



**TOWN COUNCIL MEETING**  
**Monday, November 2, 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: 834 0932 7837**  
**PRESS # AGAIN TO JOIN THE MEETING**

**JOIN VIA COMPUTER OR MOBILE APP: Meeting ID: <https://zoom.us/j/83409327837>**

**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. COUNCIL, ADMINISTRATOR, TOWN DEPARTMENTS, 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 Planner's Report- Lisa Bryer
  - 1) Update on Narragansett Ave Commercial CD District

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

*The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance. 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) Review, 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 (Public Hearing Continued from August 17, 2020, September 21, 2020 and October 19 2020)

**V. 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: November 16, 2020
  - 2) Swearing In Ceremony for Elected Officials: TBD

**VI. 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) Request of Chief Edward Mello regarding the approval of the 2021 Harbor Rates approved by the Harbor commission on October 14, 2020

**VII. 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) September 29, 2020 (Town Council Workshop)
  - 2) October 5, 2020 (Regular Meeting)
- B) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

<b>ADDENDA TO 2020 TAX ROLL</b>		
04-0135-25	Plat 5, Lot 25	\$ 187.50
12-0490-76	Plat 5, Lot 69	\$ 125.00
<b>TOTAL ADDENDA</b>		<b>\$ 312.50</b>

**VIII. 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 Dumpling Drive Parking & Traffic Report  
From: Edward A. Mello, Chief of Police  
Dated: October 2020

- 2) Copy of letter to: Jamestown Town Council  
From: Wendy Shapiro  
Dated: October 19, 2020  
Re: Jamestown Code of Ordinance: Sec: 10-70 Dogs at Large
- 3) Copy of letter to: Jamestown Town Council  
From: Wendy Shapiro  
Dated: October 20, 2020  
Re: Dog License Requirements & Leash Law

**IX. 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.*

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

**X. 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 October 28, 2020*



## Office of the Town Planner

### MEMORANDUM

**TO:** Jamie Hainsworth, Town Administrator  
**FROM:** Lisa Bryer, AICP, Town Planner  
**RE:** Update on Narragansett Avenue  
**DATE:** October 27, 2020

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Per our discussion, there is currently a lot of activity in our commercial CD district on Narragansett Avenue. Although I am not always the first to know about some projects, I offer the following updates as I am aware of them.

#### 53 Narragansett Avenue - Bakers Pharmacy:

The Jamestown Center Partners Inc. (the owners) had a Purchase and Sales agreement (P&S) with Church Community Housing Corp (the applicants CCHC). It is my understanding that although the P&S may have expired, both the owner and the applicant had agreed that CCHC continue on with the permitting since there were elements of the extension agreement that could not be agreed to. Recently it got to a point that CCHC could not continue with their due diligence without site control, meaning an active P&S. A for sale sign was put up on the property on Friday morning and in my conversations with CCHC today, it appears that the negotiations between the two parties have stalled. The public hearing before the Planning Commission was continued from October 7 and 21 until November 4, 2020.

The Town supported the project concept at 53 Narragansett Avenue and this turn of events is extremely disappointing.

#### 40 Narragansett Avenue – Chopmist Charlies

Chopmist Charlies has been closed through the Pandemic although they did open the “Chuck Wagon” in the parking lot in the summer. They are now reported as being closed for renovation to include the restaurant and the new Gourmet Market Islandish. No date has been disclosed for its “grand-opening”.

#### 35 Narragansett Avenue:

Telula’s Tacos has leased the former Pink Pig property and are continuing interior renovations. Chris Costa has had minimal interaction with the owner but his report that it will be window service only for the foreseeable future with potential outdoor seating. This will require only a building permit and the liquor license has already been granted by the Town Council, but not issued.

#### 29 Narragansett Avenue:

The former Bank of America building was purchased by We Dig Investments LLC, located in Smithfield RI in August, 2020. Neither Building Official Chris Costa nor I have had a conversation with the owner about their intentions for the site.

Memo to J. Hainsworth  
Re: Update on Narragansett Avenue businesses  
October 27, 2020

Town Parking Lot - Plat 8, Lot 573

You have kept the Town Council apprised of the events unfolding with this site including the Commerce RI grant for infrastructure to make it more 4-season and the extension of the Towns agreement with the Chamber of Commerce and the Town Council's monthly liquor license extension for that site.

14 Narragansett Avenue – Jamestown Fish

This property was auctioned on October 19, 2020 and the high bidder was "The Preserve". Under the agreement of auction, they must close on the property within 20 days. Neither Building Official Chris Costa nor I have been contacted by the new owner on plans for renovation or use although it was reported in the Jamestown Press. Town Clerk Erin Liese has indicated that the Town Council must issue a new liquor license since they have been closed for 2 years.

Jamestown Art Center Public Art Exhibitions – 10<sup>th</sup> Anniversary Outdoor Art Experience

The Town has benefited from 10 beautiful and artful displays throughout town this summer and fall and one planned for collaboration at the school when appropriate. I am aware you have been coordinating with the JAC as they are in the process of firming up the artist's removal schedules. The exhibition is billed as "on exhibit" through October 31<sup>st</sup>. At this point we are aware that they are planning on removal and site restoration between November 1 and 4. We have scheduled a debrief meeting with the JAC on November 17, 2020. In my opinion, the exhibits were extremely successful, beautiful and thoughtfully sited and I look forward to our discussion regarding 2021.

**PUBLIC NOTICE  
PUBLIC HEARING  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on November 2, 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).

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**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 ~~strike through~~ 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 adversely 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 micro pascals (20 micronewtons per square meter).

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

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

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

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

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

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

**NOISE DISTURBANCE** Any sound which:

A. Exceeds the dBA level for such sound set out in this chapter and;

B. Annoys, disturbs or endangers the comfort, repose, peace or safety of a reasonable person of normal sensitivities.

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

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

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

**PORTABLE COOLING/HEATING COMPRESSOR**

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

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

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

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

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

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

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



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

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

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

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

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

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

This article should not be interpreted, construed or applied in a manner that is inconsistent or violate 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 or sound which constitutes a noise disturbance, as defined in this chapter.

~~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:

- i. 7:00 a.m. to 8:00 p.m. Monday, Tuesday, Wednesday, and Thursday
- ii. 7:00 a.m. to 7:00 p.m. Friday
- iii. 8:00 a.m. to 6 p.m. Saturday
- iv. 10:00 a.m. to 6:00 p.m. Sundays and legal holidays operation is permitted 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~~, or athletic event or recreational activity which is conducted by any child care facility which is licensed by the State of Rhode Island.

(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 exterior 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 exterior 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 District</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.~~

# November

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

**2020**



# December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<b>1</b>	<b>2</b> Probate Court 9am Planning Commission 7pm <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>	<b>3</b> <i>Town Council Packets</i>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> Town Council Meeting: 6:30 pm	<b>8</b> Library Board of Trustees 5pm (JPL) Conservation	<b>9</b> Housing Authority 10am (PA) Harbor Commission 7pm	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b> Zoning Board of Review 7pm	<b>16</b> Planning Commission 7pm <i>Town Council Agenda &amp; Bills Deadline @ Noon</i>	<b>17</b> <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> Christmas Eve Town Hall Close @ 11:45	<b>25</b> Christmas Day Town Hall Closed	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		

2020



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](http://www.jamestownri.net/police)



### MEMORANDUM

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**TO:** Jamie Hainsworth, Town Administrator  
**FROM:** Chief Edward A. Mello   
**DATE:** October 19, 2020  
**SUBJECT:** 2021 Harbor Rates

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Jamie

Please find attached the proposed 2021 Harbor Rates. The Harbor Commission approved them at the October 14, 2020 meeting. These must be submitted to the Council following your review. I ask that this be done as soon as possible as the renewal process is set to begin in November.

Respectfully,

Chief Edward Mello

## 2021 PROPOSED HARBOR PERMIT RATES

*Approved by The Jamestown Harbor Commission on*

Permit Type	2020 Rate	2021 Proposed Rate
Resident Mooring (per foot)	\$4.60	\$4.60
Non-Resident Mooring (per foot)	\$9.20	\$9.20
Commercial Mooring (per foot)	\$9.20	\$9.20
Yacht Club Mooring (flat rate)	\$1,365.00	\$1,365.00
Recreational Outhaul (flat rate)		
West Ferry Recreational Outhaul Rate	\$550.00	\$600.00
Ft. Getty Recreational Outhaul Rate	\$500.00	\$550.00
Commercial Outhaul (flat rate)		
West Ferry Commercial Outhaul Rate	\$500.00	\$600.00
Ft. Getty Commercial Outhaul Rate	\$430.00	\$500.00
Recreational Pier (per foot)	\$80.00	\$80.00
Commercial Pier (per foot)	\$40.00	\$40.00
Beach - Under 12' (flat rate)	\$63.00	\$63.00
Beach - Over 12' (per foot of beam)	\$25.00	\$25.00
Wait List Fees (flat rate)	\$11.00	\$11.00
Late Fee (per month)	\$100.00	\$100.00
West Ferry Dinghy Dock	\$450.00	\$450.00

**TOWN COUNCIL MEETING**  
**September 29, 2020**

**I. ROLL CALL**

A workshop of the Jamestown Town Council was held on September 29, 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/96000851462> Meeting ID: 96000851462. Town Council Members present were as follows: Mary Meagher, William J. Piva, Jr. and Randy White. Councilor Beye recused herself. Also present Town Administrator Jamie Hainsworth, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, Erin F. Liese, Town Clerk, and Denise Gamon Town Clerk's Assistant

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

Town Council Vice President called the meeting of the Jamestown Town Council to order at 6:30 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

**III. WORK SESSION**

- A) Discussion 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

Councilor White opened the discussion with his concerns for Sec 22-63 Definitions which he feels includes some very important language as to whether a violation has occurred and definitions that don't ever come up again in the proposed ordinance. He thought some items could be axed from the definitions list because they don't play any role in the language later in the body of the ordinance. His second concern was with Sec 22-66 permitted activities and hours, which the proposed ordinance is silent about. Is the intent that you cannot violate the ordinance if you are doing it in a specific time frame, then that should be clarified.

Police Chief Mello offered clarification. Looking at the examples of what is listed as permitted activities they would exceed the decibel limits regardless of the time of day. Power tools, listed under Sec 22-66 Permitted activities and hours (D) are separate from (C) Construction and manufacturing; if (D) did not exist, domestic power tools could not be used after 7:00 P.M. regardless of the noise they create.

Councilor Piva stated with these ordinances you cannot regulate everything. There has to be some common sense involved and allow our police officers to use their common sense and discretion on these types of calls. Vice President Meagher was in agreement.

Chief Mello commented on the standard of the decibel level, you cannot exceed that in most cases, except between specific hours, you can have fireworks, load and unload, do construction and demolition or you can cut your grass. Everything else has to meet the standard of the noise ordinance, what you set for a decibel level.

Chief Mello stated that all the decibel levels, time of day, the zoning areas that they are applied to, there were no changes in this proposal to what is currently being operated on today. The focus on the changes to the ordinance were to clean up the definitions, bring back in construction and address lawn care and maintenance.

Vice President Meagher's concern was with the decibel level and making it more restrictive. Councilor White was in agreement.

Councilor White worries that the ordinance doesn't make it clear what a violation is with reference to subsection (F) Motor Vehicles; the ordinance could layout much more clearly what becomes a problem.

Chief Mello suggested that subsection (F) Motor Vehicles be struck.

Michael Pinksaw of 951 East Shore Road, played the "devil's advocate" in various scenarios regarding noise violations.

Town Administrator Jamie Hainsworth questioned on page 4 of the proposed noise ordinance, under section (C) Construction and manufacturing; and page 5 under section (E) Lawn car and grounds maintenance equipment; "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. What does it matter who is making the noise?"

Councilor Piva responded with an explanation of the difference of the lawn equipment he has in his shed and that of a professional landscaping company.

The residents of 66 Highland Drive, Trice Kilroy and Chuck B. suggested looking to other communities for how they have dealt with noise problems, we don't have to reinvent the wheel, and suggested lowering the decibel level.

Councilor Meagher proposed lowering the decibel level to reflect that of our neighboring communities. If so, this might make her more amenable to the Police Chief Mello's desire to regulate the time frames up to 8:00 P.M.

Councilor Piva agreed with lowering the decibel level.

#### IV. ADJOURNMENT

**A motion was made by Councilor Piva with second by Councilor White to adjourn at 8:03 P.M. Vote: Vice President Meagher, Aye; Councilor Piva, Aye; Councilor, White, Aye**

Attest:

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Denise Gamon, Town Clerk's Assistant

**TOWN COUNCIL MEETING**  
**October 5, 2020**

**I. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on October 5, 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/86595982095> Meeting ID: **865 9598 2095** 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, Town Clerk, Erin F. Liese 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 6:30 P.M. in the Jamestown Town Hall, Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

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

*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) Resolution 2020-15: Authorizing Issuance of Bonds and Notes for Improvement, Replacement, Construction, Repair, Reconstruction and/or Restoration of Roadways in Jamestown

**A motion was made by Vice President Meagher with second by Councilor White to waive the reading of the Resolutions. . 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 a second by Councilor Piva to approve Resolution 2020-15: Authorizing Issuance of Bonds and Notes for Improvement, Replacement, Construction, Repair, Reconstruction and/or Restoration of Roadways in Jamestown. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- 2) Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes

**A motion was made by Vice President Meagher with second by Councilor Beye to approve the Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- 3) Resolution 2020-17: Authorizing Issuance of Bonds and Notes for South Pond Dam Repairs

A motion was made by Councilor White with second by Vice President Meagher to approve the Resolution 2020-16: Authorizing Issuance of Bonds and Notes for Fire Department Purposes. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye

Councilor Piva recused himself from the Public Hearing

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

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

B) Public Hearings:

- 1) 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 (Public Hearing continued from August 17, 2020 and September 21, 2020)

A motion was made by Vice President Meagher with second by Councilor Beye to open the Public Hearing 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 (Public Hearing continued from August 17, 2020 and September 21, 2020)

Michael Swistak, of 143 Narragansett Avenue, Chair of the Planning Committee, spoke with regards to the Comprehensive Plan. The Town Council, Planning and Zoning have a strong obligation to defend the Comprehensive Plan until it is modified or changed. The Town Council is the ultimate body that approves the Comprehensive Plan which is then submitted to the State. We are obligated to review the Comprehensive Plan every 10 years.

Town Planner, Lisa Bryer reviewed the proposed amendment, referencing the Comprehensive Plan.

Discussion ensued on the building height

#### Zoning Ordinance Amendments related to Building Height

July 8, 2020

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.

Accessory structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined.

Area of special flood hazard. See definition for "special flood hazard area."

Base flood. The flood having a one-percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).

Base flood elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See definition for "structure."



Coastal A zone. Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet.

Cost. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

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.

Expansion to an existing manufactured home park or existing manufactured home subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990, may also show the limits of the regulatory floodway.

Flood insurance study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and

determination of local flood hazards, flood profiles and water surface elevations. The flood insurance rate maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway."

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use or facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest adjacent grade (HAG). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Limit of moderate wave action (LiMWA). An advisory line indicating the limit of the 1.5-foot wave height during the base flood.

Lowest floor. The lowest floor of the lowest enclosed area (including basement).

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or manufactured home subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market value. Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's actual cash value.

New construction. Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or manufactured home subdivision. A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community.

Recreational vehicle. A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. See definition for "Floodway."

Sheet flow area. See definition for "Area of shallow flooding."

Special flood hazard area (SFHA). The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. SFHAs are determined utilizing the

base flood elevations (BFE) provided on the flood profiles in the flood insurance study (FIS) for a community. BFEs provided on flood insurance rate map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as zones V, V1-30, and VE on a FIRM. The SFHA is also called the area of special flood hazard.

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

For insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home; or
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph 3. of this definition, or a gas or liquid storage tank.

Substantial damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place within any 12-month period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure

([G.L. 1956,] §§ 23-27.3—106.1). This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance.** A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation.** Failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**B. Statement of purpose.** The purpose of this ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The Town of Jamestown elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

#### 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.

#### 2. Administrative provisions.

**Building permit.** All proposed construction or other development within a special flood hazard area shall require a permit.

The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just "building" projects. If the construction or other development within a special flood hazard area is not covered by a building permit, all other nonstructural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another state agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

A permit fee (based on the cost of the construction) may be required to be paid to the Town of Jamestown and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or board of appeals needs the assistance of a professional engineer.

**Disclaimer of Liability.** The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

**Severability.** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

**Abrogation and greater restriction.** This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.

**Enforcement.** The building official shall enforce all provisions as applicable in reference to G.L. 1956, §§ 23-27.3—108.1.

**Penalties.** Every person who shall violate any provision of this code shall be subject to penalties put forth in G.L. 1956, §§ 23-27.3—122.3.

**D. Notification of watercourse alteration.** In a riverine situation, the building official shall notify the following of any alteration or relocation of a watercourse:

- Adjacent communities
- Bordering states (optional)
- NFIP State Coordinator  
Rhode Island Emergency Management Agency  
645 New London Avenue  
Cranston, RI 02920

Risk Analysis Branch  
Federal Emergency Management Agency, Region I

99 High Street, 6th Floor  
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained.

E. Use regulations.

1. Reference to existing regulations. The special flood hazard areas are established as a floodplain overlay district. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with the following:

- Rhode Island State Building Code (As established under G.L. 1956, § 23-27.3);
- Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (G.L. 1956, [§ 46-23](#));
- Endangered Species Act, Rhode Island Department of Environmental Management (G.L. 1956, § 20-1-2)
- Freshwater Wetlands Act, Rhode Island Department of Environmental Management (G.L. 1956, § 2-1-18)
- Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (G.L. 1956, §§ 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
- Water Quality Regulations, Rhode Island Department of Environmental Management (G.L. 1956, §§ 42-17.1 and 42-17.6 and 46-12)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2. Other use regulations.

a) Within zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

b) Within zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and nonresidential structures shall be elevated or floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO zone, structures shall be elevated or floodproofed to at least two feet above the highest adjacent grade.

c) In zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Newport County FIRM encroachments are prohibited in the regulatory floodway which would

result in any increase in flood levels within the community during the occurrence of the base flood discharge.

d) All subdivision proposals must be designed to assure that:

i. Such proposals minimize flood damage;

ii. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

iii. Adequate drainage is provided to reduce exposure to flood hazards.

e) Detached accessory structures in zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry floodproofing requirement if the following standards are met:

a. The structure has a value less than \$1,000.00.

b. The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.

c. The structure is not in the floodway.

d. The structure is not used for storage of hazardous materials.

e. The structure is used solely for parking of vehicles and/or limited storage.

f. The accessory must be wet floodproofed and designed to allow for the automatic entry and exit of floodwater.

g. The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.

h. Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.

i. The structure must not increase the flood levels in the floodway.

f) Existing contour intervals of site and elevations of existing structures must be included on plan proposal (optional for b, c, d, e communities).

g) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a special flood hazard area so as to result in a use or expansion that could increase the risk to the occupants.

h) The space below the lowest floor:



i. Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program;" or

ii. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

iii. Designed with an enclosed area less than 300 square feet that is constructed with nonsupporting breakaway walls that have a design safe loading resistance of not less than ten or more than 20 pounds per square foot.

### 3. Base flood elevation and floodway data.

1) Floodway data. In zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

3) Base flood elevations in A zones. In the absence of FEMA BFE data and floodway data, the best available federal, state, local, or other BFE or floodway data shall be used as the basis for elevating residential and nonresidential structures to or above the base flood level and for floodproofing nonresidential structures to or above the base flood level.

(Ord. of 3-1-2010(2); Ord. of 8-5-2013, § 1(Exh. A))

Town Planner, Lisa Bryer reviewed the proposed amendment, referencing the Comprehensive Plan.

Michael Swistak, of 143 Narragansett Avenue, Chair of the Planning Committee, spoke with regards to the Comprehensive Plan. The Town Council, Planning and Zoning have a strong obligation to defend the Comprehensive Plan until it is modified or changed. The Town Council is the ultimate body that approves the Comprehensive Plan which is then submitted to the State. We are obligated to do that every 10 years.

Town Planner, Lisa Bryer reviewed the proposed amendment, referencing the Comprehensive Plan.

Discussion ensued

**A motion was made by Vice President Meagher with second by Councilor White to approve 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 (Public Hearing continued from August 17, 2020 and**

September 21, 2020)Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor, White, Aye

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

\*Councilor Piva rejoined the meeting

V. **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) Rhode Island Department of Environmental Management, Town of Jamestown, Conanicut Marine Services, Inc. Agreement.-FYI No Action
  - 2) Motor Vehicle Tax Update- FYI No Action
  - 3) Application for State Funding Grant "Take It Outside" FYI No Action
  - 4) Beavertail Lighthouse Property becoming Surplus-FYI No Action
  - 5) Water Use Restrictions Advertise-FYI No Action
  - 6) Vacancy of Executive Assistant- FYI No Action
  - 7) Rhode Island Slave History Medallion- FYI No Action
  - 8) Request of Jamestown Estates Homeowners Association, Sewer line Westwind Drive-FYI No Action
  - 9) Center for Tech and Civic Life Elections Grant-FYI No Action

Town Administrator Hainsworth reported on the \$40,000 grant awarded to the Town for the "Take It Outside" initiative with the focus on the Village and businesses.

He announced Aileen Flath has been hired as the Executive Assistant after receiving over 50 applications for the position.

The Rhode Island Slave History Medallion, has received a generous private donation of \$2,500 and the first medallion will be placed at East Ferry, with a dedication the beginning of December.

There will be no organized events by the Town this year for Halloween. Encourage people to stay in their own neighborhoods and be safe.

Councilor Piva referenced a letter from Robert Powers regarding the sewer line on Westwind Drive, a brief discussion ensued.

Vice President Meagher acknowledged Town Clerk, Erin F. Liese for obtaining a grant of \$5,000 to help with 'Early Voting'

**Councilor Beye recused herself from Unfinished Business**

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 Regular Meeting Schedule: October 19, 2020 and November 2, 2020
  - 2) Town Council Workshop Schedule: October 6, 2020

**\*Councilor Beye rejoined the meeting**

**A motion was made by Vice President Meagher with second by Councilor Piva to cancel the Town Council Workshop scheduled for October 6, 2020. Vote: President White, Aye; Vice President Meagher, 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) Jamie A. Hainsworth Town Administrator’s Performance Review for Discussion and/or Potential Action and/or Vote; which may include a compensation and/or benefit increase or alteration

President White on the Town Administrator’s Performance Review; Since the beginning of his employment with the Town, Jamie Hainsworth, Town Administrator has demonstrated that he is capable of and was successful in performing the following at the highest level of efficiency. His quality of work, deadlines met, organization, attitude, ability to overcome challenges and reliability. His relationship with his fellow workers, the Community of Jamestown, and the Town Council has been cordial, efficient and reliable. Leading to the Town of Jamestown as an outstanding example of how a town should be run in a period of crisis. I wish to thank Jamie for his outstanding leadership in the last 6 plus months and find that my evaluation of his performance does not require any more than 1 under performance scale, #5 excellent!

The Town Council concurred.

Councilor Beye added how this pandemic has shown us a lot. One thing is it has shown us is what people are made of and that Jamie is everything we thought he was going to be and more.

Town Administrator, Jamie Hainsworth thanked the Council for their support and acknowledged the Town Staff.

**A motion was made by Vice President Meagher with second by Councilor Beye to approve a 2.5% raise retroactive to July 1, 2020. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Aye**

- B) Discussion and Possible Action on Authorization of an Educational Advertisement Regarding Information on the Proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot

Discussion ensued on the proposed Charter change

Councilor White would like to enlist the Town Administrator and Town Clerk in trying to execute a plan to educate and provide information to electors on the proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot. For thought, advertising in the Jamestown Press providing a link to the Town’s website to review the changes to the Charter.

A motion was made by Councilor White with second by Vice President Meagher to approve an Education Advertisement regarding the information on the Proposed Charter Change for Consideration of the Voters on the November 3, 2020 General Election Ballot. 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 Beye to approve the Consent Agenda. Vote: President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor Piva, Aye; Councilor, White, Ay

**VIII. 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) September 21, 2020 (Regular Meeting)
  - 2) September 21, 2020 (Executive Session)
- B) Minutes of Boards/Commissions/Committees
  - 1) Zoning Board of Review (August 25, 2020)
- C) Ratification of Administrative Event Approvals
  - 1) Friends of Jamestown Library Flu Clinic- October 3, 2020
- D) Award of a Bid for Jamestown Harbor Commission- Three Year Bid for the Service of thirty-six (36) private aids to navigation (PATONS) to Rhode Island Mooring Service in an amount not to exceed \$22,925.00.
- E) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

<b>ADDENDA TO 2020 TAX ROLL</b>		
02-0880-00	Plat 4, Lot 109	\$ 1,418.73
10-0029-42	Plat 11, Lot 33	\$ 3,598.41
13-1365-01	Plat 3, Lot 84	\$ 549.03
<b>TOTAL ADDENDA</b>		<b>\$ 5,566.17</b>

**X. 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 Piva to adjourn at 7:55 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 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 **NOVEMBER 2, 2020** MEETING

**ADDENDA TO 2020 TAX ROLL**

04-0135-25 Dargo, Stephen & Sonder, Phoebe	Plat 5, Lot 25 - Transfer - Unused portion of Widow of a Veteran Exemption.	\$ 187.50
12-0490-76 Lepore, Lisa	Plat 5, Lot 69 – Transfer – Unused portion of a Veteran Exemption.	\$ 125.00

<b>TOTAL ADDENDA</b>	<b>\$ 312.50</b>
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RESPECTFULLY SUBMITTED,

*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR



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.gov/police](http://www.jamestownri.gov/police)



### DUMPLING DRIVE PARKING AND TRAFFIC REPORT

October 2020

**Background:** In 2019, the Jamestown Boat Yard (JBY) proposed to CRMC an expansion of the fixed pier located at the Dumping Drive facility. As a result, numerous residents and the Dumping Drive Association expressed an opposition to the expansion. The proposed expansion has since been modified and reduced in scope.

In February 2020, the Jamestown Town Council heard the concern of those opposing the project. During public comment on the matter, it was alleged that parking and safe travel through the area have been compromised by JBY and its operation and that the expansion would exacerbate the problems. As such, the Town Council directed that a traffic and parking study be completed by the Jamestown Police Department.

This reported will include my findings related to parking and traffic in the specific area of JBY.

**Road Conditions:** The area at the point of discussion is serviced by two Town owned and maintained roads; Dumping Drive and Newport Street.

Dumpling Drive traverses through various lots owned by JBY with three lots to the west and one lot to the east of the roadway. The area of Dumpling Drive which traverses through JBY is of poor condition, mostly gravel with very little asphalt structure. Based upon the existing operation of the marina, the roadway is often blended into the lots. The road lacks any curbing or other structure which would assist in defining the outer edges of the property as it relates to JBY properties and the property owned by the Dumplings Association. It appears that the actual road width right of way averages between 40 and 60 feet. The average width which appears to be maintained ranges from 25 to 32 feet.

When comparing satellite images and the GIS mapping which defines property lines, it appears that at least in part the Dumplings Association has assumed the use of a portion of the Town owned roadway for exclusive parking and a small structure. It would be recommended that a professional engineer conduct a survey and professional assessment if the Town so decided to address these concerns.

Newport Street feeds from the west into the southern portion of the area in question. The asphalt condition of the road is good. It appears that the right of way width is approximately 40 feet while the asphalt is an average of 25 feet wide.

**Parking Restrictions:**

Restriction in the specific area of Dumpling Drive:

Jamestown Code of Ordinance 70-87

*“Dumpling Drive*, no parking on the west side at the intersection with Racquet Road at NET&T Pole Number 15 south to NET&T Pole Number 9 and on the east side at the intersection with Racquet Road at NET&T Pole Number 15 south for approximately 654 feet and on the east side from the intersection with Ft. Wetherill Road North to NET&T Pole Number 7 and on the west side from the intersection with Ft. Wetherill Road north to Newport Street at Pole NET&T Pole Number 5”

Summary; parking is permitted on both the east and west side of Dumpling Drive in the direct proximity to JBY and “entrance” to the Dumplings Association Pier.

Restriction in the specific area of Newport Street:

There are no existing codified parking restrictions with the Code of Ordinances.

**Parking Complaints and Enforcement:**

Complaints: A search of the police call log for the period of 2018-2020 resulted in one complaint being identified.

Summary: 2018, resident called to report vehicle blocking driveway-unfounded.

There are no records of complaints from the Jamestown Fire Department reporting emergency vehicles being unable to pass through the area.

Enforcement: A search of parking ticket records 2018-2020 was conducted.

Summary:                                      2018: 3 parking violations  
    2019: 14 parking violations  
    2020: 19 parking violations

Note: During the Town Council discussion regarding the expansion of JBY, the owner expressed that he would be clearly marking the “customer” parking on his property as well as define the property lines between his three lots to the west and the Town right of way. I confirmed early in the season that this was completed. Also noteworthy for the 2020 season was the construction of a large home located at 28 Dumpling Drive. This project resulted in several of the parking violations reported in the 2020 summary listed above. It should be further noted that parking violations cannot be directly associated with either JBY or Dumpling Association activity.



**Summary:**


The area of Dumpling Drive at the point of discussion experiences a relatively low volume of vehicle traffic travelling through the area. The number of parking tickets issued is also relatively low at 1% of all parking tickets issued for the 2020 season. There have been no concerns reported from either the police or fire service in terms of parked vehicles impeding emergency vehicles.

The parking in the area is the result of the two attractions; Jamestown Boat Yard and the Dumplings Association Pier. It is somewhat unique to Jamestown that a marina operation would transverse across a public road way for the majority of its service, this is not unusual in other water front communities with such operations.

While it might be ideal to improve the roadway and clearly define the limitations of Town property and parking on the roadway, this is likely to adversely impact the current use by these two groups who both enjoy the use of the parking areas and in some cases at the cost to public parking availability.

I would recommend no changes at this time.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'E. Mello', followed by a horizontal line extending to the right.

Edward A. Mello  
Chief of Police

## Erin Liese

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**From:** Wendy Shapiro <wendyjaneshapiro@gmail.com>  
**Sent:** Monday, October 19, 2020 7:05 PM  
**To:** Erin Liese  
**Subject:** Amended Letter  
**Attachments:** 0.jpg; 0-1.jpg; 0-2.jpg

October 19, 2020

To Whom it May Concern:

I am writing this letter to have the current dog leashing law (Jamestown Code of Ordinance: Sec. 10-70. Dogs at Large) amended.

I have professionally trained dogs for American Kennel Club sanctioned shows for over 20 years and I have a considerable knowledge of dog behavior, although I do not consider myself an expert. However, I have worked with trainers who are experts and have over 40 years of experience training dogs.

Within the last two years, my dogs and I have been attacked six times by dogs who "were not properly leashed" nor "under the direct command and control of its owner or keeper". I did not report the earlier incidences, because I am not a confrontational person and was afraid of repercussions.

However, the latest incident occurred yesterday, Sunday, October 18th at 1:40 PM at the corner of Ocean and Watson Streets. It was a very dangerous situation, which put both me and my dog, "Kira", at serious risk and that is why I contacted the Jamestown police immediately and reported the incident. I spoke with both Officers Specht (Badge 14) and Hubbard (Badge 15) of the Jamestown Police Department.

I have been a Jamestown resident for over 15 years, during the course of which I owned three Pembroke Welsh corgis. My current corgi, "Kira" is six years old and was diagnosed by Dr. Christine Fain of the Jamestown Animal Clinic and Newport Animal Hospital, with a rare illness; eosinophilic colitis. Dr. Fain prescribed a potent immunosuppressant medication, cyclosporine, to control her symptoms. I administer one 50 mg. capsule daily. Given her health issues, and the fact that she is on this medication for life, means she is severely immunocompromised and cannot come into contact with any other dogs. She also wears a basket muzzle to prevent her from ingesting anything on the ground, which could be life threatening. The muzzle renders her defenseless.

On October 18th, I took "Kira" out for her usual walk down to Dutch Harbor. We always stay on the sidewalk. On our return trip, just as we turned the corner of Ocean onto Watson Avenue, I spotted three loose dogs in the yard at 36 Ocean. I immediately started walking "Kira" on the opposite side of the street to avoid a conflict. There is no public sidewalk at that location. The three dogs were a black labrador retriever, a golden retriever and a border collie mix. Within an instant, they went into 'pack mode and 'prey drive', darted across the street, surrounded both me and "Kira" and started jumping up on me and were in "Kira's" face growling. This is a very threatening stance for a dog. The owners of the three dogs were nonchalantly socializing in their backyard. I kept my wits about me and quickened my pace to get out of this terrifying predicament. My heart was pounding. Not only did these dogs put "Kira" at risk, but since I suffer from osteoporosis, I nearly lost my footing and fell down on the pavement which would have resulted in broken bones.

This sort of incident should never be allowed to happen. Even the friendliest dog, if triggered, can put someone or their dog in danger.

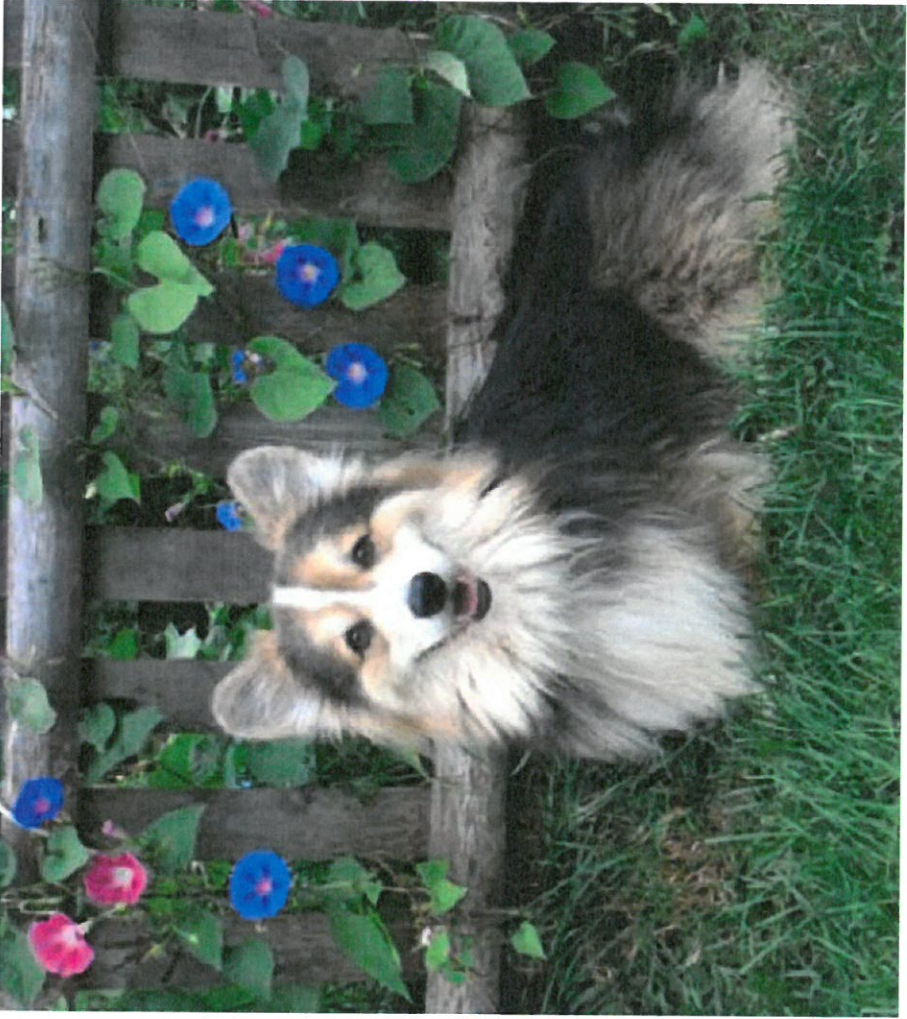
In this particular incident which I just related I was lucky to escape harm, and to keep "Kira" safe, but I am seriously concerned that someone else in the future may not be so lucky.

Jamestown's demographics have changed dramatically over the years. There are more people living on Conanicut island than when this original ordinance was first crafted. Therefore, I feel strongly that not having a 24/7 leashing law, poses a serious safety hazard. In addition, it's a public health issue and that's something that should be addressed immediately before it's too late and something happens to someone whether it is an adult, child or their dog.

Respectfully submitted,

Wendy Shapiro  
45 Pemberton Avenue Apt. 16C  
Jamestown, RI 02835







## Erin Liese

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**From:** Wendy Shapiro <wendyjanes Shapiro@gmail.com>  
**Sent:** Tuesday, October 20, 2020 7:46 PM  
**To:** Erin Liese; Jamie Hainsworth  
**Subject:** Dog License Requirements and Leash Law Ordinance

October 21, 2020

Thank you kindly for forwarding my letter on to Chief Mello of the Jamestown Police Department.

I wanted to add a few additional important points regarding the current dog license requirements and leash law ordinance.

First of all, the license requirements state: "Pursuant to the provisions of Title 4, Chapter 13 of the General Laws of the State of Rhode Island 1956, and as amended, every owner and/or keeper of any dog over the age of six (6) months living within the town limits of the Town of Jamestown shall be licensed by the Town Clerk during the month of April."

At present there are 516 registered dogs in Jamestown, but there are twice that number present living in Jamestown. That means 50% of dogs living in Jamestown, have unknown immune and vaccination records. Not to mention there is no record of whether these dogs are spayed or neutered (which is an entirely different concern). I refer you to RI State Ordinance 10, Article III sec. b) and c).

The law also states: "All dogs must be inoculated against rabies for the period during which the said license will be valid (May 1st to April 30th). UNDER NO CIRCUMSTANCES will any dog be licensed unless and until a current valid and signed rabies vaccination certificate of inoculation has been issued by a licensed Veterinarian." That means that nearly half the residents of Jamestown are in flagrant violation of the law.

During recent years, there has been a dramatic increase in the wildlife population in Jamestown. The most common wild reservoirs of rabies are raccoons, skunks, bats, and foxes. On multiple occasions, during daytime walks with my dogs I have encountered skunks. In skunks, rabies symptoms include abnormal behavior, such as being active in the daytime. However, it is also true that daytime sightings of skunks occur most often in the spring because they are out foraging for food to give their offspring.

The combination of having more densely populated areas, a large number of unlicensed dogs and an increase in wildlife which are rabies carriers is a recipe for disaster. Although, there are few reported cases of human rabies in the US, why even take the risk? The Revised Code of RI Ordinances for the town of Jamestown, dated December 2018, Article IV clearly outlines the rules regarding rabies and rabies control.

On June 7, 2010, a town meeting was held at the Lawn Avenue School to determine the budget for the Animal Control Officer. I attended this contentious meeting. Kathy Gregory, the acting ACO was voted out of office. I have meticulously reviewed the minutes of this financial meeting. Although many strong arguments were presented in support of retaining an ACO, the final results by paper ballot was: "Yes votes 211; no votes 246". It was stated in the report that the "motion fails by a majority paper ballot vote in the negative". This was a grievous mistake based on ignorance, arrogance and prejudice. Given the number of loose dogs whose rabies status is unknown and the increase in rabies carriers, this poses a serious health threat. It is now ten years after this meeting occurred, yet the town of Jamestown does not have an official full time dog officer. The need for one, under the present circumstances, is greater than ever and it is imperative for one to exist to ensure public

safety.

Therefore, I am strongly in favor of reinstating the position of Animal Control Officer in the town of Jamestown. At present, many dog issues are left up to the Jamestown Police to handle. While I applaud the Jamestown Police for the excellent work they do to ensure public safety, they have enough other work to attend to. What Jamestown needs is a **full time** ACO.

Regarding the current dog leashing order, it was established at a time when this community was largely dedicated to fishing and farming. The leashing law is now obsolete, considering the density of the housing and the increase in population and dogs (the most recent census of 2010 reported there were 5,405 residents, although that does not include summer visitors).

There is a census process in review presently, which will most likely show there is an even larger resident population. The changed demographics increases the risk of dangerous situations involving dogs, their owners and the general public.

When walking any dog they should be secured on a 4-6 foot leash firmly attached to the dog's collar or harness. (RI Law Ordinances Chapter 10, Sec. 1 states: "Restraint (of dog) means a dog controlled by leash, cord or chain, on a leash not to exceed seven feet, or is beside a competent person and obedient to that person's commands".

There is a proper way to hold a lead. The person's hand should be inserted into the loop at the end of the lead and the leash then wrapped securely around the palm of the right hand. The left hand is used to hold the additional slack in the leash. This gives the dog approximately 18-24" inches of free rein and guarantees that that the dog is **always** under the control of the owner.

It is not natural for dogs to walk in heel position. Their natural instinct is to forge ahead. In dog training it must be communicated to the dog that he/she is NOT the Alpha leader of the pack. The owner is. Therefore, a dog that cannot be made to heel and walk close to its owner should be trained with a prong collar. When used **properly**, prong collars are a very effective method of training a dog to be under control at all times. The links in a prong collar can easily come apart and that is why it is necessary to have the collar made so that leather is intertwined between the prongs to prevent this from happening.

Professional trainers also, are strongly opposed to the use of retractable leashes to walk dogs in public areas. The reason for this is that without proper knowledge of how to use a retractable leash, the dog can be 15-20 feet away from its owner in a matter of seconds and that poses a serious threat to other people and their dogs. Retractable leashes do serve their purpose **in training only**, in an enclosed dog training facility which is equipped with show gates. Dogs can be trained to fetch dumbbells, clear high or broad jumps, retrieve 'articles' (a set of 12 numbered leather and metal dumbbells for scent retrieval), or gloves in directed retrieval. In training, retractable leashes ensure complete control of the dog in a supervised setting, when the trainer is working away from the dog.

The leash acts as a conduit between owner and dog. Everything the owner feels, is communicated right down the leash. Proper use of the leash and collar ensures a well behaved dog.

I want to comment also on the use of electric fences and e-collars. In the situation in which I and my dog were attacked by three dogs which I addressed in my letter dated October 20, 2020, I was informed by Officer Specht of the Jamestown Police that one of the dogs was wearing an e-collar. E-collars and electric fences are not a **safe** option to control a dog. The fence could be not active, the battery in the dog's collar could be not working or the collar can be improperly attached to the dog. Therefore, that dog is NOT under the control of the owner. I have also been a direct witness to dogs which were wearing activated collars, but were undeterred by the



shock they received on passing through the electric fence. They bolt and then they are loose in a matter of seconds.

This was the case with a Bassett Hound which lived at 25 Lawn Avenue. The dog was repeatedly at large and created a nuisance with her loud hounding bark at all hours of the night and during inclement weather, disturbing the neighbors. Not only was this dog a public nuisance, but having this dog on an e-collar put the dog at risk of attack from other animals, including dogs or wild animals such as coyotes, which can seriously mutilate or kill a dog. A loose dog is also in danger of being hit by a car or other vehicle. In addition, this type of 'fence' does not prevent people from trespassing on private property.

Putting a dog on an e-collar with an electric fence increases the likelihood that the dog could be stolen which was the unfortunate outcome of a pure-bred Cavalier King Charles Spaniel puppy, whose award notice was posted at McQuades Marketplace public bulletin board, a couple of years ago.

A solid barrier fence, whether it is wire or wood is the safest and best way to keep a dog outside on an owners' premises. In addition, the fence must be high enough so that the dog cannot clear it and endanger another dog or person. I know of enough incidents, in which the fence was too low and the contained dog jumped the fence, viciously attacked another dog, severely injuring the dog, incurring expensive vet fees. The attacked dog was secured on a leash while being walked by the owner.

Any dog should never be tied in any way and especially in public places because that presents not only a danger to the dog, but is a public safety issue as well. Numerous times, I have seen dogs tied outside of the Jamestown Post Office and McQuades Marketplace. That is pure irresponsibility on the part of the dog owner. One of the first rules of dog safety and ownership is never put your dog in a compromising situation. A tied dog is at risk of injuring itself or breaking loose and causing physical harm. I feel strongly that this should not be tolerated. The RI Law Ordinance Section. 10-8, reads: "No person shall leave any horse, cow, ox or **other animal** upon any highway, road or lane attached, tied, hitched or secured to any fence, tree, **post or other structure** unless such horse, cow, ox or other animal shall be hitched or harnessed to a vehicle for the purpose of drawing the vehicle."

Another point I wish to establish is that irresponsible dog owners do not clean up after their dogs and leave feces on public sidewalks and on the grass adjacent to public sidewalks. This is a serious health hazard because feces can contain parasites. RI State Ordinance, Article III, Sec. 10-72 states: "No person in control of a dog shall knowingly permit such dog to defecate on any sidewalk, park, public place or building. The person in control of any dog which defecates on any of these sites must immediately remove the feces."

In addition, The RI Law Ordinance Section 10-9, explicitly states the Penalties for disregarding the State Ordinances. However, without an official ACO, none of these ordinances can be effectively enforced. That is a serious flaw as things now stand and needs to be addressed immediately.

The RI State Ordinances Article III, Sec. 10-67 also prohibits dogs on the property of Melrose and Lawn Schools. (Except as provided in G.L. 1956, ch. 40-9.1 (G.L. 1956, § 40-9.1-1 et seq.) That law protects school children. However, this is conflicting because the current leashing law is only in effect from 7 AM to 4 PM. What about children who attend after school activities? The law does not protect them.

As I stated in my previous letter, I have been personally threatened and attacked along with my dogs six times within the past two years. That is six times too many. I live in fear of walking my dog. These unfortunate encounters have made my dogs aggressive. That is a natural response on their part, because they have been traumatized and are now afraid of other dogs. This means I have to be extra vigilant when walking my dog to guarantee there are no conflicts. When walking my dog I have to be constantly on the lookout for any

approaching dogs, whether in front or behind, so that I can cross over the street at least two blocks in advance to avoid a confrontation.

I do not think anyone in this community should be afraid to walk their dog. Nor should anyone or their dog be put in danger by a dog that is "not under the control of the owner/keeper." Therefore, I can only strongly emphasize that the current dog leash law ordinance be re-evaluated and revised.

What is this town waiting for? A tragedy to happen involving a child mauled by a loose dog? The time to act is now, before it's too late.

Respectfully submitted,  
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