worked with Mill City reviewing the project to determine where we may find cost savings. Mill City has provided a credit of \$39,711 for items that include substituting double hung windows for foldup windows at the bar, eliminating a granite bar top at the foldup window, eliminating cedar fencing and revisions to the front step.

I am requesting that the Town Council approve a change order request of \$81,719 for the addition of the cart storage to the building construction and approve the design changes and credit of \$39,711. If the council accepts this change and credit the cost will be \$2,906,049.81 for the project. The additional \$6,049.81 above the \$2.9 million will be from the golf course maintenance account funded by lease payments.



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

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

**TO:** JAMIE HAINSWORTH, TOWN ADMINISTRATOR  
**FROM:** ANDREW J. WADE, PARKS & RECREATION DIRECTOR  
**SUBJECT:** MOU – CISF Alteration requests – 2021 Season  
**DATE:** September 16, 2020

Please find attached a draft copy of the existing MOU between the Town of Jamestown and CISF regarding their annual use of space inside Fort Getty Park for their public programming. They have requested the following amendments to assist in their delivery of services to the public going forward.

- **In the opening paragraph we have adjust the language to read: “CISF's Jamestown Sea Adventure Camp may be conducted between June and August.”**
  - Currently it reads: “*CISF's Jamestown Sea Adventure Camp is conducted from June 22, 2020 through August 21, 2020.*” As we have learned this year, circumstances can change delivery dates. This change will allow for flexibility within the agreement to best serve the public through situational changes we may experience.
- **Item 14: Addition of “Off-Season Storage” – “CISF shall be permitted to an “off-season” storage location within the Fort Getty property between October 31 and April 15. The off-season location shall be determined by the Parks & Recreation Director.”**
  - Currently there is no language permitting storage onsite during the offseason. CISF continues to be partners in providing services to Jamestown residents. Allowing them a suitable space during to offseason will provide some relief in their operational expenses and workload in delivery of their services. I believe a suitable location can be found inside the park which will be safe and not impede the public’s use of the park during the time frame noted.





## **Memorandum of Agreement**

**By and Between:**

**The Town of Jamestown**

**&**

**The Conanicut Island Sailing Foundation**



This Memorandum of Agreement (“MOU”), by and between the Town of Jamestown (“Town”) and the Conanicut Island Sailing Foundation, Inc. (“CISF”) is entered into to allow seasonal use on a year-to-year basis of certain Town property at Fort Getty Park to CISF to support their sailing, marine education classes, and programs. CISF's Jamestown Sea Adventure Camp may be conducted between June and August. CISF assumes any and all risks and damage or loss to their property associated with their use of the Town property. The Town and CISF agree that the use of Town facilities at Fort Getty for CISF activities and programs shall adhere to the following terms and conditions:

1. For general operations, instruction, and education sessions, CISF may use the concrete foundation (formerly basketball court) located on the north side of Fort Getty Road adjacent to the RV Campground. A tent may be erected over approximately one-half of the foundation.
2. A temporary inside space may be brought in and utilized for the purposes of an indoor classroom space and a safe indoor location for campers on inclement days. Town Staff will direct the siting of this indoor structure. The space may not be larger than 10' x 40'. All costs associated with this structure are to be paid by CISF. The indoor classroom space may arrive no earlier than April 15.
3. The Town boat ramp may be used to launch and haul boats used for approved CISF sailing programs and activities.
4. Since the Town boat ramp is a shared facility, CISF and its instructors shall not unreasonably delay or interfere with other boaters' use of the boat ramp. CISF shall vacate the waters in the vicinity of the boat ramp upon launching vessels as expeditiously as possible.
5. During the Fort Getty Campground Season, all CISF activities shall take place from 8:30am to 5 pm on Monday through Friday. No other use of the Town site by CISF is authorized under this MOU without prior written consent from the Parks and Recreation Department Director.
6. Free public sailing lessons shall be offered to Jamestown residents of all ages on Wednesdays from 4:30pm to 6:30pm, or at any other time deemed appropriate and agreeable by CISF and the Town. (Minimum participation age is at the discretion of CISF.)
7. In order to provide spring programming and participate in the Lawn Avenue School's Island Treasures program, CISF is allowed to begin bringing equipment and boats beginning April 15.
8. CISF may store sailboats with trolleys near the concrete Foundation. The Parks and Recreation Director shall determine the exact location to store the boats.
9. All trailers and boats that support programming may be stationed in the lower parking area or at an alternate site within reasonable proximity to the lower parking area, chosen and approved by the Parks and Recreation Department Director.  
If at any time supplemental equipment needs to be stored onsite to support CISF programming, additions may be made with written approval of the Parks & Recreation Director.
10. CISF will receive staff parking passes to allow for entry into Fort Getty during the camping season without an entry fee.

11. CISF shall provide the Town with a certificate of general liability insurance in the amount of \$1,000,000. The certificate of insurance shall list the Town of Jamestown as a named insured.
12. Any and all programs and/or activities directly operated, sponsored, or affiliated with CISF's use of Fort Getty Park shall be subject to the insurance requirement.
13. The Town reserves the right to revoke this Agreement upon 10 days written notice due to a breach of the terms and conditions and the failure of CISF to cure the breach within a reasonable time, or if, in the Town's sole judgment, the programs or activities unreasonably disrupt other users of the park, endanger participants, or damage Town property.
14. Upon completion of the CISF programs provided for under this MOU, CISF agrees to remove any and all fixtures, boats, trailers and other such items from its "in-season" location no later than October 30. CISF shall be permitted to an "off-season" storage location within the Fort Getty property between October 31 and April 15. The off-season location shall be determined by the Parks & Recreation Director. Should CISF fail to remove all such items from the in-season location, and the Town incurs any cost, expense or effort to remove items left behind by CISF, CISF agrees to reimburse the Town for any and all costs to remove such items.
15. No later than December 1 of each year of this agreement, CISF shall provide a written report to the Town Administrator on the most recent season of programs and participation levels.
16. The 2021 annual fee for use of the Town property, public facilities and utilities at Fort Getty under the terms of this MOU shall be One Thousand Dollars (\$1,000.00), subject to adjustment by the Town in subsequent years, provided that written notice of such adjustment is provided to CISF by December 15 of the year prior to the proposed adjustment. Payment shall be received by the Town no later than April 15 each year.
17. This Agreement shall expire at the end of 2023. Each party shall have the right to terminate this Agreement prior to then so long as written notice is provided to the other party on or before December 15 of the season of last use.

**Conanicut Island Sailing Foundation**

**Town of Jamestown**

\_\_\_\_\_  
By: Meg Myles, Executive Director

\_\_\_\_\_  
By: Jamie Hainsworth, Town Administrator

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

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



For insertion on November 5 & 12, 2020

**Attention Jamestown Residents  
Committee Volunteers Needed**

*There are openings on the following Committees:*

Committee Name	# of openings	Term Ending Date
<b>Beavertail State Park Advisory Committee</b>	<b>1</b>	<b>12/31/2023</b>
<b>Conservation Commission</b>	<b>1</b>	<b>12/31/2023</b>
<b>Fire Department Compensation Citizen-At-Large Unexpired term</b>	<b>1</b>	<b>5/31/2022</b>
<b>Harbor Management</b>	<b>2</b>	<b>12/31/2023</b>
<b>Jamestown Housing Authority</b>	<b>1</b>	<b>12/31/2025</b>
<b>Juvenile Hearing Board</b>		
(2) Full Members	<b>2</b>	<b>12/31/2023</b>
(2) Alternate Members	<b>2</b>	<b>12/31/2022</b>
<b>Library Board of Trustees</b>	<b>3</b>	<b>12/31/2023</b>
<b>Police Pension Committee</b>	<b>1</b>	<b>5/31/2020</b>
<b>Traffic Committee</b>	<b>2</b>	<b>12/31/2023</b>
<b>Tree Committee</b>	<b>2</b>	<b>12/31/2023</b>
<b>Zoning Board</b>		
(1) Full Member	<b>1</b>	<b>12/31/2025</b>
(3) Alternate Members	<b>3</b>	<b>12/31/2021</b>

Any resident who is a qualified elector in the Town of Jamestown and is interested in serving should contact the Town Clerk by submitting an application and resume. Applications can be found on the internet at [www.jamestownri.gov](http://www.jamestownri.gov) or at the Jamestown Library, 26 North Road, and the Town Clerk's Office at 93 Narragansett Avenue. Persons who have submitted letters in the past are encouraged to do so again. **Please forward all applications to the Town Clerk prior to November 30, 2020.**

**TOWN COUNCIL MEETING**  
**August 17, 2020**

**I. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on August 3, 2020. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom. The public access code to participate by phone was 1 (301) -715-8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656. To participate by computer or mobile app: <https://zoom.us/j/93375411296> Meeting ID: **933 7541 1296**. Town Council Members present were as follows: Michael G. White, Mary Meagher, Nancy A. Beye, William J. Piva, Jr. and Randy White. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, and Town Planner, Lisa Bryer, Michael Gray, Public Works Director and Senior Service Director Betsey Anderson, Parks and Recreation Director Andrew Wade and Town Clerk Erin Liese.

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

Town Council President White called the 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. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS \*Please see Water and Sewer Board Minutes**

**A) Open Forum – Water & Sewer Matters**

*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

**B) Report of Town Officials - Status Reports; review, discussion and/or potential action and/or vote**

- 1) Pumping report
- 2) Town project reports
- 3) Town Wells
  - a) Water Treatment Plant
  - b) Transfer Pumping/Reservoir
  - c) Distribution System
  - d) Wastewater Treatment Facility

C) 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:*

- 1) Review, Discussion and Possible Action regarding the Application of Michael and Shannon Boxer (Plat 12, Lot 216; 15 Hull Cove St.) for utility service (water only) connection
- 2) Review, Discussion and Possible Action regarding Proposed Water Budget FY2020/2021
- 3) Review, Discussion and Possible Action regarding Proposed Sewer Budget FY2020/2021

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

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

**V. 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. 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) Public Hearings:

- 1) Discussion and Possible Action on Proposed Amendments to the Code of Ordinances, Article III- Noise Ordinance; Sections 22-63C through Section 22-71. These Amendments are proposed to update and modernize the existing Noise Ordinance

Christine Ariel of 61 Steamboat Street, Michael Pinksaw of 951 East Shore Road, Christian Infantolino of 28 Reservoir Circle, Craig Feld of 7 Beavertail Road, Christopher Gray of 20 Ship Street, Antonio Pinheiro of 7 Beavertail Road, and Frank Meyer of 141 Southwest all voiced their concerns with the proposed noise ordinance.

Craig Feld of 7 Beavertail Road, sought clarification of the length of time the decibel level is over 60.

Councilor White proposed amending the Noise Ordinance in a work session, not during a Town Council meeting.



**A motion was made by Vice President Meagher with second by Councilor White to continue the discussion on Proposed Amendments to the Code of Ordinances, Article III-Noise Ordinance until the September 21, 2020 Town Council meeting.**

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

- 2) Discussion and Possible Action on Proposed Amendments to the Zoning Ordinance related to Building Height, Proposed amendment of Sections 82-302 and 82-317. This amendment seeks to limit building height in any zoning district from exceeding 35' in height due to required elevation provisions of flood zone requirements

A concern was raised by Councilor White with regards to hearing this matter and the Town Council agreed to wait for a decision from the Ethics Committee.

**A motion was made by Councilor Beye with second by Councilor White to continue the hearing on the Proposed Amendments to the Zoning Ordinance related to Building Height for the September 21, 2020 Town Council Meeting. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

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

- B) One Day Event License Application Request Change of Date from August 20, 2020 to September 18, 2020:
  - 1) Applicant: BJ White House  
Event: JCC Talent Show  
Dates: September 18, 2020  
Location: Lawn School Athletic Field

**A motion was made by Vice President Meagher with second by Councilor Piva to approve the change of date for the JCC Talent Show Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- C) Rescinding the One Day Event License Approval of November 18, 2019
  - 1) Applicant: Jamestown Rhode Race  
Event: Rhode Races & Events Inc.  
Dates: September 19, 2020  
Location: Fort Getty Pavilion

**A motion was made by Vice President Meagher with second by Councilor Piva to rescind the license of the Jamestown Rhode Race Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- D) Renewal of Event License Application
- 1) Applicant: Jamestown Chamber of Commerce  
Event: Restaurant Outdoor Dining  
Dates: Extending to September 22, 2020 unless revoked earlier  
Location: Narragansett Avenue, Narragansett Avenue Municipal Parking Lot & East Ferry Parking Lot

**A motion was made by Councilor White with second by Vice President Meagher to renew the Jamestown Chamber of Commerce Restaurant Outdoor Dining application.**

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

- E) Renewal of a Vendor/ Peddler/MFE License Application as part of the Jamestown Chamber of Commerce Outdoor Dining
- 1) Applicant: Islandish LTD- Chopmist Charlie  
Dates: Extending to September 22, 2020 unless revoked earlier  
Location: 40 Narragansett Ave

**A motion was made by Vice President Meagher with second by Councilor Piva to approve the renewal of Islandish LTD Outdoor Dining Vendor application.**

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

**A motion was made by Vice President Meagher with second by Councilor White to sit as the Alcoholic Beverage Licensing Board. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- F) Town Council Sitting as the Alcoholic Beverage Licensing Board  
Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended.
- 1) Renewal of Approval of Requests for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas valid with Special Event Application of the Chamber of Commerce for Dine Out Event in response to COVID- 19; with proposed Extension to September 22, 2020 unless revoked earlier .
    - i) KALI LLC dba J22 Tap & Table, 22 Narragansett Ave.
    - ii) Jamestown Beer Holdings LLC dba The Generals Crossing- 34 Narragansett Ave.
    - iii) Jamestown Restaurant Group LLC dba Narragansett Café- 25 Narragansett Ave.
    - iv) Johnny Angels Clam Shack LLC dba Angels Kitchen- 23B Narragansett Ave.



**A motion was made by Vice President Meagher with second by Councilor Beye to approve the Temporary Seasonal Expansion of Existing Liquor Licensing Applications for KALI LLC, Jamestown Beer Holdings LLC Jamestown Restaurant Group LLC and Johnny Angels Clam Shack LLC. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- 2) Renewal of Approval of KAILI LLC dba J22 Tap & Table for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas to include property contingent on lease agreement with REGNUM LLC, located at 20 Narragansett Ave. With proposed Extension to September 22, 2020 unless revoked earlier.

**A motion was made by Councilor White with second by Vice President Meagher to approve the Temporary Seasonal Expansion of Existing Liquor License Application for KALI LLC Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

G) Town Council adjourns as the Liquor Licensing Board

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

## VI. 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: Proposed Meeting Date September 1, 2020 and September 21, 2020  
September dates for the Town Council Meetings confirmed with possible work sessions to be announced at a later time.
- A) Review, Discussion and Possible Action to extend the March 16, 2020 Declaration of the Town of Jamestown State of Emergency to September 22, 2020 unless revoked earlier, to curtail the spread of the COVID 19 Virus.
- B) Review, Discussion and Possible Action to extend the Executive Order 2020-1, from July 21, 2020 to September 22, 2020, unless revoked earlier; the continuation of the authorization of the Town Administrator to take any and all necessary actions to implement best practices guidance regarding municipal government actions to curtail the spread of the COVID 19 virus.

- C) Report from Town Administrator & Staff:
- 1) Discussion and/or take Action and/or Vote Regarding Seasonal Activities, and the use of Town Facilities and their Management during COVID 19 protocol
- Town Administrator Hainsworth summarized the actions taken during the summer season in consideration of COVID. Many times the rule for today changed for tomorrow, so adjustments had to be made.

**A motion was made by Vice President Meagher with second by Councilor Piva to Extend the Town of Jamestown State of Emergency and the Executive Order of the Town Administrator to take any and all necessary actions to curtail the spread of the COVID 19 virus until September 22, 2020 unless revoked earlier. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

#### VII. 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) Review, Discussion and Possible Action regarding the Request from the Board of Rhode Island Slave History Medallions to install a Medallion in Jamestown
- 1) Memorandum dated August 12, 2020 from Town Administrator Hainsworth regarding the Proposed Medallion Locations

**A motion was made by Vice President Meagher with second by Councilor Beye to approve all (3) locations of the RI Slave History Medallions with locations of East Ferry, The Jamestown Historical Society and the Corner of High Street and Walcott Avenue . Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

#### VIII. 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) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote:
- 1) Discover Newport
    - a) Permission to Advertise for term expiring September, 2020

**A motion was made by Vice President Meagher with second by Councilor Piva to advertise for the expiring term on the Discover Newport Board. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

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

## IX. 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 3, 2020 (Regular Meeting)
  
- B) Award a Bid to in an amount not to exceed \$30,900.00 for new Tax/Utility Software to Quality Data Services (QDS).
  
- C) Ratification of Police Pension Plan Amendments to accommodate for IRS changes

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

## X. 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 act discussion and/or vote.*

- A) Communications Received:
  - 1) Copy of Letter to: Jamestown Town Council  
From: Robert S. Powers  
Dated: July 29, 2020  
Re: Ownership of Westwind Drive Sewer Line
  
  - 2) Copy of Email to: Jamestown Town Council  
From: Guy Settipane  
Dated: August 13, 2020  
Re: Zoning Amendment, Chpt. 82- Height Hearing 8/17

Vice President Meagher proposed the (2) communications be added to the September 21 Town Council Agenda.

- v) **OPEN FORUM- To participate you will press \*9 to raise your hand. The meeting moderator will coordinate your participation.**

*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

**XI. ADJOURNMENT**

**A motion was made by Vice President Meagher with second by Councilor White to adjourn at 9:05 P.M. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

Attest:

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Denise Gamon, Town Clerk's Assistant



**TOWN COUNCIL MEETING**  
**September 1, 2020**

**I. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on September 1, 2020. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom. The public access code to participate by phone was 1 (301) -715-8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656. To participate by computer or mobile app: <https://zoom.us/j/96624922718> Meeting ID: **955 2140 6463** Town Council Members present were as follows: Michael G. White, Mary Meagher, Nancy A. Beye, William J. Piva, Jr. and Randy White. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter D. Ruggiero, Town Planner, Lisa Bryer, Michael Gray, Public Works Director, Erin Liese, Town Clerk and Denise Gamon, Town Clerk's Assistant.

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

Town Council President White called the meeting of the Jamestown Town Council to order at 6:31 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

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

*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) Town Administrator's Report: Jamie A. Hainsworth
- 1) Lease Agreement with We Dig Investments –Listed Consent Agenda
  - 2) Agreement between RI DEM, Town of Jamestown, Conanicut Marine Services, Inc. - Consent Agenda
  - 3) Addendum to Lease with New England Golf Course Management, Inc. - Consent Agenda
  - 4) Covid-19 Local Update- No Action Required
  - 5) Motor Vehicle Tax- No Action Required

Town Administrator Hainsworth reported on the following:

- The lease agreement with We Dig Investments, 29 Narragansett Avenue is extended thru October 1, 2020 for \$1,000.00 per month.
- Joe Mistowski of the Jamestown Golf Course has asked to add an addendum to the lease agreement. By using a new technology “Drill and Fill” for the reconstruction of the greens, it will be cost effective and business can continue with little to no interruption for the golfers. Mr. Mistowski will purchase the machine and the Town will purchase the materials.
- There have been 25 positive cases of COVID-19 in Jamestown since March
- Motor Vehicle Taxes were not included in the recent Tax Bill. The Motor Vehicle Tax phase out was at 85% and proposed to decrease to 80%. The General Assembly has not passed their budget as of yet.



- B) Town Planner's Report- Lisa Bryer
  - 1) Affordable Housing Project at 91 Carr Lane Proposal Update
  - 2) 53 Narragansett Avenue (Former Bakers Pharmacy) by Church Community Housing Corporation for re-use as an Affordable/Private Housing Project Update

Town Planner Bryer updated the Council on the following:

- Church Community Housing is continuing to work on the funding for 91 Carr Lane with Rhode Island Housing
- 53 Narragansett Avenue is moving along. It has been before the Technical Review Committee and the Planning Commission as pre application, with very positive feedback. A funding agreement has been provided.

- C) Town Clerk's Report- Erin F. Liese
  - 1) Election Voting Options for Statewide Primary & General Election

Town Clerk Liese explained the voting options available for the Primary and General Election.

#### IV. 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 21, 2020

Meeting dates were reviewed.

- 2) Schedule Noise Ordinance Town Council Workshop

A Zoom workshop is scheduled for Monday, September 14, 2020 @ 6:30 P.M.

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

#### V. 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) Ratification of the First Addendum Lease Agreement with the Town of Jamestown and the New England Golf Course Management, Inc.
- B) Ratification of the Lease Agreement with the Town of Jamestown and We Dig Investments, LLC for the Parking Lot located on Narragansett Avenue

C) Ratification of the Consent Agreement with State of Rhode Island Department of Environmental Management Office, Conanicut Marine Services, Inc. and the Town of Jamestown

D) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

**ABATEMENTS TO 2020 TAX ROLL**

03-0712-00	Plat 2, Lot 193	\$3,426.52
26-0017-69	Plat 2, Lot 193	\$288.91

**ADDENDA TO 2020 TAX ROLL**

01-0001-69	Plat 2, Lot 83	\$1,819.07
02-0625-75	Plat 8, Lot 527	\$2,42.57
02-1710-25	Plat 5, Lot 94	\$ 292.70
04-0310-00	Plat 5, Lot 276	\$ 459.89
03-0247-40	Plat 5, Lot 404	\$1,514.17
06-0375-45	Plat 8, Lot 25	\$1,116.30
12-0406-25	Plat 1, Lot 322	\$ 857.24
12-0927-75	Plat 9, Lot 142	\$ 979.33
18-0351-75	Plat 8, Lot 890	\$ 885.80

<b>TOTAL ABATEMENTS</b>	<b>\$ 3,715.43</b>
<b>TOTAL ADDENDA</b>	<b>\$ 10,347.07</b>

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

**VI. 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 Received:

- 1) Copy of Letter to: Jamestown Town Council  
From: David St. Coeur  
Re: Basketball Courts
  
- 2) Copy of Memorandum to: Jamestown Town Council  
From: Michael Swistak, Chair, Jamestown Planning Commission  
Date: August 25, 2020  
Re: Zoning Ordinance Amendment related to Building Height

- 3) Copy of Request to: Jamestown Town Council  
From: Newport County YMCA  
Re: Fundraising Effort

**VII. OPEN FORUM- To participate you will press \*9 to raise your hand.  
The meeting moderator will coordinate your participation.**

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

No Comments were made.

**VIII. ADJOURNMENT**

**A motion was made by Vice President Meagher with second by Councilor Piva to adjourn at 7:07 P.M. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

Attest:

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Denise Gamon, Town Clerk's Assistant

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 28, 2020 Meeting

**A regular meeting of the Jamestown Zoning Board of Review was held July 28, 2020.  
THIS MEETING Was TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:**

The Chairman called the meeting to order at 7:02 p.m. The Zoning Officer called the roll and noted the following members present:

Richard Boren, Chair  
Dean Wagner, Vice-Chair  
Terence Livingston, Member  
Edward Gromada, Member  
Judith Bell, 1<sup>st</sup> Alt.  
Erik Brine, 2<sup>nd</sup> Alt.  
James King, 3<sup>rd</sup> Alt.

Also present: Erin Liese, Town Clerk  
Brenda Hanna, Stenographer  
Chris Costa, Zoning Officer  
Wyatt Brochu, Counsel

MINUTES

Minutes of June 23, 2020

A motion was made by Terence Livingston and seconded by Dean Wagner to accept the minutes of the June 23, 2020 meeting as presented.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

CORRESPONDENCE

Nothing at this time



NEW BUSINESS

Falsey

A motion was made by Terence Livingston and seconded by Dean Wagner to DENY the request of Frances M. Falsey whose property is located at 71 Columbia Ave. and further identified as Assessor's Plat 9, Lot 144 for a variance from Article 3, Section 82-301, Uses & Districts (Table 3-1) to allow an off-site business to utilize the exterior fenced in portion of the property for a Dog Park, which use is not provided for in Table 3-1 and is thereby prohibited under Section 82-301.

This Board has determined that this application DOES NOT satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This motion is based on the following findings of fact:

1. Said property is located in a R8 zone and contains 13,068 square feet.
2. That the applicant has applied for a use variance for a "Dog Park".
3. Dog Parks are a prohibited use in a R8 zone.
4. That the applicant has stated that if the application was denied she still has beneficial use of her property.
5. Eleven witnesses testified via letters in favor of the application.
6. Two witnesses testified via letter against the application.
7. The owner allows her friend Terry Page who owns a dog business to use her yard to allow her customers dogs to play in her yard.
8. The applicant does not supervise any of the dog activity in her yard. Terry Page supervises all activity of the dogs in her yard.

The motion carried by a vote of 5 -0.

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

Erik Brine recused himself.

James King was not seated and Marcy Coleman was absent.



Stokes

A motion was made by Judith Bell and seconded by Dean Wagner to grant the request of Gail & David Stokes, whose property is located at 86 Frigate St., and further identified as Assessor's Plat 16, Lot 85 for a variance from Article 3 Table 3.2 District Dimensional Regulations & a special use permit from Article 3 Section 314 High Groundwater Table and Impervious layer District to construct an addition to an existing house. The addition will be 20 ft from the front lot line where 30 ft. is required. The lot is within the High Groundwater District Sub District A and so requires a special use permit to exceed allowable impervious surface. Existing impervious surface will be reduced from 26.5% of the lot to 18.3% in the renovation.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

This Variance is granted with the following restriction(s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contain 7200 sq. ft.
2. The hardship is due to the characteristics of the structure.
3. The relief requested is the least relief necessary.
4. This relief is granted incorporating all findings of fact in the June 17, 2020 Planning Commission meeting and all findings of fact from said meeting.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

MacIntyre

A motion was made by Edward Gromada and seconded by Terence Livingston to grant the request of Andrew and Colleen MacIntyre whose property is located at 9 Maple Avenue, and further identified as Assessor's Plat 9, Lot 14 for dimensional relief granted under Article 6, Special Use Permits and Variances, pursuant to Section 82-302, Table 3-2 for the Village Special District Zones R8, R20, CL and CD4, to construct a proposed porch with a front setback of 17 feet where 30 feet is required. The applicant is also seeking relief from Article 7 Section 82-705, Alteration of a nonconforming structure where the subject property currently has a deck that is approximately 19 feet from the front property line where 30 feet 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 R20 zone and contains approximately 30492 square feet.
2. The property possesses unique characteristics that require the relief requested
3. The hardship is present due to the unique characteristics of the lot itself.
4. The granting of this requested variance will not alter the general characteristics to the surrounding area.
5. The relief requested is the least relief necessary
6. The hardship amounts to no more than an inconvenience without the requested relief.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

#### Bilodeau

A motion was made by Dean Wagner and seconded by Terence Livingston to continue to the September 22, 2020 meeting the application of Andrew Bilodeau at the request of the applicant.

The request needs to be re-advertised and resubmitted.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 7:40 p.m.  
The motion carried unanimously.



## JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835

Tel: (401) 423-1212 Fax: (401) 423-3710

www.jamestownri.gov/police

Edward A. Mello  
Chief of Police

### EXECUTIVE ORDER TOWN OF JAMESTOWN, RHODE ISLAND 20-6

On March 9, 2020, the Governor of the State of Rhode Island declared a State of Emergency declaring the outbreak of COVID-19 as a Public Health Emergency. This Declaration remains in effect as of the date set forth herein.

On March 16, 2020, the Jamestown Town Council passed an Executive Order declaring a State of Emergency due to the dangers to health and life posed by COVID-19 and thereby activating the Town Emergency Plan. This Declaration remains in effect as of the date set forth herein.

This order is issued by the Town Administrator by the Authority granted by the Town Council.

This order rescinds Executive Order 20-5

The Town intends to manage and limit capacity of patrons at certain beach areas.

This Order amends a portion of the Jamestown Code Ordinance Chapter 70 Traffic and Vehicles.

**Parking Fines:**

**Section 70-90. All fines associated with resident sticker or day passes shall be \$50.**

**All other parking violations issued on Beavertail Road, Hamilton Avenue, Fox Run, Highland Drive, Southwest Avenue or Clark Street shall be \$50.**

**No Parking:**

**Fox Run- entire length-both sides**

**Clark Street-both sides-300 feet north of Hamilton Avenue**

**This Order is hereby rescinded in its entirety effective September 9, 2020.**

By order of:

*Jamie A. Hainsworth* 9/9/20

*Jamie A. Hainsworth*  
Jamie A. Hainsworth, Town Administrator  
Jamestown, Rhode Island 7/21/20

*E. Mello*

Edward A. Mello, Chief of Police  
Director, Emergency Management





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

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

**TO:** JAMIE HAINSWORTH, TOWN ADMINISTRATOR  
**FROM:** ANDREW J. WADE, PARKS & RECREATION DIRECTOR  
**SUBJECT:** Bid Award  
**DATE:** September 16, 2020

On Friday September 11, 2020 the Town of Jamestown opened bids for improvements at the Lawn Avenue Recreation Complex's Basketball and Tennis Courts. The results of the bids can be found below:

	Hinding Tennis LLC	Advanced Athletic Surfaces	J.G. Coffey Co. LLC	Joyce Construction
Bid Item #1: Tennis Courts (Upper Courts) Crack repair price per linear foot	\$27.00	\$15.00	\$6.25	\$15.00
Bid Item #2: Tennis Courts (Lower Courts) Crack repair price per linear foot	\$27.00	\$15.00	\$7.25	\$15.00
Bid Item #3 Tennis Courts (Upper Courts) resurfacing	\$33,000.00	\$19,980.00	\$16,050.00	\$29,520.00
Bid Item #4 Tennis Courts (Lower Courts) resurfacing	\$33,000.00	\$19,980.00	\$16,050.00	\$36,102.00
Bid Item #5: Lawn Avenue Basketball Court repairs and resurfacing	\$12,500.00	\$9,480.00	\$4,683.00	\$10,841.00
Bid Alternate Item #6: Additional Price per linear foot to repair cracks using Armor Crack Repair System or approved equal instead of Plexipave.	\$27.00	\$15.00	\$17.00	\$20.00

Based upon the bid results, I am requesting that we award the bid related to Items #5 to J.G. Coffey for the crack repairs and resurfacing of the Lawn Avenue Basketball Court.





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

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

**TO:** JAMIE HAINSWORTH, TOWN ADMINISTRATOR  
**FROM:** ANDREW J. WADE, PARKS & RECREATION DIRECTOR  
**SUBJECT:** Bid Award  
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Bid Item #3 Tennis Courts (Upper Courts) resurfacing	\$33,000.00	\$19,980.00	\$16,050.00	\$29,520.00
Bid Item #4 Tennis Courts (Lower Courts) resurfacing	\$33,000.00	\$19,980.00	\$16,050.00	\$36,102.00
Bid Item #5: Lawn Avenue Basketball Court repairs and resurfacing	\$12,500.00	\$9,480.00	\$4,683.00	\$10,841.00
Bid Alternate Item #6: Additional Price per linear foot to repair cracks using Armor Crack Repair System or approved equal instead of Plexipave.	\$27.00	\$15.00	\$17.00	\$20.00

Based upon the bid results, I am requesting that we award the bid related to Items #1 & #2 to J.G. Coffey for the crack repairs of the Lawn Avenue Tennis Courts.



**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: ADDENDA OF TAXES FOR THE **SEPTEMBER 21, 2020** MEETING

**ADDENDA TO 2020 TAX ROLL**

03-1154-10 Connors, John & Pamela	Plat 16, Lot 222 – New Construction – Prorated 209 days – New Value \$620,200	\$ 834.56
04-0594-57 DiMauro, Ronald	Plat 9, Lot 662 – New Construction – Prorated 272 days – New Value \$664,800	\$ 771.86
07-1111-65 Guo, Weiden & Lee Koksing	Plat 14, Lot 247 – New Construction – Prorated 139 days – New Value \$534,300	\$ 502.94
12-0102-46 Lapierre, Jonathan	Plat 14, Lot 89 – New Construction – Prorated 142 days – New Value \$521,600	\$ 112.09
13-1522-65 Messinger, Sarah	Plat 9, Lot 123 - Transfer - Unused portion of Widow of a Veteran Exemption.	\$ 187.50
15-0240-50 Odonnell, Francis & Karen	Plat 5, Lot 519 – New Construction – Prorated 293 days – New Value \$754,000	\$ 182.83
16-0840-03 Pinheiro, Antonio & Mikhaela	Plat 8, Lot 58-Transfer- Unused portion of Widow of a Veteran and Life Member	\$ 712.50

<b>TOTAL ADDENDA</b>	<b>\$ 3,304.28</b>
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RESPECTFULLY SUBMITTED,

*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR

## Chief Edward Mello

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**From:** Christine Ariel <cwariel1@cox.net>  
**Sent:** Monday, August 24, 2020 1:15 PM  
**To:** Jamie Hainsworth; Chief Edward Mello  
**Cc:** mgblanco@cox.net  
**Subject:** Proposed Jamestown Noise Ordinance Amendments  
**Attachments:** Noise Ordinance Comments 8-24-2020.pdf; NarragOrdinanceStandard.pdf; SouthKingstown Ord 9-121.pdf; South Kingstown, RI Code of Ordinances507.pdf; SouthKingstown Ord 605.pdf

Dear Mr. Hainsworth,

As requested by the Town Council on August 17<sup>th</sup>, attached are my comments in writing that I gave during the Public Hearing held on August 17<sup>th</sup>, along with copies of ordinances I referred to. Please advise that these have been forwarded to the Councilors who requested same for their further workshop. Thank you.

Sincerely,

Christine W. Ariel  
[cwariel1@cox.net](mailto:cwariel1@cox.net)

“The great thing in the world is not much where we stand as in what direction we are moving.” *Oliver Wendell Holmes*

TO: Town Manager  
Chief of Police  
Council President

RE: Noise Ordinance Comments at August 17, 2020 Hearing

FROM: Christine W. Ariel, 61 Steamboat Street, Jamestown

DATE: August 24, 2020

As requested by the Councilors at the Public Hearing, I am sending in these written comments. I object to several provisions of the proposed amendments to the Noise Ordinance. Excessive noise has become a private and nuisance here on this island, interfering with my quiet enjoyment of my property rights.

Section 22-60. Definitions. “Noise Disturbance”. This definition seems unenforceable relative to the rest of the Ordinance for several reasons and it should be amended:

1. The words “noise disturbance” are not referenced in the “Prohibited Noises” §22-65 or in “Permitted Activities” §22-66 or in “Enforcement” §22-70 or in “Fines & Penalties” §22-72. So it is not clear exactly when a “noise disturbance” standard even applies. The only section these words appear in is “Specific Activities Prohibited” §22-67. So if something occurs in violation of “Permitted Activities” §22-66 it would not be judged under the standard of “noise disturbance”. Is the ordinance intended to allow any permitted activity even if it exceeds the levels in “Sound Levels” Section 22-68 Table I? It is also not clear whether “noise disturbance” even would come up under “Sound Variances” §22-69.
2. In the definition of “noise disturbance”, subsection B, there is reference to a person of “normal sensitivities”. What does that mean exactly? Who decides what is normal? I think that someone who lives in town adjacent to a loading dock, or someone who just moved here by NYC or Providence, will likely have a greater tolerance for noise disturbances. Conversely, if someone has lived here for a long time, outside town, or in a low density zone, then that person has a different threshold of ‘sensitivity’. In my opinion, it is unworkable as written. I looked at the Narragansett zoning ordinance, Section 22-43(a), and it has more objective standards for determining noise disturbances. (See attached.) The South Kingstown ordinance, Section 9-121, simply states “any sound which exceeds the dBA level for such sound set out in the Zoning Ordinance.” (See attached.)
3. Subsection A reads “exceeds the dBA level for such sound set out in this chapter”. The question is where in this chapter. Is this only referring to Section 22-68, Table I, or does it also mean “Variances” or “Permitted Activities” will be held to the dBA levels in Table I? I believe that the language in “Sound Levels” Section 22-68 exempts all Permitted Activities by virtue of their permissions: “With the exception



of sound levels elsewhere specifically authorized or allowed in this chapter,....". This language probably intends to exempt "Variances" as well it seems. So what is the intended meaning of this Definition?

Section 22-66 B "Loading and Unloading". I object strongly to collection of garbage and recyclables from 5:00 a.m. on any day. As a taxpayer in a dense residential zone, the abrupt and loud and repeated, clattering of trash and recyclables as the truck stop, dumps, drives, dumps again in 50 feet, interrupts peaceful sleep and enjoyment of my property. Similarly, the noise created by delivery of building materials by tractor trailers offends. These are industrial and commercial uses and should be treated as such. Also, there are military families moving in and out of the neighborhood with massive moving trucks loading and unloading at all hours. This provision looks more like it has the interests of refuse companies, delivery companies, building supply companies, then it does the taxpayers. It is not only once per week that this occurs, as was mentioned at the hearing. I urge you to reject the 5:00 a.m. start time and 9:00 p.m. end time as written, and that you require 8:00 a.m. start and 7:00 p.m. end times. Also, I urge you to specify days allowable as in other provisions such as in subsections C and D.

Section 22-66 C (1) and (2). "Construction and Manufacturing". My neighborhood periodically undergoes short term, almost un-liveable noise conditions. When construction or demolition is going on, everything changes. Again, I do not have the luxury of living where there are large lots so everything gets magnified here in terms of sound. Recently, a project began on Ferry Street. There is no reasonable way to differentiate between "tree-felling", "drilling", "blasting" and "construction"; they are all of one project. Yet the proposed ordinance has several different allowable time criteria. All of these activities are part of the same commercial project and on-going day-to-day. I strongly object to these start times and end times as proposed in this Ordinance. Jamestown is not Providence or Newport. We do not have a base background level of industrial and heavy commercial uses, except for the bridge traffic. Please consider that living in high density residential zones means that these "permitted" activities severely impact our quality of life. My cursory review of other ordinances showed more reasonable approaches, for example, by specifying different noise levels in different zoning districts. Again, I question the internal consistency between Section 22-66 C and Section 22-68, Table I. Therefore, I urge you to reject these Permitted Activities of Construction and Manufacturing, or in the alternative, to only allow ALL industrial and commercial activities start at 8:00 a.m. and end by 7:00 p.m., five days per week only, with shortened Saturday hours from 10:00 to 5:00 p.m.

Section 22-66 D "Domestic Power Tools". Why are only Domestic Power Tools made explicitly subject to "Sound Levels", Section 22-68???



Section 22-66 E “Lawn Care and Grounds Maintenance Equipment”. I do find it ironic that a lawn company shows up and promptly dons protective ear coverings, before they power up their mowers, leaf blowers and other equipment, then operate them within ten (10) feet of my property line. Any peace and quiet enjoyment of my property use is abruptly destroyed at 7:00 a.m. and then again at dinner hour, seven days a week. No morning quiet. No evening quiet. This provision includes the words “if used and maintained in accordance with manufacturer’s specifications”. This seems to be an exception that any company can drive a truck through. They do not provide me with any notice or with any ear protection. Some of these pieces of equipment used commercially and by some residents have high-pitched piercing sounds when used, especially those backpack-type blowers. I do not expect that these landscaping companies will go away. I do expect this Council to prioritize my interests as a homeowner and taxpayer who is entitled to some peace and quiet enjoyment over the business interests of these companies working very early and very late. I therefore urge you to reject these provisions, specifically that manufacturer’s exception, and the specified start and end times. The times must be start only at 8:00 a.m. and end by 7:00 p.m., 5 days per week with shortened hours on Saturdays only from 10:00 a.m. to 5:00 p.m.

Section 22-68 “Sound Levels”. I have already written that the beginning phrase “With the exception of sound levels elsewhere specifically authorized or allowed in this chapter”... seems to completely exempt most noise sources specifically listed in other provisions of the Ordinance, such as Section 22-66. In addition, this section makes no differentiation between high density residential and low density residential. When houses are 400 feet apart, 200 feet from the rear or front or side lot lines, noise disturbances are drastically different. The noises can dissipate more readily. But if one is abutting the water or in a high density zone then the noise travels and create a nuisance. There needs to be more thought put into this distinction. Other towns have a reasonable approach. In South Kingstown, for example, during daylight hours decibels are limited to 60 dBA. During night time hours, decibels are limited to 50 dBA. (See Section 507 for residential areas attached and Section 605 for special management districts). Again, I urge you to reject this Table and prioritize the interests of the “receiving” property owner over the creator of the noise.

Section 22-67 “Specific Activities Prohibited”. In general, this Section suffers from the unworkable definition of “noise disturbance” as described in my earlier comment. Section 22-67 B “Animals”. My question is how do you define “frequently” or for “continued duration”. How long is too long? These noise disturbances are the most ubiquitous violations occurring in my high density residential neighborhood. Added to the year-round animals are summer people who will come and leave their dog inside alone barking all day long while they are out. Animals and birds should remain within this ordinance but with more tightly defined terms so that both I and my neighbors

know what is expected. Section 22-67 F “Motor Vehicles”. A resident who is using their yard as a repair shop on a daily or weekly basis should be prohibited from that use entirely under other zoning district ordinances, and use of vehicle repair equipment on a daily or weekly basis should be *per se* illegal. That being said, occasional use by a homeowner suffers from a similar difficulty as “Animals” in that there is no limit on frequency or continued duration. As to passing vehicles, especially at rush hour or in summer, including tractor trailers, service delivery trucks, motorcycles, all speeding along Route 138, the bridge, Beacon Avenue at excess rates of speed, these continually create “noise disturbances”. But I question the efficacy of this section as it applies to passing motor vehicles as it may never be enforceable, much like speeding. By the time a “noise disturbance” is responded to, it may be over. This provision needs to be amended so that it is of some practical use to homeowners, taxpayers and enforcement.

Section 22-67 E is missing.

Section 22-69 C “Sound Variances”. Again, in high density areas, sounds travel and reverberate differently. I urge that anyone within 200 feet of a proposed variance be notified as is the practice with zoning variances.

In conclusion, I request that you reject the proposed amendments to the Noise Ordinance, put the residents and taxpayers first and preserve what is left of Conanicut Island’s quality of life.

## Sec. 22-43. - Measurement of sound.

- (a) *General provision; tests for noise disturbances.* In addition to the definition established in section 10-37, the factors which shall be considered in determining whether a noise disturbance exists shall include, but shall not be limited to, the following:
- (1) The volume of the noise;
  - (2) The intensity of the noise;
  - (3) Whether the nature of the noise is usual or unusual;
  - (4) Whether the origin of the noise is natural or unnatural;
  - (5) The volume and intensity of the background noise, if any;
  - (6) The proximity of the noise to residential sleeping facilities;
  - (7) The nature and zoning of the area within which the noise emanates;
  - (8) The density of inhabitation of the area within which the noise emanates;
  - (9) The time of the day or night the noise occurs;
  - (10) The duration of the noise;
  - (11) Whether the noise is recurrent, intermittent or constant; and
  - (12) Whether the noise is produced by a commercial or noncommercial activity.
- (b) *Classification of use districts.* It is unlawful to project a sound or noise, from one property into another, within the boundary of a use district which exceeds either the limiting noise spectra set forth in Table 1 below, or exceeds the ambient noise level by more than three decibels.
- (1) Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of each district into which the noise is projected.
  - (2) Measurement of noise:
    - a. The measurement of sound or noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

## Sec. 9-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.

*Firearm* means a weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

*Firing line* means a line parallel to a target from which firearms or arrows are discharged.

*Indoor shooting range facility* means a public or private facility, including individual shooting ranges, designed for the purpose of providing an indoor place for the discharge of various types of firearms or the practice of archery. Provided, however, that an individual shooting range on private property, not operated as, affiliated with, or connected with any type of business, non-profit, or similar entity, shall not be considered an indoor shooting range facility.

*Noise disturbance* means any sound which exceeds the dB(A) level for such sound set out in the Zoning Ordinance.

*Occupied dwelling* means any property on which is located a building or structure used wholly or partially for living or sleeping purposes and includes the words "intended, designed or arranged to be" occupied.

*Person* means any individual, including the owner of premises or tenant, association, partnership or corporation.

*Shooting gallery* is the term used by the Rhode Island General Assembly and for the purposes of this article is the same as indoor shooting range or indoor shooting range facility.

*Shooting station* means a fixed point from which firearms or arrows are discharged.

*Structure* means a walled and roofed building that is principally above ground; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, manmade facilities.

*Target* means any object or area which is used as the intended recipient of the projectiles fired from a firearm.

*Town* means the Town of South Kingstown, Rhode Island, or the area within the territorial limits of the town.

( Ord. of 4-13-15 )

noncompliance with said standards of the existing or proposed use, and advise as to how such existing or proposed use, if not in compliance, can be brought into compliance with said standards.

- 507.6. *Zoning Enforcement Officer action.* Within 30 days following the receipt of the required evidence, or receipt of the reports of expert consultants, the Zoning Enforcement Officer shall make a determination as to compliance, he shall authorize the issuance of any permits which may have been withheld pending said determination. The issuance of a permit for a proposed use shall not constitute compliance with the performance standards if, after construction and operation, there is evidence of noncompliance with such standards.
- 507.7. *Required alterations.* The Zoning Enforcement Officer may require modifications or alterations in the existing or proposed construction or the operational procedures to insure that compliance with the performance standards will be maintained. The operator shall be given a reasonable length of time to effect any changes prescribed by the Zoning Enforcement Officer for the purpose of securing compliance with the performance standards.
- 507.8. *Zoning Board to hear appeal.* The Zoning Enforcement Officer's action with respect to the performance standards procedure, may be appealed to the Zoning Board of Review within 30 days following said action. In the absence of such appeal, the Zoning Enforcement Officer's determination shall be final.
- 507.9. *Continued enforcement.* The Zoning Enforcement Officer shall investigate any purported violation of performance standards and, for such investigation, may request that the Zoning Board employ qualified experts. If he or she finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Town Solicitor. The services of any qualified experts, employed by the Zoning Enforcement Officer to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the Town.
- 507.10. *Cancellation of permits.* If, after the conclusion of time granted for compliance with the performance standards, the Zoning Enforcement Officer finds the violation is still in existence, any permits previously issued shall be void, and the operator shall be required to cease operation until the violation is remedied.
- 507.11. *Reference works.* All reference works or standards listed in this article, shall be kept on file in the office of the Zoning Enforcement Officer.
- 507.12. *Exemptions.* The following uses and activities shall be exempt from the noise and vibration level regulations of this section:
- A. Noises and vibrations not under the control of the property user.
  - B. The noises of safety signals, warning devices and emergency pressure relief valves.
  - C. Transient noises and vibrations of moving sources such as automobiles, trucks, airplanes and railroads.
  - D. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. Section 4901 et seq.) or other applicable federal laws or regulations are exempt from this section.
  - E. The emission of sound in the operation of snow removal equipment at any time, provided such equipment is maintained in good repair.
  - F. Sounds associated with the improvement, restoration or maintenance of roads including snow removal, roadway and sidewalk construction, mowing and tree pruning.
  - G. Sounds resulting from emergency work as defined in subsection 507.27.
- 507.13. *Noise.* No use, process, operation or activity shall cause or create noise in excess of the sound levels prescribed below.
- 507.14. *Method of measurement.* Sound level measurements shall be made within the receiving property proximate to the property line of the receiving land use, at a point as close to the noise source as feasible. The measurement of the noise must be made with a sound level meter meeting the prescribed ANSI S1.4-1983 standard or latest version thereof.
- 507.15. *Permissible sound levels.*
- A. *Maximum impulsive sound levels:*
    1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak C-weighted sound pressure level during the nighttime (9:00 p.m. to 7:00 a.m.) to any receiving residential land use.



- 2. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak C-weighted sound pressure daytime (7:00 a.m. to 9:00 p.m.) to any receiving residential land use.
- B. *Receiving land use standards.* No person shall create, operate or cause to be operated on private property any source of sound which exceeds the limits set forth in Table I for the receiving land use category when measured at or within the property boundary of the receiving land use.

Table I. Maximum Sound Levels for Receiving Land Use {dB(A)}

Time	Industrial Receptor	Commercial Receptor	Residential Receptor
7 a.m. to 9 p.m.	70	65	60
9 p.m. to 7 a.m.	70	65	50

Levels emitted in excess of the values listed in Table I shall be considered excessive, unnecessary and in violation of this section.

(Ord. of 4-24-00)

507.16. *Vibration.*

- A. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. Particle velocity may be measured directly or computed from the formula particle velocity (inches per second) = 6.28 times displacement (inches) times frequency (Hertz).
- B. Vibration shall be measured at any adjacent lot line and/or within the receiving property proximate to the property line of the receiving land use, at a point as close to the noise source as feasible as indicated, and the vibration shall not exceed the limits shown at the specified points of measurement.
- C. The maximum permissible particle velocity of the ground vibration shall be as follows:

Particle Velocity

Point of Measurement	Steady-State Inches/Second	Impact Inches/Second
Zone Boundary	0.02	0.04
Lot Line	0.10	0.20

- D. For purposes of this Ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute, shall be considered impact vibrations.
- E. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or of 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

507.17. *Smoke.* No emission at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart, as published by the US Bureau of Mines in August, 1955, as Information Circular 7718 (Revision of i.c. 6888), except that visible grey smoke of a shade not darker than No. 2 on said Chart, may be emitted for not more than four minutes in any 30 minutes. These provisions applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

In no case shall visible smoke emissions exceed the standards of the Division of Air Pollution Control, of the Rhode Island Department of Environmental Management.

507.18. *Particulate matter.* Emissions of particulate matter shall meet the minimum standards of the Division of Air Pollution Control, Rhode Island Department of Environmental Management. No emission shall be permitted which can cause any damage to health, to animals or vegetation, to property, or which can cause excessive soiling at any point.

507.19. *Gas.* No uses shall emit noxious, toxic or corrosive fumes or gases in concentrations or amounts causing discomfort of injury to humans or harmful to vegetation or in no case, in excess of the maximum allowable concentrations permitted of those toxic materials currently listed in Threshold Limited Values adopted by the American Conference of Governmental Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the Department of Health and the Department of Environmental Management of the State of Rhode Island, that the proposed levels will be safe to the general population. The release of airborne toxic matter shall not exceed 1/30 of the Threshold Limit Value across lot lines.

507.20. *Liquid waste.* Liquid effluent from any treatment plant which is discharged into the ground shall at all times comply with the following standards:

- A. Maximum five-day biochemical oxygen demand: 20 parts per million.  
Maximum total solids: 5,000 parts per million.  
Maximum phenol: 0.01 parts per million.  
Maximum pH limits: Above 6.5 or below 8.0.
- B. A septic tank, tile field disposal bed or trench or other disposal place for any liquid waste, shall not be located less than 150 feet from the nearest point of any river, pond, wetland or any drinking water supply.
- C. No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substance in solution or suspension, which would create odors, discolor poison, or otherwise pollute any stream or underground water source.
- D. No discharge shall raise the temperature of a water body above temperatures which can support normal aquatic life in such water body.

507.21. *Odors.* Emission of odorous gases or other odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond lot lines measured either at ground level or habitable elevation.

507.22. *Toxic matter.* The measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24-hour sampling period. The release of airborne toxic matter across lot lines shall not exceed 1/30 of the threshold limit values as currently established by the American Conference of Governmental Industrial Hygienists.

507.23. *Heat and glare.* No use shall carry on any operation that would produce unreasonable heat beyond the property line of

to off-site areas is required, particularly to permit pedestrian and/or bicycle access to the existing retail areas on Old Tower Hill Road or to public, semi-public and/or recreational facilities on Broad Rock Road.

605.23. *Performance standards.* Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulation are prohibited. The provisions of Section 507 shall be applicable to commercial and industrial uses in the Route 1 Special Management District.

*Route 1 Special District*

No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

Any use, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any street, property or wetland which may adversely affect the health, safety comfort of, or intended use of their property by persons within or adjacent to the District.

The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere, which may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the District or which may be harmful to property or vegetation.

The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened building and then only in such a manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which said operation is conducted.

Excessive noise. No outside speaker or public address system shall be permitted without the express written consent of the Planning Board. At no point outside of any lot line shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, exceed the decibel levels set forth in Article 5, Section 507.13.

Excessive emissions of smoke, steam or particulate matter. Visible emissions of smoke or steam shall be prohibited that exceeds the levels set forth in Section 507.16. Wind borne dust, sprays and mists originating in any commercial or industrial operation are prohibited.

Storage of hazardous materials. No material of a hazardous character, as defined by the Hazardous Substance Act (Rhode Island General Laws, Section 23-24-2) shall be stored except within a building having roofing, walls and floors constructed of such materials as to render said building weather tight, and so as to prevent leakage of materials into the ground or

## Erin Liese

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**From:** Jamie Hainsworth  
**Sent:** Thursday, September 3, 2020 10:55 AM  
**To:** Erin Liese  
**Subject:** FW: Noise Ordinance Comments

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

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**From:** Jamie Hainsworth  
**Sent:** Thursday, August 20, 2020 7:48 AM  
**To:** 'Christopher Gray' <[christopher.gray.89@gmail.com](mailto:christopher.gray.89@gmail.com)>  
**Subject:** RE: Noise Ordinance Comments

Mr. Gray  
Thank you I will pass your comments along.  
Have a good day,  
Jamie

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

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**From:** Christopher Gray <[christopher.gray.89@gmail.com](mailto:christopher.gray.89@gmail.com)>  
**Sent:** Monday, August 17, 2020 9:29 PM  
**To:** Jamie Hainsworth <[jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)>  
**Subject:** Noise Ordinance Comments

Good evening,  
As suggested during the public hearing zoom this evening, I am forwarding a summary of my comments.

In general, I am respectful of the challenges of trying to legislate common courtesy. It should be unnecessary if neighbors are being neighborly.

In that vein, I suggest that the overall sound decibel limits be lowered to something more consistent with those for South Kingstown that were described. That coupled with an enforcement officer of good sense would allow for most complaints to be resolved. It would give the officer a broader standing to issue citations while also allowing him to use his own sense of the situation to defuse the situation if a citation is not warranted.



Similarly, that would address my other concerns with regard to persistent noise that might be just below the current dB limit. A party house that is persistently loud at a level 1-2 dB below the max for 14 or 16 hours is probably significantly more annoying to a person of normal sensitivity than a house which is typically quieter but that has short stretches over the limit while working on an engine or playing music for an hour. An understanding neighbor would probably accept the latter, but expect action to correct the former. A lower dB limit coupled with a discerning enforcement officer would allow these types of complaints to be managed more effectively. A neighbor making a complaint that can demonstrate extended periods of loud noise should be supported.

Again, in general, I think it is difficult to write a statute which defines courteous behavior in all circumstances. A broad limit on maximum noise levels regardless of activity would permit more robust enforcement of real complaints without any requirement for lengthy description of different specific situations.

Thanks for taking my comments.

Best regards,  
Chris Gray



## Erin Liese

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**From:** Jamie Hainsworth  
**Sent:** Thursday, September 3, 2020 10:55 AM  
**To:** Erin Liese  
**Subject:** FW: Proposed Noise Ordinance

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

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**From:** Jamie Hainsworth  
**Sent:** Monday, August 17, 2020 9:07 PM  
**To:** Chief Edward Mello <[emello@jamestownri.net](mailto:emello@jamestownri.net)>  
**Subject:** FW: Proposed Noise Ordinance

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

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**From:** Dennis Webster <[dennishwebster@hotmail.com](mailto:dennishwebster@hotmail.com)>  
**Sent:** Monday, August 17, 2020 8:58 PM  
**To:** Jamie Hainsworth <[jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)>  
**Cc:** Chief Edward Mello <[emello@jamestownri.net](mailto:emello@jamestownri.net)>  
**Subject:** Proposed Noise Ordinance

Jamie,

I just listened to the Town Council discussion on the noise ordinance. As you re-consider the section on animal noises, please make sure that the noise ordinance is consistent with the Zoning Ordinance, table 3-1, Sec III (Agricultural), items 2, 4, and 5, which cover the keeping of livestock and poultry on lots in various zoning districts.

Ten or fifteen years ago, there was a big issue with a person legally keeping chickens (and some other animals, but the chickens were the issue) on a large lot, yet one of the neighbors complained, and I think it went to court. As I recall, the chickens stayed. Chickens (and roosters) are part of our much-valued rural character, and the zoning ordinance as written seems to be fair. And where there are chickens and roosters, there will be early morning cock-a-doodle-does. The noise ordinance should not attempt to prohibit them.

Dennis Webster

## Chief Edward Mello

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**From:** Jamie Hainsworth  
**Sent:** Thursday, August 20, 2020 7:48 AM  
**To:** Chief Edward Mello  
**Subject:** FW: Noise Ordinance Comments

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

**From:** Christopher Gray <christopher.gray.89@gmail.com>  
**Sent:** Monday, August 17, 2020 9:29 PM  
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In general, I am respectful of the challenges of trying to legislate common courtesy. It should be unnecessary if neighbors are being neighborly.

In that vein, I suggest that the overall sound decibel limits be lowered to something more consistent with those for South Kingstown that were described. That coupled with an enforcement officer of good sense would allow for most complaints to be resolved. It would give the officer a broader standing to issue citations while also allowing him to use his own sense of the situation to defuse the situation if a citation is not warranted.

Similarly, that would address my other concerns with regard to persistent noise that might be just below the current dB limit. A party house that is persistently loud at a level 1-2 dB below the max for 14 or 16 hours is probably significantly more annoying to a person of normal sensitivity than a house which is typically quieter but that has short stretches over the limit while working on an engine or playing music for an hour. An understanding neighbor would probably accept the latter, but expect action to correct the former. A lower dB limit coupled with a discerning enforcement officer would allow these types of complaints to be managed more effectively. A neighbor making a complaint that can demonstrate extended periods of loud noise should be supported.

Again, in general, I think it is difficult to write a statute which defines courteous behavior in all circumstances. A broad limit on maximum noise levels regardless of activity would permit more robust enforcement of real complaints without any requirement for lengthy description of different specific situations.

Thanks for taking my comments.

Best regards,  
Chris Gray

**Chief Edward Mello**

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**From:** Christian Infantolino <cinfantolino@jamestownlawyer.com>  
**Sent:** Monday, August 17, 2020 8:39 PM  
**To:** Jamie Hainsworth; Chief Edward Mello  
**Subject:** Noise Ordinance

Gentlemen,

As a follow up to the meeting tonight I just wanted to do as requested and send along my thoughts in a summary.

1. I would like to see the homeowner exception extended for lawn care activities on the weekend. 8 am is not too early for both Saturday and Sunday for non-commercial use. I along with many others work during the week, leaving only the weekends to care for my property. If it rains on a Saturday then a large chunk of my Sunday is taken up instead of being spent with family,.
2. Section 22-65 states that noise is prohibited "except for what is permitted". You have a very lengthy list of what is permitted, however, not all activities are listed which would automatically make them prohibited. (i.e. sitting by the fire having a couple of beers, pool party, etc...) There needs to be language that allows for normal ancillary residential uses.

Thanks  
Christian

Christian S. Infantolino  
Attorney at Law  
Morneau & Murphy  
77 Narragansett Ave.  
Jamestown RI, 02835  
Tel: (401)423-0400 ext. 14  
Fax: (401) 423-7059  
[cinfantolino@jamestownlawyer.com](mailto:cinfantolino@jamestownlawyer.com)  
[www.Murphys-law.net](http://www.Murphys-law.net)

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To comply with IRS regulations, we advise that any discussion of Federal tax issues in this e-mail is not intended or written to be used, and cannot be used, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

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## Chief Edward Mello

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**From:** Dennis Webster <dennishwebster@hotmail.com>  
**Sent:** Monday, August 17, 2020 8:58 PM  
**To:** Jamie Hainsworth  
**Cc:** Chief Edward Mello  
**Subject:** Proposed Noise Ordinance

Jamie,

I just listened to the Town Council discussion on the noise ordinance. As you re-consider the section on animal noises, please make sure that the noise ordinance is consistent with the Zoning Ordinance, table 3-1, Sec III (Agricultural), items 2, 4, and 5, which cover the keeping of livestock and poultry on lots in various zoning districts.

Ten or fifteen years ago, there was a big issue with a person legally keeping chickens (and some other animals, but the chickens were the issue) on a large lot, yet one of the neighbors complained, and I think it went to court. As I recall, the chickens stayed. Chickens (and roosters) are part of our much-valued rural character, and the zoning ordinance as written seems to be fair. And where there are chickens and roosters, there will be early morning cock-a-doodle-does. The noise ordinance should not attempt to prohibit them.

Dennis Webster



## Chief Edward Mello

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**From:** Trice Kilroy <tricekilroy@gmail.com>  
**Sent:** Tuesday, August 18, 2020 11:53 AM  
**To:** Chief Edward Mello  
**Subject:** Code Ordinance - Chapter 22 - "Noise"

Dear Chief Mello,

I was on the Zoom call last night but wasn't able to make any comments. Every time I tried to unmute, the following popped up "Host is not allowing guests to unmute themselves".

Frustrating as I've been on a lot of Zoom calls lately and never had this problem.

I had several things I wanted to say. Attached is an email I sent to the Town Councillors yesterday. I apologize for not sending it to you.

I find it interesting that several comments last night stated we didn't want to become a Newport regarding noise.

According to Table 1:

Jamestown has residential zones at 70 Decibels, from 8am to 10pm. Newport is 65 Decibels.

Residential zones in Jamestown from 10pm to 8am are 60 Decibels. Newport is 55 Decibels.

Limited Commercial in Jamestown is 24 hours at 75 Decibels. Newport is 75 Decibels from 8am to 10pm and from 10pm to 8am they are at 55 Decibels.

Respectfully,

Patrice Kilroy  
66 Highland Drive

Dear Jamestown President Mike White,

Town Council of Jamestown

Monday, August 17, 2020

6:30pm.

**Code Ordinance - Chapter 22 - "NOISE"**

Press \*9 to raise your hand.

Section 22 -61

**Statement of Public Property -**

**"The Town Council finds and declares that extreme and excessive noise affects the health, safety and welfare of its residents and citizens."**

**I CAN'T AGREE MORE!!!!**

**Building Construction Activities: Includes Lawn Care & Grounds Maintenance Equipment (85-90 Decibels).**

7am - 8pm: Monday, Tuesday, Wednesday & Thursday

7am - 7pm: Friday

8am - 6pm: Saturday

10am - 6pm: Sunday & Legal Holidays - Only when directly performed by owner or tenant.

**\*\*\* Questions:**

1. Why not 7am - 5pm (Monday - Friday)?
2. No Saturday or Sunday except by owner or tenant?

**Too Much Commercial Activity on Weekends!**

**Table 1**

<b>Zoning Category</b>	<b>Time</b>	<b>Decibel Limit (Newport)</b>	
OS1, OS2, RR200, RR80, R40, R20, R8	8am - 10pm	70	65
OS1, OS2, RR200, RR80, R40, R20, R8	10pm - 8am	60	55

CL, CD, CW, DC, P Limited Commercial      ALL              75      75day/55 night

**Every 3 Decibels over 60 is Doubling! 5 Decibels is almost 4 X the Noise!**

**Jamestown's Decibel Limit is too high!**

**Sound DOUBLES every 3 decibels.**

60 Decibels - 63 - 2 x's louder

63 - 66 - 4 x's louder

66 - 69 - 8x's louder

**Newport has been battling noise for over 20 years in and out of court.**

**They've figured out that lower decibels work. Why do we need to recreate the wheel?**

**Let's start with lower decibels.**

**During the Night: All Zones should be at 55!**

**\*\*\* Questions on Limited Commercial:**

1. Why is it 75?

2. Does this mean that the restaurants and businesses on Narragansett Avenue, CD Zone (Commercial Downtown) could have a generator pounding away at 75, 24 hours, to keep their beer cold?

Technically, **Dutch Harbor Shipyard, CW Zone, could make 75 Decibels of noise, 24 hours a day despite the residential neighborhood it's up against, because the town is not saying it should be "quite at night".**

**3. DC (Downtown Condominium) - Why is their decibels 75, 24 hours a day?**

Condominiums in this case are residential - why do they have a higher decibel then other residential zones?

**I strongly urge the Council to lower the decibels to 55 for all districts at night like many other communities.**

**Waterfront:**

**If Jamestown exercises control over portions of water like Mackerel Cove, Dutch Harbor, etc. by controlling conservation, moorings and fees, and waterfront property lines, why can't there be control over the noisemakers on those waters?**

**Mackerel Cove gets insane over the weekends and holidays. Boats rafted up (sometimes as many as 10), no social distancing, lots of drinking and swearing, music starts loud but gets much louder as the day goes on. They have no respect for resident's private moorings. If you go out to tell them your mooring is private they usually verbally abuse you.**

**As the music, usually RAP, goes up, the foghorns come out. When they finally leave after sunset, it's often a race out of the cove, after drinking all day.**

**There needs to be more words in the noise ordinance to identify bad behavior.**

**Section 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 \$250.00.
3. The third offense and each subsequent offense within twelve-month period, shall be punished by a fine of \$500.00.

**Fines are too low!**

How do you track a first offense warning for boaters?

**Highland Drive** - As the town knows, there is lots of construction going on. **Huge trucks and construction crew** arrive around 7am. Everyone drives way over the speed limit with no respect regarding it's a neighborhood road with people walking their dogs, people running, and riding bikes. The big trucks drive so fast that you can feel the road shake. Their air brakes are definitely a noise violation.

It is amazing how many "nip" bottles one finds on the side of the road (Highland Drive). Could we please have a Police Officer on Highland Drive around 7am and again at 4pm?

**As a 40-year resident of Jamestown, I live here for the quality of life. I have seen huge changes. It shouldn't be controlled by commercial businesses. Every three decibels the noise doubles!**

I believe that this ordinance should go back to workshop phase. It's not ready to pass.

Respectfully,

Patrice Kilroy

66 Highland Drive



August 28, 2020

Jamestown Town Council  
Town Administrator Hainsworth  
93 Narragansett Avenue  
Jamestown, RI 02835

Dear Councilors and Administrator Hainsworth:

As the Co-Chair of the Jamestown Democratic Town Committee, I write to you today to extend a hearty thank you to the Jamestown Recreation Department for the assistance provided in support of the celebration of the 100th Anniversary of Women's Suffrage on August 18th. Andy Wade, Deb Hagie, Ron Parfett & Andy Sherman were terrific throughout the entire process of hosting our event at the pavilion. I am sure there are other Recreation Department staff who worked behind the scenes and we ask you to extend our appreciation to the entire Department.

Andy Wade was very well informed and provided clear guidance and welcome assistance with the application process. He responded professionally to our questions regarding safety, best practices, rules and regulations. We appreciated the team's tireless logistical support prior to the event, moving tables, raising and lowering the wind shields, lending us a ladder and also quickly supplying us with sand bags, necessary as the ocean breeze insisted on tipping some of the displays.

We estimate that 200 people attended the event spread over seven hours. The guests followed the guidance, participated willingly in temperature checks, wore masks and completed the contract tracing log. We received many compliments on the event and the set up in the pavilion.

We are fortunate to have a professional and responsive Recreation Department. Andy and his team are a pleasure to work with and we wanted to thank them and let you know they are all outstanding ambassadors for Jamestown.

Sincerely,

A handwritten signature in cursive script that reads "Melody Drnach".

Melody Drnach  
Co-Chair, Jamestown Democratic Town Committee

**Erin Liese**

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**From:** Jamie Hainsworth  
**Sent:** Thursday, August 13, 2020 8:01 AM  
**To:** Guy Settipane  
**Cc:** Erin Liese  
**Subject:** RE: Zoning Amendment, Chpt 82 -Heightm Hearing 8/17

Good Morning Sir,  
I will forward your letter to the Town Clerk to be placed the packet on this a agenda item.

The hearing is scheduled for Monday August 17<sup>th</sup> at 6:30 p.m. the agenda and zoom link will be posted later today.

Thank you for you input and concerns.  
Jamie

Jamie A. Hainsworth  
Town Administrator  
Town of Jamestown  
93 Narragansett Avenue  
Jamestown, RI 02835  
401-423-9805

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**From:** Guy Settipane <settiguy@aol.com>  
**Sent:** Thursday, August 13, 2020 7:49 AM  
**To:** Jamie Hainsworth <jhainsworth@jamestownri.net>  
**Cc:** mgblanco@cox.net; meagherjamestowntc@gmail.com; jtownelc@aol.com; Major510@cox.net; billpiva8@cox.net  
**Subject:** Re: Zoning Amendment, Chpt 82 -Heightm Hearing 8/17

Dear Town Administrator:

Kindly ensure the enclosed is included as part of the Council's record and package for the hearing on Monday, 8/17/  
Thank you.

Guy J. Settipane

**OPEN LETTER TO THE  
HONORABLE JAMESTOWN TOWN COUNCIL**

**RE: PROPOSED AMENDMENT CHAPT 82, HEIGHT OF  
STRUCTURES, TOWN OF JAMESTOWN  
AUGUST 17, 2020, 6:30 PM (ZOOM HEARING)**

Michael T. White, President - [mgblanco@cox.net](mailto:mgblanco@cox.net)  
Mary E. Meagher, V. President - [meagherjamestowntc@gmail.com](mailto:meagherjamestowntc@gmail.com)  
Nancy A. Beye, Council Person - [jtownelc@aol.com](mailto:jtownelc@aol.com)  
Randall White, Council Person - [Major510@cox.net](mailto:Major510@cox.net)

William J. Piva, Jr., Council Person - [billpiva8@cox.net](mailto:billpiva8@cox.net)  
Jamie Hainsworth, Town Administrator - [hainsworth@jamestownri.net](mailto:hainsworth@jamestownri.net)

Dear Town Council Members:

Jamestown's proposed zoning amendment presents significant legal, economic and land use issues that are in conflict with State law and harmful to many property owners. The current proposal tightens local regulations for existing and new development on land along and around Jamestown's coastline. Should the amendment be approved, properties within the Federal or State designated 100 year flood zones will be severely impacted.

The amendment is the Town's response to the Rhode Island General Assembly and Governor Raimondo's 2018 enactment of R.I Gen. Law 45-24-3, An Act Relating to Cities and Towns - Zoning Ordinances. The General Assembly modified the manner in which building heights in flood plains were determined. Properties in those zones were burdened by the loss of liveable space due to municipal height restrictions. Cities and Towns did not offset required elevated foundations against the overall height of the structure. Most of Rhode Island's shoreline communities were affected. The new State legislation allowed building heights in these special flood hazard areas (SFHA) to now be measured from what's referred to as "the base flood elevation (BFE)". This means those homes with required elevated non-living space, would not be penalized for incorporating State mandated safety structural designs. The required elevated foundation would no longer count against the height calculation. In most cases, this results in a deviation of anywhere from 5-10 ft as a height differential.

Rhode Island State Building Code allows construction in flood hazard areas where permitted by zoning provided the building is structurally flood-proofed and the first floor elevation is 1-foot above the base flood elevation (in accordance with ASCE 24-05). Flood zones overlay areas bar construction of livable space below the Base Flood Elevation (BFE). BFE is the minimum height above sea level deemed safe from flooding/storm surges. BFE varies from lot to lot and both new and existing homes are within the Federal Emergency Management Agency, it's designated Special Hazardous Areas and flood zones mappings of our State's Coastal Resource Management Council. In all cases the structures must have a first level at least 1-foot above the BFE. Historically flood hazard areas were developed to assess Flood Insurance rates. The Federal maps identify Special Flood Hazard Area (SFHA) which means there is a 1-percent chance of flood in any given year. The 1-percent annual chance flood is also referred to as the 100-year flood.

The pertinent section of the 2018 State law provides:

**"or any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), building height shall be measured from base flood elevation, and where freeboard, as defined in this section, is being utilized or proposed, such freeboard area, not to exceed five feet (5'), shall be excluded from the building height calculation; provided, however that the Rhode Island coastal resources management council design elevation maps may be used by an owner or applicant to establish a base flood elevation for a property that is higher than the official FEMA FIRMs."**

The law was passed to alleviate the unfair burden and hardship placed on property owner in the 1 % risk area; protecting their ability to build and develop livable space on an equal basis as other citizenry. It also safeguards existing homeowners who plan to modify and or make structural changes. The practical application allows property owners the right to construct or modify their homes based on the minimum flood plain height as opposed determining the height from the ground level.



As an example a non-flood plain home might build to a maximum height of 35 feet with 2-stories of livable space and an attic, while under Jamestown's amendment, a home within the flood zone would be reduced by the BFE. This would trunket the property to a 1-level home and in some may make the lot unbuildable. In practice a BFE of 15 ft given a town height limit of 35 foot, would limit the structure to only 20 ft. Essentially Jamestown's amendment makes a former waterfront million-dollar homesite into a glorified \$ 25,000 shed lot. Given the abundance of Jamestown's waterfront properties and such other non-waterfront surrounding homes, all within flood districts (much of the Shores Area); the economic and landuse impact of this one size fits height restriction doesn't pass the reasonableness test. In fact, the corresponding effect with be to slash municipal property tax revenues. A floodgate of tax devaluation and appeals should follow. Guess who picks up the bill ?

A good law is always one that balances the interests, needs and risks while promoting the public health, safety, morals and the general welfare of its citizenry. A law should not be passed on the isolated fear that a building applicant might seek a 60-foot-high structure not in keeping with the surrounding residential homes. The end does not justify the means . In most cases the average homeowner 's height deviation would be minimal. A good law must also not target and impact the substantive due proces rights of a particular class of people.

Not withstanding the few and limited situations where this State law might apply in Jamestown, should the Council be intent on addressing the matter, a compromise might be found in crafting appropriate amendments to Section 802-305. Exception to Height Regulations, Jamestown Zoning Ordinance. A sub part C could be added providing for one or more of the following; the building official may grant relief based upon the unique characters of said home/lot and in light of demonstrated hardship up to a 12-foot height variance. In the alternative relief might be granted on a percentage basis proportional to the impact of the BFE . A third avenue would be to allow the structure height to based upon the average of the surrounding h homes within a 200 ' radius. Many cities and towns already include an automatic variation of up to 5 foot.

As published, Jamestown's proposed law, Chapter 82 amendment, measures the height of the structure as follows: Vacant Lot " average existing grade elevation where the foundation for the existing structure is proposed.. Existing Structures shall measure the average grade of the outmost exitsing 4 corners of the existing foundation". While the language is somewhat convoluted , its final advertised provision are quite draconian at best. It states,

**"Height: the maximum height for building and structures erected in Special Flood Hazadous area shall be in accordance with Dimensional Table of this ordinance, Seciton 82-302, minus the difference between the base flood elevation however established and the average existing grade,"**

Finally, the passage of this amendment is in direct conflict with the mandate from the Rhode Island General Assembly. The General Assembly sits as the States "super zoning board". Rhode Island's Constitution and Home Rule provisions reserves the ultimate decision making power to the State. Hence, when in conflict , State law superseeds local ordinances. The general assembly has the power to act in relation to property, affairs and government of any city or town by general laws which shall apply alike to all cities and towns. Therefore a hard and fast rule without reasonable accomodations will essentially embroil a municipality in needless and costly litigation. In effect the passage of this amendment may be otherwise *void ab initio*.

For all the above reasons, the Town Council should proceed cautiously and with restraint, balancing the need, risks and economic impact that runs tandem with the proposed amendment. Given the

nature of these Covid 19 times might a more measured approach be taken where such significant legal changes are deferred to a time when greater public participation is possible ?

Guy J. Settipane, Esq. , 2 -Terms Town Council  
Past President, Jamestown Town Council  
Past Member Jamestown Zoning Board  
Date: August 11, 2020



Town of Jamestown as an abutter.

Town Property: Plat 5, Lots 111, 144, 146, 168, 169, 170, 200, 201, & 202

**TOWN OF JAMESTOWN  
ZONING BOARD OF REVIEW  
NOTICE OF PUBLIC HEARING  
Tuesday, September 22, 2020  
7:00 PM**

**PURSUANT TO EXECUTIVE ORDER'S NO. 20-05 & NO. 20-25 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020 & APRIL 15, 2020. THIS MEETING WILL BE TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:**

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen and participate in the deliberations of this meeting by using the call-in phone number provided herein.

**JOIN VIA PHONE: 1(301) -715- 8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656**

**WHEN PROMPTED, ENTER MEETING ID: 986 6947 8482**

**PRESS # AGAIN TO JOIN THE MEETING**

**To participate during Public Hearing or Public Input you will press \*9 to raise your hand.**

**JOIN VIA COMPUTER OR MOBILE APP: [https://zoom.us/j/986 6947 8482](https://zoom.us/j/98669478482)**

**MEETING ID: 986 6947 8482**

**To participate during Public Hearing or Public Input, please use the raise your hand icon in the Zoom.**

**TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING LINK:**

**<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>**

On the following matters:

Application of Andrew Bilodeau,(Bartholomew S. & Marjorie Catanzaro, owners), whose property is located at Beach Ave & Riptide St., and further identified as Assessor's Plat 5, Lot 164 for a variance/special use permit from Article 3, Section 82-314 High Groundwater Ordinance Sub-District A and Section 82-302-2 Table 3-2 "Setbacks", Article 6, Section 82-601 Section "Special Use Permits" and Sections 82-605 & 82-606 to construct a single family dwelling with a front yard setback of 30' where 40' is required in a High Groundwater Sub-district A, and a secondary front setback of 10' where 30' is required (Riptide). Said property is located in a R40 zone and contains 21,600 sq. ft.

**PLEASE NOTE: All Correspondence or Exhibits you wish the Board to consider on any of the above matters must be received by the Zoning Board Clerk Office no later than Monday September 14, 2020. You may submit those documents the following ways: Email to [pwestall@jamestownri.net](mailto:pwestall@jamestownri.net) or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835.**

**Please find website link for Meeting Material, Notice of Applications, Exhibits, and Correspondence: <http://www.jamestownri.gov>**

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.

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

Town of Jamestown as an abutter.

Town Property: Plat 11, Lots 11 & 39

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 22, 2020, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT 7:00 P.M. UPON THE FOLLOWING:

Application of Paul Hamilton and Patricia Young whose property is located at 260 Beavertail Road, Jamestown, RI, and further identified as Tax Assessor's Plat 12, Lots 42 and 212, for an appeal pursuant to the Zoning Ordinance, Article 82, Section 408 ("Appeal of a decision of the zoning enforcement officer"). Mr. Hamilton and Ms. Young appeal the Zoning Enforcement Officer's decision dated June 29, 2020, issued to their neighboring property owners, Geoffrey Hamlin and Kristan Peters Hamlin, and concerning their property located at 134 Battery Lane, Jamestown, RI (Tax Assessor's Plat 11, Lot 38). Mr. Hamilton and Ms. Young respectfully request that the Zoning Board wholly reverse Mr. Costa's June 29, 2020 decision.

Paul Hamilton and Patricia Young's property is located in an RR-80 zone and contains approximately 45.195 acres.

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.