



TOWN COUNCIL MEETING
Monday, April 19, 2021
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: 981 9206 9490
PRESS # AGAIN TO JOIN THE MEETING

JOIN VIA COMPUTER OR MOBILE APP: Meeting ID: <https://zoom.us/j/98192069490>

TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING LINK:
<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>

Attachments for items on this meeting agenda are available to the public on the Town website at <http://www.jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2021-meetings-minutes>

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

A) Approval of Minutes; review, discussion and/or potential action and/or vote March 15, 2021 (regular meeting)

B) Open Forum – Water & Sewer Matters

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

- 1) Scheduled request to address – None
- 2) Non-scheduled request to address

- C) Report of Town Officials:
 - 1) Pumping report
 - 2) Town project reports
 - a) Town Wells
 - b) Water Treatment Plant
 - c) Transfer Pumping/Reservoir
 - d) Distribution System
 - e) Wastewater Treatment Facility
 - 3) Finance Director's Report: Comparison of Budget to Actuals as of March 31, 2021

- D) Letters and Communications:
 - 1) Letter received April 7, 2021 from Loren DeVeau of 10 Avenue B requesting relief from her 04/21 Water and Sewer bill

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

IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- A) Review, Discussion and/or Action regarding a Proclamation declaring May 3rd through May 7th Jamestown Teacher Appreciation Week

V. PUBLIC HEARINGS, LICENSES AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance. Please Note in Accordance with Section 42-46-6 (b) the Council May Review, Discuss and/or Take Action and/or Vote on the following items:

- A) Public Hearing: Review, Discussion and/or Action on the Request of Riven Rock Inc. for a Comprehensive Plan Amendment for Plat 8 Lot 31 and a Zoning Ordinance Map Amendment for Plat 8 Lot 31. The request is further defined as follows: Amend Future Land Use Map #5 to change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential; Amend Existing Zoning Map #4; changing Plat 8 Lot 31 from R-40 to R-20. The Town Council will reconvene as the Board of Water and Sewer Commissioners for Review, Discussion and/or Action to Amend the Public Water & Sewer Service Area Map #22 to include Plat 8 Lot 31 in the Urban Water and Sewer District.
 - 1) Memorandum from Duncan Pendlebury, Vice Chair of Planning Commission dated March 8, 2021; Riven Rock Inc, 113-115 Melrose Avenue Subdivision, Plat 8 Lot 31
 - 2) Memorandum from Duncan Pendlebury, Vice Chair of Planning Commission, dated March 8, 2021; 113-115 Melrose Avenue Subdivision; review and recommendation of proposed Zone Change and Comprehensive Plan Amendment
 - 3) Memorandum from Duncan Pendlebury, Vice Chair of Planning Commission, dated March 8, 2021; Riven Rock Inc, 113-115 Melrose Avenue Subdivision Plat 8 Lot 31

- 4) Letter from Deborah A. Foppert, Esq; dated July 6, 2020; regarding 113 & 115 Melrose Ave. (Plat 8 Lot 31)
 - 5) Map 4 Existing Zoning Town of Jamestown Comprehensive Plan, 2014
 - 6) Riven Rock Preliminary Plan Proposed Conditions for AP 8 Lot 31
 - 7) Riven Rock Presentation to Planning Commission, January 2021
 - 8) Letter from Deborah A. Foppert, Esq; dated February 9, 2021; regarding 113 & 115 Melrose Ave. (Plat 8 Lot 31)
 - 9) Letter of Deborah A. Foppert, Esq.; dated March 24, 2021; regarding 113 & 115 Melrose Ave. (Plat 8 Lot 31)
- B) Event License Applications: All event license application approvals are subject to any and all COVID-19 protocols in affect at the time of the event.
- 1) Applicant: Arnold Zweir Post 22, American Legion
 Events: American Legion/VFW Events
 Date(s): May 31, 2021 to January 15, 2022
 Locations: Watson Ave., Narragansett Ave., North Rd., Veterans Square
 - 2) Applicant: Jamestown Community Chorus
 Event: Memorial Day Concert
 Date: May 31, 2021
 Location: Lawn School Soccer Field
 - 3) Applicant: Saint Mark Church
 Event: Mother's Day Plant Sale
 Date: May 8, 2021
 Location: Saint Mark Church (outside)
- C) Town Council Sitting as the Alcoholic Beverage Licensing Board
 Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended.
- 1) Renewal of Approval of Requests for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas valid with Special Event Application of the Chamber of Commerce for Dine Out Event in response to COVID- 19; with proposed Extension to May 18, 2021 unless revoked earlier:
 - a) KALI LLC dba J22 Tap & Table, 22 Narragansett Ave.
 - b) Jamestown Beer Holdings LLC dba The Generals Crossing, 34 Narragansett Ave.
 - 2) Renewal of Approval of KALI LLC dba J22 Tap & Table for Temporary Seasonal Expansion of Existing Liquor License Applications in accordance to R.I.G.L 3-5-17, for service and consumption areas to include property contingent on lease agreement with REGNUM LLC, located at 20 Narragansett Ave. with proposed Extension to May 18, 2021 unless revoked earlier.

- D) Town Council Sitting as the Alcoholic Beverage Licensing Board
Notice is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following application has been received for a **NEW Class B Victualer Liquor License**:

Jamestown Solonniere, LLC
14 Narragansett Avenue
Jamestown, RI 02835

Request for Town Council review, discussion, and potential vote of approval to proceed to advertise for Public Hearing on May 17, 2021, with advertisement in the *Jamestown Press* editions of April 29th and May 6th.

**VI. 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) COVID-19 Status
 - 2) Municipal Parking Lot, Narragansett Avenue
 - 3) Jamestown Golf Course, New Clubhouse
 - 4) Vacancy Status for the position of Town Clerk
 - 5) Appointment of Parks and Recreation Director (Agenda Item)
 - 6) Meeting with RIDEM, re: State Parks (Agenda Item)
 - 7) Jamestown Housing Authority Executive Director Vacancy (Agenda Item)
 - 8) RI Slave History Medallions, Mr. Charles Roberts, Executive Director
 - 9) Charter Amendment Update
 - 10) FYI: The RI Small Business Relief Grant Program
- B) EMA Report: Chief Edward Mello: Regarding COVID-19

VII. UNFINISHED BUSINESS

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

- A) Upcoming Meetings and Sessions – dates and times
- 1) Town Council Meeting Schedule:
 - a) Town Council Regular Meeting: May 3, 2021 at 6:30 p.m.
 - b) Town Council/Water and Sewer Meeting: May 17, 2021 at 6:30 p.m.
- B) Review, Discussion and Possible Action to extend the Executive Order 2020-1, to May 18, 2021, unless revoked earlier; the continuation of the authorization of the Town Administrator to take any and all necessary actions to implement best practices guidance regarding municipal government actions to curtail the spread of the COVID 19 virus.

- C) Review, Discussion and/or Action and/or Vote to proceed to advertise for public hearing for amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Article III. Specific Street Regulations, Sec. 70-55; and Article IV. Stopping, Standing and Parking, Sec. 70-80, Sec. 70-87, and Sec. 70-91 through Sec. 70-103 at the May 17, 2021 meeting of the Jamestown Town Council.
- D) Discussion of Fort Wetherill Report regarding meeting with RI Department of Environmental Management

VIII. NEW BUSINESS

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

- A) Review, discussion and/or possible action on the FY2021/2022 Tentative Budget, Review and Discussion of Proposed Town Administrator’s Budget; Possible action to adopt and recommend proposed FY2021-2022 Town Budget for consideration by Financial Town Meeting.
- B) Review, discussion and/or possible action to Approve the Solid Waste and Recycling Services Agreement between the Rhode Island Resource recovery Corporation and the Town of Jamestown and Authorization for Signing by Town Administrator Hainsworth.
- C) Review, discussion and/or possible action to approve the Appointment of Raymond DeFalco, Jr. as the Director of Parks and Recreation for the Town of Jamestown
- D) Review, discussion and/or possible action regarding Resolutions of the Jamestown Democratic Town Committee and request for support for the following Legislation:
 - 1) House Bill 5148 Rhode Island Broadband Development Program
 - 2) House Bill 5455 and Senate Bill 0078 Act on Climate
- E) Discussion regarding vacancy of the Jamestown Housing Authority Executive Director.
- F) Request by Councilman Brine for discussion on Communication received from Jamie Enberg concerning cell phone service on the Island and request for a cross walk on North Road at America Way.

IX. CONSENT AGENDA

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

- A) Adoption of Town Council Minutes
 - 1) April 5, 2021 (Regular Meeting)
- B) Minutes of Boards/Commissions/Committees

- 1) Planning Commission (February 3, 2021)
 - 2) Planning Commission (February 17, 2021)
 - 3) Tax Assessment Board of Review (February 25, 2021)
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- C) Finance Director's Report: Christina D. Collins - Comparison of Budget to Actuals as of March 31, 2021
- D) Authorization of the Warrant and Resolutions for the June 7, 2021 Financial Town Meeting (Warrants are routine in matter as they relate to setting the tax rate.)
- 1) Resolution Number 1: Sewer Line Frontage Tax Rate (.68 cents per liner foot, included on tax bill for homes in the Sewer district)
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 - 3) Resolution Number 3: Disposition of Collected Back Taxes (All back taxes to be placed in the General Fund at time of receipt.)
 - 4) Resolution Number 4: Setting the Tax Rate (Actual rate to be determined within a range at the FTM.)
 - 5) Resolution Number 5: Borrowing for Water Tank Purposes Through Issuance of Bonds
 - 6) Resolution Number 6: Use of Proceeds of Borrowing for Fire Department Purposes Through Issuance of Bonds Under Resolution Number 5 of Prior Financial Town Meeting 2020
 - 7) Resolution Number 7: Use of Federal Grants In Lieu Of Borrowing for Projects Otherwise Authorized and Any Other Capital Projects in the Town Capital Improvement Program and/or the School Capital Improvement Program.
- E) Zoning Board of Review Abutter Notice for Public Hearing of Tuesday, April 27, 2021 at 7:00 p.m.: Application of Michael and Sabrina Donnelly (David and Janice Martin, owners), whose property is located a the corner of Garboard St. and Stanchion Ave. and further identified as Assessor's Plat 15 Lot 268 for a special use permit from Article 3, Section 82-314 High Groundwater Table and Impervious Layer Overlay District (A) review process to install a proposed rain garden, septic system, and construct a new 4 bedroom single-family residential dwelling. Said property is located in the R40 zone and contains 14,400 sq. ft.
- F) Resolutions and Proclamations of other Rhode Island cities and towns:
- 1) Resolution of the Portsmouth Town Council No. 2021-03-08 A In Support of Bill H 5113 An Act Related to Miniature Alcoholic Beverage Container Deposit Recycling
 - 2) Resolution of the Portsmouth Town Council No. 2021-02-22 Requesting and Supporting Legislation to Amend Title 44, Chapter 5 of the Rhode Island General Laws Regarding Municipal Taxation of Real Estate

- 3) Resolution of the Westerly Town Council No. 20/21-75 In Opposition to Rhode Island 2021 Gun Control Legislation
- 4) Resolution of the Westerly Town Council No. 20/21-76 Opposing Senate Bill 0259 and House Bill 6067 “An Act Relating to Aeronautics”

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

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

A) Communications Received:

- 1) Copy of Letter to: Town Council
From: A. O. Gutierrez
Dated: April 6, 2021
Re: Leash law in Jamestown & suggested clarifications
- 2) Copy of Letter to: Town Council
From: Cynthia Levesque
Dated: April 7, 2021
Re: Revising the Jamestown Dog Ordinance
- 3) Copy of Email to: Town Administrator Hainsworth
From: Alice Adler
Dated: April 7, 2021
Re: National Gun Violence Awareness proclamation request
- 4) Copy of Letter to: Jamestown Harbor Commission
From: Sharon Purdie and Ted Sybertz
Alan and Lorraine Katz
William Robert Kalander
Dated: April 9, 2021
Re: Objecting to request of Walrus and Carpenter to relocate oyster nursery operation to West Ferry
- 5) Copy of Letter to: Town Clerk
From: Michael Ridge, Lucky Ridge Co., Inc.
Dated: April 7, 2021
Re: Thanking Town Administration for their support for Spinnaker’s over the last 16 years and extending gratitude to present and past Town Councils for keeping Jamestown one of RI’s most vibrant communities

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

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- A) Scheduled request to address: Keith Roberts - Regarding Computer Security
- B) Non-scheduled request to address

XII. 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.

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 kmontoya@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on April 15, 2021

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- F) Resolutions and Proclamations of other Rhode Island cities and towns:
- 1) Resolution of the Portsmouth Town Council No. 2021-03-08 A In Support of Bill H 5113 An Act Related to Miniature Alcoholic Beverage Container Deposit Recycling
 - 2) Resolution of the Portsmouth Town Council No. 2021-02-22 Requesting and Supporting Legislation to Amend Title 44, Chapter 5 of the Rhode Island General Laws Regarding Municipal Taxation of Real Estate

- 3) Resolution of the Westerly Town Council No. 20/21-75 In Opposition to Rhode Island 2021 Gun Control Legislation
- 4) Resolution of the Westerly Town Council No. 20/21-76 Opposing Senate Bill 0259 and House Bill 6067 “An Act Relating to Aeronautics”

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

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

A) Communications Received:

- 1) Copy of Letter to: Town Council
From: A. O. Gutierrez
Dated: April 6, 2021
Re: Leash law in Jamestown & suggested clarifications
- 2) Copy of Letter to: Town Council
From: Cynthia Levesque
Dated: April 7, 2021
Re: Revising the Jamestown Dog Ordinance
- 3) Copy of Email to: Town Administrator Hainsworth
From: Alice Adler
Dated: April 7, 2021
Re: National Gun Violence Awareness proclamation request
- 4) Copy of Letter to: Jamestown Harbor Commission
From: Sharon Purdie and Ted Sybertz
Alan and Lorraine Katz
William Robert Kalander
Dated: April 9, 2021
Re: Objecting to request of Walrus and Carpenter to relocate oyster nursery operation to West Ferry
- 5) Copy of Letter to: Town Clerk
From: Michael Ridge, Lucky Ridge Co., Inc.
Dated: April 7, 2021
Re: Thanking Town Administration for their support for Spinnaker’s over the last 16 years and extending gratitude to present and past Town Councils for keeping Jamestown one of RI’s most vibrant communities

XI. 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: Keith Roberts - Regarding Computer Security
- B) Non-scheduled request to address

XII. 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.

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 kmontoya@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on April 15, 2021

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

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was held on March 15, 2021. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom.

The meeting was called to order via Zoom at 6:36 PM by Commission President Nancy A. Beye.

The following members were present:

Mary E. Meagher, Vice-President
Erik G. Brine
Michael G. White
Randall White

Also present were:

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

(None)

READING AND APPROVAL OF MINUTES

Motion was made by Commissioner Meagher, seconded by Commissioner Michael White to accept the 2/16/21 regular meeting minutes. So unanimously voted.

OPEN FORUM

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

- 1) Scheduled requests to address: (None)
- 2) Non-scheduled request to address: (None)

REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

The Public Works Director reported the following:

- Pumping was up slightly for the month of February, compared to January 2021 and was up slightly compared to February of 2020.
- North Reservoir is @ 57MG, usable storage-60MG.
- South Pond is @ 6MG, usable storage- 6MG

2) **Town project reports:** *(See attached Project Update Report dated March 2021)*

Treatment Plant-

Emergency Interconnection with the Town of North Kingstown-

The Public Works Director reported the following:

- Jamestown Water Department staff and the Superintendent of North Kingstown met with Weston and Sampson Engineers to review the sampling schedule for the Corrosion Control Evaluation that the Town is conducting as required by RIDOH. Water Department staff will be working in collaboration with the Town of North Kingstown for approximately 6 months to complete this analysis.

Distribution System-

Painting of the water tower-

The Public Works Director reported the following:

- Pare Corporation is working on finalizing our bid documents for the painting of the water tower.
- Additional funding may be required for the project, based upon current estimates provided by our consultant.
- The Town will need to coordinate with the cellular carriers for temporary relocation of the antennae during the painting of the water tower.

The Finance Director stated the Town will have to obtain financing for the library project and that this will be before the voters at the Financial Town Meeting in June and that she would like to include the additional funding for the painting of the water tower at this time. The Finance Director further stated that the Public Works Director will be getting an estimate of the additional funds needed and will report back to the Commission.

The Public Works Director further reported that Water Department staff will be flushing water mains during the month of April.

Commission President Beye asked the Public Works Director if the Town could make notice to residents, regarding possible cellular outage during the painting of the water tower. The Public Works Director stated that he would try to get notice out.

Wastewater Treatment Plant-

The Public Works Director reported the following:

- Wastewater staff was called out to pump station #3 located at West Ferry for an alarm due to generator failure.

- Upon arrival to the pump station, it was discovered that an electrical fire had started on the station's emergency generator. The fire was out upon arrival.
- We have a portable generator in place, but we will have to replace the generator.
- We have been in contact with the Town's insurance company regarding this matter.

Following clarification on a few items, it was the consensus of the Commission to accept the Public Works Directors report.

LETTERS AND COMMUNICATIONS

(None)

UNFINISHED BUSINESS

(None)

NEW BUSINESS

(None)

TOWN BUSINESS

(None)

ADJOURNMENT

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

Attest:


Denise Jennings
Water and Sewer Clerk

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



TOWN OF JAMESTOWN WWTF
MONTHLY REPORT
February 2021

Douglas Ouellette, Superintendent

Parameters

	<u>Monthly Avg.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.4170 MGD	.73 MGD	
Daily Max	.7110 MGD		
BOD Removal	99.4%	85%	% Removed
TSS Removal	96.3%	85%	% Removed
Fecal Coliform	1.19	No limit, report only	
Enterococci	3.10	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

Environmental Compliance (Violations)

There are no violations to report for the month of February.

Complaints

There were three complaint(s) received for the month of February. All three complaints were customer service issues.

Alarms

There are two alarms to report for the month of February. (1) low Cl₂ alarm (2) generator failure alarm at PS#3. The genset failure alarm was the result of an electrical on the generator itself, the generator suffered a fair amount of heat and smoke damage as did the interior of the pump station. Fortunately, the station continued to operate and is still operational, the auxiliary genset has been tied into the station in case of a power interruptions and a preliminary cleaning was performed. After the genset is replaced the interior will be repainted.

Septage

The facility received 2,500 gallons septage for the month.

Sludge Production

The facility processed 35,500 gallons of sludge through Wastewater Services Incorporated.

Maintenance Management

The Crew completed 56 work orders for the month of February.

Chemical Use

The facility used 256 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

Collection System

28 pump station inspections were completed. 12 Gen Set inspections were performed. All stations are operating as designed.

Energy Use

Energy use at the plant for the month was: 186 KWH

Precipitation

Precipitation measured in at 1.22"

JAMESTOWN WWTF
February FLOWS/RAIN



Project Update March 2021

WELLS

JR-1, JR-3

- JR-1 is currently in service. The well pumps water at a rate of 50 gpm directly into the transmission main feeding the water plant from the reservoir.

TREATMENT PLANT

- Water department staff continue to work on equipment upgrades within the water treatment facility.
- The water department staff and the Superintendent of North Kingstown water met with Weston and Sampson Engineers to review the sampling schedule for the Corrosion Control Evaluation that we are conducting to respond to the RIDOH. Over the next 6 months our staff will be working in cooperation with North Kingstown to collect water samples from both systems for laboratory analysis. The analytical results will be used to determine if the water from North Kingstown will have an effect on water quality here in Jamestown when the interconnection is in use.

DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 57 MG

Usable Storage 60 Million Gallons

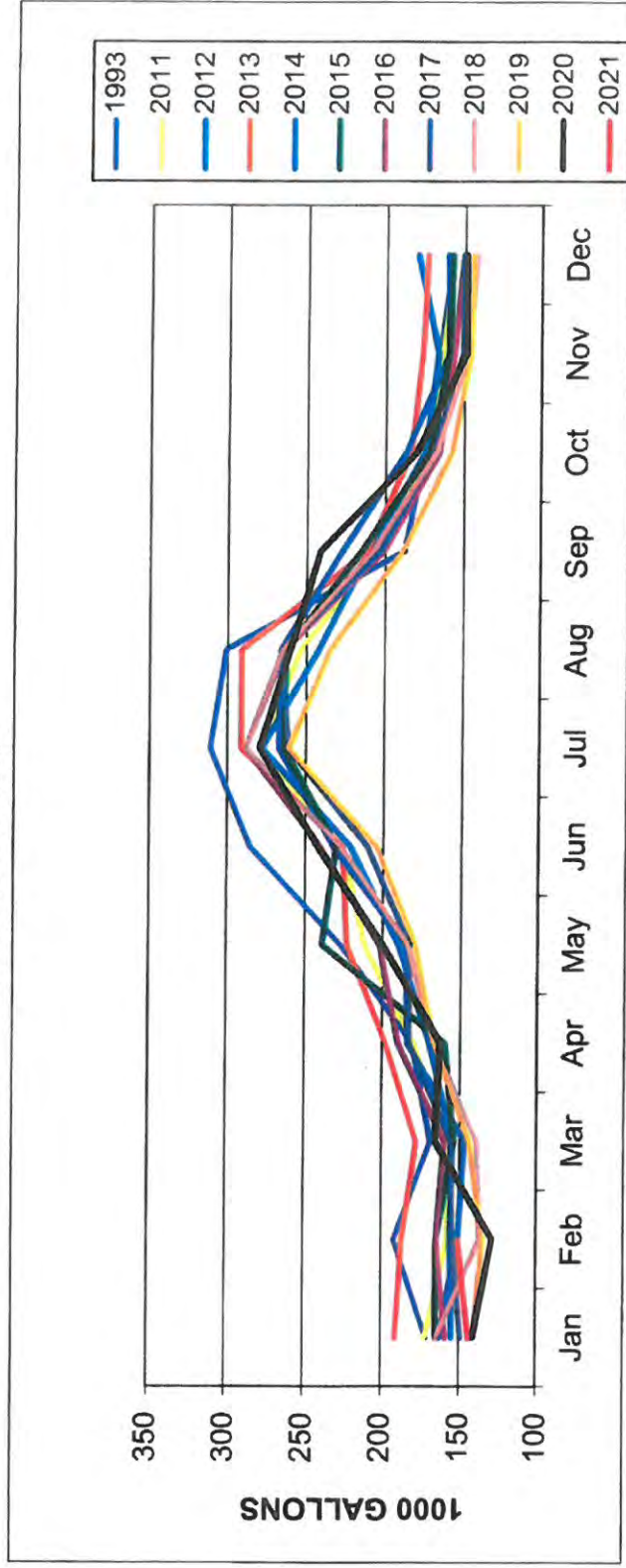
- Pare Corporation has been working on finalizing our bid documents for painting the water tower. It appears that additional funding may be required for this project based upon budget level estimates provided by our consultant for the scope of work necessary for painting. We will also need to work with each of the cellular carriers to determine what will be required for temporary relocation of the antennae during painting operations.

WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for February was 0.42 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 0.71 million gallons. There were no sanitary sewer overflows for the month of January.
- On 2/25/2021 at 9:45 pm the wastewater superintendent responded to pump station #3 located in West Ferry for a generator failure alarm that was received. The superintendent discovered that an electrical fire had started on the stations emergency generator. The fire was already out upon arrival but the station was full of smoke. The station was fully functional and there were no issues with its operation. Each day our staff completes routine checks of all equipment at our stations and performs maintenance as required of our systems. There was no indication earlier in the day that there were problems with any of the equipment at pump station #3.
We have been working with our insurance company on the replacement/repair to the emergency generator. It appears from the evaluation that the block heater on the generator may have been the cause of the electrical fire. Our service contractor has temporarily connected our mobile generator to the station as an emergency backup until we are fully restored with backup power. It may be months for the equipment to be replaced due to lead times on generators in the industry.

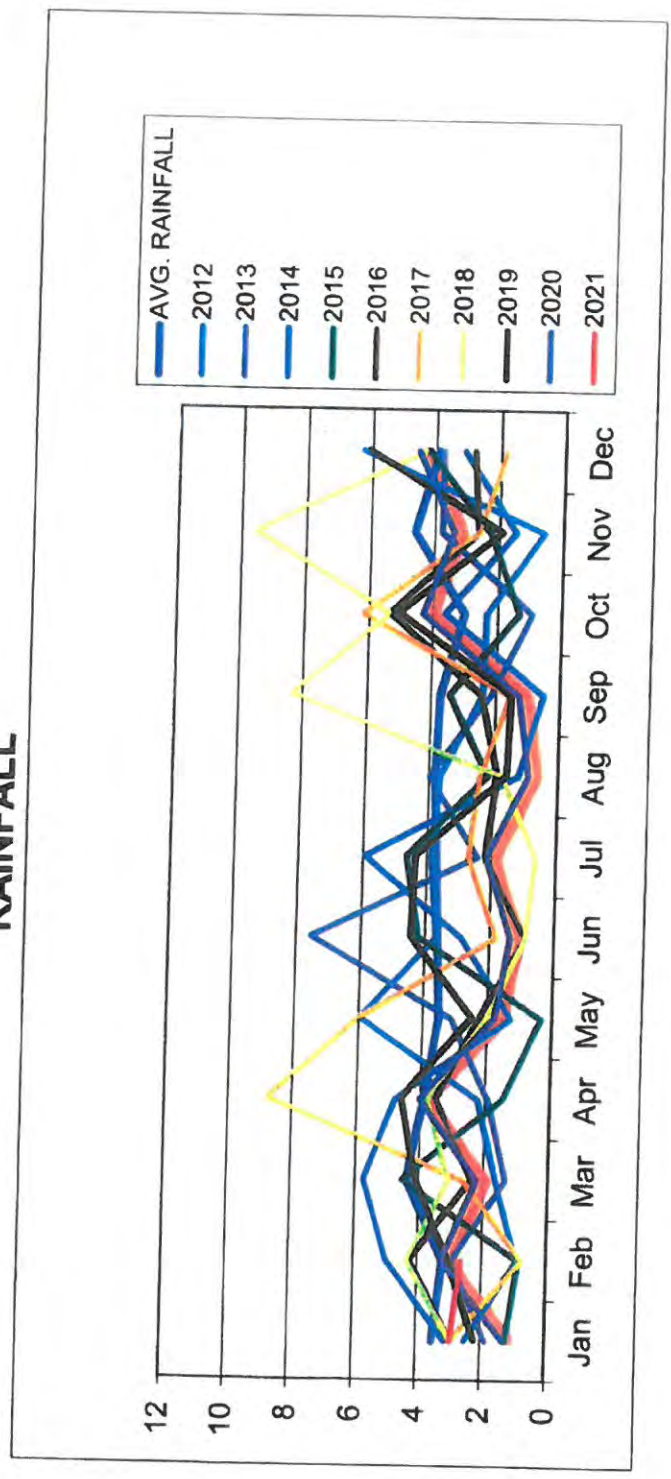
	1993	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Jan	171	172	173	239	172	155	191	163	165	159	149	165	141	141	144
Feb	192	154	173	210	158	156	187	151	165	165	155	137	135	129	151
Mar	169	155	165	198	157	155	178	147	154	160	156	139	144	166	
Apr	181	174	196	210	180	170	198	184	160	190	183	167	167	163	
May	227	202	195	180	212	190	223	185	239	202	183	184	179	200	
Jun	285	246	215	218	226	221	226	232	230	240	210	227	204	242	
Jul	311	296	277	274	279	278	291	267	264	288	261	288	261	279	
Aug	301	256	290	251	254	242	291	266	263	264	266	265	235	260	
Sep	188	210	245	193	205	210	212	227	215	201	203	208	189	241	
Oct	175	187	259	182	175	175	184	187	172	166	170	168	158	180	
Nov	166	175	226	160	164	167	177	160	160	157	151	148	146	149	
Dec	158	192	230	167	158	180	174	161	158	151	151	142	145	149	

PUMPING REPORT

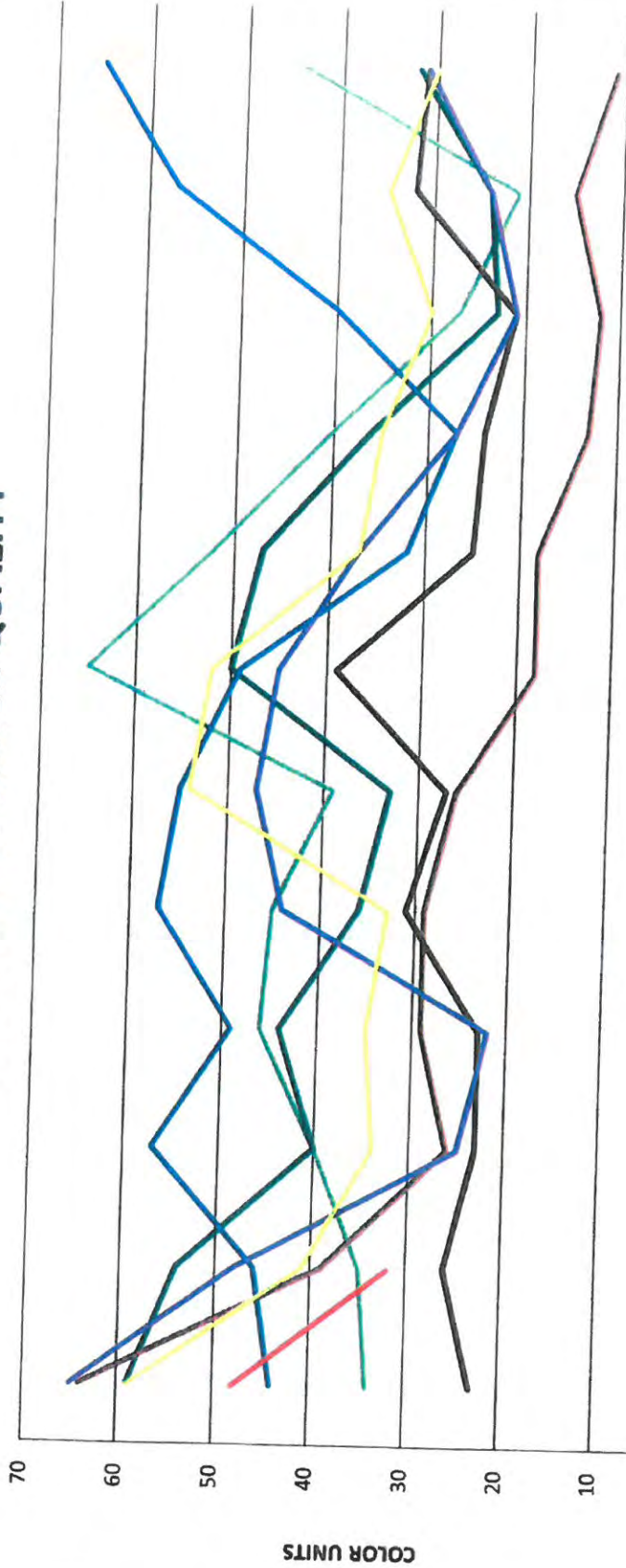


	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3	2.94
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26	2.94
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21	2.62
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03	2.62
May	3.5	3.11	1.27	0.32	2.24	6.03	2.03	2.46	1.79	2.62
Jun	3.6	7.55	2.86	4.2	0.89	1.79	0.89	4.44	1.36	2.62
Jul	3.7	2.42	5.93	4.63	2.19	2.7	0.61	4.33	2.16	2.62
Aug	3.8	3.98	1.23	2.17	1.88	2.4	1.73	1.58	0.91	2.62
Sep	3.7	2.13	0.5	3.41	2.42	1.54	8.35	1.49	1.27	2.62
Oct	3	0.9	3.61	1.31	5.33	6.18	5.34	5.04	4.29	2.62
Nov	4.6	3.76	1.47	2.27	2.63	2.61	9.61	1.89	3.39	2.62
Dec	3.9	3.76	3.1	4.2	2.79	1.81	4.33	6.09	4.53	2.62
Total	44.8	35.64	38.59	30.59	33.45	40.18	47.02	41.29	30.5	2.62

RAINFALL



Transfer Pumping NORTH POND WATER QUALITY



	1	2	3	4	5	6	7	8	9	10	11	12
2014	34	35	40	46	45	39	65	52	40	27	11	12
2015	59	54	40	44	36	33	50	47	36	23	24	44
2016	64	39	26	29	29	26	18	18	13	12	15	32
2017	23	26	23	23	31	27	39	25	24	21	32	11
2018	44	46	57	49	57	55	49	32	27	40	57	31
2019	65	48	25	22	44	47	45	37	27	21	24	65
2020	59	41	34	35	33	54	52	37	35	30	35	31
2021	48	32	35	37	37	30	35	30	35	30	35	30



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

Christina D. Collins
Finance Director

MEMORANDUM

TO: Jamie A. Hainsworth, Town Administrator
FROM: Christina D. Collins, Finance Director
DATE: April 15, 2021
SUBJECT: Budget to Actual- Water & Sewer Funds

Attached is Budget to Actual report for the Fiscal Year 2021. The report contains the expenses that have been paid through March 31, 2021 for FY2021.

Please do not hesitate to contact me with any questions or concerns.

Budget vs Actual - Water
TOWN OF JAMESTOWN, RI
For 3/31/2021

Run: 4/12/2021 at 12:10 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
2102 7000 70100 00 Salary- Public Works Director	26,103.00	2,007.94	20,417.96	5,685.04	78.22
2102 7000 70102 00 Salary- Accounting	43,162.00	3,079.36	35,859.11	7,302.89	83.08
2102 7000 70103 00 Salary - Treatment Plant Operator	78,537.00	5,753.60	58,060.32	20,476.68	73.93
2102 7000 70104 00 Ass't Plant Operator w/longevity	73,435.00	5,230.40	58,503.34	14,931.66	79.67
2102 7000 70105 00 Salary - Plant Operator	60,798.00	4,676.81	47,547.19	13,250.81	78.21
2102 7000 70513 00 Treatment Plant Operator - OT	13,000.00	906.24	12,754.44	245.56	98.11
2102 7000 70514 00 Ass't Treatment Plant Operator OT	11,000.00	1,059.31	11,431.38	(431.38)	103.92
2102 7000 70515 00 Plant Operator- OT	8,000.00	0.00	7,677.57	322.43	95.97
7000 Salaries	314,035.00	22,713.66	252,251.31	61,783.69	80.33
2102 7001 70900 00 SOCIAL SECURITY TAX	24,024.00	1,711.36	19,323.34	4,700.66	80.43
2102 7001 70901 00 Blue Cross/Delta Dental	41,239.00	3,280.86	33,341.49	7,897.51	80.85
2102 7001 70902 00 Worker's Compensation	30,000.00	0.00	20,000.00	10,000.00	66.67
2102 7001 70903 00 Retirement System	31,250.00	2,080.75	20,865.64	10,384.36	66.77
2102 7001 70906 00 Life Insurance	620.00	111.60	502.20	117.80	81.00
2102 7001 70910 00 Clothing	1,500.00	0.00	284.36	1,215.64	18.96
7001 Benefits	128,633.00	7,184.57	94,317.03	34,315.97	73.32
7000/7001 Salaries & Benefits	442,668.00	29,898.23	346,568.34	96,099.66	78.29
2102 7005 70601 00 Maintenance	6,000.00	0.00	3,353.79	2,646.21	55.90
2102 7005 70606 00 ALARM LINES	2,500.00	265.91	2,060.89	439.11	82.44
7005 Reservoirs/Rights of Way	8,500.00	265.91	5,414.68	3,085.32	63.70
2102 7006 70601 00 Maintenance	1,000.00	0.00	1,964.85	(964.85)	196.49
2102 7006 70636 00 Wells- Electricity	10,000.00	766.58	6,773.59	3,226.41	67.74
7006 Wells	11,000.00	766.58	8,738.44	2,261.56	79.44
2102 7010 70008 00 Lab Supplies - Water	10,000.00	1,830.39	9,520.56	479.44	95.21
2102 7010 70631 00 Chemicals	50,000.00	7,514.16	39,116.40	10,883.60	78.23
2102 7010 70632 00 Heat	13,500.00	2,266.35	7,467.06	6,032.94	55.31
2102 7010 70633 00 Equip. Maintenance	30,000.00	2,501.29	34,971.83	(4,971.83)	116.57
2102 7010 70634 00 Professional Services	5,000.00	0.00	250.00	4,750.00	5.00
2102 7010 70635 00 Telephone	3,500.00	556.92	2,207.61	1,292.39	63.07
2102 7010 70636 00 Pumpout- Electricity	40,000.00	3,326.75	27,135.69	12,864.31	67.84
2102 7010 70637 00 Bldg Maint	8,000.00	1,079.34	11,333.08	(3,333.08)	141.66
2102 7010 70638 00 State Testing	10,000.00	645.58	5,880.37	4,119.63	58.80
2102 7010 70639 00 License Fees	6,000.00	0.00	1,800.00	4,200.00	30.00
2102 7010 70643 00 PUMP OUT TREATMENT PLANT	3,200.00	0.00	3,449.02	(249.02)	107.78
2102 7010 70645 00 WATER SLUDGE DISPOSAL	16,000.00	3,418.02	9,182.06	6,817.94	57.39
7010 Pump Station & Treatment Plant	195,200.00	23,138.80	152,313.68	42,886.32	78.03
2102 7011 70636 00 South Pond- Electricity	2,000.00	9.07	720.32	1,279.68	36.02
2102 7011 70637 00 South Pond Transfer Pump	3,300.00	0.00	0.00	3,300.00	0.00
7011 South Pond Pre-Treatment Bldg	5,300.00	9.07	720.32	4,579.68	13.59
2102 7012 70636 00 Water Tower- Electricity	3,000.00	201.45	937.79	2,062.21	31.26
2102 7012 70643 00 Water Tower - Maintenance	500.00	0.00	0.00	500.00	0.00
7012 Water Tower	3,500.00	201.45	937.79	2,562.21	26.79
2102 7013 70644 00 Vehicles Gas & Oil	1,500.00	51.26	605.18	894.82	40.35
2102 7013 70645 00 Repair and Maintenance	4,000.00	0.00	196.59	3,803.41	4.91
7013 Vehicles	5,500.00	51.26	801.77	4,698.23	14.58
2102 7020 70651 00 Clamps	1,000.00	0.00	2,133.61	(1,133.61)	213.36
2102 7020 70652 00 Pipe	5,000.00	0.00	2,848.03	2,151.97	56.96
2102 7020 70653 00 Backfill & Excavation	2,000.00	0.00	0.00	2,000.00	0.00
7020 Maintenance & Laterials	8,000.00	0.00	4,981.64	3,018.36	62.27
2102 7030 70661 00 Service Repairs	10,000.00	62.20	10,791.21	(791.21)	107.91
2102 7030 70663 00 New Services	5,000.00	284.72	284.72	4,715.28	5.69
7030 Water Division Services	15,000.00	346.92	11,075.93	3,924.07	73.84
2102 7040 70672 00 Supplies/Expenses	14,000.00	2,481.20	9,508.95	4,491.05	67.92
7040 Meters	14,000.00	2,481.20	9,508.95	4,491.05	67.92
2102 7050 70681 00 Hydrants- Maintenance	7,500.00	0.00	158.98	7,341.02	2.12
7050 Hydrants	7,500.00	0.00	158.98	7,341.02	2.12
2102 7060 70923 00 Billing	6,500.00	53.80	1,371.01	5,128.99	21.09
2102 7060 70924 00 Insurance	7,200.00	0.00	9,700.00	(2,500.00)	134.72

Budget vs Actual - Water
TOWN OF JAMESTOWN, RI
For 3/31/2021

Run: 4/12/2021 at 12:10 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
2102 7060 70925 00 Audit	4,000.00	0.00	0.00	4,000.00	0.00
2102 7060 70926 00 Supplies	6,000.00	326.31	5,498.40	501.60	91.64
7060 Administration	23,700.00	380.11	16,569.41	7,130.59	69.91
2102 7070 70300 00 Water Debt	434,011.00	0.00	0.00	434,011.00	0.00
2102 7070 70940 00 Interest	19,269.00	0.00	54,975.50	(35,706.50)	285.31
7070 Debt Service	453,280.00	0.00	54,975.50	398,304.50	12.13
2102 7080 70800 00 Water- Capital	100,000.00	0.00	0.00	100,000.00	0.00
7080 Capital	100,000.00	0.00	0.00	100,000.00	0.00
2102 7081 70602 00 PLC FOR FILTERS	0.00	0.00	1,330.00	(1,330.00)	0.00
2102 7081 70603 00 Control Panel SCADA	0.00	0.00	20,288.77	(20,288.77)	0.00
2102 7081 70604 00 Distribution	0.00	1,350.00	18,630.56	(18,630.56)	0.00
2102 7081 71303 00 WATER MANAGEMENT PLAN	0.00	0.00	7,950.00	(7,950.00)	0.00
Total Expenses	0.00	1,350.00	48,199.33	(48,199.33)	0.00
Total Expenses	1,293,148.00	58,889.53	660,964.76	632,183.24	51.11

**Budget vs Actual - Sewer
TOWN OF JAMESTOWN, RI
For 3/31/2021**

Run: 4/12/2021 at 12:11 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
2103 7000 70100 00 Salary, Public Works Director	26,103.00	2,007.94	20,417.94	5,685.06	78.22
2103 7000 70101 00 Salary- Superintendent	80,781.00	5,753.60	57,717.52	23,063.48	71.45
2103 7000 70102 00 Salary, Clerical	40,571.00	3,079.34	32,224.17	8,346.83	79.43
2103 7000 70103 00 Salaries, Ass't Superintendent	73,435.00	5,230.42	57,796.73	15,638.27	78.70
2103 7000 70104 00 Salaries- Plant Operator	64,750.00	4,676.82	50,645.30	14,104.70	78.22
2103 7000 70111 00 Sewer- Temp Labor	8,500.00	0.00	0.00	8,500.00	0.00
2103 7000 70335 00 License- Contractual	1,800.00	0.00	0.00	1,800.00	0.00
2103 7000 70336 00 Clothing	1,500.00	0.00	200.00	1,300.00	13.33
2103 7000 70511 00 Wastewater Superintendent - OT	9,000.00	7,644.15	17,304.33	(8,304.33)	192.27
2103 7000 70513 00 Ass't Superintendent - OT	9,000.00	1,906.74	13,176.77	(4,176.77)	146.41
2103 7000 70514 00 Plant Operator - OT	9,000.00	1,120.68	2,838.32	6,161.68	31.54
2103 7000 70639 00 License Fees	0.00	0.00	1,800.00	(1,800.00)	0.00
2103 7000 70900 00 Social Security Tax	23,917.00	1,983.50	15,088.63	8,828.37	63.09
2103 7000 70901 00 Blue Cross/Delta Dental	52,527.00	3,277.00	34,306.81	18,220.19	65.31
2103 7000 70902 00 Worker'S Compensation	10,000.00	0.00	8,000.00	2,000.00	80.00
2103 7000 70903 00 Retirement System	38,768.00	2,746.77	21,716.12	17,051.88	56.02
2103 7000 70906 00 Life Insurance	670.00	111.60	502.20	167.80	74.96
7000 Salaries	450,322.00	39,538.56	333,734.84	116,587.16	74.11
7000/7001 Salaries & Benefits	450,322.00	39,538.56	333,734.84	116,587.16	74.11
2103 7002 70001 00 Power- Electricity	42,000.00	3,384.40	26,929.59	15,070.41	64.12
2103 7002 70002 00 Chemicals	2,500.00	0.00	0.00	2,500.00	0.00
2103 7002 70003 00 Heat	9,500.00	639.08	5,041.99	4,458.01	53.07
2103 7002 70004 00 Water	2,000.00	0.00	1,101.01	898.99	55.05
2103 7002 70005 00 Chlorine	7,000.00	0.00	3,290.95	3,709.05	47.01
2103 7002 70006 00 Equipment Maintenance	24,000.00	2,289.79	28,801.66	(4,801.66)	120.01
2103 7002 70007 00 Misc. Supplies, Office, Cleani	10,000.00	603.79	6,844.84	3,155.16	68.45
2103 7002 70008 00 Lab Supplies	4,500.00	76.91	2,510.81	1,989.19	55.80
2103 7002 70009 00 Telephone	2,200.00	46.81	314.27	1,885.73	14.29
2103 7002 70010 00 Alarm Line- N.E.T.	7,000.00	839.42	4,112.11	2,887.89	58.74
2103 7002 70011 00 Sludge Composting	35,000.00	4,624.96	34,884.19	115.81	99.67
2103 7002 70012 00 Truck Operation & Maintenance	2,000.00	5.71	5.71	1,994.29	0.29
2103 7002 70013 00 Gas- Truck	2,500.00	114.31	1,040.77	1,459.23	41.63
2103 7002 70014 00 State Mandated Testing	26,000.00	2,364.04	18,740.42	7,259.58	72.08
2103 7002 70201 00 Professional Services - Legal	2,500.00	0.00	0.00	2,500.00	0.00
2103 7002 70315 00 Training Of Members	1,000.00	0.00	0.00	1,000.00	0.00
2103 7002 70600 00 Professional Services	2,000.00	0.00	0.00	2,000.00	0.00
7002 Wastewater Treatment Facility	181,700.00	14,989.22	133,618.32	48,081.68	73.54
2103 7003 70017 00 Pumping Station #3	5,000.00	410.01	4,237.36	762.64	84.75
2103 7003 70018 00 Pumping Station #1	25,000.00	2,204.98	13,575.41	11,424.59	54.30
2103 7003 70019 00 Pumping Station #2	11,000.00	1,679.34	6,004.44	4,995.56	54.59
2103 7003 70020 00 Pumping Station #4	750.00	59.99	434.87	315.13	57.98
7003 Pumping Stations	41,750.00	4,354.32	24,252.08	17,497.92	58.09
2103 7004 70598 00 Equipment Insurance	4,000.00	0.00	4,000.00	0.00	100.00
7004 Insurance	4,000.00	0.00	4,000.00	0.00	100.00
2103 7005 70021 00 Maintenance Sewer Mains	5,000.00	0.00	9,300.00	(4,300.00)	186.00
2103 7005 70504 00 Payment Of Principal - Town	25,844.00	0.00	4,800.00	21,044.00	18.57
2103 7005 70505 00 Payment Of Interest - Town	40,425.00	0.00	60.00	40,365.00	0.15
2103 7005 70605 00 Interest Payments	13,753.00	5,062.50	64,176.33	(50,423.33)	466.64
7005 Sanitary Sewers, Laterials & Mains	85,022.00	5,062.50	78,336.33	6,685.67	92.14
2103 7081 70801 00 Sewer Capital	60,000.00	0.00	21,821.65	38,178.35	36.37
7081 Capital Improvements	60,000.00	0.00	21,821.65	38,178.35	36.37
Total Expenses	822,794.00	63,944.60	595,763.22	227,030.78	72.41

To: The Jamestown Town Council
Sitting as the Board of Water and Sewer

NOV -7 2021

From: Loren Deveau
10 Avenue B Jamestown, R.I.

To Whom It May Concern,

A few weeks ago I was chasing a bit of trash out on the North side of my house where I rarely go in the winter time. I discovered that my outside faucet had been left on at a trickle. Since I hadn't gone over there during the winter I did not know how long it had been left on or by whom since I live alone. Maybe the gas or oil service people? I don't know. My bigger shock was when I received my bill! Yikes!!!! The bill is for \$5858.73! I also had a much higher bill the last quarter but stupidly didn't question it. I think the water had been going during that period too! I had an average quarterly bill of \$347 during 2020.

I am hoping that I might be able to receive some kind of relief. The sewer usage part of my latest bill is \$3018.84. Since I did not use the sewer for this amount of water I am hoping you will grant me relief for this amount. I am not asking for relief for last quarters bill.

Thank you for your consideration.

Sincerely, Loren Deveau

Town of Jamestown



PROCLAMATION OF THE TOWN COUNCIL

No. 2021-04

JAMESTOWN TEACHER APPRECIATION WEEK MAY 3 – 7, 2021

- WHEREAS,** The Town of Jamestown supports our teachers in their mission to educate the children of our community; and
- WHEREAS,** Jamestown teachers motivate and encourage our students' academic, artistic, athletic and social development, providing a rigorous and relevant curriculum that prepares them to be lifelong learners, problem solvers and decision makers; and
- WHEREAS,** Jamestown teachers are committed to high standards of personal performance and continually seek to improve their own skills for the benefit of our students; and
- WHEREAS,** Jamestown teachers strive daily to provide a healthy, stable learning environment for our children; and
- WHEREAS,** Jamestown teachers should be accorded high public esteem reflecting the value our community places on public education.

NOW, THEREFORE, We, the Town Council of the Town of Jamestown, Rhode Island, hereby proclaim May 3rd through May 7th **TEACHER APPRECIATION WEEK** in Jamestown and urge all citizens to pay tribute to our teachers.

By Order of the Jamestown Town Council

Nancy A. Beye, President

IN WITNESS WHEREOF, I hereby attach my hand and the
Official seal of the Town of Jamestown this 19th day of April, 2021.

Cheryl A. Fernstrom, CMC, Clerk Pro Tem

**PUBLIC HEARING NOTICE
TOWN OF JAMESTOWN
April 19, 2021 6:30 p.m.**

**TO CONSIDER AMENDMENT TO THE 2015 COMPREHENSIVE COMMUNITY
PLAN AND THE JAMESTOWN ZONING ORDINANCE MAP**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on April 19, 2021 at 6:30 P.M on the above-captioned matter. 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: 981 9206 9490
PRESS # AGAIN TO JOIN THE MEETING
JOIN VIA COMPUTER OR MOBILE APP:
Meeting ID: <https://zoom.us/j/98192069490>**

The combined Comprehensive Community Plan and Zoning Ordinance Amendments Public Hearing is requested by applicants for the proposed 2-lot subdivision located at Plat 8 Lot 31, 113-115 Melrose Avenue, Jamestown, RI. This project consists of a (major) two-lot subdivision with Subdivision Regulation waivers, and involves separating two existing houses on one existing lot. The subject lot is accessed by the existing Melrose Avenue including utilizing a portion of the Melrose Avenue paper street, a public street off Arnold Avenue. Said lot proposed for subdivision begins less than 1/10th of a mile (approximately 225 feet) north of Arnold Avenue on Melrose Avenue and approximately 3/10th (approximately 1400 feet) of a mile north of Watson Avenue on Melrose Avenue.



PUBLIC HEARING NOTICE - TOWN OF JAMESTOWN

April 19, 2021 6:30 p.m.

TO CONSIDER AMENDMENT TO THE 2015 COMPREHENSIVE COMMUNITY PLAN AND THE JAMESTOWN ZONING ORDINANCE MAP

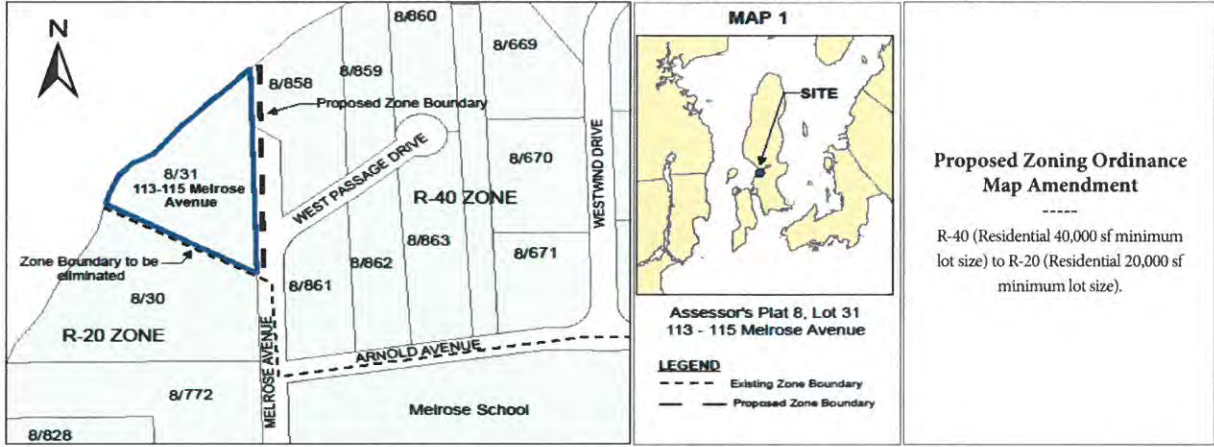
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The combined Comprehensive Community Plan and Zoning Ordinance Amendments Public Hearing is requested by applicants for the proposed 2-lot subdivision located at Plat 8 Lot 31, 113-115 Melrose Avenue, Jamestown, RI. This project consists of a (major) two-lot subdivision with Subdivision Regulation waivers, and involves separating two existing houses on one existing lot. The subject lot is accessed by the existing Melrose Avenue including utilizing a portion of the Melrose Avenue paper street, a public street off Arnold Avenue. Said lot proposed for subdivision begins less than 1/10th of a mile (approximately 225 feet) north of Arnold Avenue on Melrose Avenue and approximately 3/10th (approximately 1400 feet) of a mile north of Watson Avenue on Melrose Avenue.

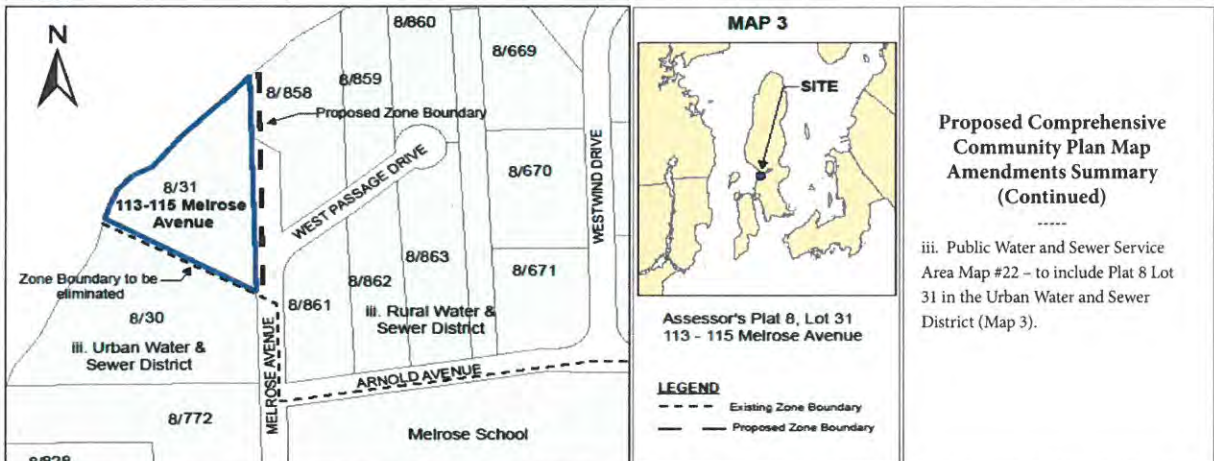
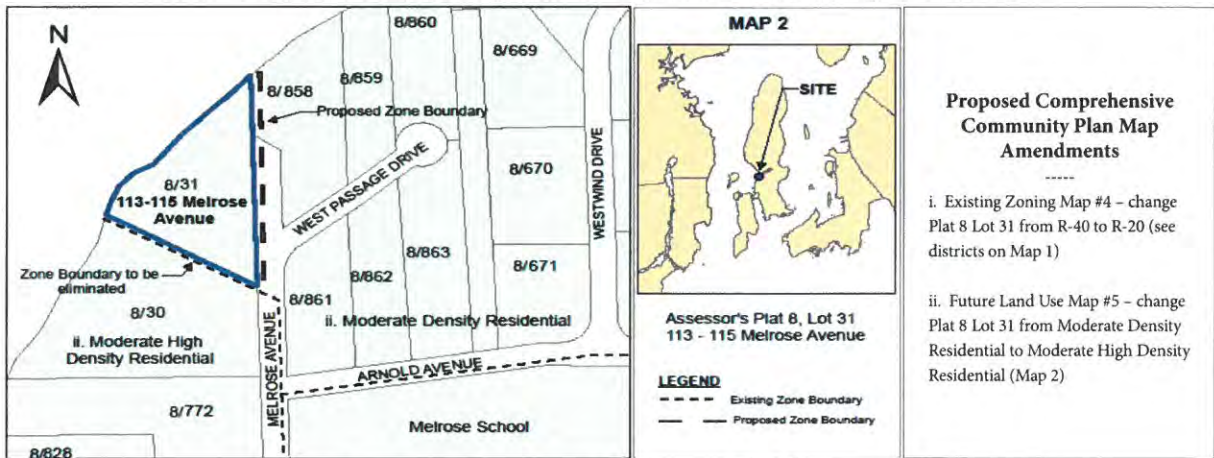
Zoning Ordinance Map Amendment Summary:

The Subdivision request includes a request for a change of zone from R-40 to R-20 Zoning District as shown on map 1 below.



Comprehensive Community Plan Map Amendment Summary:

The Subdivision request includes a request for Comprehensive Community Plan amendment of the following maps as shown below:



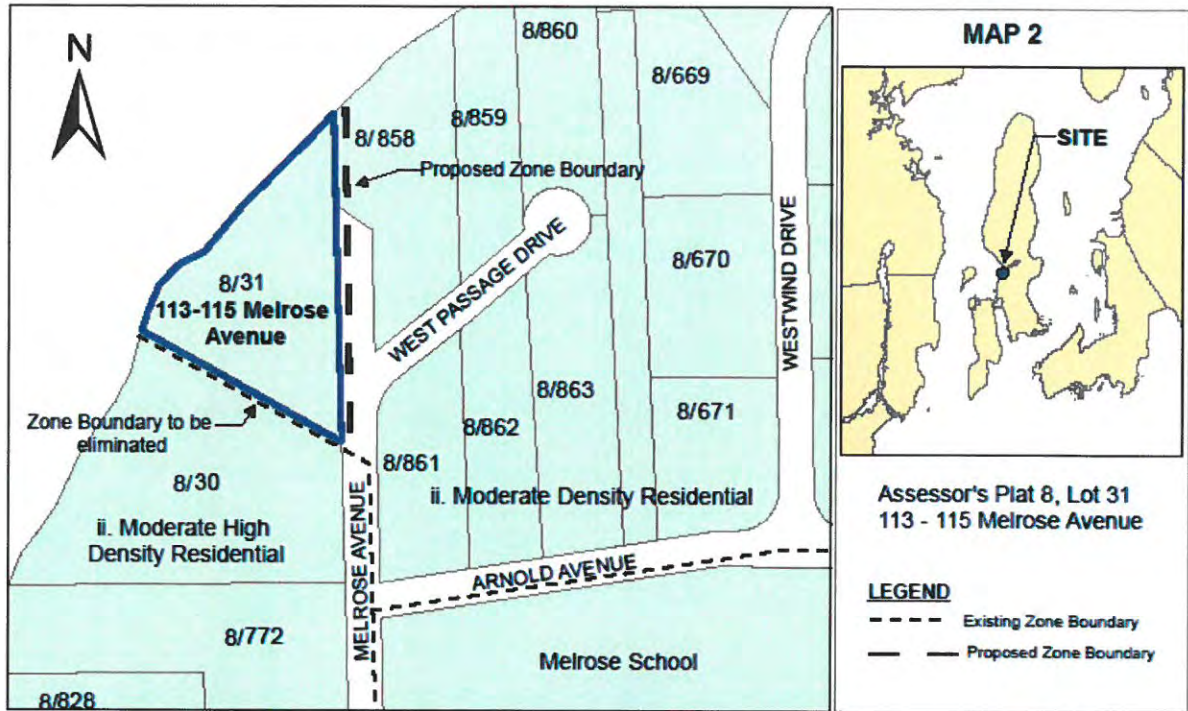
The proposed amendments are also available for review and/or purchase at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town's web site at www.jamestownri.gov. Adoption of the proposed Comprehensive Community Plan and Zoning Ordinance map amendments will be considered at this Public Hearing and may be 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 such alteration or amendment must be presented for comment in the course of any said Public Hearing.

By Order of the Town Council
Erin F. Liese, CMC - Town Clerk

This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation please call 1-800-745-5555, contact the Town Planner at 401-423-7209, via facsimile to 401-423-7230, or by email to lbryer@jamestownri.net not less than three (3) business days prior to the meeting.

Comprehensive Community Plan Map Amendment Summary:

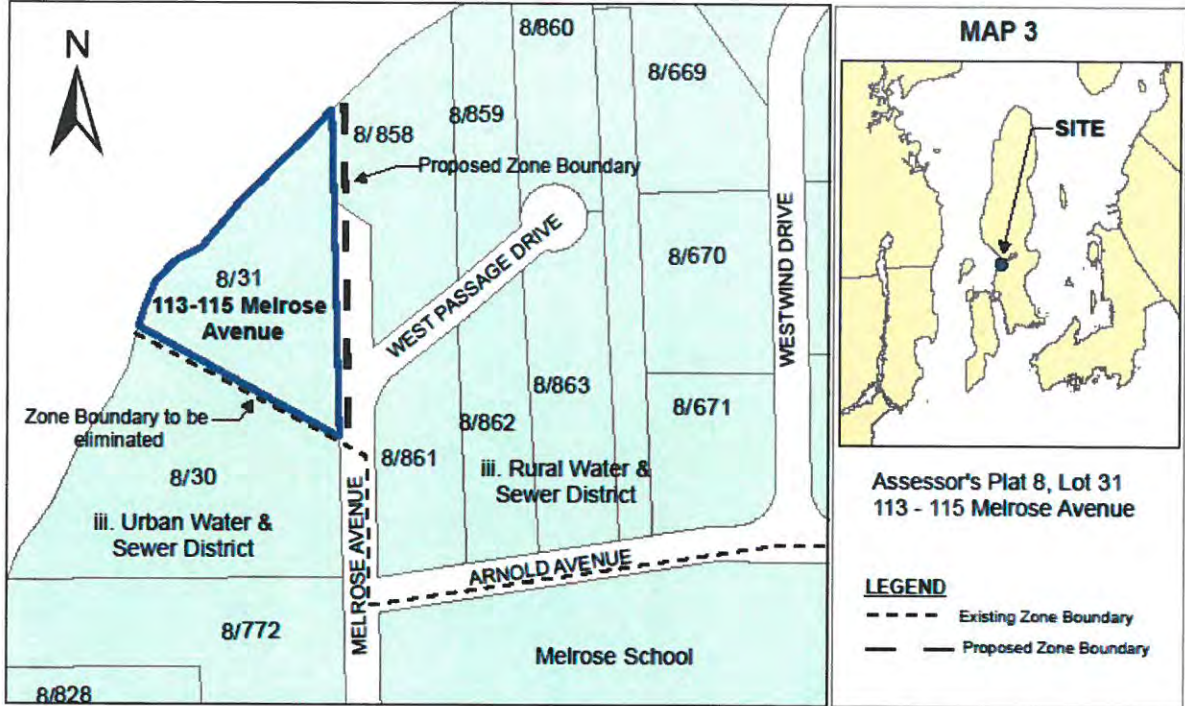
The Subdivision request includes a request for Comprehensive Community Plan amendment of the following maps as shown below:



PROPOSED COMPREHENSIVE COMMUNITY PLAN MAP AMENDMENTS

- i. Existing Zoning Map #4 - change Plat 8 Lot 31 from R-40 to R-20 (see districts on Map 1)
- ii. Future Land Use Map #5 - change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential (Map 2)

March 2021



PROPOSED COMPREHENSIVE COMMUNITY PLAN MAP AMENDMENTS (con't)

iii. Public Water and Sewer Service Area Map #22 - to include Plat 8 Lot 31 in the Urban Water and Sewer District (Map 3)

March 2021

The proposed amendments are also 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.gov.

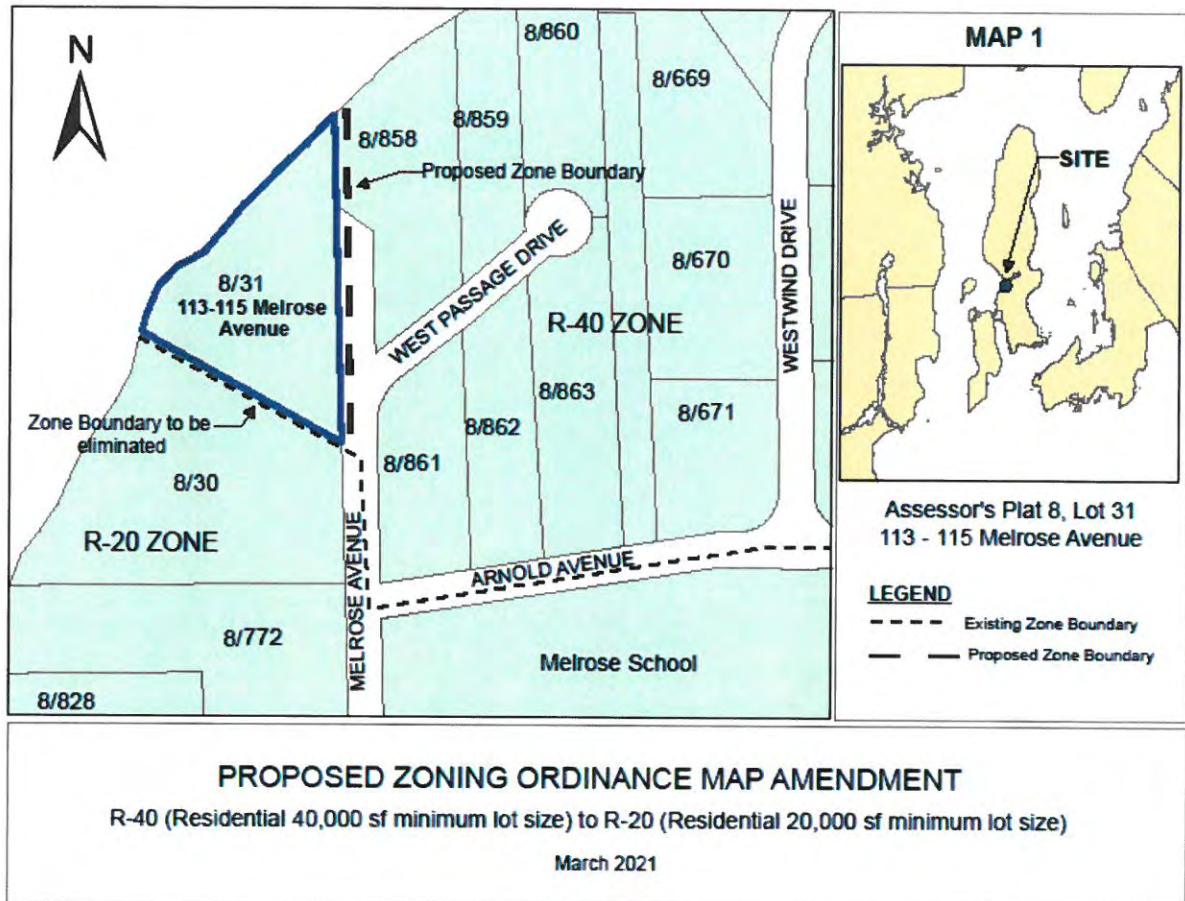
Adoption of the proposed Comprehensive Community Plan and Zoning Ordinance map amendments will be considered at this Public Hearing and may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any such alteration or amendment must be presented for comment in the course of any said Public Hearing.

By Order of the Town Council
Erin F. Liese, CMC
Town Clerk

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

Zoning Ordinance Map Amendment Summary:

The Subdivision request includes a request for a change of zone from R-40 to R-20 Zoning District (Map 1) as shown on map 1 below.





Jamestown Planning Commission MEMORANDUM

TO: The Honorable Town Council
Nancy A. Beye, President

FROM: Duncan Pendlebury, Vice Chair,
Jamestown Planning Commission
Lisa Bryer, AICP, Town Planner

RE: Riven Rock Inc., 113-115 Melrose Avenue Subdivision,
Plat 8 Lot 31

DATE: March 8, 2021

The referenced subdivision is under review at the Planning Commission. The applicant, William Salmons, Riven Rock Inc. proposes to subdivide an approximately 1.7 acre (75,000 square foot) parcel with two existing houses into 2 lots, each one with its own dwelling unit. The parcel is currently in the R-40 (minimum lot size 40,000 square feet) zoning district with frontage on Melrose Avenue. The applicant has indicated, through the plans, their intent to keep the larger existing house (Riven Rock) and replace the smaller house (the Pebble) within the same approximate location, further away from the property line, in conformance with the zoning setbacks. Having two dwelling units on one lot, is a non-conforming situation that has been there since 1911 when the main house, Riven Rock was constructed. Tax records report the Pebble was built in 1906. Tax records and old maps indicate that this was one of only a few homes in the area at that time and the area developed slowly in the later part of the century.

In order to accomplish this subdivision and split the lot with two existing homes, several things need to occur. The current zoning of R-40 does not allow the property to be subdivided because it is only 75,000 square feet and 40,000 square feet are needed per lot, or 80,000 total. The applicant has requested that this parcel be included in the adjacent R-20 district, where the R-20 line would continue up Melrose Avenue to the water. To change the zone, a Comprehensive Plan amendment would be required also, since our zoning map is incorporated into the Comp Plan and the Zoning Ordinance must be consistent with the Comp Plan by State Law.

In terms of procedure, I believe it helps to remember that this whole process is for the purpose of subdividing one lot with two existing homes into two lots, each with one of the two homes.

In order to legally perform the requested subdivision and adhere to the prescribed lot sizes in the Zoning Ordinance, the applicant's request includes a change of zone from R-40 to R-20 which will necessitate a Comprehensive Plan Amendment involving amendment of the following maps:

- i. Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
- ii. Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
- iii. Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District. Amendment of this map should be coordinated with the Board of Water and Sewer Commissioners since it will require amending the

Urban Service Area. Please note both homes are currently serviced by public water and sewer.

The Planning Commission has reviewed this subdivision, Zone Change and Comprehensive Plan Amendment request and held the required, advertised Public Hearing on January 6 (continued), February 3, February 17, and March 3, 2021. Attached are two conditional motions, approved by the Planning Commission on March 3, 2021.

By transmission of this Planning Commission approval, the Town Council must now hold a public hearing for both the Zone Change request and the Comprehensive Plan Amendment. Should the Town Council choose to approve these requests, after the required public hearing, the approval should be conditioned on the Planning Commission finalizing the subdivision process.

Attachments:

- 1) Memo dated March 8, 2021 from Jamestown Planning Commission regarding 113-115 Melrose Avenue Subdivision; review and recommendation of proposed Zone Change and Comprehensive Plan Amendment
- 2) Memo dated March 8, 2021 from Jamestown Planning Commission regarding 113-115 Melrose Avenue Subdivision
- 3) Letter from Attorney Deborah A. Foppert dated July 6, 2020 and October 28, 2020 with application materials for Subdivision, Zone Change, and Comprehensive Plan Amendment
- 4) Rationale for seeking Zone Change (note zoning variance request has been withdrawn and redesigned)
- 5) Letter from Attorney Deborah A. Foppert dated February 9, 2021
- 6) Riven Rock Preliminary Plan Proposed Conditions Plan, Plat 8 Lot 31



Jamestown Planning Commission MEMORANDUM

TO: The Honorable Town Council
Nancy A. Beye, President

FROM: Duncan Pendlebury, Vice Chair,
Jamestown Planning Commission

RE: 113-115 Melrose Avenue Subdivision; review and
recommendation of proposed Zone Change and
Comprehensive Plan Amendment

DATE: March 8, 2021

RECOMMENDATION

At a meeting of the Jamestown Planning Commission held March 3, 2021 it was voted to:

1. Recommend to the Town Council that conditional approval be granted for the Zoning Map Amendment allowing for the Zone Change from R-40 to R-20 for 113-115 Melrose Avenue for the purposes of permitting the property owner to subdivide the property and separate the two existing homes, each onto their own lot; and,
2. Conditionally approve the proposed Comprehensive Plan Map Amendments as follows and recommend to the Town Council that conditional approval be granted for such amendments:
 - a) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - b) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - c) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District

FINDINGS OF FACT

The Planning Commission finds the following in support of the proposed zone change and Comprehensive Plan Map Amendments:

1. This application requests that the subject property comprising 113-115 Melrose Avenue, Assessors Plat 8 Lot 31, be rezoned from R-40 (requiring 40,000 square feet per lot) to R-20 (20,000 square feet per lot) for the purpose of separating the two existing homes, each on their own lot, through subdivision of two lots from the one existing lot. The area of zone change is confined to Plat 8 Lot 31.
2. The Planning Commission duly advertised (December 17, 24, and 31, 2020) and held a combined subdivision Master Plan Information Meeting and Comprehensive Community Plan Public Hearing for the proposed (major) 2-lot subdivision with street extension of Melrose Avenue requiring waivers and amendments to the Jamestown Comprehensive Plan and the Jamestown Zoning Ordinance for the property located at Plat 8 Lot 31, 113-115 Melrose Avenue, Jamestown RI on January 6 (continued), February 3 and 17, 2021;

3. Conditional Subdivision approval was granted by the Planning Commission on March 3, 2021, conditioned upon granting of this Zone Change and the following Comprehensive Plan Map Amendments:
 - d) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - e) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - f) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District
4. The subject parcel is approximately 1.7 acres/74,000+ square feet;
5. The subject parcel is approximately 6,000 square feet short of being subdividable in the R-40 District. The proposed lot sizes for the subdivision are 48,377 and 26,173 square feet and the applicant has offered “no further subdivision on the 48,377 square foot parcel (Riven Rock);
6. The subject parcel and all the property north to the creek and east to North Road was zoned R-20 prior to 1982 when the Town rezoned the area north of Arnold Avenue as R-40. This included Riven Rock as the south-western boundary of this district. We do not have any evidence as to why the zone was changed but the area remaining as R-20 seems to correspond to the Water and Sewer Urban Service Area boundary. The subject parcel is serviced by Public Water and Sewer and has been for many years and is therefore consistent with the R-20 Zoning description;

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Planning Commission finds that the petition will be consistent with the Comprehensive Plan subsequent to the approval of the requested amendment. The current Comprehensive Plan Future Land Use (as shown on Map 5) designation for the property is Moderate Density Residential. The proposed designation is Moderate High Density Residential.

The Comprehensive Plan is the guiding document for the town. As such, all other policy documents such as the Zoning Ordinance and the Subdivision Regulations must be in compliance with the Comprehensive Plan. When reviewing this proposal, several areas of inconsistency are highlighted.

Comp Plan Map #4 – Existing Zoning. This map shows the subject parcel in the R-40 Zoning District, which is described as follows:

Residential District R-40 - This zone is intended to limit the growth of densely settled neighborhoods, which rely on OWTS and private wells. The small-lot subdivisions, which would be illegal under current regulations, present potential groundwater contamination problems if not adequately restricted. In some instances, this zone also serves as a transition between R-20 and RR-80.

The R-40 Zoning District includes the Jamestown Shores neighborhoods, areas along East Shore Road (south of Eldred Avenue), property along the

southern border of the Jamestown Creek, property east of Bay View Drive and south of Hamilton Avenue, and the Clarke's Village and Bonnet View neighborhoods on Beavertail.

The primary land use of the R-40 districts is single-family housing although multi-family uses are allowed by Special Use Permit and some farming and recreational development is permitted. Commercial development is limited to customary home occupation and home offices as permitted uses, and marinas, along with their associated commercial parking and/or ship and boat storage and repair by special use permit.

The proposal requests the R-40 zoning be changed to R-20, extending the R-20 district to the Melrose Avenue boundary to the north. In researching the zoning in the area, the entire area north of Arnold Avenue to the Great (Zeek's) Creek was zoned R-20 until 1982 at which time the current R-40 area was rezoned. No justification to that boundary zone change to R-40 has been found in the Town Council minutes preceding the zone change on October 12, 1982. The current description of the R-20 Zoning District in the Comprehensive Plan as well as the Zoning Ordinance is as follows:

Residential District R-20 - This zone is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled growth in areas immediately outside the village which are served by municipal water or sewer.

This district encompasses areas along Conanicus Avenue including Shoreby Hill, the West Ferry neighborhood, and property along the north and south sides of Hamilton Avenue. A minimum lot size of 20,000 square feet is required for residential development. All of these areas have public water and sewer services available.

The Zoning Ordinance allows for residential development as a permitted use and duplex and multi-family by special exception. Some farming and recreational development is permitted. R-20 zoning allows customary home occupation and home offices as permitted uses and marina and/or ship and boat storage and repair by Special Use Permit.

Comp Plan Map #5 – Future Land Use

Moderately High Density Residential - This district is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled residential growth in areas immediately outside the village that are served by municipal water or sewer. This area is appropriate for single-family residential (maximum 2.18 dwelling units per acre) and

specially approved multi-family residential (maximum 2.6 dwelling units per acre) uses as well as agricultural uses.

Moderate Density Residential - This zone is intended to limit the growth of densely settled, environmentally sensitive neighborhoods that rely on OWTS and private wells. This district also serves as a transition between the village area and outlying rural residential areas. This district is appropriate for primarily single-family residential (maximum 1.09 dwelling units per acre) use as well as specially approved multi-family residential (maximum 2.6 dwelling units per acre) and agricultural uses.

Lacking justification for the zone change from the Town Council Public Hearing on October 12, 1982, we should refer to the District definition and the density descriptions above in the Comprehensive Plan. The existing Density is 1.12, fitting into the Moderately High Density Residential category for the Future Land Use for single family. The corresponding zoning district for this future land use category is R-20. It does not fit the category of multi-family since both homes are single family residential.

The zoning definitions for R-20 and R-40 above have been reviewed for applicability for this proposal. The proposal to change to the R-20 district is justified given the zoning ordinance description:

This zone is intended to maintain the neighborhood integrity of the area directly adjacent to traditionally densely developed sections of the village area. This district is designated to allow controlled growth in areas immediately outside the village which are served by municipal water or sewer.

Both lots as proposed meet the proposed lot size for the zoning designation of R-20. The proposed density is 1.6 dwelling units per acre on the Pebble (small lot/house) with a lot size of 26,173 square feet characterizing the R-20 district and .9 dwelling units per acre on the Riven Rock main house with a lot size of 48,377 square feet, characterizing both the R-20 and R-40 district.

The existing larger Riven Rock home meets the current and proposed zoning setbacks as well as frontage. The Pebble house is currently non-compliant with front yard setback and is wholly within the front yard setback. As proposed, the Pebble has proposed to move the new structure back, meeting all zoning setbacks and requirements.

CONSISTENCY WITH ZONING

The Planning Commission finds that the proposed Zoning Map amendment recognizes the above facts and takes into account the following applicable purposes of zoning as stated in the Jamestown Zoning Ordinance Chapter 82-101 and the Rhode Island Zoning Enabling Act of 1991:

- (1) Promoting the public health, safety, and general welfare.

- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development that recognizes:
 - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
 - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - (iv) The values of unique or valuable natural resources and features;
 - (v) The availability and capacity of existing and planned public and/or private services and facilities;
 - (vi) The need to shape and balance urban and rural development; and
 - (vii) The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
- (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- (7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- (8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- (9) Providing opportunities for the establishment of low- and moderate-income housing.
- (10) Promoting safety from fire, flood, and other natural or unnatural disasters.
- (11) Promoting a high level of quality in design in the development of private and public facilities.
- (12) Promoting implementation of the comprehensive plan.
- (13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to

resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

C: Jamestown Planning Commission
William Salmons, Riven Rock Inc.
Attorney Deb Foppert
Attorney Christian Infantolino



Jamestown Planning Commission MEMORANDUM

TO: The Honorable Town Council
Nancy A. Beye, President

FROM: Duncan Pendlebury, Vice Chair,
Jamestown Planning Commission

RE: Riven Rock Inc., 113-115 Melrose Avenue Subdivision,
Plat 8 Lot 31

DATE: March 8, 2021

At the March 3, 2021 meeting the Jamestown Planning Commission voted to grant Conditional Master Plan approval of a Major Land Development in accordance with the Town of Jamestown Subdivision Regulations, R.I.G.L. § 45-23-37 and the plans entitled "**Riven Rock Preliminary Plan Proposed Conditions Plan; Assessors Plat 8, Lot 31, Jamestown, Rhode Island; prepared for Riven Rock Inc; prepared by Alpha Associates, LTD, 35 Rocky Hollow Road, East Greenwich, RI 02818, phone 401-884-8506; dated March 2020, Revised 1/25/2021** based on the following Findings of Fact:

A. Findings of Fact

The Board makes the following findings:

1. The subject property, as it exists today, is non-conforming with the Jamestown Zoning Ordinance because two dwellings exist on one lot;
2. The two dwellings were built circa 1911 (Riven Rock) and 1906 (The Pebble);
3. Prior to 1969, the Town of Jamestown zoned this area, north to the creek, as R-20, and then rezoned the area to R-40 in 1982. At that time, the Town incorrectly recorded that the property was 3.74 acres when it was actually 1.7 acres. This incorrect recording of size and rezoning to R-40 may have provided the assumption that subdivision of this lot was an option to correct the non-conformity. The rezoning to R-40 in fact removed any possibility for the property to become conforming by zoning by removing the possibility of legal subdivision;
4. The applicant has petitioned to amend the Jamestown Comprehensive Plan and the Jamestown Zoning Ordinance so that the proposed subdivision will be consistent with both once subdivided;
5. As proposed, in conjunction with the Zone Change and Comprehensive Plan Amendment approval, each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
6. The Planning Commission held two evenings of public hearings for the Master Plan, February 3 (continued), February 17, and March 3, 2021 where, the following professionals testified:
 - a) For the applicant: Joseph D. Lombardo - Land Use Planning Consultant - JDL Enterprises; Harry Miller, Professional Land Surveyor – Alpha Associates, LTD. No written testimony was provided other than what was recorded in the minutes;

- b) For the objectors: Edward Pimentel, AICP – Pimentel Consulting Inc; Eric Wishart – PE – Civil Cadd Services Inc. Both professionals provided written testimony;
7. The six residents of the West Passage Drive development to the north were represented by Attorney Christian Infantolino and supported by the professionals listed in #6 b) above;
8. The applicant has offered “no further subdivision” of parcel A; Riven Rock. As proposed, it has the proper size for subdivision but not the proper frontage;
9. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance since both proposed lots are serviced by public sewer. Both lots will have individual sewer service connections. It was recommended by the Public Works Director that a private agreement be drafted for the shared force main between the applicant and the residence to the south (95 Melrose Avenue);
10. There is no evidence of significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval. CRMC approval may be required prior to final approval;
11. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable. There are two existing dwellings;
12. All subdivision lots have adequate and permanent physical access to a public street, namely, Melrose Avenue. The proposed subdivision parcel A (Riven Rock) has street frontage on the developed portion of Melrose Avenue. The proposed subdivision parcel B (Pebble) has street frontage on the undeveloped portion of Melrose Avenue. Lot frontage on a public street without physical access shall not be considered compliant with this requirement therefore a waiver has been requested and is granted below;
13. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community (See 14 and 16 below). The applicant stated that Soil Erosion and Sediment Control Plans will be submitted at the Preliminary stage of approval;
14. It was noted in correspondence dated December 23, 2020 from RIHPHC that “Although there is no record of archaeological sites on the specific property, we consider it reasonably likely that a site might be present, and so when we review the project through Coastal Resources Management, we will almost certainly recommend that CRMC require an archaeological survey as part of the permitting process”. In addition “the site is within the Jamestown Archaeological District, which was listed on the National Register of Historic Places (in 1984)” and “Riven Rock, the existing structure, is not listed in the National Historic Register. However, during RIHPHC’s 1994 survey of the architectural resources of Jamestown, we noted that it deserves consideration and further study for entry in the National Register”;
15. The design and location of building lots, utilities, and other improvements in the subdivision minimize flooding and soil erosion (see 16 below). The applicant

- stated that Soil Erosion and Sediment Control Plans will be submitted at the Preliminary stage of approval;
16. Melrose Avenue discontinues at the subject property and continues onto West Passage Drive without any traffic signals. Melrose Avenue exists as a paper road to the north side of the subject parcel but not to Narragansett Bay. This unimproved portion was a natural channel for stormwater for the neighborhood up hill and is subject to severe stormwater runoff. The Town permitted and coordinated with the two abutters to pipe the stormwater from the neighborhood, including the Melrose School, to the Bay, mitigating the unnecessary overland channeling of stormwater flow on this paper road. Additional stormwater is mitigated by not developing the paper portion of Melrose Avenue. The town continues to own and maintain that paper road and it is not a public right-of-way to the shore;
 17. The Building Official and Public Works Director participated in the three Technical Review Committee meetings and their agency comments are reflected throughout this motion. Other agency comments were solicited and are as follows:
 - a) The Fire Department has reviewed the initial plans and the revised plan, which utilized a very small portion of the undeveloped Melrose right-of-way, and has no issues with service to the subdivision as proposed. In addition he noted that in his professional opinion a full cul-de-sac on this particular lot fronting on the paper extension of Melrose Avenue is not necessary since West Passage Drive, a public Street, ends in a proper cul-de-sac just 200 feet down the road and is accessible to emergency vehicles.
 - b) The Police Department has no issues with the subdivision as proposed as long as the addresses are properly marked.
 - c) The Conservation Commission Chair noted that the plan is acceptable as long as CRMC approved the “limits of disturbance and silt fence/compost sock” line outside of the CRMC setback. She also suggested that the driveway be permeable concrete/concrete pavers due to the proximity of the coastal buffer zone.
 18. All lots in the subdivision have access to sufficient potable water for the intended use as both lots are connected to public water; and,
 19. This application is a major subdivision as a result of the requested waivers from the Subdivision and Land Development Regulations.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Commission agrees to grant the following waivers:

1. Article 13.B.1. Frontage on Improved Street. Requires that the area to be subdivided shall have frontage on an existing or proposed to be “improved” public street.
2. Article 13.b.8. – Cul-de-sacs – all dead end streets shall end in a cul-de-sac with center island with 50 foot radius (100 feet total width).
3. Article 13.C.3.d. – Shoreline Access – where a subdivision has waterfront shoreline, there shall be provided a pedestrian easement for access to the shore by the general public.

C. Findings of Fact for Granting Waivers

In Support of the waivers, the Planning Commission makes the following findings of fact:

1. The applicant seeks to utilize the unimproved portion of Melrose Avenue by crossing over a corner of it to access the proposed parcel B. The proposed lot access from the developed Melrose Avenue is more in keeping with the rural character of the town and neighborhood by not developing the frontage of the unimproved portion of Melrose Avenue and creating more paved surface;
2. A full cul-de-sac that is compliant with the Subdivision Regulation exists at the end of West Passage Drive, 200 feet to the north of this subdivision parcel;
3. If subdivided, the two subdivision parcels would each have an existing dwelling and the existing combined driveway would be separated but parallel;
4. Melrose Avenue is not listed as a CRMC Shoreline Access Point nor as an existing or recommended shoreline access point in the Jamestown Report on Public Shoreline Access. The full shoreline on the existing lot is approximately 400 feet. If created, a shoreline access point would be within 70 feet of the existing house on Parcel A, 30 feet from the existing house on parcel B, 50 feet from the abutting house and 25 feet from the adjacent abutters dock at 2 West Passage Drive (AP 8 Lot 858, owned by Ross). If a shoreline access easement were granted to the Town, no safe access to the shoreline is provided, no parking is provided, and no amenities such as bathrooms or benches are provided. This is not listed as a priority 1, 2 or 3 in the Towns shoreline Access Report so funding would not be readily available as allocation of funding should follow the priorities listed;
5. For the reasons stated above, the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
6. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the project parcel as described above.

D. Conditions of Approval

1. This approval is conditional and the final approval is dependent on the granting of a zone change from R-40 to R-20 and Comprehensive Plan Map Amendments for:
 - a) Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - b) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - c) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District
2. This approval is for a total of 2 lots, both lots will have an existing dwelling. No further subdivision of Riven Rock property shall occur, which shall be noted on the recorded Final Record Plan;
3. At Preliminary approval stage the applicant will determine applicability/apply for CRMC approval;

4. Prepare and submit Soil Erosion and Sediment Control Plans at the Preliminary stage of approval;
5. The driveway for Parcel A (Riven Rock) shall be removed from Parcel B prior to final approval;
6. That payment of a fee in-lieu-of land dedication shall be required for this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations for the new lot. This fee in-lieu-of will serve as the alternative to dedication of land for public purposes, including the release of the requirement to provide shoreline access on the subdivision parcel. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
7. Granite monuments shall be placed at all corner points at the new property line;
8. Prior to Final Approval, the applicant must provide the following legal document, acceptable to the Town Solicitor:
 - a) Sewer force main agreement between the two subdivision lot dwellings and 95 Melrose Avenue;
9. If the conditions in Paragraph D.1 are conditionally approved by the Jamestown Town Council, the applicant must then apply to the Planning Commission for the Preliminary Plan approval of a Major Land Development in accordance with the precedence of approvals in the Subdivision and Land Development Regulations and applicable state law;
10. This approval shall be recorded with the Town Clerk within 30 days of approval; and,
11. This approval shall expire one year from the date of approval by the Planning Commission unless preliminary plan submission has occurred.

C: Jamestown Planning Commission
William Salmons, Riven Rock Inc., Applicant
Attorney Deb Foppert
Attorney Christian Infantolino

Archer & Foppert, LLP

57 Narragansett Avenue, Jamestown, RI 02835
Fax: 401.423.9700
401.423.2329

Deborah A. Foppert, Esq.
Deb.Foppert@gmail.com

July 6, 2020

Lisa W. Bryer, Town Planner
Planning Commission
Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: 113 and 115 Melrose Avenue (Plat 8 Lot 31)

Dear Lisa and Members of the Planning Commission and the Town Council,

I represent Riven Rock, Inc., which owns the property located at 113 and 115 Melrose Avenue (Plat 8 Lot 31). The property is approximately 1.7 acres (75,000 square feet), has approximately 330 feet of street frontage, and is currently located in an R-40 zone. The owners of the property are requesting an Amendment to the Comprehensive Plan and an Amendment to the Zoning Ordinance for this parcel from R-40 to R-20.

The property has contained two (2) residential structures which predated the town imposed zoning constraints such that the structures are currently "grandfathered" non-conforming. The property consists of a main house ("Riven Rock") and a cottage ("The Pebble"). All the shareholders of Riven Rock, Inc. are extended family members. Riven Rock and The Pebble are both serviced separately by municipal water and sewer. One of the shareholders, William Salmons, Jr., currently lives in The Pebble year round, works in Middletown, and plans to live there for the foreseeable future. Due to the non-conformity of the structures on the lot, no changes can be made to the structures that would increase such non-conformity. At present, living in The Pebble poses health issues for the inhabitants due to mold and vermin/rodent infestation.

This property was originally part of a larger parcel owned by the Lovering's that stretched through this area to Ocean Avenue. When the zoning map was drawn, all the other portions of that parcel were zoned R-20, including the property adjacent to this parcel (Plat 8 Lot 30), yet this parcel was zoned R-40. In examining the general purposes behind the zoning districts, Section 82-200 of the Jamestown Zoning Ordinance states:

Residential, 40,000 square feet (R-40). Intended to limit the growth of densely settled neighborhoods which rely on individual sewage disposal systems (ISDS) and private wells. The small-lot subdivisions, which would be illegal under current regulations, present potential groundwater contamination problems if not adequate[ly] restricted.

Residential, 20,000 square feet (R-20). Designed to allow controlled growth in outlying areas of the village which are served by municipal water and/or sewer.

It appears from these definitions, that this parcel is intended to belong in the R-20 zone. By comparison, the neighbor to the south (Plat 8 Lot 30) is in the R-20 Zone, was part of the original Lovering parcel, and is serviced by municipal water and sewer, while the lot to the east (Plat 8 Lot 858) is in the R-40 Zone, was not part of the original Lovering parcel, and is not serviced by municipal water or sewer.

If a change from R-40 to R-20 designation is permitted, this would allow the owners to subdivide the property into two standard conforming lots of record. The frontage for the property as shown on the attachment is an unimproved extension of Melrose Avenue (on the portion north of the West Passage Drive cutoff). The Applicant also seeks permission to use this portion of Melrose Avenue as a gravel drive for a separate entrance to The Pebble. Ultimately, due to the nature of the structural and living conditions, the Applicant plans to shift the location further from the road and rebuild the Pebble as shown on the attached sketch. Such a shift would move the structure into more conformity with only a single frontage variance to be requested from the Zoning Board. All other modifications that need to be made to The Pebble to allow it to be a safe and habitable structure could be done within the constraints of the Zoning Ordinance. A zoning change of this lot would not change the neighborhood's housing density.

On behalf of Riven Rock, Inc., I request that you please consider changing this parcel from R-40 to R-20 (including permission to use the unimproved portion of Melrose Avenue) such that the parcel can be appropriately subdivided. Such zone change would bring the parcel into greater conformity with the stated intent of the Jamestown Zoning Ordinance for a parcel of this nature. Thereafter, the structure located thereon could be rebuilt in greater conformity with the Zoning Ordinance that is appropriate for its historical and current use. I have enclosed a copy of the relevant maps for your convenience. Both Mr. Salmons and I are available to discuss this in advance of any town meetings should you have any questions regarding the property and this requested change.

Sincerely,


Deborah A. Foppert

MAP 4 Existing Zoning

TOWN OF JAMESTOWN RHODE ISLAND Comprehensive Plan, 2014

Map Legend

- Streams
- Highways
- Roads

- Water
- SSD

Zoning Districts

- OS-I
- OS-II
- CL
- CD
- CW
- DC
- R-8
- R-20
- R-40
- RR-80
- RR-200
- P
- Jamestown

Source:
RIGIS
The Town of Jamestown

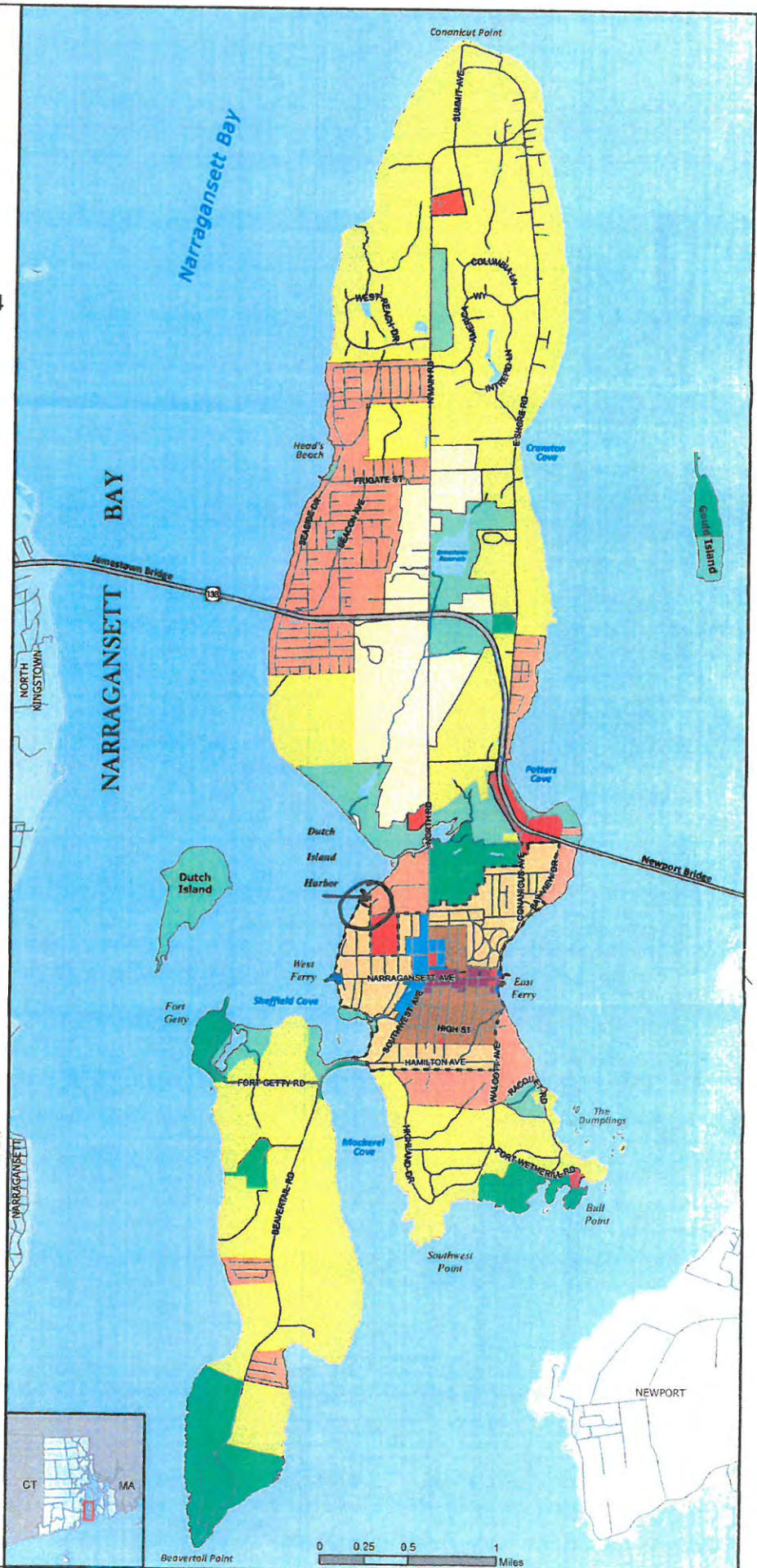
This map is not the product of a Professional Land Survey. It was created by Jamestown GIS Department for general reference, informational, planning or guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. The Town of Jamestown makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.



RIGIS



Justin Jobin
Jamestown GIS Dept.
May 2014



Alpha Associates, LTD.



Professional Land Surveyors

35 Rocky Hollow Road
East Greenwich, RI 02818
Phone: 401.884.8506
Fax: 401.884.7747
E-mail: alphasurv@aol.com

Harry Miller, PLS
Expected Testimony
Riven Rock

The subject parcel is shown as Assessors Plat 8, Lot 31 which includes numbers 113 & 115 Melrose Avenue. The property is located between Narragansett Bay and Melrose Avenue and contains 1.71 Acres of land. The parcel falls within a FEMA hazard zone of VE (el. 20) and Zone 'X' which is a non-hazardous zone. All existing and proposed development falls within the non-hazardous Zone 'X'.

The property falls within Town zoning district R-40, we are proposing a zone change to zoning district R-20 which would conform to zoning prior to 1982.

Our proposal is to subdivide the property into two parcels which will conform to the Proposed R-20 district and meet Lot area, frontage, front yard, side yard, and rear yard requirements. Parcel A would contain "Riven Rock" and Parcel B the "Pebble"

The two structures on the property were built over 100 years ago. There are no proposed changes to the larger "Riven Rock" structure, however, the existing "Pebble" will be replaced by a new residence for Mr. Salmons. A new driveway would be built from Melrose Avenue ending in a small turn around and parking area. A drainage design has been completed by Gordon R. Archibald, Inc. Professional Engineers and Pawtucket, Rhode Island to capture and treat stormwater from both the driveway and proposed residence. The Driveway has been placed in this location to maintain safe sight lines for both entering and exiting the proposed driveway. Screen plantings are proposed along the un-built portion of Melrose Avenue and the proposed driveway.

We propose to provide new underground utilities to both structures. A new sewer line would service the new dwelling entirely within Melrose Avenue, the existing pressure sewer from Parcel A would be removed. An easement would be provided for the existing water across Parcel A.

A soil evaluation was performed by Kevin Fetzer of Ecotones, Inc. on March 26, 2021 in the area of the proposed residence. It was determined that the Ground Water Table in that area is 72". There are no anticipated issues with groundwater with the proposed residence. Additionally, the site is subject to CRMC jurisdiction with the Coastal Feature at the top of the existing bluff to the west and north of the property.

Presentation of Application to the Jamestown Town Council for Lot 31, Plat 8:
113 & 115 Melrose Avenue - Property seeking Rezoning and Subdivision, April 19, 2021
Bill Salmons, President, Riven Rock, Inc.

Good evening,

I appreciate the opportunity to meet with you this evening. I am Bill Salmons. I work as the Controller of St George's School in Middletown; I am on the Board of the Jamestown Historical Society, and I am the President of a family corporation, Riven Rock Inc, which I am representing here tonight.

I assume everyone on this call has seen the full-page ad in the Jamestown Press with the 3 maps, which look strikingly similar, and it is logical to wonder what we are looking to achieve with the requested changes. One change is simply a request for a correction – since we have been on town water since the early 1900's we are asking to be included in the Town Urban Water & Sewer District and reflected as such on the Comprehensive Map #22. The reason for the requested rezoning change is actually quite simple and straightforward - This change will allow us to preserve our historic family house, Riven Rock, as one of the last remaining uninsulated summer houses on the island, and rebuild my current residence that we call The Pebble to be comfortably habitable year-round for my retirement. Our family will continue to own both parcels, and we will maintain the same density, the same use, and the same number of houses. It will simply allow us to make necessary upgrades to both structures in conformity with the town's zoning regulations.

There have been two houses on our Melrose Avenue property for 110 years, and for 65 of those years our family, the Raymonds, have owned them. The requested rezoning and subdivision is the least relief necessary to conform to current zoning requirements. Both houses already conform to the R-20 designation in all important ways: we have town water; we have town sewer; we have sufficient road frontage, and we have more than 20,000 sq. feet per proposed lot. If rezoned as R-20, we will be able to rebuild the Pebble with no requested variances and shore up and stabilize Riven Rock, which is both a state- and town-recognized historic structure that the Town highlights on Map 16 of the Comprehensive Plan.

Rezoning Lot 31 in Plat 8 to R-20 would return Lot 31 to the R-20 designation that it had from the very first Jamestown Zoning Ordinances that defined lots by size. This would correct an anomaly created by the Town with the 1982 Zoning Map that removed Lot 31 from the developed Dutch Harbor neighborhood of Ocean and Melrose Avenues, all zoned R-20, and included it with the open land to its East, which stretched along the Great Creek clamming beds to North Main Road. No one knows why this change was made, but the 1982 zoning change created our hardship condition by boxing us into an R-40 lot that was not divisible while designating both houses as non-conforming structures and the property as having a non-conforming use. The zoning correction and subdivision will put each residence on its own lot and bring our property into conformity with town zoning laws.

For over a decade we have been attempting to find a way to renovate The Pebble to make it habitable, as it is poorly insulated, moldy & damp, and at 800 sq ft., cramped for two people. As non-conforming structures, we cannot modify either of the houses in height, footprint or volume – we can't even install a basement under either house to get the floors off the soil. Old houses need appropriate care and structural maintenance, but we are currently strait-jacketed; frozen in amber. The following are the alternatives we have explored that have proven unworkable:

- In 2011 we worked with Morneau & Murphy to apply to the Zoning Board with a plan to add a second floor and a basement. While these changes would have increased the height by less than 3 feet and would have kept it to the same footprint, our application was rejected because having two houses on one lot was deemed a non-conforming use. Mr. Ginnerty, who was Chair of the Zoning Board at the time, and Mr. Boren, the current Chair, made it clear that no increase in the volume of such a structure would ever be allowed.

Quoting from the transcript of Mr. Boren's remarks summarizing the definitive RI Supreme Court case: "The right to continue a nonconforming use does not include the right to expand ...its use. We strictly construe the scope of nonconforming use because we view them as detrimental to a zoning scheme and the overriding public policy of zoning is aimed at their reasonable restriction and eventual elimination". By voting for the requested re-zoning change now, the Town Council will allow us to eliminate these nonconformities and put each house on its own lot.

Over the past few years we further explored other alternatives with Archer & Foppert and discovered that:

- The Pebble does not qualify as an in-law accessory dwelling because there are no family members living year-round in Riven Rock, which is impossible because it is not winterized;
- We can't subdivide because we have 75,000 sq. ft. and not the requisite 80,000 required for 2 R-40 lots.
- A condominium legal structure would not relieve the non-conformity of either house.
- We could join the two houses together and build a much larger structure but we would be limited to one kitchen and would ruin the integrity of Riven Rock as an historic house.

In 2019, we hit upon the one alternative that would solve the underlying problem of non-conformity – applying to rezone back to its original R-20 and subdivide into two conforming R-20 lots. We approached Lisa Bryer, Town Planner, who did not see any major problems with such a course, though it rarely has been requested. We then appeared before the Planning Commission in May 2019, outlined our request, and received a unanimous voice vote in favor of our proceeding with this application.

It's only recently, through the Town Planner's own research, that we learned our property had originally been designated as R-20 and then rezoned to R-40 in 1982 for unknown reasons. The R-20 zoning makes perfect sense when we review the history of the property over the past 110 years.

If I could share the screen I can provide a visual representation of the neighborhood and the request being made as well as an historic timeline of changes that have taken place to date.

(You might want to minimize the speaker image so you can see the entire screen I am sharing)

History

1910 – Gilpin Lovering bought about 15 acres of waterfront land along Dutch Harbor. To the east was open land and a dirt track out to the clamming beds;

1911 - Gilpin sells Lot 31 to his brother Joseph. This is the lot we are discussing tonight and you will see that it never changes in size or boundaries;

1911-15 – In 1911 Joseph builds Riven Rock. The Pebble may have existed, built in 1906.

Bedrooms at Riven Rock and in the Pebble have had built-in bathrooms from the beginning.

Corbit builds on Lot 29 (now Leonard/Torre/Civic) and Virginia & Gilpin build on Lot 30 (Ryan); You can see our driveway from Ocean Avenue that connected all three houses;

1915 - We have Town records showing that the right of way for town water from Ocean Ave to Riven Rock was formalized in 1915;

1929 - Here is a Town Plat Map from 1929 provided by the Deputy Town Clerk (thank you Karen). It shows Lot 31 with the incorrect # of acres - 3.74. I believe this was the source of the error on the Town's tax rolls that persisted until I requested a correction from the Tax Office in 2003.

1955 – In 1955, our Raymond grandparents bought Riven Rock, and it has been in the family ever since;

1962 – In 1962 Melrose Ave was paved up to the corner of our property. We put a new driveway in and abandoned the driveway from Ocean Ave.;

1965 - In 1965 we winterized the Pebble, and after my grandfather died in 1966 my grandmother Dorothy Raymond lived here until her death in 1992;

1969 - While there were earlier zoning ordinances, the Town instituted the first zoning ordinance based on lot size in 1969, and this entire area was deemed R-20;

1982 – In 1982 the zoning ordinance was revised.

This coincided with plans by The West Passage Development Corp and Mr. Cerilli to develop the land between Riven Rock and the Great Creek into West Passage Drive. So the land north of Arnold and stretching east to North Main Road was rezoned R-40. As the Planning Commission's memo points out, the Town has not been able to find a justification for why Lot 31 was included in that rezoning.

Since we know the Town had the lot incorrectly listed as 3.74 acres on the tax roll until 2003, and currently has us incorrectly missing from the Public Utilities map, we surmise that this 1982 decision might have been based on incorrect information.

In fact, we might call this the Zoning Mistake we are looking for you to rectify.

(Switch from 1939 Aerial)

1984 - Here we switch to a contemporary aerial photo of the same area. In 1984 the new West Passage Subdivision was created around the West Passage Drive cul-de-sac. **(Photos to Zoning)**

Current Zoning - To illustrate graphically what we are requesting, here is the current zoning map

Proposal - Return Lot 31 to its original R-20; Allow Subdivision into Parcel A & B; Thereby bringing both parcels into zoning conformity.

In summary, we are requesting this zoning change essentially to keep the property the same – it will have the same density, same use, same number of houses, same family ownership. The requested zoning change and subdivision will simply put each house on its own parcel and allow us to make necessary upgrades to both structures in conformity with the town's zoning regulations. In so doing, we will be able to maintain Riven Rock as a summer house, as it has been for 110 years.

I look forward to our discussion this evening and we will be happy to answer any questions you may have.

I will now end my screen sharing. Thank you!

JDL ENTERPRISES

7 Clam Shell Drive
Westerly, RI 02891

Phone: 401) 207-1200 (C) - (401) 539-2232 (O)

Email: lombardo33@outlook.com

April 14, 2021

Town Council, Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: 113-115 Melrose Avenue Subdivision and Rezoning (Plat 8 Lot 31)

Dear Members of the Town Council,

I am writing to summarize the testimony that I gave during the Planning Board hearings on the above-captioned matter. Due to a scheduling conflict, I do not think that I can attend the meeting on Monday, April 19, 2021, but I would ask that my testimony and the transcript thereof from the Planning Board meeting be entered into the record for your consideration. I would like to summarize the relevant portions of my testimony for your review as follows:

Amendment to the Jamestown Zoning Ordinance Map

I have reviewed the Jamestown Zoning Ordinance and Map, and testified that the proposed changes are compatible with the Ordinance. The unanimous recommendation made by the Planning Board with respect to the change was the correct result and should be confirmed by the Town Council.

The subject lot was zoned R-20 until 1982, at which point it was changed to R-40, and there does not seem to be any verifiable justification for this change. For over 100 years, municipal water has been present at Lot 31. Once zoning was enacted, this lot fit precisely the R-20 definition regarding town water and sewer. The property does not have any ISDS/OWTS system or private wells. It has clearly fallen within the Town's definition of the municipal water and sewer district. The R-40 zoning designation contemplates private septic systems and wells, which are found in the adjacent R-40 lots, but is not the case for Lot 31. It is possible that the error in the historic mislabeling of Lot 31 as part of the R-40 Zone was due to the fact that the sewer/water lines traveled up the original Lovering parcel from Ocean Avenue rather than having been tied into Melrose Avenue, as well as being mislabeled on the tax maps as 3.74 acres rather than the correct 1.7 acres.

Amendment to the 2015 Comprehensive Community Plan

I have reviewed the Jamestown Comprehensive Community Plan, and testified that the proposed changes are compatible with the Plan. The unanimous recommendation made by the Planning Board with respect to the changes to Map 4, Map 5 and Map 22 was the correct result and should be confirmed by the Town Council.

With respect to Map 4 – Existing Zoning – the proposed change would create consistency between map and text. The proposed change to Map 5 – Future Land Use - is a natural follow up to the change required to match Map 4. Again, this will maintain consistency between map and text, and will not result in any change in use or residential density. With respect to Map 22 – Public Water and Sewer Service Area – the proposed change would add Lot 31 to the urban water district, correcting the current map’s error. This error is likely due to the fact that the original water line supplying these two lots flowed from Ocean Ave, although municipal water has been supplied since the 1910’s.

With respect to Map 16 - Cultural, Historic and Scenic Areas – Riven Rock has been listed as deserving consideration and further study for entry in the National Register. A key objective of the applicant is to preserve and maintain this structure. By conforming use and structure, applicant will have the flexibility needed to strengthen its foundation and maintain it appropriately.

The proposed changes help to Preserve the Rural Character (an important aspect of the Comprehensive Community Plan). Lot 31 was one of the first to be developed between West Ferry and the Great Creek. It has not changed in 110 years while developments have grown up around it. The applicant’s plan seeks to maintain its existing character and landscaping with the least changes necessary. Finally, a key benefit to the Town is consistency in that this plan brings the lot and houses into zoning conformity as two R-20 lots, and removes the inconsistency between zoning map and text. Promoting consistency between text and maps is critical, so correcting the errors will help promote this consistency.

Proposed Subdivision of Lot 31

The intent of the subdivision regulations is to:

- Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;
- Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure;
- Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features;
- Ensure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting.

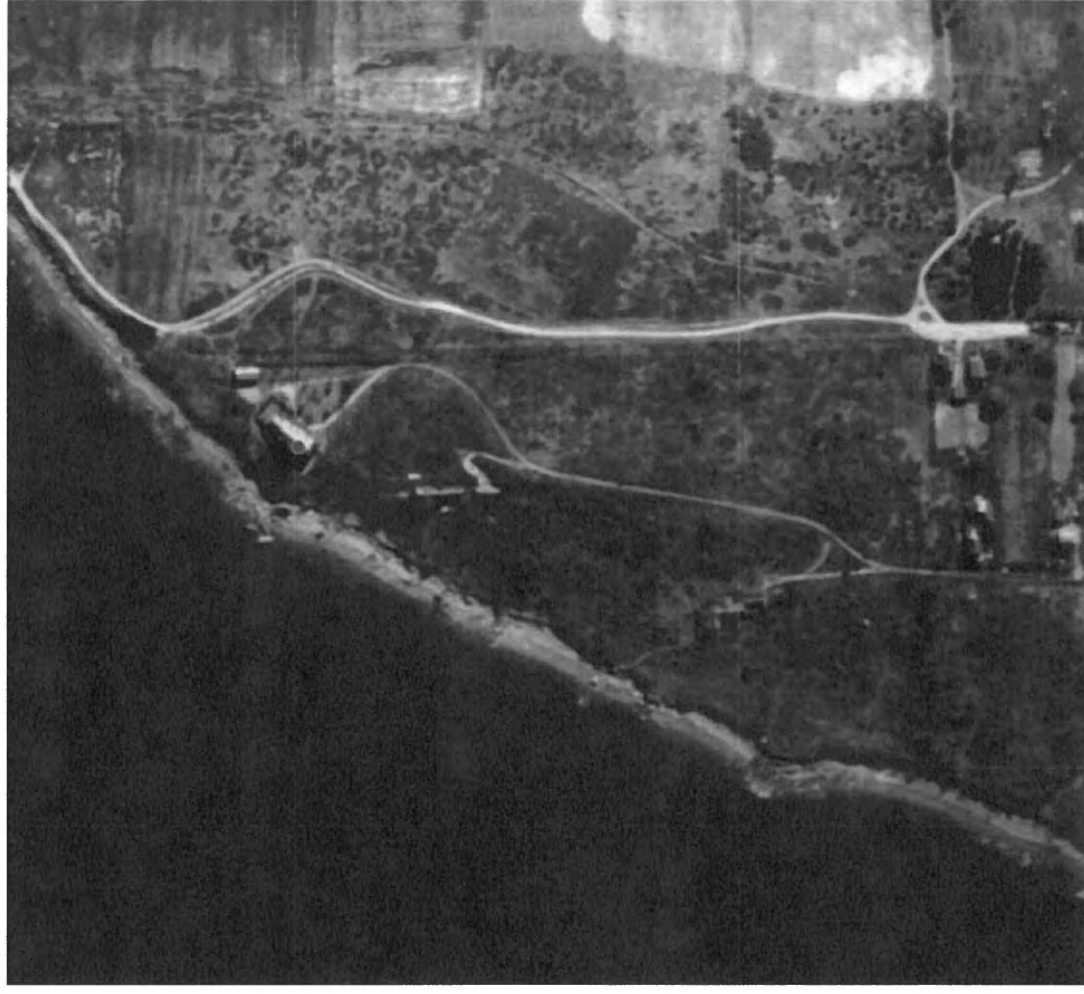
The proposed subdivision of Lot 31 would not only meet each of these intents, but also allow the two resulting lots to conform in all respects with the requirements and definitions of the R-20 zone with no variances being needed. If the property were redefined as R-20, the neighborhood's housing density would not change. Finally, as a Certified Land Use Planner, I have no hesitancy to recommend that the Town Council approve the requested amendments as submitted.

Thank you for your consideration,

Joseph D. Lombardo, AICP

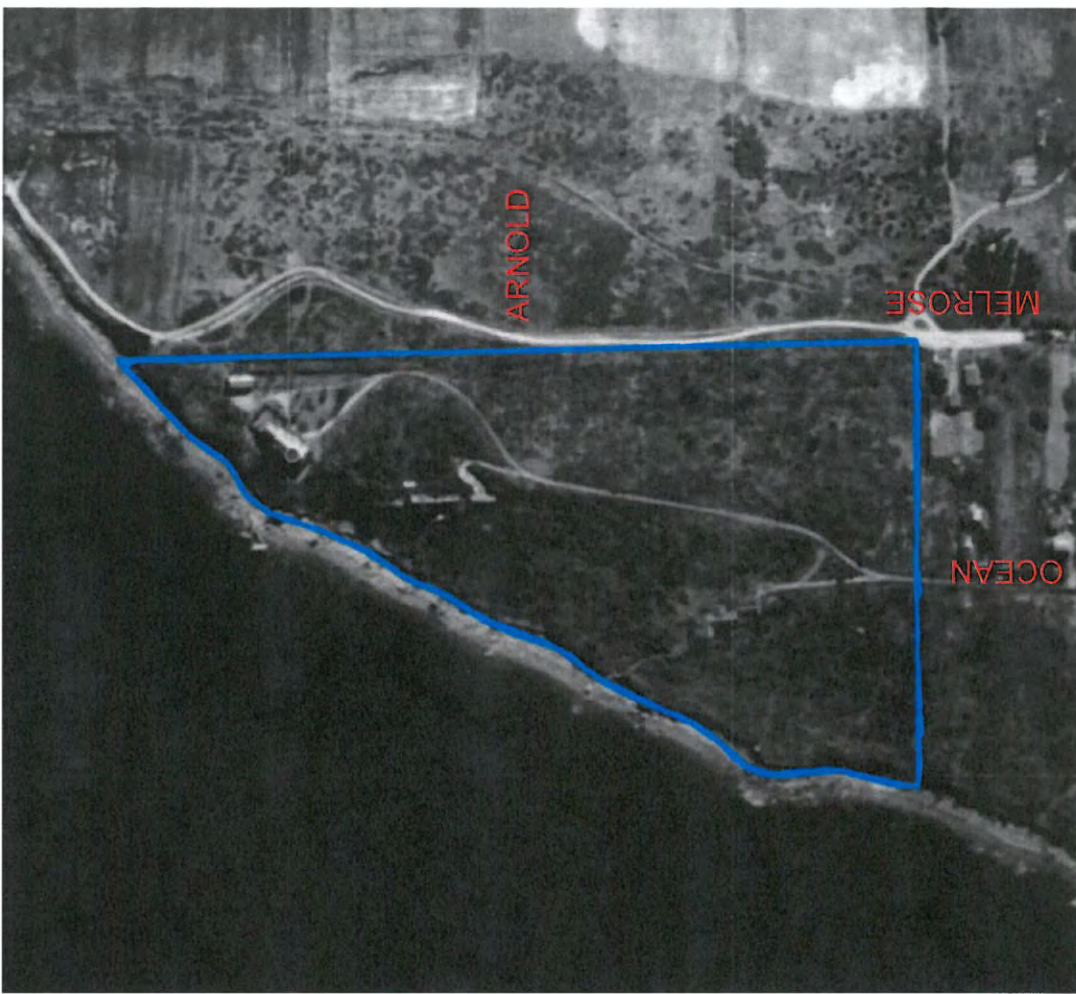
Joseph D. Lombardo, AICP

**History of Lot 31:
113 + 115
Melrose Avenue**



1910

Gilpin Lovering buys Dutch Harbor land



1911

Gilpin sells Lot 31 to brother Joseph

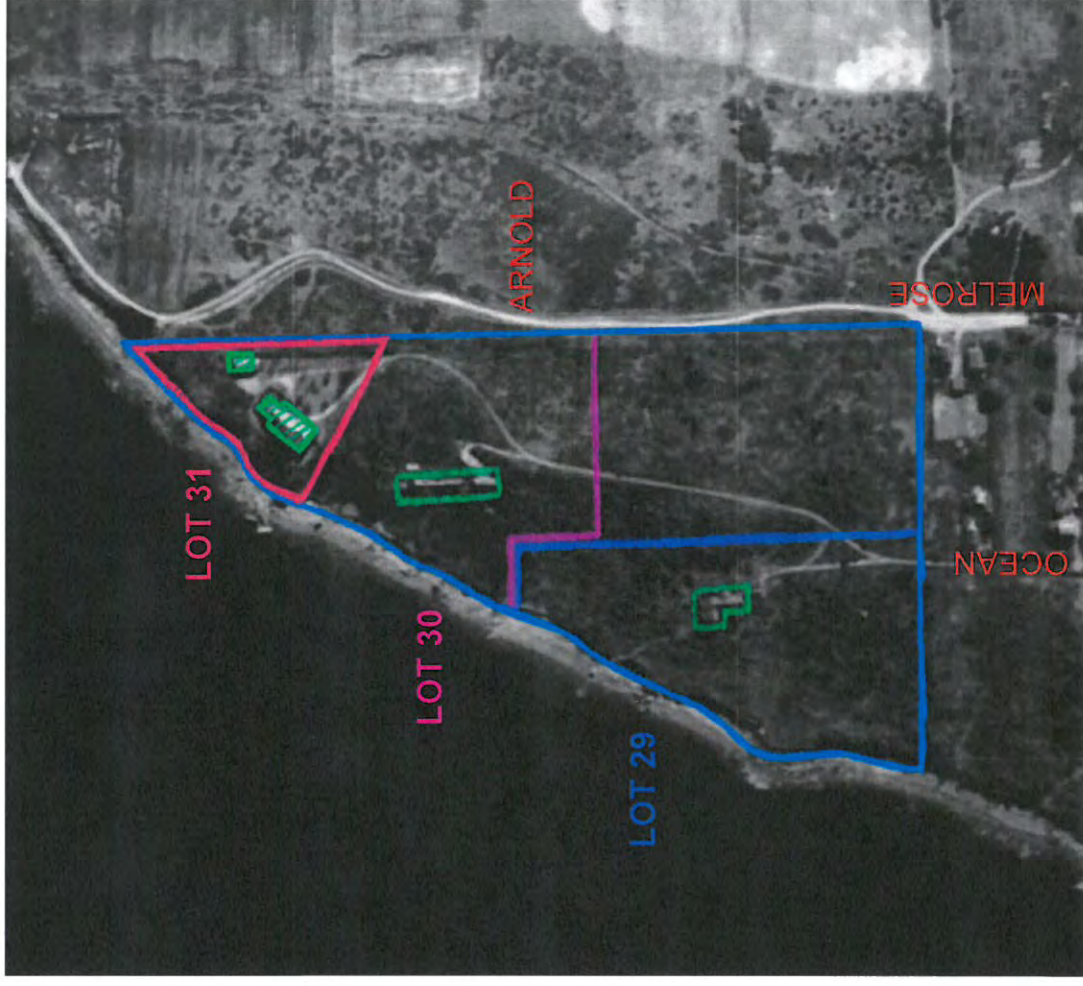
1910 Gilpin Lovering buys Dutch Harbor land



1911-1915

Joseph Lovering builds Riven Rock and the Pebble; Corbit Lovering builds on Lot 29; Gilpin & Virginia build on Lot 30

1911 G. Lovering sells Lot 31 to JS Lovering
1910 Gilpin Lovering buys Dutch Harbor land



1915

JS Lovering formalizes rights of way for the existing water pipes from Ocean Ave

1911-1915 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering

1910 Gilpin Lovering buys Dutch Harbor land

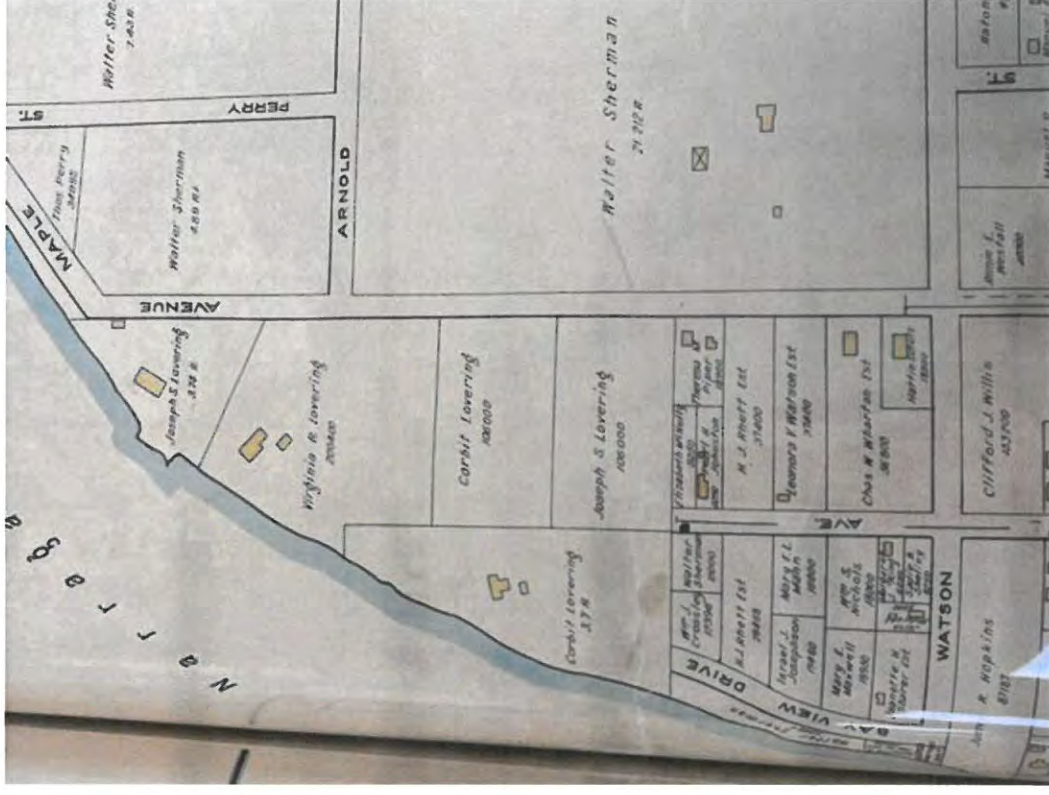


1929

Town Plat Map lists Lot 31 as 3.74 acres in error. Town error persists until 2003 correction to 1.74 acres

1915 JS Lovering formalizes right of way for water pipes from Ocean Ave
1911 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering
1910 Gilpin Lovering buys Dutch Harbor land



1955

MT Raymond buys Riven Rock and the Pebble

1915 JS Lovering formalizes right of way for water pipes from Ocean Ave

1911 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering

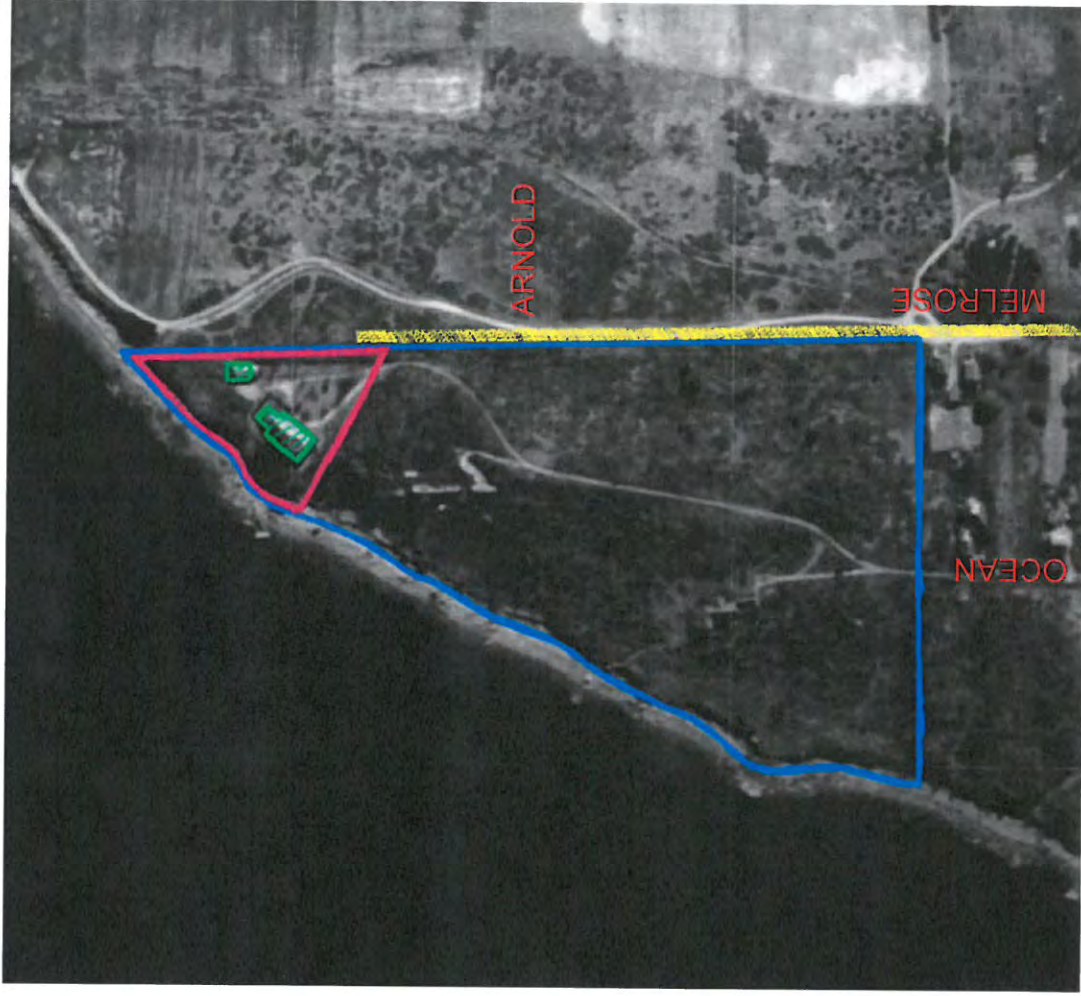
1910 Gilpin Lovering buys Dutch Harbor land



1962

Melrose Ave extended to Riven Rock

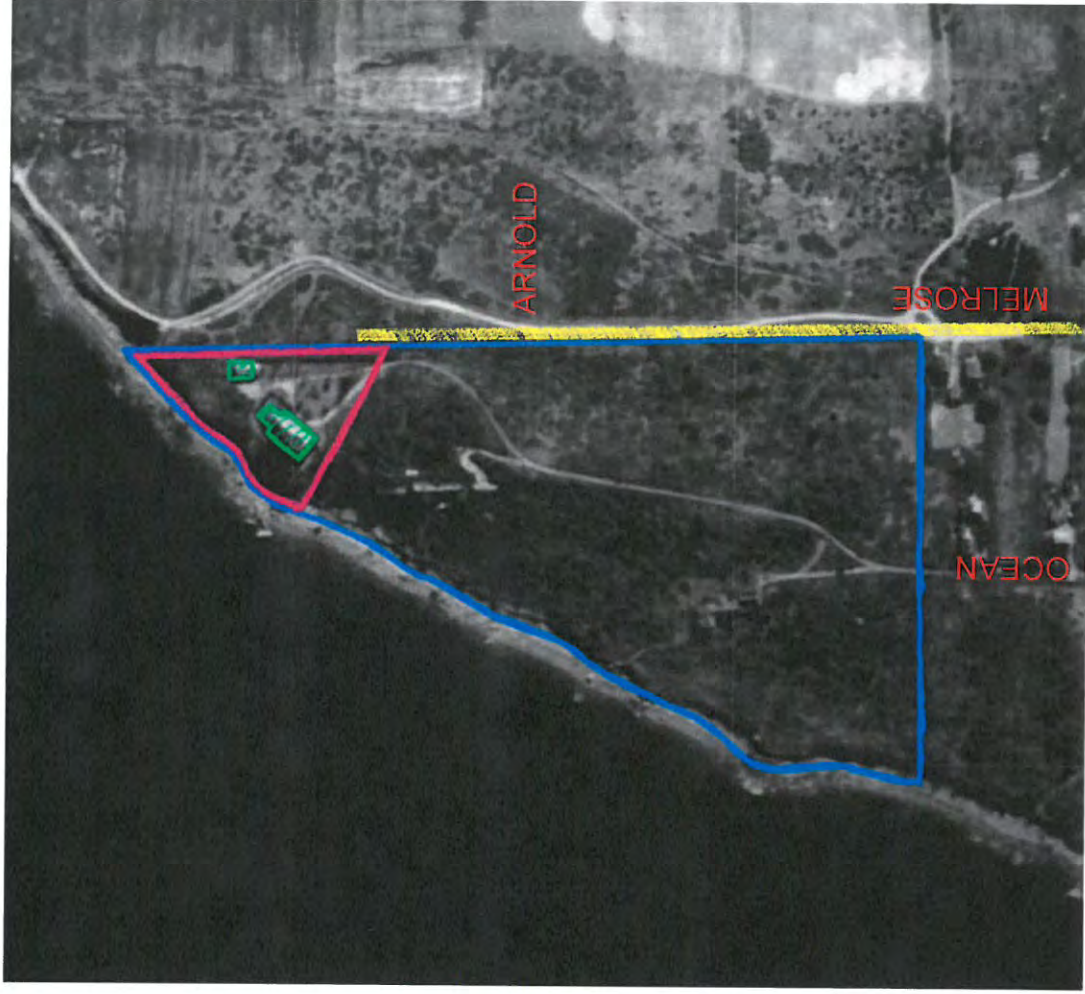
- 1954 MT Raymond buys Riven Rock and the Pebble
- 1915 JS Lovering formalizes right of way for water pipes from Ocean Ave
- 1911 JS Lovering builds Riven Rock and the Pebble
- 1911 G. Lovering sells Lot 31 to JS Lovering
- 1910 Gilpin Lovering buys Dutch Harbor land



1965

The Pebble is winterized

- 1962 Melrose Ave extended to Riven Rock
- 1954 MT Raymond buys Riven Rock and the Pebble
- 1915 JS Lovering formalizes right of way for water pipes from Ocean Ave
- 1911 JS Lovering builds Riven Rock and the Pebble
- 1911 G. Lovering sells Lot 31 to JS Lovering
- 1910 Gilpin Lovering buys Dutch Harbor land



1969

Jamestown issues Zoning Ordinance based on lot size - Area is zoned R-20

1965 The Pebble is winterized

1962 Melrose Ave extended to Riven Rock

1954 MT Raymond buys Riven Rock and The Pebble

1911 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering

1910 Gilpin Lovering buys Dutch Harbor land



1982

Jamestown revises zoning ordinance - Riven Rock placed in R-40; other Lovering land in R-20

1969 Jamestown issues zoning by lot size

1965 The Pebble is winterized

1962 Melrose Ave extended to Riven Rock

1954 MT Raymond buys Riven Rock and The Pebble

1911 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering

1910 Gilpin Lovering buys Dutch Harbor land



1984

West Passage subdivision created around West Passage Drive cul-de-sac

1969 Jamestown issues zoning by lot size

1965 The Pebble is winterized

1962 Melrose Ave extended to Riven Rock

1954 Raymonds buy Riven Rock and the Pebble

1911 JS Lovering builds Riven Rock and the Pebble

1911 G. Lovering sells Lot 31 to JS Lovering

1910 Gilpin Lovering buys Dutch Harbor land



Current Zoning

- 1982 Lot 31 rezoned from R-20 to R-40
- 1969 Jamestown issues zoning by lot size
- 1965 The Pebble is winterized
- 1962 Melrose Ave extended to Riven Rock
- 1954 Raymonds buy Riven Rock and the Pebble
- 1911 JS Lovering builds Riven Rock and the Pebble
- 1911 G. Lovering sells Lot 31 to JS Lovering
- 1910 Gilpin Lovering buys Dutch Harbor land



Proposal

1. Return Lot 31 to original R-20
2. Allow Subdivision into Parcel A & B
3. Bring both parcels into zoning conformity
4. Preserve Historic House - Riven Rock
5. Parcel B house rebuilt with no variances



Archer & Foppert, LLP

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Fax: 401.423.9700
401.423.2329

Deborah A. Foppert, Esq.
Deb.Foppert@gmail.com

February 9, 2021

Lisa W. Bryer, Town Planner
Planning Commission
Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: 113 and 115 Melrose Avenue (Plat 8 Lot 31)

Dear Lisa and Members of the Planning Commission and the Town Council,

Thank you for your attention to our presentation, and your thoughtful questions at the Planning Board meeting on February 3rd regarding the above-captioned subdivision. To supplement and clarify our request before this Board, enclosed please find a revised plan for the subdivision. The primary changes in this plan from the previously submitted plan are that the structure on Parcel B has been moved so as to eliminate the need for a dimensional variance from the Zoning Board of Review and the garage has been removed. This plan requires no variances from the Zoning Board.

The Plan that you have reviewed (as amended and included herewith) requires the following technical waivers from the Subdivision and Land Development Regulations:

1. Article 13.B.1 – Frontage on improved street – The regulations provide that the area to be subdivided shall have frontage on an existing improved public street. Applicants seek to utilize the unimproved portion of Melrose Avenue by crossing over a portion to access the proposed lot. Applicant believes this waiver is not only reasonable but in the best interests of the neighborhood and consistent with the comprehensive community plan desire to maintain a rural character and reduce water runoff. The proposed design meets the needs of the present and future population served and respects the natural features and topography of the area, and creates an attractive streetscape.
2. Article 13.B.8 – Cul-de-sac. The regulations provide that all dead-end streets shall end in a cul-de-sac turnaround. Applicants believes this waiver is not only reasonable but in the best interests of the neighborhood and consistent with the comprehensive community plan desire to maintain a rural character and reduce water runoff. The proposed design meets the needs of the present and future population served with respect to public safety and respects the natural features and topography of the area, and creates an attractive streetscape. The requirement for a cul-de-sac, where one exists several hundred feet away, would be overbuilding for no tangible purpose.

3. Article 13.C.3.d. – Shoreline access. The regulations provide that where a subdivision has waterfront shoreline, there shall be provided a pedestrian easement for access to the shore by the general public. Applicant believes this waiver is not only reasonable but in the best interests of the neighborhood and consistent with the comprehensive community plan. This area has not been designated by the town for public access nor desired by the neighborhood, the access is difficult for the public due to a twenty foot embankment and there are no parking amenities in place to support such public access.

Although the objectors have raised the issue of a waiver under Article 13.C.4 Lot configurations, which states that “the planning commission shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose....where considered feasible by the planning commission, lots shall not have a depth to width ratio greater than 2.5 to 1.0. The commission may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these regulations.” The text of the regulations does not require a specific waiver under this section. Given the unusual topography of the lots as waterfront lots, the minor deviation in the traditional lot configuration (a ratio of 2.6 rather than the suggested 2.5), and the consistency of the lot dimensions with the neighborhood, the configuration of the lots does not appear to rise to the level of requiring any reconfiguration.

Under Article VIII.A of the Jamestown Subdivision Regulations, the planning commission shall have the authority to waive or modify one or more of the requirements for subdivision if the planning board finds that the “waiver or modification is reasonable and within the general purposes and intents of the Subdivision Regulations” and where “literal enforcement is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive community plan and the zoning ordinance.”

The following excerpts, goals and policies from the Comprehensive Plan support the waivers being sought:

- Both new and existing roads should remain rural in character and should not be made over to conform to urban norms implemented elsewhere.
- The overwhelming sentiment of residents who responded to the 1998 Community Survey felt that maintaining the rural character is the primary goal of the Town. In addition, the Island’s natural environment and its small Town character are the most desirable qualities of Jamestown. The 1998 Community Survey confirmed the importance of maintaining the Island’s rural character, natural environment and small Town character.

Although we have submitted a plan that requires these three waivers, attached hereto as Exhibit A is a plan that does not require any waivers from the subdivision regulations. This is included for review in order to support the notion that the waivers actually improve the design of the subdivision and result in less impact on the neighborhood, the environment and the town by downsizing some of the requirements that are more suited to a larger subdivision project.

We believe the Standards for Subdivision under Article III of the Jamestown Subdivision Regulations have been met by the submitted Plan with the three (3) requested waivers, and best serves the applicant, the neighborhood and the Town as required:

- There are no significant environmental impacts from the proposed development.
- The resulting lots of the subdivision do not contain such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- The proposed lots have adequate and permanent physical access to a public street.
- The resulting lots shall have safe circulation of pedestrian and vehicular traffic as well as adequate surface water runoff, and shall preserve the natural, historical and cultural features of the community.
- The resulting design of the streets, lots and drainage improvements shall minimize flooding and soil erosion.
- All lots currently and in the future shall have access to sufficient potable water.
- There shall be no change or increase in the impact on the town facilities.

In summation, the Applicant requests the following from the Planning Commission at this Master Plan stage:

1. grant conditional master plan approval for the plan submitted herein; and
2. Under Article V.D.2 of the Town of Jamestown Subdivision Regulation, provide a positive recommendation to the Town Council as to the proposed zoning map change with regard to the Comprehensive Plan
3. Under Article V.D.2 of the Town of Jamestown Subdivision Regulation, provide a positive recommendation to the Town Council as to the Comprehensive Plan Amendment.

We believe that there are sufficient benefits to the applicant, the neighbors and the Town in granting these requests, including preserving an historic property, maintaining the rural character of the neighborhood, eliminating zoning nonconformities, creating consistency between maps and text in the Comprehensive Plan. Thank you again for your consideration in the application.

Sincerely,



Deborah A. Foppert
Attorney for Riven Rock, Inc.

Archer & Foppert, LLP

57 Narragansett Avenue, Jamestown, RI 02835
Fax: 401.423.9700
401.423.2329

Deborah A. Foppert, Esq.
Deb.Foppert@gmail.com

March 24, 2021

Erin Liese, Town Clerk
Town Council Serving as the Board of Water and Sewer Commissioners
Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

Re: 113 and 115 Melrose Avenue (Plat 8 Lot 31)

Dear Erin and Members of the Town Council,

I write this letter to request that in conjunction with the April 19, 2021 Town Council meeting to consider an Amendment to the 2015 Comprehensive Community Plan and the Jamestown Zoning Ordinance Map for the purpose of amending (a) the Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20; (b) Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential; and (c) Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District, that the Board of Water and Sewer Commissioners amend the Rules and Regulations of the Board of Water and Sewer Commissioners as amended May 18, 2009 as follows:

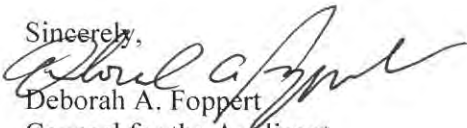
1. That lines 1 through 4 (inclusive) of the definition of “Urban Water and Sewer District” be amended in their entirety and replaced as follows:

““Urban Water and Sewer District” shall refer to all the land in the Town of Jamestown bounded to the north by the West Passage of Narragansett Bay and include Plat 8, Lot 31, thence run southerly along the eastern boundary of Plat 8 Lot 31 to Arnold Avenue, thence turn easterly and continue east on”

2. That Appendix B: Water & Sewer District be amended to include Plat 8 Lot 31 (as presently constituted) in said Water and Sewer District.

These requests to amend are made in order to correct the current Rules and Regulations which mistakenly omitted Plat 8 Lot 31 from the municipal water and sewer district even though the property has been serviced by municipal sewer and water service for many years. Thank you for your consideration in correcting these issues.

Sincerely,


Deborah A. Foppert
Counsel for the Applicant



Town of Jamestown

Town Administrator
93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9805
Email: jhainsworth@jamestownri.net

Jamie A. Hainsworth
Town Administrator

MEMORANDUM TO: Honorable Town Council
FROM: Town Administrator, Jamie A. Hainsworth
DATE: April 14, 2021
SUBJECT: Report for Town Council Meeting April 19, 2021

Covid-19 Status: From March 24th to April 7th the number of positive cases for Jamestown went from 308 to 318 an increase of 10 cases. The mobile testing site is in operation on Fridays from 1pm to 6pm located on West Street behind the Town Hall.

Municipal Parking Lot Narragansett Avenue: The Department of Public Works has completed all of the work on the parking lot for the “take it outside” project. The Chamber of Commerce has been notified and expected to begin to utilize it soon.

Jamestown Golf Course New Clubhouse: The major portion of the building has been successfully completed. The parking lot has been paved and striped. A certificate of occupancy has been issued for the first floor. The Golf Course Management has been notified they may begin to operate on April 16, 2021.

Vacancy Status for the position of Town Clerk: We began advertising the position on March 25th and will continue to advertise for four weeks. In the interim we have obtained the services of two former Town Clerks, Cheryl Fernstrom and Arlene Petite. They will work part time as needed to cover the office and required duties.

Appointment of Parks and Recreation Director, Agenda Item: After advertising and conducting an interview process. I recommend Mr. Raymond DeFalco, Jr. to be appointed as Director of Parks and Recreation. Mr. DeFalco has significant experience in this profession he has served over 19 years in various capacities in Parks and Recreation. He currently serves as the Assistant Director of Parks and Recreation in the Town of Charlestown RI, a position he has held since 2016. Mr. DeFalco has a bachelor degree from URI in Psychology, CCRI in Human Services and is a (CPRP) Certified Parks and Recreation Professional. I ask the Council to confirm Mr. DeFalco’s appointment.

Meeting with RI DEM, re; State Parks: On April 7th Councilors Meagher, Brine and I met with the Administrator of Parks and Recreation, Mr. Francis Floor. The meeting was to discuss the concerns the Town Council has expressed during the previous Council meeting. The consensus of the meeting was to expand communications and collaborations between the Town and the State on issues, maintenance and other matters of mutual concern.

Jamestown Housing Authority Executive Director Vacancy: On April 7, 2021 I received notice from Ms. Karen Rudd that she had resigned from the Housing authority. Ms. Rudd was appointed by the H.A. as the Ex. Director and served two days before resigning, attached a copy of her letter. I have received phone calls and inquiries from residents, concerned with yet another absence of a Director. I have attempted to contact the Chairperson on the Commission; we have not spoken she did send me and email back advising they are in the process of trying to move forward and when definitive answer they would share the details with me.

R.I. Slave History Medallions, Mr. Charles Roberts, Executive Director: Mr. Roberts has contacted me and asked if May 21, 2021 would be a good date for the Council to conduct a dedication to the Medallion located in east Ferry.

Charter Amendment Update: Both the Senate bill 50 and House Bill 5101 passed the legislature last night and were transmitted to the Governor. He should sign them soon.

F.Y.I.: The R.I. Small Business Relief Grant Program application will begin to be available at 3pm April 15, 2021 until Friday April 30, 2021 at 5:00 p.m. Grants of \$5,000 will be awarded to RI based small businesses that meet the requirements on a first come first served basis.

This program is designed for Rhode Island small businesses. Applicants must:

- Be small Rhode Island-based for-profit businesses (including sole proprietors and new businesses) and with less than \$1M in 2020 “gross receipts or sales”;
- Demonstrate that they have a COVID-related net financial need of \$5,000 or greater. This will be calculated by subtracting the total amount of COVID related grants or financial assistance received for 2020 from the total drop in gross receipts from 2019 to 2020.

More information on grant requirements is available at commerceri.com and via [this webinar](#). We will send out the application link once it is live later today.

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		Cheryl Arlene		1 Town Council Packets	2 Good Friday Town Hall Closed	3
4	5 Town Council Meeting: 6:30 pm	6	7 Probate Court 9am	8 Town Council Budget Workshop Meeting: 6:30 pm	9	10
11	12 Town Council/ School Committee Budget Workshop Meeting: 6:30 pm	13	14 Town Council Agenda & Bills Deadline @ Noon	15 Town Council Packets	16	17
18	19	20	21	22	23	24
25	26 Town Council/Water & Sewer: 6:30 pm	27	28 Town Council Agenda & Bills Deadline @ Noon	29 Town Council Packets	30	

2021

May

Sun

Mon

Tue

Wed

Thu

Fri

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Memorial Day
Town Hall Closed

2021

Probate Court 9am

Town Council Meeting:
6:30 pm

Town Council Agenda &
Bills Deadline @ Noon

Town Council Packets

Town Council/Water &
Sewer: 6:30 pm

Sec. 70-55. - Restrictions on certain streets.

- (a) Any commercially-registered vehicle weighing over 7,000 pounds GVRW is prohibited on the following streets. This prohibition shall not apply to commercially-registered vehicles going to or coming from places upon such streets for the purpose of making deliveries of goods or providing services to property owners or similar activities for abutting lands or buildings, or federal, state, public service corporation or town-owned vehicles, or emergency response vehicles.

Carr Lane;

Columbia Avenue (restricted 3:00 p.m. to 5:00 a.m. only) from a point 200 feet south of West Street and continuing to the intersection of Windsor Street;

Reservoir Circle.

- (b) All motorized vehicles as defined by Rhode Island General Law 31-1-3 (s) are prohibited from driving or parking on shared pathway.
- a. Shared pathway shall include the improved portion of the Town property designated for the use of pedestrians and bicyclist.
 - b. Exception
 - i. Motorized vehicles are permitted to cross shared pathway in a perpendicular manner to enter or exit a private or public driveway.
 - ii. Service and emergency vehicles.

Sec. 70-80. - All night parking.

No portion of any public highway, street or right of way shall be used for the purpose of all night parking of any vehicle boat, camper, trailer, bus, or any vehicle with more than 7,000 GVW rated capacity with or without lights thereon, during any part of the year. For the purposes of the section, this shall include the undeveloped portions of Town owned right of ways.

No vehicle of any class, boat, camper or trailer shall be parked all night in any Town owned parking lots during any part of the year.

For the purpose of this section, the term "all night parking" shall be defined as between the hours of 1:00 a.m. and 6:00 a.m. of any day.

This section shall not apply to:

Town owned parking lot located at West Ferry;

Vehicles owned by the Town of Jamestown;

Vehicles owned by employees of the Town of Jamestown while on duty;

Vehicles, trailers, boats parked overnight within Fort Getty as permitted by the Recreation Department;

Or as otherwise specifically permitted within the code of ordinance.

Sec. 70-87. - Prohibited or restricted parking on specified streets.

Pemberton Avenue-No parking on the east side between Narragansett Avenue and Watson Avenue.

Beach Avenue , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Boom Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Bow Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Cedar Hill Drive , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Deck Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Galley Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Jib Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Mast Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

North Road, no parking on either side from its intersection with East Shore Road westerly for a distance of 200 feet. No parking on either side from the intersection with RT 138 northerly to the intersection with Carr Lane.

Net Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Rub Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Sail Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Scull Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Seaside Drive , no parking on either side from Hull Street north to Spindrift Street. No parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Seaside Drive , no parking on either side from Hull Street north to Spindrift Street. No parking even numbered side, south of Hull Street. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

Stern Street , no parking even numbered side. Overnight parking permit required 11:00 p.m. to 6:00 a.m. in accordance with section 70-91.

~~Sec. 70-91. - Jamestown resident overnight parking permit program.~~

~~*Resident overnight parking permit.* No motor vehicle shall park overnight upon any road or parking area designated under section 70-87 by the town council unless it displays a current resident overnight parking permit sticker or placard, which may be obtained during regular business hours at the Jamestown Town Clerks Office.~~

(a)

~~*Restrictions.* Annual parking permit placards shall be limited to no more than five per parcel of land and to vehicles weighing 7,000 GVW or less. The first two placards shall be provided at no cost. A \$5.00 fee shall be charged for each additional placard.~~

(b)

~~*Violations.* Violations and fines for violations shall be enforced pursuant to the provisions of section 70-24.~~

(c)

Sec. 70-91. Jamestown resident overnight parking permit program.

No motor vehicle shall be parked overnight upon any road as designated under section 70-100 unless it displays a current resident overnight resident parking permit, which may be obtained at the Jamestown Town Clerks Office.

Sec. 70-92. Definitions.

As used in this chapter:

"Dwelling unit" means a unit of living area arranged, intended or designed to be occupied by a family or group of not more than five unrelated individuals living together as a single housekeeping unit.

"Resident" means any person who resides or pays real property taxes to the Town on real estate or on a structure approved for residential or commercial occupancy, and who or which is the owner of such structure or a tenant therein, or who or which can demonstrate some other indication of exclusive right of occupancy. For the purposes of this chapter, tenancy shall refer only to a formal lease of six months' duration or longer.

"Residential parking district" means a contiguous or nearly contiguous area containing public highways or parts thereof, primarily abutted by residential property or residential and nonbusiness property, such as schools, parks, churches, hospitals or nursing homes. Residential parking districts are enumerated in Section 70-99.

"Residential parking street" means a street within a residential parking district where parking is limited to vehicles properly displaying a residential parking permit authorized by this chapter. Designated streets will be enumerated in this chapter, as amended from time to time by the procedure provided for herein.

Sec. 70-93. Designation of residential parking districts.

In addition to the other restrictions on parking, the Town Council may designate a residential parking district.

Sec. 70-94. Designation of residential parking streets.

Through a public hearing, the Town Council may designate a street within a residential parking district as a residential parking street, provided a petition in a form suitable to the town clerk has been filed that has been signed by residents representing at least fifty-one (51) percent of the resident households with an address of the specific street within the residential parking district requesting designation as a residential parking street.

Sec. 70-95. Withdrawal of designations.

The Council may, at any time, upon petition in a form suitable to the town clerk has been filed that has been signed by residents representing at least fifty-one (51) percent of the resident households with an address of the specific street within the residential parking district requesting designation as a residential parking street or on its own motion, withdraw the designation of an existing residential parking district or residential parking street in the same manner that an ordinance is amended.

Sec. 7-96. Residential parking permit and Visitor passes.

- A. Any resident may apply for a residential parking permit for a vehicle by completing an application therefor prescribed by the Town Clerk, which application shall be designed to provide the following information:
 1. The name and residential address of the owner of the vehicle;
 2. The name, residential address and driver's license number of the principal operator of the vehicle; and
 3. The make, model, color and registration number of the vehicle.
 4. The driver's license and vehicle registration shall be presented with the application.

- B. Whenever the Town Clerk finds that the applicant qualifies under this chapter for a residential parking permit for the vehicle described in the application, he or she shall issue one residential parking permit in the form of a sticker.

- C. Regardless of any other provision of this chapter, a residential parking permit shall not be issued to any resident who owes the Town outstanding payments for parking violations, fines or costs for motor vehicle-related violations, motor vehicles excise taxes or real

- property taxes. The effective period of the permit shall be from May 1st through April 30th of the following year. The Town Clerk upon recommendation of the Chief of Police may extend the permit for an additional 12 months.
- D. The Town Clerk may issue one general visitor pass per dwelling unit on a residential parking street. Such visitor pass shall be utilized only for one visitor vehicle. Such visitor pass shall indicate the year for which it is valid.
 - E. A licensed bed and breakfast located on residential parking streets shall be issued one blank visitor pass for each rooming unit, less the number of off-street spaces provided on a parking lot of the same ownership as the guest house.
 - F. A resident who would otherwise qualify for a residential parking permit but utilizes as his or her principal vehicle a vehicle registered to an entity other than himself or herself shall qualify for the issuance of a residential parking permit.
 - G. A resident who would otherwise qualify for a residential parking permit but uses as his or her principal vehicle a leased vehicle must provide proof that the vehicle is leased in his or her name at the address on his/her driver's license or application for said permit.

Sec. 70-97. Effective period and hours of restriction—Renewal or transfer of permits.

- A. The restriction on parking provided for in this chapter shall be in effect from May 1st to October 31st of each year. The restriction shall be in effect daily for designated streets from 1:00 a.m. to 6:00 a.m.;
- B. The holder of a valid residential parking permit shall receive a new residential parking permit for the purpose of transferring the same to another qualifying vehicle upon surrender of the holder's existing residential parking permit and completion of a new application.

Sec. 70-98. Use of permits.

- A. A parking permit shall not guarantee or reserve a parking space nor shall it excuse the observance of any traffic or parking regulation.
- B. No holder of a residential parking permit shall use such permit when such holder no longer fulfills one or more of the applicable provisions of this chapter controlling the issuance of permits.
- C. No person shall represent, in any fashion, that a vehicle is entitled to a parking permit authorized by this chapter when it is not so entitled. No person shall cause a parking permit to be displayed on a vehicle that does not qualify for such a permit.
- D. No person shall duplicate or attempt to duplicate a residential parking permit or display on any vehicle a duplicate parking permit.
- E. A residential parking permit must be permanently affixed to the front windshield, lower left corner of the driver's side of the vehicle for which it is issued. Failure to display said residential parking permit, as described above, shall be deemed a violation of the provisions of the residential parking program.

- F. A visitor pass must be clearly displayed by hanging from the rearview mirror of said vehicle.
- G. For the purposes of this section, the term "permit" shall include and mean a residential parking permit or visitor pass.

Sec. 70-99. Designated residential parking district.

The area and streets contained there within the perimeter of Narragansett Avenue, Conanicus Avenue, High Street and Howland Avenue.

Sec. 70-100. Designated residential parking streets.

The following streets are designated as residential parking streets during the hours of 1:00 a.m. to 6:00 a.m. of any day:

TBD

Sec. 70-101. Penalty

- A. Any violation of this chapter shall be subject to a fine of \$25.
- B. Each day shall constitute a new and separate violation.
- C. Any vehicle in violation for five (5) or more consecutive days shall be subject to tow at the owner's expense.

Sec. 70-102. Revocation of permits.

In addition to the penalties set forth in Section 70-101, the Town Clerk shall have the responsibility and authority to revoke the residential parking permit of any resident for the abuse of a residential parking permit or for the use of the same in a manner contrary to any of the provisions of this chapter. Revocation of the residential parking permit of a resident or conviction of a resident for a violation of any of the provisions of this chapter shall be considered just cause for denial of a future residential parking permit to such resident. Resident may appeal to the Town Council for reinstatement.

Sec. 70-92. 103. Parking restriction waiver.

- a) *Parking waiver.* Any resident may make application to the chief of police requesting a short-term temporary waiver of parking restrictions. The waiver shall be limited to no more than 48 hours.
- b) *Restrictions.* The chief of police may issue said waiver with restrictions in order to allow for public safety and may include the assignment of a police officer at the expense of the applicant.
- c) *Violations.* Any violation or noncompliance by the applicant may result in the immediate revocation of said waiver.

SOLID WASTE AND RECYCLING SERVICES AGREEMENT

Between the

RHODE ISLAND RESOURCE RECOVERY CORPORATION

And the

MUNICIPALITY

This solid waste and recycling services agreement (Agreement) is made and entered into by and jointly between The Rhode Island Resource Recovery Corporation, ("The Corporation" or "Corporation") a quasi-public corporation organized under the laws of the State of Rhode Island, and the _____, (hereinafter "Municipality"), a municipal corporation organized and existing under the laws of the State of Rhode Island, with a business address at _____, Rhode Island. In consideration of the mutual covenants, promises and payments set forth herein, The Corporation and Municipality do hereby agree as follows:

1. **TERM.** The term of this Agreement shall commence on the date of municipal execution or July 1, 2021 whichever is the later and end on June 30, 2023, unless sooner terminated or extended as provided herein.
2. **DISPOSAL OF SOLID WASTE.** For the term of this agreement and pursuant to Rhode Island General Law ("RIGL") Chapters 23-18.9-1 et seq. and 23-19-3, Municipality agrees to deliver for disposal to the Corporation's landfill in Johnston, R.I. (hereinafter "Landfill" or "Central Landfill"), one hundred percent (100%) of its Municipal Solid Waste as defined in RIGL §23-19-5(5) for which Municipality has undertaken the collection, transfer or disposal, (hereinafter "MSW"), and the Corporation agrees to accept and dispose of one hundred percent (100%) of Municipality's MSW.

Municipality shall be deemed to have undertaken the collection, transfer or disposal of that MSW for which it:

- a. Provides any of these aforementioned services through a contract or license, or by municipal employees, or
- b. Pays for any of these aforementioned services with municipal funds, enterprise funds or the like, or
- c. Assigns, subject to the Corporation's approval, all or part of its municipal waste cap for disposal at the Landfill to a third party in accordance with RIGL 23-19-13(g)(3) and 23-18.9-1(b)(3).

This Agreement shall not apply to the disposal of any other type of solid waste, including, but not limited to: 1) solid waste generated by residents of a municipality in the course of their employment; 2) solid waste generated by any manufacturing or commercial enterprise or, 3) solid waste for which Municipality has not undertaken the collection, transfer or disposal, as set forth above except where Municipality has implemented a commercial recycling program for which it has assumed responsibility for collection, either directly by municipal employees or through a contract or license.

3. **COMPLIANCE WITH LAWS.** Municipality agrees to use its best efforts to ensure that it, its agents and contractors, and all MSW, Mixed Recyclables, as defined herein below, and other materials delivered to the Corporation's facilities by Municipality, its agents and contractors will comply with all state and federal laws and R.I. Department of Environmental Management, U.S. Environmental Protection Agency, and Corporation rules, regulations, and policies including any facility site regulations and policies. Municipality, and its agents, contractors and employees, shall abide by all Corporation work rules, practices and procedures. While they are present on Corporation property, Municipality, and its agents, contractors and employees, shall act in a safe, efficient and workmanlike fashion. The failure or refusal of Municipality, or any agent, contractor or employee of Municipality to go, act, or follow instructions of a Corporation official, operating manager or other responsible person of the Corporation or its Agents are grounds for the ejection of such person from Corporation property, and the removal of Municipality's, or any agents, vehicle, whether or not it has been off-loaded. The Corporation's "On-Site Safety Policy" is attached and incorporated herein by reference (Attachment 1).
4. **FEES FOR THE DISPOSAL OF MSW.** For the duration of the term of this Agreement, Municipality agrees to pay the Corporation the municipal disposal fee set in accordance with the Rule "Municipal Solid Waste Disposal Fee Pricing Structure and Procedure", §845-RICR-00-004 (Attachment 2), as adopted by the RIRRC Board of Commissioners on December 9, 2020, for the disposal of all its MSW up to its annual MSW Cap. The municipal disposal fee will be forty-seven dollars (\$47.00) per ton in Fiscal Year 2022 (the one-year period from July 1, 2021 through June 30, 2022) and fifty-four dollars (\$54.00) per ton in Fiscal Year 2023 (the one-year period from July 1, 2022 through June 30, 2023).

"Municipal Solid Waste Cap (MSW Cap)" means the MSW tonnage established by the Corporation for each municipality to dispose of at the municipal disposal fee. The MSW Cap is calculated in accordance with the Rule "Rhode Island Resource Recovery Annual Municipal Solid Waste Cap Allotments," §845-RICR-00-003 (Attachment 3). The MSW Cap shall be adjusted each year according to the procedures outlined in Attachment 3. The Corporation shall notify municipalities of the new MSW Caps no later than April 1.

During Fiscal Year 2022, Municipality agrees to pay the Corporation ninety dollars (\$90.00) per ton for disposal of all MSW in excess of its annual MSW Cap. During Fiscal Year 2023, Municipality agrees to pay the Corporation one hundred dollars (\$100.00) per ton for disposal of all MSW in excess of its annual MSW Cap.

There shall be a minimum charge of one (1) ton for any load of MSW.

5. **BILLING AND PAYMENT.** The Corporation shall bill Municipality monthly for the services rendered and Municipality agrees to pay all sums due within thirty (30) days of invoice date.
6. **EARLY PAYMENT DISCOUNT.** Upon receipt of full payment of an invoice within twenty (20) days of the invoice date which brings the Municipality's outstanding balance to zero, Municipality shall receive a one-and-one-half percent (1.5%) discount from the invoice's amount. Municipality's eligibility expires monthly and is renewed monthly with the issuance of each month's invoice.
7. **MUNICIPAL RECYCLING AND DIVERSION PLANS.** Pursuant to RIGL § 23-19-13(e)(3), the municipality's 2021-2022 Recycling and Diversion Plan serves as an addendum to this contract. It includes a residential and municipal waste stream evaluation and a description of the process by which thirty-five percent (35%) of its solid waste will be recycled and fifty percent (50%) of its solid waste will be diverted from landfilling. The Municipality is responsible for implementing the plan and reporting on the results. Reporting will be accomplished through completion of the Corporation's 2021

annual data survey. An updated municipal recycling and diversion plan for the 2023 and 2024 time frame will be provided to the Corporation prior to February 1, 2023.

8. **DELIVERY OF RECYCLABLES FOR PROCESSING.** Municipality agrees to deliver to the Corporation's Materials Recycling Facility (hereinafter "MRF") at 33 Shun Pike in Johnston one hundred percent (100%) of the Mixed Recyclables, as defined herein below, which are collected within its borders under its municipal recycling program, unless specifically allowed to deliver Mixed Recyclables, as defined herein below, elsewhere. Municipality must request in writing permission from the Executive Director to direct mixed recyclables to an alternate recycler via a variance request, due to the Corporation by June 1 for the following fiscal year. Requests will be considered on a two year basis that coincides with the term of this agreement.

The Corporation agrees to process and market one hundred percent (100%) of said Mixed Recyclables that are delivered to the Corporation and meet the criteria outlined in the Corporation's "Materials Acceptance Criteria", attached and incorporated herein by reference (Attachment 4) for as long as such markets exist and it is economically beneficial to do so. For purposes of this Agreement, "Mixed Recyclables" generally includes materials defined as recyclable by the Materials Acceptance Criteria and generated by a household during the normal course of the day which are then placed in a recycling container set out for collection or are delivered to a recycling drop off. Municipality agrees to deliver these Mixed Recyclables regardless of whether these Mixed Recyclables are collected in a curbside program or through a drop-off program. Additional materials may be allowed in the program from time to time, and would therefore be subject to the terms of this Agreement. Mixed Recyclables properly delivered to the Corporation in accordance with its policies shall not incur a tip fee, pursuant to RIGL §23-19-31.

9. **TRANSFER OF MATERIALS.** Municipality must apply to the Corporation in writing for permission to use a transfer station to transfer Mixed Recyclables or MSW from a curbside collection vehicle to a trailer truck for transport to Corporation facilities. These materials can be transferred only if the Corporation grants permission in writing to do so and all transfers must comply with the Corporation's Municipal Transfer Policy (Attachment 5).

10. **DISPOSAL FEES FOR OTHER MATERIALS.** Municipality agrees to pay the Corporation, any appropriate fees for materials delivered as set forth in the attached Fee Schedule and incorporated herein by reference (Attachment 6). Municipality agrees to only deliver materials that the Corporation accepts as outlined in Attachment 4 (Materials Acceptance Criteria). Municipality is encouraged to find alternate disposal or recycling options for other materials that can be diverted from the Central Landfill, including appliances (white goods), batteries, construction & demolition debris (C&D), leaf & yard waste, scrap metal, unrecoverable (non-recyclable) mattresses, tires and wood pallets, but excluding Mixed Recyclables as defined in Section 8.

- a) **Leaf & yard waste.** For the term of this agreement and pursuant to RIGL 23-19-3(17), Municipality agrees to pay the Corporation a fee of zero dollars (\$0.00) per ton for leaf and yard waste up to its annual leaf and yard waste Cap. "L&YW Cap" shall mean the leaf and yard waste tonnage established by the Corporation for each municipality. The leaf and yard waste Cap is calculated by multiplying the municipal population (as determined by the State of Rhode Island Statewide Planning Population Projections) by 0.025 tons. L&YW Caps shall be adjusted annually and disseminated with the MSW Cap, in accordance with the " Rhode Island Resource Recovery Annual Municipal Solid Waste Cap Allotments," (Attachment 3). The new L&YW Cap shall be distributed to Municipality no later than April 1 each year. Municipality agrees to pay the Corporation the fee in accordance with RIGL 23-19-3, currently set at twenty-

five dollars (\$25.00) per ton, for the acceptance of all leaf and yard waste in excess of its annual L&YW cap. The over the cap fee is established by State law and subject to change.

Municipalities shall have the opportunity to request leaf and yard waste cap from each other to hedge against overages. The Municipal Leaf and Yard Waste Debris Cap Sharing Policy and Form are attached to this Agreement as Attachment 7, attached and incorporated herein by reference.

- b) **Construction and Demolition Debris (C&D).** Acceptable Municipal C&D is only that material as defined by RI Department of Environmental Management Solid Waste Regulation, §250-RICR-140-05-1. Municipal C&D tonnage is considered MSW and will be applied against the Municipality's annual MSW Cap as defined in Section 4 of this Agreement and charged accordingly. It is recommended that municipalities attempt to find alternate outlets for C&D.
- c) **Rejected Loads.** There will be an Equipment Use/MRF Rejected Load Handling Charge assessed for any load of municipal recyclables that are rejected by the MRF, requiring reloading into a RIRRC vehicle for transfer to the landfill. The tonnage associated with the rejected load will be charged to the Municipality at its MSW rate and applied to the Municipality's MSW Cap.

MRF Load Inspection and Rejection Procedure:

The minimum quality standards have been established for Mixed Recycling and are defined in Attachment 4, Materials Acceptance Criteria. The rejection of a load by the MRF inspector is binding on all parties. The Corporation will notify the Municipality electronically (e-mail) of any rejected loads, generally within 24 hours after the close of business on the day of the rejected load. Load rejection notification will normally be in the form of a report identifying the material quality issue and include photographs of the contamination. Continued failure of a customer to meet the minimum quality standards could result in a determination that this agreement has been breached. Municipality shall have the right to appeal the termination of the Agreement, and the appeal shall be heard by the Corporation's Board of Commissioners.

11. COMPOST FOR CONTRACT MUNICIPALITIES. The Corporation will, from time to time, make finished compost available free of charge, subject to the provisions of Attachment 8, attached and incorporated herein by reference, to those municipalities with current and fully effective Agreements who have also delivered leaf and yard waste to the Corporation during the current fiscal year. When finished compost is available for free distribution to the aforementioned municipalities, the Corporation will provide notice and the municipalities will be allowed to request free compost for their use, as outlined in the Compost Distribution Policy, Attachment 8.

12. RECYCLING INCENTIVES. To be eligible to participate in the recycling incentive program, municipalities must have a current, fully executed Agreement with the Corporation. The incentive program shall include:

- a) When the Board of Commissioners authorizes, a MRF profit share shall be offered to eligible municipalities. MRF profit share will be based on a consistent measure of profit from the MRF operation and shared 50-50 between RIRRC and the municipalities as a group. The municipal share shall be distributed to those municipalities with executed Agreements based on the per ton pro rata share of municipal recyclables delivered to the MRF. The MRF profit will be calculated as the revenue derived from the sale of all MRF commodities less: all direct operating expenses from the MRF, capital depreciation associated with the MRF, disposal of process residue from the MRF, program grants and funding provided to municipalities, and a share of

RIRRC administrative overhead. Municipality must use the recycling profit shares to further enhance and expand the municipal recycling and diversion program. Please use "Recycling Profit Share Annual Reporting Form" (Attachment 9) to record and report to the Corporation the use or intended use of the prior year's profit share. The annual reporting form is due to the Corporation by August 1 of each year.

Condition - The Corporation will offset any and all profit share funds from any amounts due to the Corporation from the Municipality with a receivable greater than sixty (60) days on the Corporation's monthly Account Receivable Aged Balance Report.

- b) When the Board of Commissioners authorizes, a competitive waste reduction and recycling enhancement grant program will provide funding for RIRRC approved municipal proposals as outlined in the "Municipal Grant Policy," Attachment 10, attached and incorporated herein by reference. Grant awards must be used solely for the purpose for which they were approved. Grants are not transferable, either year to year or entity to entity.
- c) A twenty five percent (25%) discount shall be applied to the Corporation's wholesale price for standard curbside recycling bins.
- d) A "Fiscal Year-End Tip Fee Rebate (Rebate)" is defined as a fixed per ton refund for MSW disposed, in accordance with paragraph 2 of this Agreement, at the Corporation's facilities during FY22 and FY23. This Rebate is offered to those municipalities that qualify based on the following recyclable percentages.
 - i) Zero dollar Rebate: Applies to any municipality that delivers Mixed Recyclables between zero percent (0%) and twenty-four and ninety-nine hundredths percent (24.99%) of its solid waste at the MRF.
 - ii) One Dollar (\$1.00) Rebate: Applies to any municipality that delivers Mixed Recyclables between twenty-five percent (25%) and twenty-nine and ninety-nine hundredths percent (29.99%) of its solid waste at the MRF.
 - iii) Two Dollars (\$2.00) Rebate: For any municipality that delivers Mixed Recyclables between thirty percent (30%) and thirty-four and ninety-nine hundredths percent (34.99%) of its solid waste at the MRF.
 - iv) Three Dollars (\$3.00) Rebate: For any municipality that delivers Mixed Recyclables greater than thirty-five percent (35%) or more of its solid waste at the MRF.

The Corporation shall issue a Rebate not later than September 1, 2022 and 2023 to those Municipalities qualifying for a year-end tipping fee adjustment according to the municipality's actual recorded tonnage delivered to the MRF and in accordance with the provisions of the Municipality's current Agreement with the Corporation.

13. INFORMATION. If Municipality engages the services of a private company or contractor to collect and/or transport MSW or Mixed Recyclables, then a copy of this Agreement shall be included in any request for bids and incorporated as a part of any agreement between Municipality and the private party/contractor and the agreement between Municipality and the private party/contractor shall expressly require the private party/contractor to abide by the terms of this Agreement.

14. TERMINATIONS AND REMEDIES.

- a) **TERMINATIONS.** The Corporation has the absolute right in its sole discretion to terminate this Agreement if the Corporation determines that Municipality is not abiding by the terms of this

Agreement or is otherwise not acting in conformance with Rhode Island laws and/or State regulations. Municipality shall have the right to appeal any termination of the Agreement, and the appeal shall be heard by the Corporation's Board of Commissioners.

- b) **REMEDIES.** Failure of Municipality or the Corporation to perform the obligations hereunder shall constitute a breach of contract. Ten business days after providing the other party with notice of a breach of contract, a party may take any or all of the following steps:
 - i) Commence an action for damages and for injunctive relief;
 - ii) Pursue any other remedies available to it by law; and/or

Any delay or failure in the performance by either party hereunder shall be excused to the extent caused by the occurrence of a Force Majeure. For purposes of this Agreement, "Force Majeure" shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, restraint of government, governmental acts, injunctions, labor strikes, and other like events that are beyond the reasonable anticipation and control of the party affected thereby, despite such party's reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to the party's failure to perform its obligations under this Agreement.

- 15. **UNACCEPTABLE MATERIALS.** Neither MSW nor Mixed Recyclables delivered pursuant to this Agreement may contain any waste generated or collected outside the State of Rhode Island, hazardous waste, as defined in Subsection 23-19.1-4 (4) (i) of the Rhode Island General Laws or any other waste which U.S. Environmental Protection Agency, R.I. Department of Environmental Management or Corporation statutes or regulations prohibit for acceptance at the Resource Recovery facilities.
- 16. **LICENSE RESTRICTIONS AND REQUIREMENTS.** Municipality agrees to be bound by any additional requirements and/or restrictions, which may be imposed by the Environmental Protection Agency, the RI Department of Environmental Management, or any other local agency, as a requirement of its operating license(s) or by a change in the regulations.
- 17. **HOURS OF OPERATION.** The normal hours for receiving materials at the facility are Monday through Friday from 6:00 a.m. to 3:45 p.m., and Saturday 6:00 a.m. to 12:00 p.m., (except following a state holiday, whereby the Landfill will remain open until 1:00 p.m. on Saturday). The Corporation may change these hours upon reasonable notice to Municipality. Municipalities may request an extension of the normal hours of operation due to extreme or unforeseen events, such as natural disasters. The Corporation has sole discretion to grant such requests. Should the Governor of the State of Rhode Island declare an official state of emergency resulting in road closures leading to the Corporation facilities, the Corporation shall comply with the executive order immediately. In such cases, reasonable notice of facility closure or a change in operating hours may not be able to be provided.
- 18. **GENERAL RELEASE.** Municipality, or its employees, agents, subcontractors or assigns (hereinafter referred to as "Releasers"), in consideration of travelling on the property of the Rhode Island Resource Recovery Corporation do hereby release, and forever quitclaim unto the said Corporation all manner of actions, claims and demands arising out of any assistance that the Corporation may give to the Releasers in pushing, towing, loading or cleaning any vehicles owned, rented, subcontracted or otherwise utilized to transport Releasers materials that may be stopped from progressing for any

reason whatsoever.

19. **ASSIGNMENTS.** Municipality may not assign, transfer, broker or otherwise vest in any other municipality, entity or person, any of its rights or obligations under this Agreement. Corporation may sell or assign any of its rights or obligations under this Agreement to any other entity, provided that Corporation shall provide written notice of same to Municipality within fifteen (15) days of the assignment provided, however, that assignee agrees to undertake the obligations herein.
20. **GOVERNING LAW.** This Agreement shall be deemed to be a contract entered into and made pursuant to the laws of the State of Rhode Island and shall in all respects be governed, construed, applied and enforced in accordance with the laws of said state.
21. **ENTIRE AGREEMENT.** This Agreement and incorporated attachments represents the entire understanding reached between the parties hereto with respect to Municipality's use of the Corporation's Facilities, and shall supersede or replace any prior understandings or agreements, whether or not in writing. Any modifications hereof shall be in writing and shall be signed by appropriate authorized representatives of Municipality and Corporation.
22. **SEVERABILITY.** If any provision of this Agreement is declared invalid by any tribunal, the remaining provisions of the Agreement shall not be affected thereby.
23. **ATTACHMENTS.**
 - (1) On-Site Safety Policy
 - (2) Municipal Solid Waste Disposal Fee Pricing Structure and Procedure
 - (3) Rhode Island Resource Recovery Annual Municipal Solid Waste Cap Allotments
 - (4) Materials Acceptance Criteria
 - (5) Municipal Transfer Policy & Form
 - (6) Fee Schedule
 - (7) Municipal Leaf and Yard Debris Cap Sharing Policy & Form
 - (8) Compost Distribution Policy
 - (9) Recycling Profit Share Reporting Form
 - (10) Municipal Grant Policy

During the term of this Agreement, the Corporation will provide 30 days notice to the municipality prior to adopting any revisions to pertinent attachments, excepting the Fee Schedule which shall remain in effect without revision for the term of the Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

FOR THE RHODE ISLAND RESOURCE RECOVERY CORPORATION:

BY: _____
Joseph Reposa, Executive Director

Dated: _____

BY: _____
Dean Huff, Chief Financial Officer

Dated: _____

FOR THE MUNICIPALITY:

BY: _____
(SIGNATURE)

Dated: _____

(NAME PRINTED OR TYPED)

Title: _____

The execution of this Agreement has been properly authorized by the governing body of the Municipality and is executed by the properly authorized official.

(SIGNATURE)

Dated: _____

(NAME PRINTED OR TYPED)
Solicitor for the MUNICIPALITY

Resolution in Support of the RHODE ISLAND BROADBAND DEVELOPMENT PROGRAM

HOUSE BILL H5148, March 2021

WHEREAS, during the recent pandemic, the critical importance and urgency of broadband access to the internet, for work, education, medicine, and maintenance of social and family connections, has become apparent, and

WHEREAS, recent events in the State of Rhode Island, including significant slowdowns and outages of internet access, have demonstrated the need for improvements to that access, and

WHEREAS, Residents of Jamestown have experienced those problems, and have, on occasion, suffered from lack of sufficient access to the internet; and

WHEREAS, Rhode Island is only one of two states without a state-wide entity responsible for coordinating a strategy for improvements to internet access, which results in Rhode Island missing out on substantial federal funding for broadband; and

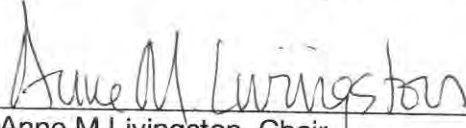
WHEREAS, Technological improvements in internet access make this a critical time for ensuring that all communities in Rhode Island keep up with these developments; and

WHEREAS, internet access has become a fundamental utility, as essential to society and our citizens as electricity; and

WHEREAS, this bill is designed to create the necessary research and planning components so that Rhode Island will achieve a proper level of internet access for its citizens.

NOW THEREFORE, it is hereby resolved that the Democratic Town Committee of Jamestown call upon the Jamestown Town Council to urge support of this bill, and any successor bills and all Senate counterparts, designed to achieve the objectives of House Bill H5148.

WHEREETO, the following bears witness:


Anne M. Livingston, Chair

Jamestown Democratic Town Committee

Adopted by the Jamestown Democratic Town Committee on March 22, 2021

Resolution in Support of the ACT ON CLIMATE Bills
By the Jamestown Democratic Town Committee

March 2021

WHEREAS, the Town of Jamestown places energy efficiency, carbon emissions reduction, and renewable energy choices among its top priorities; and,

WHEREAS, The consensus opinion of the scientific community attributes the decades long global warming trends to human driven increases of the "greenhouse effect," warming that results when heat radiating from the earth remains trapped within our atmosphere due to high levels of certain gases; and,

WHEREAS, current Rhode Island state law, the Resilient Rhode Island Act of 2014, set aspirational goals for reducing our carbon pollution, which increases the greenhouse effect: 45% by 2035 and 80% by 2050, relative to 1990 levels; and,

WHEREAS, the more rapid reductions in emissions are needed, in Rhode Island and everywhere, to prevent catastrophic heating of the planet by 2.7°F or more; and,

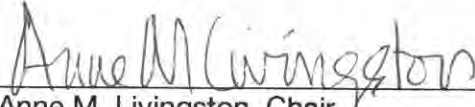
WHEREAS, the 2014 law provides no means of accountability or enforcement if the state fails to meet these goals; and,

WHEREAS, the 2021 Act On Climate bill (S0078 and H5455) fixes these problems with an amendment to the 2014 law. The legislation provides for:

1. Faster emission reductions, consistent with climate science recommendations: 45% cut by 2030; 80% cut by 2040; and 100% cut (net zero emissions) by 2050.
2. Accountability and transparency: emission reduction targets will become legally binding. The state will have to publish plans, metrics, and a dashboard.
3. Attention to job creation and a just transition: the state's plans must include input from vulnerable communities, address public health and environmental inequities, and develop a diverse, well paid, clean energy workforce.

NOW THEREFORE, be it resolved, that the Democratic Town Committee of the Town of Jamestown calls on the Jamestown Town Council to urge passage of these bills by the General Assembly.

WHEREETO, the following bears witness:


_____, Jamestown Democratic Town Committee
Anne M. Livingston, Chair

Adopted by the Jamestown Democratic Town Committee on March 22, 2021

April 7, 2021

Dear Chairperson Molloy:

It is with great sadness that I give my resignation notice to the Jamestown Housing Authority, effective April 7, 2021. Although my contract states that a 30-day notice is required, and considering that I have only worked 15 hours since my contract began April 1, 2021, I believe this notice to be sufficient.

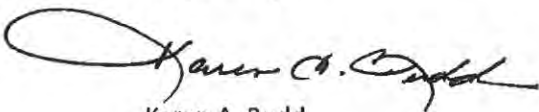
During my two days at the Jamestown Housing Authority (JHA), I have discovered several things of concern to me. However, the most disturbing of all would be the lack of respect by a board member shown to an employee. For a board member to "scream" (I could hear this conversation from my office) over the phone to Mr. Anthony, and then "hang-up" on him, is behavior that I have never experienced in my 30 years of working in both the public and private sector of housing. In reading past minutes of board meetings, I have found that this type of behavior seems to be acceptable, or at the very least, tolerated. There are so many pertinent issues that need to be addressed at JHA; reconciling HUD monies, replacing a 1968 boiler, establishing strong resident/management/board relationships, etc. To read about the "urgency" of getting "WiFi" into the units, and support of that by the board, would not be considered a priority on my list.

I consider myself to be a true professional that has worked with other true professionals. All my previous board members have gone through board member training and they have all been board certified. It is important that board members understand their role as it relates to staff and residents. Being at the Jamestown HA for only two days has already shown me that the lack of board training, at least in some instances, will be a huge problem for me. I made it clear in my interviews, and during our many conversations, that the minute I encountered board interference with myself, staff, or even with the resident population as a whole, that I would leave immediately. This is what I have discovered in only two days and this is why I am leaving immediately.

I do not expect to get paid for working these two days because I don't feel like any real work was done on my part. I spent most of this time reading, reviewing documents, observing and listening.

I wish the Jamestown Housing Authority all the best in their search for an executive director that may be better suited to bring about much needed change at the authority. I hope that the board seriously takes into account some of the items of concern that I have noted above.

Respectfully,



Karen A. Rudd

Cc: Karen Bell, Commissioner
Kathy Powers, Resident Commissioner
Barbara Szepatowshi, Commissioner
Louise Marcus, Esq.

From: Jamie Engberg <zieglerje@hotmail.com>
Sent: Sunday, April 11, 2021 3:29 PM
To: Erik Brine <ebrine@gmail.com>; Jamie Hainsworth <jhainsworth@jamestownri.net>
Subject: Agenda Requests

Good Afternoon, Mr. Hainsworth and Mr. Brine.

I would like to formally request a new cell tower meant to service the north end of the island be added to the agenda for the next Town Council meeting.

This is not a new issue; it's time for action & real progress.

Many north-end residents are concerned about safety due to lack of cell coverage.

Two basic examples:

1. Children walking and biking in this area are not able to communicate with their parents.
2. We do not have phone service when the power is out. Our landlines are tied to cable service. If the power is out, we cannot use landlines or cell phones.
Therefore, in an emergency, we are unable call 911.

Additionally, I would like request that a cross walk connecting America Way to Capstan St be added to the agenda. It seems like an ideal time to take care of this with the bike path going in. This cross walk would be fantastic, providing a much-needed safe place for Jamestown residents to walk/ride between the Shores, West Reach, and East Passage.

My sincere thanks to you both for all you do for our community.

V/R,
Jamie Engberg

TOWN COUNCIL MINUTES
April 5, 2021

I. ROLL CALL

A regular meeting of the Jamestown Town Council was held on April 5, 2021. 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 1-646-558-8656 or 1-301-715-8592 or 833-548-0276 Meeting ID 912 0766 6122. To participate by computer or mobile app: <https://zoom.us/j/95133336158>. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Erik G. Brine, Michael G. White and Randy White. Also present Town Administrator Jamie A. Hainsworth, Finance Director Christina D. Collins, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, and Town Planner, Lisa Bryer, Michael Gray, Public Works Director, Denise Gamon, Town Clerk's Assistant

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Beye called the meeting of the Jamestown Town Council to order at 6:32 P.M. held via Zoom, and led the Pledge of Allegiance.

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- 1) Review, Discussion and/or Act regarding a Proclamation declaring April 30, 2021 as Arbor Day in the Town of Jamestown

The Proclamation was read by Councilor M. White.

A motion was made by Councilor M. White with second by Councilor Brine to declare April 30, 2021 as Arbor Day in the Town of Jamestown. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye

- 2) Review, Discussion and/or Act regarding a Resolution declaring April as Fair Housing Month in the Town of Jamestown

The Resolution was read by President Beye.

A motion was made by Vice President Meagher with second by Councilor M. White to declare April as Fair Housing Month in the Town of Jamestown. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance. 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) Event License Application
 - 1) Applicant: Jamestown Chamber of Commerce
 - Event: Restaurant Outdoor Dining
 - Dates: Updated Application April 17, 2021 to November 6, 2021
 - Location: Narragansett Avenue Municipal Parking

A motion was made by Vice President Meagher with second by Councilor Brine to approve the Jamestown Chamber of Commerce Restaurant Outdoor Dining application. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

- 2) Applicant: Jamestown Chamber of Commerce
- Event: Pop Up Event
- Dates: Saturday Morning starting May 2021
- Location: Narragansett Avenue Municipal Parking

Michaela Cohoon, Executive Director of the Jamestown Chamber of Commerce, explained with this application, the Chamber is hoping to use the Municipal Lot on Narragansett Avenue for Saturday morning Pop Up Events. It would feature Chamber Members and rotating artists beginning in May. Ms. Cohoon would be staffing the lot, to ensure everyone's safety. The Chamber will provide quarterly reports to the Town Council on the status of the events. They are promoting the hours as 9:00 A.M. – 12:00 P.M. This would be an opportunity for the artists to display their work and hand out their cards. If there are to be sales, a vendor permit will be provided.

A motion was made by Vice President Meagher with second by Councilor Brine to approve the Jamestown Chamber of Commerce Pop Up Event application. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

V. COUNCIL, ADMINISTRATOR, TOWN DEPARTMENTS, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise and will be Acted upon in Accordance with Section 42-46-6 (b)

- A) Town Administrator's Report: Jamie A. Hainsworth
 - 1) Covid-19 Status
 - 2) Fireworks and Public Observances/ Parades
 - 3) Municipal Parking Lot Narragansett Ave.
 - 4) Jamestown Golf Course New Clubhouse
 - 5) RI DOT Letter Status Regarding North Road
 - 6) Town Clerk Vacancy
 - 7) Recreation Director Vacancy
 - 8) Lease Agreement Addendum with New England Golf Course Management, Inc. listed in Consent Agenda for Authorization

Town Administrator Hainsworth reported on the following:

There have been 9 positive cases of Covid-19 in the last 2 weeks.

After a meeting with Barbara Szepatowski and Tom McNiff co-chairs of the Fireworks Committee, they decided not to have the fireworks this year. With DBR guidance changing daily and the economic commitment they don't believe they should go forward.

The Department of Public Works has set up the canopies, fencing, lighting and planters at the Municipal Parking Lot on Narragansett Avenue. The parking lot will be ready for the Chamber of Commerce to use around May 1. The parking lot will be used as such for this season.

The Jamestown Golf Course is a couple of weeks behind the anticipated April 1 opening due to COVID.

Town Administrator Hainsworth has had a meeting with DOT regarding North Road. DOT will get back to him with a summary. The environmental impacts are holding things back. There is infrastructure that needs to be addressed under the bridge/concrete platform. DOT does acknowledge that North Road is sinking. Town Administrator has once again stressed to our Congressional Delegation that North Road is very important.

The Town Clerk vacancy is open for one more week, there have been a few applicants.

Second interviews for the Parks and Recreation Director should be completed this week.

Arbor Day, April 30 a tree will be planted at the Eldred Avenue end of the bike path.

B) EMA Report: Chief Edward A. Mello: Regarding COVID-19

Chief Mello reported on the following:

This Friday will be the last vaccination clinic to be held at the local MedPod in the Melrose School.

1200 doses of vaccine have been administered locally.

A tremendous effort by the Police Department staff, Town staff, volunteers and the residents that came to be vaccinated.

Jamestown is one of the highest percentage of the population to be vaccinated.

COVID Testing will continue indefinitely at the West Street side of Town Hall on Fridays from 1:00 P.M. – 6:00 P.M

VI. UNFINISHED BUSINESS

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

- A) Upcoming Meetings and Sessions – dates and times
- 1) Budget Work Session April 8, 2021 @ 6:30 P.M.
 - 2) Town Council Joint Meeting with School Committee April 12, 2021 @ 6:30 P.M.
 - 3) Town Council/ Water & Sewer Meeting Schedule: Regular Meeting April 19, 2021@ 6:30 P.M.
- B) Review, Discussion and/or Act regarding Revisions to the Dog Ordinance and Leashing Status Update by Councilman Randall White

Councilor R. White seeks the Council Members support in drafting a new Dog Ordinance.

A motion was made by Councilor M. White with second by Vice President Meagher to draft changes to the existing Dog Ordinance. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

- C) Review, Discussion and/or Act regarding Resident Sticker Parking Update by Chief Edward A. Mello

Chief Mello will continue to work on drafting the Resident Sticker Parking Ordinance, and will have it ready for the next Town Council Meeting on April 19, 2021.

- D) Review, Discussion and/or Act regarding Amendments to the Parking Ordinance Update by Chief Edward A. Mello

Chief Mello will continue to work on drafting the Parking Ordinance, and will have it ready for the next Town Council Meeting on April 19, 2021.

VII. NEW BUSINESS

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

- A) Review, Discussion and/or Act regarding the Request of Walrus and Carpenter Oysters for placement of an "Oyster Upweller" at the Harbormaster Dock at West Ferry in Dutch Harbor

Discussion ensued.

Councilor R. White's initial reaction is both strong and sadly negative. His concern is that there is very little dock space available at West Ferry. He would rather be having the conversation of increasing the dock space rather than giving up the precious little to a private interest. The brand new Harbormaster has yet to weigh in on the request by Walrus and Carpenter Oysters.

Town Administrator Hainsworth has received similar phone calls expressing the concerns that Councilor R. White had expressed. Town Administrator also said that no comment has been made by the Harbor Commission on this request by Walrus and Carpenter Oysters.

Lisa Bryer, Town Planner has been speaking with Jules Opton-Himmel, proprietor of Walrus and Carpenter Oysters, Chief Mello and Town Administrator Hainsworth on this matter. She is extremely enamored by public/private partnerships in terms of aquaculture and upwhellers. It is a great opportunity, where you work with an aquaculture farmer, to build a dock. They occupy it early mornings, they do their daily maintenance, and then they are out. The dock with upwhellers is paid for by the farmer.

Chief Mello stated that at the Harbor Commission, they have heard for some time, there is a need for additional dock space at West Ferry. It would be a heavy investment for the Town to make but if that is the desire of the Council and this is something the Council would like to entertain Chief Mello would be happy to discuss that with Jules Opton-Himmel, the Town Administrator and the Town Planner and bring this thru the Harbor Commission process first.

Jules Opton-Himmel proprietor of Walrus and Carpenter Oysters, prefaced that farming in the ocean is a privilege and not a right. He is open to proposals. He is looking for guidance as to what would benefit the Town and meet his needs. Any location would be suitable as long as it met his requirements for an upweller. He would be happy to invest his resources for a long term lease. During the months of May – July, the upwellers would be checked daily at a minimum and would take as little as ½ an hour, to open up the doors and stir them around. Starting around July it can be checked every other day, and once a week the boxes/silos need to be removed and cleaned. That does not need to be done on the upweller, as it could be done elsewhere. Removal of the boxes could take about an hour and another hour to replace them. This would be at the bare minimum.

Joe Pinheiro questioned Jules Opton-Himmel if they would be overlapping at the Fort Getty dock.

Linda Jamison of 7 Ocean Avenue is in favor of the public/private partnership. The dock the way it is, is chaos.

Town Administrator Hainsworth has received phone calls from residents after seeing this item on the Town Council Agenda. He stated that the more public hearings that are held, the better, then an informative decision can be made.

A motion was made by Councilor M. White with second by Councilor R. White to refer the Request of Walrus and Carpenter Oysters for placement of an “Oyster Upweller” at the Harbormaster Dock at West Ferry in Dutch Harbor to the Harbor Commission. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

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

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) February 16, 2021 (Regular Meeting)
 - 2) March 1, 2021 (Regular Meeting)
 - 3) March 15, 2021 (Regular Meeting)
 - 4) March 29, 2021 (Budget Workshop)

- B) Minutes of Boards/Commissions/Committees
 - 1) December 9, 2021 Harbor Commission
 - 2) February 3, 2021 Harbor Commission
 - 3) February 9, 2021 Philomenian Library

- C) Request of Tax Assessor for Specific Abatements & Addenda of Taxes

Town Co

MOTOR VEHICLE ABATEMENTS TO 2020 TAX ROLL		
07-0641-00M	Motor Vehicle	\$ 23.79.
TOTAL ABATEMENTS		\$ 23.79

- D) Authorization of the Bid Award for Full Revaluation of Property Values to North East Revaluation Group LLC at a price of \$136,400; as recommended by Christine Brochu, Tax Assessor
- E) Authorization of Town Administrator to sign the Second Addendum Lease Agreement for the Town of Jamestown and New England Golf Course Management, Inc. regarding the Jamestown Golf Course Clubhouse

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

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

- A) Communications Received:
 - 1) Copy of Letter to: Town Council
From: Bob Sutton
Dated: March 11, 2021
Re: Thank you
 - 2) Copy of Email to: Town Council
From: The Taxpayers' Association of Jamestown
Dated: March 15, 2021
Re: Financial Town Meeting
 - 3) Copy of Email to: Town Council
From: Elizabeth & Larry Allen
Dated: March 27, 2021
Re: Dog Leashing Ordinance
- B) Public Notices Received:
 - 1) Cease & Desist Order to Mitchell & Regina Sinberg from Coastal Resources Management Council (CRMC); regarding Plat 5 Lot 505; for cutting of vegetation on a coastal feature without CRMC Assent
 - 2) Public Hearing Notice from Coastal Resources Management Regarding Maxine Clark- Clark Boatyard; 110 Racquet Road for reconstruction of a boathouse
 - 3) Cease & Desist Order to Alan Katz from Coastal Resources Management Council (CRMC); regarding Plat 8 Lot 667; for cutting of vegetation on a coastal feature without CRMC Assent

Town Council President Beye acknowledged the communications.

**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.

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

No requests to address the Town Council were made.

XI. ADJOURNMENT

A motion was made by Councilor M. White with second by Councilor Brine to adjourn at 7:50 P.M. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye

Attest:

Denise Gamon, Town Clerk's Assistant

Approved As Written
PLANNING COMMISSION MINUTES
February 3, 2021
7:00 PM

I. Call to Order and Roll Call

The meeting was called to order via Zoom <https://us02web.zoom.us/j/85883951710> at 7:02 p.m. and the following members were present:

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

Also present:

Lisa Bryer, AICP – Town Planner
David Petrarca – Town Solicitor
Cynthia Reppe – Planning Assistant
William Salmons, applicant
Deb Foppert – Attorney
Christian Infantolino – Attorney
Edward Pimentel, AICP – Pimentel Consulting Inc.
Eric Wishart – PE – Civil Cadd Services Inc.

Commissioner Swistak will recuse for this hearing.

A motion was made by Commissioner Enright to move into the public hearing. This was seconded by Commissioner Cochran.

So unanimously voted:

Duncan Pendlebury – Rosemary Enright – Mick Cochran - Bernie Pfeiffer - Dana Prestigiacomio
Michael Smith

I. Old Business

- A. 113-115 Melrose Avenue, Plat 8 Lot 31, Proposed 2 Lot Subdivision with Public Street Extension of Melrose Avenue - review, discussion and/or action/recommendation and/or vote**

Public Hearing
TO HOLD A COMBINED SUBDIVISION MASTER PLAN INFORMATIONAL MEETING AND COMPREHENSIVE COMMUNITY PLAN PUBLIC HEARING FOR

THE PROPOSED (MAJOR) 2 LOT SUBDIVISION WITH STREET EXTENSION OF MELROSE AVENUE REQUIRING POTENTIAL WAIVERS/VARIANCE AND AMENDMENTS TO THE JAMESTOWN COMPREHENSIVE PLAN AND THE JAMESTOWN ZONING ORDINANCE FOR PROPERTY LOCATED AT PLAT 8 LOT 31, 113-115 MELROSE AVENUE, JAMESTOWN, RI

This project consists of a (major) two-lot subdivision with potential waivers related to the street extension and a setback variance, separating two existing houses on one existing lot. The subject lot is accessed by the existing Melrose Avenue including utilizing a portion of the Melrose Avenue paper street, a public street off Arnold Avenue. The project is comprised of Tax Assessors Plat (AP) 8 Lot 31. Said lot proposed for subdivision begins less than 1/10th of a mile (approximately 225 feet) north of Arnold Avenue on Melrose Avenue and approximately 3/10th (approximately 1400 feet) of a mile north of Watson Avenue on Melrose Avenue.

The Subdivision request includes a change of zone from R-40 to R-20 which will necessitate a Comprehensive Plan Amendment involving amendment of the following maps:

- i. Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20
 - ii. Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential
 - iii. Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District
- b. Zoning Ordinance Map Amendment: From R-40 Zoning District to R-20 Zoning District
- c. Zoning Ordinance relief requested Table 3-2: Front Yard Setback
- i. R-40 District 40 feet required, 15 feet proposed; or,
 - ii. R-20 District 30 feet required, 15 feet proposed.

Adoption of the proposed subdivision proposal and Comprehensive Plan amendments will be considered at this Public Hearing and may be 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 such alteration or amendment must be presented for comment in the course of any said Public Hearing.

Attorney Deb Foppert presented, representing the applicant William Salmons. Ms Foppert gave the history of the property and both houses. Riven Rock and Pebble are serviced by Sewer and Water. They have been here since the 1900's. As recently as 1982 the property was zoned R20.

Riven Rock is owned by family members, and one of the shareholders lives in the Pebbles year-round and has experienced health issues due to mold, vermin infestation, and home deterioration. The applicant has been before this commission for pre-application review in May of 2019 at which time many thought there would be a Zoning Ordinance update so the applicant decided to wait but since that has not happened yet they have decided to make the request individually. They came before the Technical Review Committee in November and again in December. Ms. Foppert gave a history of the zoning changes and of the abutting properties. She listed the surrounding properties

zones and who is on public water and those on private. She stated it was ironic that the neighbors say that this proposal doesn't fit in when these two homes existed for 80 years before the West Passage subdivision was built, and Riven Rock was actually zoned R-20 previously until 1982. The applicant is requesting the Planning Commission ask the town council to re-zone this property from R40 to R20. With a recommendation the applicant can move forward without a variance or waiver. The applicant can adjust the plan without a zoning variance.

Deb addressed previous comments. The request for a zone change and comp plan amendment will not create financial gain and if the applicant is going to realize money in the future is not or should not be the focus. The properties will be owned by a brother and sister. The assertions that this will create a run on subdivisions in this area are not true. This property is unique and built prior to zoning. The town created the non-conformity when they rezoned it to R-40. The applicant has tried to work with the neighbors but they did not respond.

William Salmons addressed the Planning Commission and stated his address - 115 Melrose Ave. It has been nearly 2 years since they met with the Planning Commission. He is the Comptroller at St Georges School and is the president of Rivenrock Inc. Plat 8 Lot 31. He would like this to be moved back to R20. This would correct an anomaly that the town created in 1982 rezoning to R-20. The best design will require waivers to utilize the Melrose Ave extension and not create an unnecessary cul de sac.

Each residence would be on its own lot and conforming to zoning as proposed. They cannot modify or install a basement today since it is non-conforming and what they are requesting is the least relief necessary. Rivenrock is a structure that is State and Town recognized as historic. The Pebble is not recognized since it has been altered over the years. They meet all the criteria and are requesting to keep things the same. The family will continue to own both parcels. For over a decade they have been trying to find a way to renovate and at times it has been almost inhabitable.

In 2007 they worked with Morneau and Murphy and requested to alter the non-conforming structure (the Pebble) and they were supported by the neighbors at that time. The application was rejected because the houses are non-conforming. He read the decision from the zoning board. He is asking the planning commission to eliminate the non-conformity. They have explored other options but they cannot be done. In 2019 they discovered they could request a rezone and subdivide and they approached planning. The Planning Commission agreed about this change and so we proceeded. R20 zoning makes perfect sense, since it was zoned R-20 since the beginning of zoning until 1982 when the town took away their ability to become conforming.

Mr. Salmons made a slide show presentation explain the history of Riven Rock and the Pebble. He showed the current zoning map, everything but lot 31 is in R20 on that side of the street, all the other property besides his lot. They are providing a modified plan that does not require any variance. And they are offering a deed restriction that Parcel A (Riven Rock) cannot divide further. They are willing to collaborate. They have made changes to try and cooperate with the neighbors. He looks forward to the discussion.

Commissioner Pendlebury asked Town Planner Lisa Bryer about the proposal, it shows a cul de sac on property; is that in conformance or an exception? Lisa said what they are showing is a driveway with a turn around since it is on their property and not on the public right of way. She

has not measured it to determine if it would meet a public street cul de sac turnaround for an vehicle since that was not the intent.

Attorney Foppert noted that they can provide a drawing with proper size cul de sac. It is not ideal, nor necessary since there is a cul de sac 200 feet down the road, but it could be done.

Vice Chair Pendlebury noted the owner would have to maintain the driveway for public safety access as proposed. That is understood by the applicant.

Commissioner Enright as she understands it, you wish to separate this lot and we are voting on whether or not to change the zoning. She wants to just talk about changing the zoning right now. Variances and waivers are not the issue right now.

Commissioner Cochran if this rezoning occurs can you clarify that parcel once rezoned will be subdivided. He heard Mr. Salmons say it won't be subdivided later, it is over 40k sq. ft. but the road frontage does not allow for a subdivision. The applicant offered to put a deed restriction and it can be a condition. In 1982 when it was rezoned was there an objection then? He does not see anything that shows the town informed the owners.

Lisa Bryer clarified that they are requesting the subdivision and it has been advertised as such, but it cannot happen without the comp plan amendment and zone change. The subdivision can only be conditioned upon those changes.

Ms. Bryer asked Solicitor Petrarca; he says typically what is done in a major land development you get your conditional master plan approval and it goes to council and then comes back to Planning for preliminary approval and this is how it was advertised. Ms. Bryer said it has been deemed complete for master plan level of subdivision and they have gone the extra mile to comply with the Major Subdivision checklist because it might need some waivers. The planning commission may need more time and the abutters may need more time to look too.

Commissioner Cochran asked if a standard subdivision plan would include demolition and building moving? Everything has been addressed including supporting materials. Ms. Bryer went through the application checklist. The revised plan just removes the need for a variance by moving the house and attaching the garage. All the lot lines are the same. Only thing changed is the little box.

Commissioner Pendlebury asked does this make it a minor now? Bryer talked to the solicitor, we advertised as a major so out of abundance of caution we will proceed that way. Solicitor Petrarca said state law dictates this is the process. Any further comments from board members? No. Vice Chair Pendlebury opened it up to the audience.

Attorney Christian Infantolino began by saying this new plan wasn't presented and no notification was given before the meeting and he objects to that. That alone is enough to ask for time to review, they submitted their things in time. His clients have met with Salmons and they said he didn't want to listen and he did not want to look at the ideas they had. Attorney Infantolino accused Mr. Salmons of not working with the neighbors. He then introduced himself as working with Morneau and Murphy Attorneys. He represents Randy Ross, Jill Smith, Barry & Julie

Westall, Clayton & Lisa Carlisle, David Center & Patti Rabbett, Christi Work, and Fred & Ann Yole. He asked to have his packet submitted as part of the record. It was presented to the Planning Commission in their packet so it is.

There are a multitude of waivers being asked for. This application must fail under today's regulations even if rezoned. In 2004 and 2014 it was certified consistent with the Comprehensive Plan. He should not be allowed to do this now. His goals can be achieved if he just rebuilds it the way it is now. He put forth an application with waivers in a historic area and rezoning it to build a huge home. He is looking to double the footprint. This will affect the neighbors. A discussion ensued with regards to the Comp Plan, Charrette and historic houses. With regards to the proposed the subdivision, he is asking for multiple waivers and they are not identified.

Commissioner Pendlebury said we have Mr. Pimentel's qualifications in our packet and asked for a motion to accept Mr. Pimentel as an expert witness. This motion was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

He initially was asked to do an investigation on a 2-lot subdivision. He does not feel the request is consistent with the Comp Plan or RI Gen Law. His conclusion, typically an applicant proposes all at once. Because the waivers are needed that is why it is looked at as a major subdivision. The Planning Commission is the board of authority. They decide the appropriateness and then advisory to Town Council.

A by right subdivision development does not need this relief Infantolino stated, in your opinion should all the other properties be afforded this option? If it has the acreage and infrastructure they should be allowed to do this. Mr. Infantolino asked Mr. Pimentel questions that pertain to this application.

Deb Foppert asked Mr. Pimentel questions.

Is relief being requested the least? He has not had a chance to review the new plan, he thinks this is a self-created hardship.

Ms. Foppert asked Mr. Pimentel several questions that he agreed with the following: This residence serviced by both water and sewer? Are you familiar with R40 zone? It is intended to limit the growth and that zone relies on ISDS and well.

Attorney Foppert asked, if this parcel were redefined to R20 would the neighborhoods density change? No, he answered.

Attorney Foppert asked, are you familiar with map 22 and would you agree that map 22 should be amended? Mr. Pimentel responded yes. Are you familiar with 1973 zoning map amended in 1976, he responded, no. You cannot tell me what zone this was in in 1976? He responded that it is a moot point, it has no value here, he said because of the Comp Plan. She said it does have value. The town rezoned it and also incorrectly had it at 3.76 when it was only 1.97. Has owner created this non-conformity or has the town? He did not answer yes or no.

Attorney Foppert asked, is this a self-created imposition when the town created this? The intent of zoning is to abolish non-conforming uses. This is not a self-created and he said he is not speaking

to the usage of the property he is speaking to the act of subdivision is what makes it inconsistent. It is non-conforming right now he stated, whether the town created it or not.

Attorney Foppert noted that in Mr Pimentel's report he says cultural and historical resources and make specific mention of this real estate correct? Yes. Does this application call for the alteration or demolition of Riven Rock? No. This application is not about altering the historically Riven Rock and he said any change of Pebble is changing the historic look of this lot but no the Pebble is not specifically noted as historic. To clarify, the Pebble is not specifically noted and Riven Rock is not listed on the National Historic Register. Do we protect rural character with lot size Deb asked? Yes, he said. Lot size he said is not the only consideration.

A discussion ensued between Ms. Foppert and Mr. Pimentel regarding lot configuration and the shoreline. Deb noted that the lot in general is not typical because it has a shoreline. Lot A he said is non-compliant, as defined in the regulations.

Commission Enright noted the question of whether Riven Rock is historic – Riven Rock is within the West Ferry Archaeological District, as is the entire west ferry area around the school, however Riven Rock itself is not listed on the National Register of Historic Structures. The West Ferry District has to do with the Native Americans and not the house and the state recognizes Riven Rock, but not the Pebble, as being a structure that could be and should be listed on the national register. The zoning ordinance was created in Jamestown in 1935 for the record.

Commissioner Cochran asked Enright, does that include the Pebble? The state notes that the pebble was created from the garage; she does not believe that to be true. She thinks the Pebble was built as a building itself and thinks it may have been built before Riven Rock.

Mr. Salmons said the Pebble is not a historic structure because it has been altered too much. Riven Rock has not been altered.

Professional Engineer Eric Wishart gave the Planning Commission his background information. Mr. Wishart graduated from URI in 1989 with a Bachelor's degree in civil engineering and received a masters from Virginia Tech. He has been in business for 40 years and is a member of Planning Commission in North Kingstown RI. He is familiar with subdivision regulations and lightly familiar with the Comprehensive Plan.

Ms. Foppert asked are you asking to be qualified as an expert in engineering? There may be some overlap he may be speaking about Planning too. His expertise is in engineering but there may be overlap of the two.

A motion to accept Mr. Wishart as an expert witness was made by Commissioner Smith and seconded by Commissioner Enright. All in favor.

Mr. Wishart summarized the report that was included in the packet. The zone change; it is his opinion that it will create more non conformity. The list of waivers being requested are many. He compiled a list of waivers since he could not find it. He thinks the Pebble having mold and rodent issues are items in control of the owner. The existing lot of record is a triangular shape lot. Depth to width ratio does not conform to the subdivision regulations. In terms of the FEMA VE flood

zone it will have flood zone restrictions. He discussed building height relief, FEMA may react to a building permit, no CRMC setback sought. He mentioned many potential things that could be issues. In his opinion it does not meet the consistency of the Comprehensive Plan. The lot less than 1000 feet of shoreline access, it doesn't meet town ordinance for access. It is his opinion that this creates a dangerous precedent for other re-zonings and subdivisions in the area.

Attorney Foppert asked Mr. Wishart:

Does a request for zoning change under ordinance ask about hardship? He does not know. You testified a request for zone change requires that, given the fact that the required setback relief includes financial hardship. They are not requesting that any longer. Your report states sewer connection will be created, Attorney Foppert noted they already have sewer connection. Deb noted that there are no water or sewer connections on the neighboring properties that you say are at risk of rezoning so they would not comply.

Attorney Foppert noted that he said that a CRMC letter is required, is that for zone change or Comprehensive Plan amendment? He did not respond so she clarified that it will be required at preliminary stage for a building permit, not needed at this point. He answered no he does not think so.

Does a zone change request require a benefit to the town? No, it is as a matter of good faith to the town? Yes he agreed.

Attorney Foppert asked is there anything that says the town has to benefit from this? He answered no not in legal terms but it makes sense.

When a town renders a lot non-conforming do you think the owner created this? Mr. Wishart said no it is the hardships that are created by the applicant with depth to width ratios. He doesn't view it that way when a zone change occurs a city or town generally has the thought in their head they want to make certain uses eliminated etc.

Attorney Foppert noted that generally there is justification when a zone is changed, such as what happened in 1982, but there is nothing regarding when this zone change occurred. Nobody could find the rationale on this at the town hall, Ms. Bryer put this in the planner's report. Wishart said in general towns want to extinguish non-conformances.

Foppert asked, you discussed FEMA issues, Are you an expert in FEMA decisions? He said he participates in those determinations. No he is not an expert. He is talking about no plans and relief from FEMA for the total development. He does not know if this has been presented.

He said it appears to him based on the shoehorning of the lot and the way it is configured is the only possible gain is for financial gain. He cannot say all of his comments still apply with the new plan being presented tonight.

She asked is this unique to have 2 residences on 1 lot in Jamestown? He cannot speak to that his scope is only on this property.

If this property is rezoned R20 without any variances would this be more in line with the purposes of zoning and planning? He hesitates to answer that question.

Christian Infantolino wants to conclude, he said this is an enormous decision, it is in direct conflict with our Zoning and Comp Plan. The applicant is not requesting the least relief. He wants to increase the size of the house.

Ms. Foppert said there seems to be some confusion, they want to present this plan and request a recommendation on the zone change. They can provide a plan that does not include a variance. They would like to move on to town council. Infantolino is objecting to this.

David Petrarca said you need to get through the first approval stage before it goes to town council to seek relief but not until planning approves.

Vice Chair Pendlebury noted that nothing is finalized at this point they are asking for a continuance until next month. The planning Commission is not ready to move on this yet, the applicant is requesting a 2 week continuance.

The hearing will remain open until then. A motion to continue this hearing for 2 weeks until February 17th was made by Commissioner Smith and seconded by Commissioner Enright.

So unanimously voted:

Duncan Pendlebury – Rosemary Enright – Mick Cochran - Bernie Pfeiffer - Dana Prestigiacomio
Michael Smith

The Planner suggested that the applicant grant an extension of Master Plan review period till April 29th. The applicant offered to grant the extension.

II. Approval of Minutes Jan 6, 2021; review, discussion and/or action and/or vote

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

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

IV. Reports

1. Town Planner's Report

- Future meetings – topics and applications – FYI councilor Mike White is our Town Council liaison; they appointed new zoning members; Lisa has completed two grants, RI DEM grant for improvement to Hull Cove and Resilient Rhody; The Town Council offered official comments on the new fresh water wetlands rules and regulations.

V. New Business – nothing at this time

VI. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Swistak to adjourn the meeting at 9:25 pm. So unanimously voted.

Attest:

Planning Commission Minutes
February 3, 2021
Page 9

Cynthia L Reppe
Planning Assistant

Approved As Amended
PLANNING COMMISSION MINUTES
February 17, 2021
7:00 PM

Jamestown Zoom Host is inviting you to a scheduled Zoom meeting.
Join Zoom Meeting
<https://us02web.zoom.us/j/85883951710>

I. Call to Order and Roll Call

The meeting was called to order via Zoom at 7:00 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer - joined at 7:08	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
David Petrarca – Town Solicitor
Cynthia Reppe – Planning Assistant
Deb Foppert – Attorney
Mark Liberati – Attorney
William Salmons – Applicant
Christian Infantolino – Attorney
Harry Miller – Professional Land Surveyor – Alpha Associates, LTD
Joseph D. Lombardo - Land Use Planning Consultant - JDL ENTERPRISES
Betsy & Clark Moody, 9 Conanicus Avenue

II. Old Business

Commissioner Swistak recused for the next two items on the agenda.

**A. Jamestown Properties, LLC – Chris Pike – Plat 9, Lot 795, 30 Walcott Avenue –
Extension of Minor Subdivision Preliminary Approval - - review, discussion and/or
action/recommendation and/or vote**

Mark Liberati, Attorney for Jamestown Properties Chris Pike said we have a letter in our packet that they are asking for an extension to February 17, 2022. Construction has been delayed due to Covid. He anticipates breaking ground in the next 30 days.

A motion was made by Commissioner Enright and seconded by Commissioner Smith as follows:

At the February 17, 2020 Planning Commission meeting, the Planning Commission voted To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Site Plan for Jamestown**

Properties, LLC, Plat 9, Lot 795, 30 Walcott Avenue, Jamestown, RI 02835; prepared by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864; dated January 28, 2020. This approval will expire on February 19, 2021 and is hereby extended for one year till February 17, 2022 based on the Findings of Fact stated in the Preliminary approval dated February 20, 2020 and subject to the following Conditions of Approval:

B. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the one new lot in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan;
3. Granite monuments or where granite monument are not suitable, other suitable survey markers other than concrete, shall be placed at both corner points at the new property line;
4. The existing house shall be razed prior to final approval of the subdivision;
5. Written approval shall be received from the Public Works Director authorizing water and sewer hookup to the new lot;
6. The applicant/owner shall coordinate with the Planning Department/Public Works Department and the Jamestown Historical Society regarding renovation/rebuilding of the stone wall along High Street. The town shall vet the contractor/stone mason used for the work to insure they have experience with this type of stone wall. Native stone shall be used and the returns and columns at the new curb-cut shall match the character and era of the stone wall;
7. The plan shows the rain garden to be in the location of the existing sewer line. This shall be revised prior to final approval;
8. The sewer connection, that traverses the subdivision parcel by easement, shall be re-located on the adjacent property, Plat 9 Lot 303, and run out to Walcott Avenue by a state utility permit prior to final approval. At that time the easement will be abandoned. A bond may be posted in lieu of work being done prior to Final Approval;
9. There shall be no mechanical discharge into the street in the future from any basement on either lot in this subdivision;
10. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat; and,
11. This approval shall be recorded with the Town Clerk within 30 days of signature;

So unanimously voted.

Duncan Pendlebury, Rosemary Enright, Mick Cochran, Dana Prestigiacomo, Michael Smith

B. 113-115 Melrose Avenue, Plat 8 Lot 31, Proposed 2 Lot Subdivision - review, discussion and/or action/recommendation and/or vote

**Public Hearing – Continued from February 3, 2021
TO HOLD A COMBINED SUBDIVISION MASTER PLAN INFORMATIONAL
MEETING AND COMPREHENSIVE COMMUNITY PLAN PUBLIC HEARING FOR
THE PROPOSED (MAJOR) 2 LOT SUBDIVISION WITH STREET EXTENSION OF
MELROSE AVENUE REQUIRING POTENTIAL WAIVERS/VARIANCE AND**

**AMENDMENTS TO THE JAMESTOWN COMPREHENSIVE PLAN AND THE
JAMESTOWN ZONING ORDINANCE FOR PROPERTY LOCATED AT PLAT 8 LOT
31, 113-115 MELROSE AVENUE, JAMESTOWN, RI**

This project consists of a (major) two-lot subdivision with potential waivers related to the street extension and a setback variance, separating two existing houses on one existing lot. The subject lot is accessed by the existing Melrose Avenue including utilizing a portion of the Melrose Avenue paper street, a public street off Arnold Avenue. The project is comprised of Tax Assessors Plat (AP) 8 Lot 31. Said lot proposed for subdivision begins less than 1/10th of a mile (approximately 225 feet) north of Arnold Avenue on Melrose Avenue and approximately 3/10th (approximately 1400 feet) of a mile north of Watson Avenue on Melrose Avenue.

The Subdivision request includes a change of zone from R-40 to R-20 which will necessitate a Comprehensive Plan Amendment involving amendment of the following maps:

- i. Existing Zoning Map #4 – change Plat 8 Lot 31 from R-40 to R-20**
 - ii. Future Land Use Map #5 – change Plat 8 Lot 31 from Moderate Density Residential to Moderate High Density Residential**
 - iii. Public Water and Sewer Service Area Map #22 – to include Plat 8 Lot 31 in the Urban Water and Sewer District**
- b. Zoning Ordinance Map Amendment: From R-40 Zoning District to R-20 Zoning District**
 - c. Zoning Ordinance relief requested Table 3-2: Front Yard Setback**
 - i. R-40 District 40 feet required, 15 proposed; or,**
 - ii. R-20 District 30 feet required, 15 feet proposed.**

Adoption of the proposed subdivision proposal and Comprehensive Plan amendments will be considered at this Public Hearing and may be 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 such alteration or amendment must be presented for comment in the course of any said Public Hearing.

Applicant Bill Salmons said the neighbors made a number of requests that they will try to incorporate into the plan. The master plan they presented is consistent with the Comp Plan. Attorney Deb Foppert restated what they are requesting. The original plan submitted would require a variance and waivers. The primary changes to the plan included reducing and moving the structure and the detached garage has been eliminated. This will not require a variance.

The waivers requested are:

Article 13.B.1 Frontage on an improved street

Article 13.B.8 Cul-de-sac

Article 13.C.3.d Shoreline access

She introduced Planning Consultant Joe Lombardo and qualified him as an expert in Land Use Planning. He has been qualified previously but he cannot remember when. Ms. Foppert qualified Mr. Lombardo. A motion was made by Commissioner Pendlebury and second Mike Smith. All in Favor.

Attorney Deb Foppert asked Mr. Lombardo several questions and he responded as follows:

Mr. Lombardo have you reviewed the existing plan A and all the reports included in the packet?
Yes he has reviewed all the reports.

Are you familiar with the R20 zone? Yes I am and he read the definition. This property is serviced by water and sewer as is Riven Rock.

Are you familiar with the R40 zone? Yes I am. He read the definition. Neither lot or residence has a well or OWTS.

Would the neighborhood housing density change if this were made R20? No, it would not.

Are you familiar with Comp Plan Map 22, Public Water and Sewer Service area? Yes, I am. Is subject property incorrectly portrayed on this map? The Map is inconsistent with what is in the field and this is standard practice to make it consistent by amending it.

Are you familiar with the 1969 maps when it was zoned R20 and are you aware it says 3.74 acres when it is actually 1.7? Yes. All land up to the creek on the map was zoned R20. Are you aware of the zoning in 1984 and the change made to R40? He is and does not know the rationale and can only surmise.

When creating a change is it possible that the town made a mistake and they thought that it was not serviced by water and sewer? Yes, it is very possible. There can be mistakes made it does happen and it is easily corrected.

When a town rezones has the owner created this or the town? The town.

Will the lots be conforming if this zone change is made and the subdivision permitted? Yes, it will be conforming.

Does the plan presented meet the best practices? Yes, it does, it is an irregular shape lot and it was a challenge for the designers but in his opinion it meets the best practices.

This is a strong case for waivers to be granted, it is good planning practice, Mr. Lombardo said.

Is lot configuration subjective for the planning commission? He noted it is not always practical to follow. He thinks the potential for any lots being subdivided with existing homes will have the potential for irregular shaped lots.

Attorney Foppert introduced Harry Miller the teams next expert witness. He gave his qualifications, licensed since 2003 and he has worked as surveyor. He does a lot of historic service for renovations and is also a class 2 OWTS designer. He has designed over 100 systems and is qualified as a land surveyor to include site design. He has testified in RI superior court.

A motion to accept Harry Miller as an expert witness was made by Commissioner Pendlebury
Commissioner Smith seconded the motion. All in Favor.

Ms. Foppert asked Mr. Miller several questions as follows:

Mr. Miller can you describe the plan? He has seen it and said it has been revised a few times
trying to work with the neighbors.

Does the ~~primary~~ preliminary plan submitted meet the best lot design? Yes.

Are you familiar with R20 zone? Yes, the houses are serviced separately with water and sewer.

Do they have an OWTS or private well? Not to his knowledge.

If this parcel were rezoned will the density change? No

The purpose of a cul-de-sac is for turnaround for public and safety vehicles, are there other
purposes? In this instance (if it were developed with the full cul-de-sac) without any waivers he
feels it is more encroachment on the neighborhood to add another cul-de-sac when there is one
within a few hundred feet. It would be an unusual requirement.

Are there any FEMA (flood) considerations? Not at this point and he does not think there will be
in the application.

Is there soil erosion or sedimentation that needs to be addressed? No

Attorney Foppert concluded and stated that if it would be beneficial for the board they can provide
this information in writing.

Attorney Christian Infantolino represents 6 neighbors, Randy Ross, Jill Smith, Clayton & Lisa
Carlisle, Christi Work, Barry & Julie Westall, David Center, Patti Rabbett, Fred & Anne Yole.

Mr. Infantolino asked Mr. Miller questions as follows:

You testified that no negative impacts to groundwater. Are you a licensed soil evaluator?
He is a licensed septic designer and has designed many systems, he is not a soil evaluator. He
would come up with the water table to determine what kind of septic system to install.

There are no restrictions that say you cannot subdivide an R20 that has over 40,000 sq. ft.
Infantolino said. Parcel A has enough square footage to subdivide again. Mr. Miller answered It
does not have enough frontage.

Infantolino said the proposed lot A will not meet the depth to width ratio so it would be non
conforming correct? Yes Mr. Miller said.

Would it be possible to create more square shaped lots on this parcel? It would be difficult.

One of the structures is proposed to be removed? Yes and re-built.

Is it typical to sub divide lots with so many angles? Most typically if designing without existing homes, I do a square type shape.

Are the proposed lots unusual in shape? Yes, he said somewhat.
If a regulation states shall is this a requirement or suggestion? Shall is a requirement.

Attorney Infantolino asked Mr. Lombardo the following questions:

Basing your opinion on density not being increased, can they put a duplex on this property? This plan has one proposed structure; 2 houses on 1 lot would become 2 houses on 2 lots. Lot A does that have the ability to be subdivided? He responded it does not have adequate frontage.

Replacing a guest cottage with a single family home is what is proposed. His example was if you went from a 20k sq ft lot to a 2 acre that can dramatically change the character. There are already 2 houses there now.

You testified about site characteristics, did you make a sight visit? He did not, but did it via google earth tools. Infantolino asked whether he can testify to that since he was not on site? he said he can rely very heavily on the plans and looking at aerial photography. I am trained in these aspects and feel it is adequate.

Are you aware that our Comprehensive Plan has been amended more than once? He is not surprised. Most towns do this.

Once amended it is recertified? It goes to the state for their approval and they look at the changes and whether it is affecting neighboring communities, it also goes to the town council. Whether they review the entire plan when just a map is changed, he is not sure if that is part of the recertification.

Are you familiar with map 5? is this property located as R40? It shows up as an R40 lot.

Is this inconsistent with any existing or future land use maps? No, If you find inconsistencies they try to rectify, it happens all the time.

You testified that rural character in our Comprehensive Plan is of great importance. Are you familiar with map 16? You are aware that Riven Rock is listed on there? He was aware.

How is subdividing this lot consistent with this area? Hypothetical is one thing but realistically Rural character is already established and changing from R40 to R20 is not that different. You are dealing with almost 2 acres, if you were putting 4 houses on the lots he thinks it might be different but with this plan rural character is being preserved.

Assuming this subdivision would be allowed it would put the lot line in the middle of the lot. Mr. Lombardo said if you are looking from the water it would not look much different, it is perception, you do not see lot lines when looking at it from air or in front or water and it wouldn't change the look.

Increasing by double the footprint you don't think this is not intensifying the use? Is it your experience that being connected by water and sewer is the only requirement for R20? Those are the driving forces in the R20 zone.

Does a property have to be connected? To be totally useful you would want them connected. Is it a requirement to be connected? He doesn't know, He reread the definition of R-20, in his experience it would be beneficial.

Once Pebble is removed the non-conformity would be removed? There is not requirement to do this? No if they took it out without any zone change are there other non-conformities on the lot now? He is not aware.

A discussion regarding the right-of-way ensued. Frontage and access are not the same thing. It can have an access on another way and is a separate issue. If frontage is required to be approved he said that is up to the commission. When reading a regulation you have to be reading the whole thing not just parts of it Mr. Lombardo said. If it is something that cannot be met they would have to ask for a waiver or variance. You have to put things in the right context.

Commissioner Enright stated that on the National Historic Register, Riven Rock is not listed but it is a house of significance.

Ms. Foppert said they are here for master plan stage and looking for conditional plan approval and positive recommendation to the Town Council for the zoning map change and the comp plan amendment. The plan requires no variances from the zoning board they are willing to put a deed restriction for no further subdivision. They have met all requirements.

Mr. Salmons said with all the expert testimony and discussion he wants to be clear that The Pebble is the only house that is occupied year-round. Riven Rock is not winterized. He feels they put forth a plan that requires no variances and they have not made changes to their property in all these years. For over 10 years they have worked on an acceptable plan so the property will remain viable for another century. They have worked with the Town Planner and the TRC.

The neighbors did not choose to speak to him directly. In response to discussions Mr. Salmons has created and submitted Exhibit A which is in full compliance without any waivers or variances. If lot 31 was undeveloped and they were proposing houses he would think a cul-de-sac would be necessary. He reminded the Commission that he is not a developer they have had this property in the family for 65 years. They are looking to preserve it for future generations with the least impact on the land and neighborhood and they would be correcting an existing non-conformity currently on the property.

Christian Infantolino addressing Mr. Salmons final comments regarding the least impact as possible, the neighbors have presented Salmons with a list of things they would like to see. Any discussion on a settlement with the neighbors is not proper stated Attorney Foppert. They have presented a plan and a change to R20. Ms. Bryer asked if Attorney Infantolino has presented this to the planning commission and he said no he has not.

Commissioner Pendlebury asked Mr. Infantolino, have you heard the Planning Commission put their restrictions in the motions and findings of fact? No, he has not. Commissioner Pendlebury explained this is because the Planning Commission is listening to all the parties and they will be putting conditions on master plan approval. It is coming at the next stage but it is not required at this stage. If all parties will step back and let the Planning Commission talk about conditions and findings.

Ms. Bryer was asked to explain the process at this stage. This is an application for 1) subdivision, 2) zone change and 3) Comprehensive Plan amendment. These are the 3 things before the Planning Commission and if everyone agrees she will prepare motions for the next meeting.

The Vice Chair asked for any further conditions to put on approval of master plan and lot subdivision? Attorney Infantolino said that lot A will be deed restricted for any further subdivision and R20 allows for duplexes. Is the applicant willing to put deed restriction to restrict further use of either property to have a duplex so the intensity would never be increased? Is that an acceptable condition? For parcel B yes, they are going through an ownership change currently. Parcel A will be owned by Mr. Salmons sister Betsy Moody.

Clark and Betsy Moody - 9 Conanicus Ave. addressed the Planning Commission. They are part owner of 113 Melrose, they are not interested in a 2 family home and would restrict for a single family home.

Lisa Bryer noted that a condition of subdivision approval is stronger than a deed restriction since it does not expire.

Commissioner Pendlebury asked if the Planning Commission had any other comments. Commissioner Cochran asked about any issues with shared sewer with many residents in that area? This was discussed at the TRC meeting and Mike Gray said no. Mr. Gray also felt the drainage would be improved by the configuration of the driveway and minor improvements on Melrose Ave. Mike Gray asked the applicant to enter into an agreement with the Civic's and the other party that shares the force main. There may be a finding about the agreement.

Attorney Infantolino wants a size restriction included on property restriction that it is not larger than what is proposed on the plan and height restriction of 25 feet and 30-foot setback or no build zone, shed or garage and last no short-term rental restriction.

Commissioner Pfeiffer said that is a considerable amount of restrictions that no one else in the neighborhood is subject to.

Ms. Bryer said she has had conversations with the abutters and they said that both houses are being rented out. She spoke with the solicitors and we are not able to put restrictions that prohibit rental according to our solicitors. Bryer said most times we never look at house plans during a subdivision review. The question is whether or not this is appropriate to have it in R20. By making the lots smaller, they have restricted future development even further. The Pebble building envelope is kind of self-limiting due to its strange configuration.

Mick Cochran has a question about the hardship. Is this a rental property? Mr. Salmons said it is a corporation that owns it, he is renting it full time and has rented it for 4 years. He said that if he decides to travel the world, he does not think it is unreasonable to rent it out. He lives there full time now and intends to continue.

Ms. Bryer will put together motions for the next meeting.

We are not taking a vote tonight and it is anticipated that we will for the next meeting on March 3rd 7pm, with the same zoom link.

A motion was made by Commissioner Enright and seconded by Commissioner Smith to keep the hearing open until March 3rd 2021 at 7:00 p.m. So unanimously vote.

- C. Short Term Rental Regulation-recommendation to the Town Council for consideration and possible action - discussion, review, and/or action and/or vote**
- **Recommendation to the Town Council** – Continued until a future meeting

III. Approval of Minutes Feb 3, 2021; review, discussion and/or action and/or vote

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

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

V. Reports

1. Town Planner's Report – nothing to report
 - Future meetings – topics and applications

VI. Adjournment

A motion to adjourn the meeting at 9:05 pm was made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Attest:


Cynthia L Reppe

**Town of Jamestown
Tax Assessment Board of Review
Election of Officers and Organizational Meeting Minutes
February 25, 2021 at 3:30 PM**

The Tax Assessment Board of Review met PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:

The following people were in attendance:

Board Members, Stuart Rice, William Dawson, David Dolce and Beth Smith (alternate); Tax Assessor, Christine Brochu; Town Clerk, Erin Liese.

The Board heard welcoming remarks from Tax Assessor, Christine Brochu. Introductions were made.

Meeting was called to order by Christine Brochu at 3:38 p.m.

The Board then elected the following officers for the current tax year:

David Dolce recommended William Dawson to be re-elected as Chairman. That was seconded by Stuart Rice. William Dawson accepted to be Chairman. Unanimous vote.

Chairman Dawson asked for a volunteer for the Secretary: David Dolce recommended alternate member, Beth Smith. That was seconded by Chairman Dawson. Unanimous vote.

The Board is available to meet on March 9th, 18th and 19th. Christine Brochu will schedule the meetings appropriately.

Town Clerk, Erin Liese went over open meeting policy. Town Clerk asked that each member state their name when joining so those dialing in by phone only would understand who was present. Christine Brochu should take roll call. Meetings should be called to order by Chairman with Opening statement. Meeting minutes should be posted with 48 hours.

Meeting packets will be given to each member prior to each meeting.

The meeting adjourned at **3:54 PM**

Beth Smith

_____, Secretary
Tax Assessment Board of Review

Town of Jamestown
Tax Assessment Board of Review
Meeting Minutes
March 9, 2021 at 3:00 PM

The Tax Assessment Board of Review met PURSUANT TO EXECUTIVE ORDER NO. 20-05 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020, THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:

I. Call Meeting to Order / Roll Call

Meeting was called to order by William Dawson, Chairman at 3 p.m.

The following people were in attendance:

Board Members, Stuart Rice, William Dawson, Chairman, David Dolce and Beth Smith, Secretary (alternate); Tax Assessor, Christine Brochu; Town Clerk, Erin Liese.

Attorney Michael D. Resnick

The Chairman, William Dawson opened the meeting with zoom teleconference protocols.

I. Approve Minutes from February 25, 2021 Organizational meeting

Motion: To accept the minutes from February 25, 2021 meeting by William Dawson. Seconded by David Dolce. All were in favor.

I. New Business

Appeal for 5 Westwood Road, plat 9, lot 2, Owner: Westwood Road LLC, c/o Lydia L. Potter Snyder. *The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick introduced David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann began to discuss his appraisal report. The Board did not have a copy of the appraisal report. Attorney Resnick asked for a continuation so the matter could be addressed when the board had a copy of the appraisal report.*

Motion: *David Dolce made a motion to agree to agree to the continuation. Stuart Rice seconded the motion. All were in favor.*

Appeal for 0 Westwood Road, plat 9, lot 711, Owner: Westwood Road LLC, c/o Lydia L. Potter Snyder. *The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick introduced David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann began to discuss his appraisal report. The Board did not have a copy of the appraisal report. Attorney Resnick asked for a continuation so the matter could be addressed when the board had a copy of the appraisal report.*

Motion: *David Dolce made a motion to agree to agree to the continuation. Stuart Rice seconded the motion. All were in favor.*

Appeal for 0 Westwood Road, plat 9, lot 411, Owner: John H.N. Potter II ET AL, c/o Lydia L. Potter Snyder. The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick introduced David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann began to discuss his appraisal report. The Board did not have a copy of the appraisal report. Attorney Resnick asked for a continuation so the matter could be addressed when the board had a copy of the appraisal report.

Motion: David Dolce made a motion to agree to agree to the continuation. Stuart Rice seconded the motion. All were in favor.

I. Schedule next meeting(s)

None scheduled. Christine Brochu agreed to work out schedule for continuation of Matters from 3/9/2021 meeting.

II. Adjournment

Motion: William Dawson made a motion to adjourn. David Dolce seconded the motion. All were in favor. Meeting adjourned at 3.24 PM.

The meeting adjourned at 3:24 PM

Beth Smith, Secretary
Tax Assessment Board of Review

**Town of Jamestown
Tax Assessment Board of Review
Meeting Minutes
March 25, 2021 at 3:00 PM**

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

I. **Call Meeting to Order/Roll Call**

Meeting was called to order by William Dawson, Chairman at 3:03 p.m.

The following people were in attendance:

Board Members, Stuart Rice, William Dawson, Chairman, David Dolce and Beth Smith, Secretary (alternate); Tax Assessor, Christine Brochu; Town Clerk, Erin Liese.

The Chairman, William Dawson opened the meeting with zoom teleconference protocols.

II. **Approve Minutes from March 9, 2021, Meeting**

Motion: To accept the minutes from March 9, 2021 meeting by William Dawson. Seconded by Stuart Rice. All were in favor.

III. **New Business:**

Appeal for 5 Westwood Road, plat 9, lot 2, Owner: Westwood Road LLC, c/o Lydia L. Potter

Snyder. The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick introduced David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann explained his appraisal report. Mr. Widmann explained his appraisal report and how he adjusted above the high end for land square footage price but that the house was average. David Dolce asked if he looked at residual land values. Mr. Widman explained he did not. Board discussed the information for the 3 related properties.

Motion: William Dawson made a motion of no change in value. Stuart Rice seconded the motion. All primary board members were in favor.

Appeal for 0 Westwood Road, plat 9, lot 711, Owner: Westwood Road LLC, c/o Lydia L. Potter

Snyder. The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick introduced David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann explained his appraisal report and how he adjusted above the high end for square footage price.

David Dolce asked if Mr. Widmann could confirm if the Arnold Avenue Property had 5 acres. Mr.

Widman reviewed and confirmed it did. Board discussed information for the 3 related properties.

Motion: William Dawson made a motion of no change in value. Seconded by Stuart Rice. All primary board members were in favor.

Appeal for 0 Westwood Road, plat 9, lot 411, Owner: John H.N. Potter II ET AL, c/o Lydia L. Potter Snyder. The owner was represented by Attorney Michael D. Resnick of Kelly, Souza, Rocha & Parmenter, P.C. Attorney Resnick and David W. Widmann who is a trainee appraiser with Sweeney Real Estate & Appraisal. Mr. Widmann explained his appraisal report. Mr. Widman explained how he adjusted above the high end per square foot for waterfront properties in his appraisal to adjust for value of home buyers for Jamestown vs surrounding towns. Board discussed information given for the 3 related properties.

Motion: David Dolce made a motion of no change to appraised value. Stuart Rice seconded the motion. All primary board members were in favor.

IV. **Schedule next meeting(s) or accept and approve the minutes of the March 25, 2021 meeting**

The secretary prepared the meeting minutes drafted of March 25, 2021 and the following motion was made for approval of those minutes.

Motion: David Dolce made a motion to accept the minutes as drafted of the March 25, 2021 meeting. Stuart Rice seconded the motion. All were in favor.

There are no other planned meetings for this 2020 tax bill appeal period. Should another meeting need to be held, it will be in accordance with the open meetings law.

V. **Adjournment**

Motion: William Dawson made a motion to adjourn. Stuart Rice seconded the motion. All were in favor. Meeting adjourned at 3:31 PM.

The meeting adjourned at **3:31 PM**

Beth Smith
_____, Secretary
Tax Assessment Board of Review



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

Christina D. Collins
Finance Director

MEMORANDUM

TO: Jamie A. Hainsworth, Town Administrator
FROM: Christina D. Collins, Finance Director
DATE: April 15, 2021
SUBJECT: Budget to Actual- General Fund

Attached is Budget to Actual report for the Fiscal Year 2021. The report contains the expenses that have been paid through March 31, 2021 for FY2021.

Please do not hesitate to contact me with any questions or concerns.

Budget vs Actual - Expenditures
TOWN OF JAMESTOWN, RI
For 3/31/2021

Run: 4/12/2021 at 12:12 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
1100 7001 70101 00 Salaries	13,800.00	3,450.00	10,350.00	3,450.00	75.00
1100 7001 70302 00 Fees And Supplies	1,000.00	0.00	0.00	1,000.00	0.00
1100 7001 70305 00 Advertising	750.00	0.00	3,964.64	(3,214.64)	528.62
Town Council Expenses	15,550.00	3,450.00	14,314.64	1,235.36	92.06
1100 7002 70101 00 Salaries w/ longevity	120,000.00	9,461.54	94,615.33	25,384.67	78.85
1100 7002 70102 00 Salary, Clerical	73,168.00	5,393.25	60,558.96	12,609.04	82.77
1100 7002 70302 00 Fees And Supplies	2,500.00	910.60	3,064.37	(564.37)	122.57
1100 7002 70303 00 Travel Expenses	5,000.00	350.00	3,150.00	1,850.00	63.00
Town Administrator Expenses	200,668.00	16,115.39	161,388.66	39,279.34	80.43
1100 7003 70101 00 Salaries	5,635.00	433.48	4,340.22	1,294.78	77.02
1100 7003 70302 00 Fees And Supplies	1,100.00	(218.78)	359.61	740.39	32.69
Probate Court Expenses	6,735.00	214.70	4,699.83	2,035.17	69.78
1100 7004 70101 00 Salaries	5,234.00	1,309.00	4,093.18	1,140.82	78.20
1100 7004 70102 00 Salary, Clerical	1,800.00	0.00	4,414.50	(2,614.50)	245.25
1100 7004 70103 00 Salaries, Moderator & Sergeant	1,450.00	323.68	647.36	802.64	44.65
1100 7004 70104 00 Election Supervisors	4,500.00	1,811.50	1,811.50	2,688.50	40.26
1100 7004 70112 00 Election - OT	0.00	312.19	437.07	(437.07)	0.00
1100 7004 70302 00 Fees And Supplies	3,000.00	499.80	3,182.09	(182.09)	106.07
1100 7004 70305 00 Advertising And Printing	1,140.00	170.00	696.30	443.70	61.08
Election and Town Meeting Expenses	17,124.00	4,426.17	15,282.00	1,842.00	89.24
1100 7005 70201 00 Professional Services - Legal	115,000.00	7,485.50	67,597.50	47,402.50	58.78
Legal Expenses	115,000.00	7,485.50	67,597.50	47,402.50	58.78
1100 7006 70101 00 Salaries	71,750.00	5,519.22	55,192.20	16,557.80	76.92
1100 7006 70102 00 Salary, Clerical	102,387.00	7,567.51	73,332.28	29,054.72	71.62
1100 7006 70104 00 Clerk - OT	0.00	0.00	883.65	(883.65)	0.00
1100 7006 70302 00 Fees, Supplies & Dues	28,500.00	2,927.52	18,624.94	9,875.06	65.35
1100 7006 70305 00 Advertising	2,600.00	510.00	2,184.75	415.25	84.03
Clerks And Records Expenses	205,237.00	16,524.25	150,217.82	55,019.18	73.19
1100 7007 70101 00 Salaries	88,418.00	8,462.44	71,831.13	16,586.87	81.24
1100 7007 70102 00 Salary, Clerical	42,107.00	2,970.01	32,039.13	10,067.87	76.09
1100 7007 70201 00 Planning Commission	7,000.00	0.00	0.00	7,000.00	0.00
1100 7007 70302 00 Fees, Supplies & Dues	3,675.00	0.00	2,309.97	1,365.03	62.86
1100 7007 70305 00 Advertising	400.00	0.00	0.00	400.00	0.00
Planning Expenses	141,600.00	11,432.45	106,180.23	35,419.77	74.99
1100 7008 70201 00 Salaries, Zoning Board	8,000.00	0.00	2,600.00	5,400.00	32.50
1100 7008 70302 00 Fees, Supplies & Dues	2,600.00	399.47	2,792.77	(192.77)	107.41
Zoning Expenses	10,600.00	399.47	5,392.77	5,207.23	50.88
1100 7009 70900 00 Social Security Tax	329,333.00	28,915.19	268,250.16	61,082.84	81.45
1100 7009 70901 00 Blue Cross/Delta Dental	698,870.00	46,158.15	489,648.99	209,221.01	70.06
1100 7009 70902 00 Worker's Compensation	75,000.00	0.00	74,894.00	106.00	99.86
1100 7009 70903 00 Retirement System	325,000.00	20,766.02	207,297.74	117,702.26	63.78
1100 7009 70906 00 Life Insurance	12,000.00	2,142.56	9,402.13	2,597.87	78.35
1100 7009 70907 00 General Liability Insurance	110,000.00	0.00	110,612.00	(612.00)	100.56
1100 7009 70910 00 Salary Adjustment	35,000.00	0.00	0.00	35,000.00	0.00
1100 7009 70912 00 OPEB	25,000.00	0.00	0.00	25,000.00	0.00
1100 7009 70920 00 Police Retiree Health	100,000.00	5,916.13	62,086.89	37,913.11	62.09
Personnel Expenses	1,710,203.00	103,898.05	1,222,191.91	488,011.09	71.46
1100 7010 70100 00 Salary, Finance Director	104,330.00	7,359.88	82,250.27	22,079.73	78.84
1100 7010 70101 00 Salaries- Dep. Tax Collector	75,648.00	5,317.51	49,558.85	26,089.15	65.51
1100 7010 70201 00 Professional Services	21,000.00	2,582.73	13,047.05	7,952.95	62.13
1100 7010 70302 00 Fees, Supplies & Dues	20,500.00	2,107.29	10,096.10	10,403.90	49.25
Finance Expenses	221,478.00	17,367.41	154,952.27	66,525.73	69.96
1100 7011 70101 00 Salaries	73,767.00	5,674.38	56,743.80	17,023.20	76.92
1100 7011 70302 00 Fees, Supplies, Dues	16,424.00	(296.10)	10,189.38	6,234.62	62.04
1100 7011 70305 00 Advertising	900.00	93.50	321.68	578.32	35.74
Tax Assessor Expenses	91,091.00	5,471.78	67,254.86	23,836.14	73.83
1100 7012 70201 00 Professional Services	24,000.00	(225.00)	21,312.50	2,687.50	88.80
Audit of Accounts Expenses	24,000.00	(225.00)	21,312.50	2,687.50	88.80
1100 7013 70201 00 IT- Consultant	55,000.00	5,125.00	29,512.50	25,487.50	53.66
1100 7013 70303 00 Software	34,050.00	3,770.13	36,305.64	(2,255.64)	106.62

Budget vs Actual - Expenditures
TOWN OF JAMESTOWN, RI
For 3/31/2021

Run: 4/12/2021 at 12:12 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
Total Expenses	89,050.00	8,895.13	65,818.14	23,231.86	73.91
1100 7030 70302 00 EMA- SUPPLIES	7,500.00	1,153.17	5,084.97	2,415.03	67.80
EMA Expenses	7,500.00	1,153.17	5,084.97	2,415.03	67.80
1100 7031 70100 00 Salary, Police Chief	106,191.00	7,816.82	78,168.20	28,022.80	73.61
1100 7031 70101 00 Salaries - Police	852,240.00	68,383.76	671,580.68	180,659.32	78.80
1100 7031 70102 00 Police Longevity	57,623.00	24,974.62	45,008.26	12,614.74	78.11
1100 7031 70103 00 Police Benefits	51,978.00	0.00	45,548.03	6,429.97	87.63
1100 7031 70104 00 Police - OT	150,000.00	5,112.78	113,257.64	36,742.36	75.51
1100 7031 70105 00 Police Retirement	197,941.00	0.00	98,970.50	98,970.50	50.00
1100 7031 70111 00 Salary - Dispatch/Admin/Seasonal	227,678.00	16,097.18	158,510.89	69,167.11	69.62
1100 7031 70112 00 Dispatch, Longevity	15,395.00	0.00	9,123.69	6,271.31	59.26
1100 7031 70113 00 Dispatch - Benefits	11,444.00	0.00	9,718.08	1,725.92	84.92
1100 7031 70114 00 Dispatch - OT	20,000.00	1,666.88	17,015.54	2,984.46	85.08
1100 7031 70302 00 Fees & Supplies	21,000.00	1,481.65	9,122.42	11,877.58	43.44
1100 7031 70303 00 Computer Maintenance	20,500.00	62.50	24,303.68	(3,803.68)	118.55
1100 7031 70307 00 Building Maintenance	5,000.00	0.00	250.00	4,750.00	5.00
1100 7031 70308 00 Vehicle Insurance	9,017.00	0.00	9,133.00	(116.00)	101.29
1100 7031 70309 00 Telephone	15,000.00	716.20	8,154.75	6,845.25	54.37
1100 7031 70310 00 Personal Equipment	5,500.00	0.00	776.01	4,723.99	14.11
1100 7031 70311 00 Maintenance Of Uniforms	28,050.00	28,050.00	28,050.00	0.00	100.00
1100 7031 70312 00 Ammunition And Supplies	3,500.00	0.00	3,031.68	468.32	86.62
1100 7031 70313 00 Maintenance Of Police Cars	13,500.00	932.06	8,957.82	4,542.18	66.35
1100 7031 70314 00 Gas & Tires	25,000.00	1,848.40	15,407.97	9,592.03	61.63
1100 7031 70315 00 Training Of Members	17,500.00	412.08	3,757.97	13,742.03	21.47
1100 7031 70317 00 Maintenance Of Radio System	5,500.00	179.61	1,799.67	3,700.33	32.72
1100 7031 70318 00 Equipment	12,000.00	633.55	906.43	11,093.57	7.55
1100 7031 70322 00 Dispatch Uniforms	2,000.00	0.00	3,709.31	(1,709.31)	185.47
Police Protection Expenses	1,873,557.00	158,368.09	1,364,262.22	509,294.78	72.82
1100 7032 70100 00 Fire Chief/Fire Inspector	62,901.00	0.00	43,546.50	19,354.50	69.23
1100 7032 70102 00 Stipend, Deputy Fire Chief	3,000.00	0.00	0.00	3,000.00	0.00
1100 7032 70103 00 Stipend - Fire Inspector	19,576.00	0.00	13,537.68	6,038.32	69.15
1100 7032 70104 00 Fire Dept. Incentive Program	75,000.00	0.00	553.50	74,446.50	0.74
1100 7032 70105 00 Equip/Safety Maint. - Per Diem	21,853.00	0.00	15,086.40	6,766.60	69.04
1100 7032 70201 00 Service Cleaning Contract	6,720.00	0.00	3,913.00	2,807.00	58.23
1100 7032 70302 00 Fees And Supplies	9,200.00	276.25	4,941.65	4,258.35	53.71
1100 7032 70308 00 Vehicle Insurance	63,800.00	778.57	41,780.12	22,019.88	65.49
1100 7032 70309 00 Telephone	9,000.00	484.22	5,969.95	3,030.05	66.33
1100 7032 70313 00 Maintenance Of Fire Apparatus	30,000.00	13,643.56	32,966.12	(2,966.12)	109.89
1100 7032 70314 00 Gas, Tires & Oil	13,000.00	570.95	6,102.33	6,897.67	46.94
1100 7032 70315 00 Training Of Members	7,000.00	0.00	879.79	6,120.21	12.57
1100 7032 70317 00 Maintenance Of Radio System	5,500.00	0.00	3,760.22	1,739.78	68.37
1100 7032 70323 00 Oxygen & Air Packs	4,000.00	0.00	8,734.04	7,265.96	54.59
1100 7032 70324 00 Water	1,400.00	0.00	4,360.03	(360.03)	109.00
1100 7032 70325 00 Fire Equipment	16,000.00	5,294.70	819.07	580.93	58.51
1100 7032 70326 00 Fire Ext. Agent	2,500.00	940.00	12,111.87	3,888.13	75.70
1100 7032 70343 00 Heating	13,000.00	1,728.46	2,015.00	485.00	80.60
1100 7032 70344 00 Repairs And Maintenance	14,500.00	3,062.62	5,877.07	7,122.93	45.21
1100 7032 70399 00 Subscriptions & Journals	425.00	0.00	12,274.12	2,225.88	84.65
1100 7032 70900 00 Social Security Tax	7,981.00	0.00	605.00	(180.00)	142.35
1100 7032 70903 00 Fire Chief - Benefit	6,290.00	0.00	0.00	7,981.00	0.00
Fire Protection Expenses	408,646.00	28,098.48	226,123.46	182,522.54	55.33
1100 7033 70102 00 Salary, EMS Director	31,828.00	0.00	22,562.80	9,265.20	70.89
1100 7033 70103 00 Stipend - Medical Director	5,000.00	1,666.64	2,916.62	2,083.38	58.33
1100 7033 70104 00 ALS - Per Diem	250,000.00	0.00	165,648.92	84,351.08	66.26
1100 7033 70105 00 EMS Incentive Program	80,000.00	0.00	0.00	80,000.00	0.00
1100 7033 70106 00 EMT INSTRUCTORS	0.00	0.00	6,970.05	(6,970.05)	0.00
1100 7033 70302 00 Fees And Supplies	6,800.00	2,423.30	5,575.72	1,224.28	82.00
1100 7033 70308 00 Vehicle Insurance	28,600.00	0.00	31,236.35	(2,636.35)	109.22
1100 7033 70311 00 Maintenance Of Uniforms	8,000.00	0.00	3,203.59	4,796.41	40.04
1100 7033 70313 00 Maintenance of Vehicles	9,000.00	0.00	3,658.65	5,341.35	40.65
1100 7033 70315 00 Training Of Members	22,500.00	4,083.36	15,865.92	6,634.08	70.52
1100 7033 70330 00 EMS Building	7,000.00	640.21	1,837.92	5,162.08	26.26
1100 7033 70333 00 Ambulance Medical	20,000.00	1,781.08	14,891.64	5,108.36	74.46
1100 7033 70900 00 Social Security Tax	21,560.00	0.00	20,126.77	1,433.23	93.35
EMS Expenses	490,288.00	10,594.59	294,494.95	195,793.05	60.07
1100 7034 70101 00 Salary - Building Inspector	75,239.00	2,800.00	61,717.61	13,521.39	82.03
1100 7034 70102 00 Salary, Clerical	29,228.00	1,991.20	21,786.37	7,441.63	74.54

Budget vs Actual - Expenditures
TOWN OF JAMESTOWN, RI
For 3/31/2021

Run: 4/12/2021 at 12:12 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
1100 7034 70117 00 Salary, Electrical Inspector	10,500.00	875.00	7,875.00	2,625.00	75.00
1100 7034 70118 00 Salary, Plumbing Inspector	5,250.00	0.00	3,500.00	1,750.00	66.67
1100 7034 70119 00 Salary, Mechanical Inspector	5,250.00	0.00	3,500.00	1,750.00	66.67
1100 7034 70302 00 Supplies And Expenses	5,250.00	0.00	2,970.45	2,279.55	56.58
1100 7034 70328 00 Hydrant Rental	170,000.00	0.00	0.00	170,000.00	0.00
Protection Services Expenses	300,717.00	5,666.20	101,349.43	199,367.57	33.70
1100 7041 70101 00 Salaries	61,081.00	4,015.86	40,158.60	20,922.40	65.75
1100 7041 70302 00 Fees And Supplies	1,000.00	0.00	191.71	808.29	19.17
Public Works Administration Expenses	62,081.00	4,015.86	40,350.31	21,730.69	65.00
1100 7042 70101 00 Salaries	45,445.00	2,273.92	30,925.43	14,519.57	68.05
1100 7042 70302 00 Fees And Supplies	1,200.00	0.00	44.68	1,155.32	3.72
Engineering Expenses	46,645.00	2,273.92	30,970.11	15,674.89	66.40
1100 7043 70100 00 Salary, Highway Supervisor	75,740.00	7,052.77	57,024.19	18,715.81	75.29
1100 7043 70101 00 Salaries - Public Works	702,934.00	61,382.87	521,694.28	181,239.72	74.22
1100 7043 70104 00 Highway -OT	40,000.00	801.54	32,854.37	7,145.63	82.14
1100 7043 70308 00 Vehicle Insurance	15,972.00	0.00	15,972.00	0.00	100.00
1100 7043 70313 00 Upkeep Of Equipment	95,000.00	7,403.03	79,106.04	15,893.96	83.27
1100 7043 70314 00 Oil And Gas	60,000.00	10,962.35	41,693.08	18,306.92	69.49
1100 7043 70330 00 Sand And Gravel	17,000.00	2,287.80	14,890.00	2,110.00	87.59
1100 7043 70331 00 Cold Patch	15,000.00	0.00	4,379.79	10,620.21	29.20
1100 7043 70333 00 Other Road Supplies	13,500.00	30.71	7,019.91	6,480.09	52.00
1100 7043 70334 00 Equipment Rental	2,500.00	0.00	0.00	2,500.00	0.00
1100 7043 70335 00 License - Contractual	6,000.00	0.00	6,000.00	0.00	100.00
1100 7043 70336 00 Clothing	5,500.00	0.00	0.00	5,500.00	0.00
1100 7043 70399 00 Safety And Licensing	3,000.00	463.71	4,408.47	(1,408.47)	146.95
Highway Expenses	1,052,146.00	90,384.78	785,042.13	267,103.87	74.61
1100 7044 70101 00 Snow Removal - OT	28,000.00	0.00	22,824.30	5,175.70	81.52
1100 7044 70337 00 Equipment And Supplies	49,000.00	13,231.63	51,552.35	(2,552.35)	105.21
Snow Removal Expenses	77,000.00	13,231.63	74,376.65	2,623.35	96.59
1100 7045 70101 00 Salaries	71,000.00	5,098.56	48,198.12	22,801.88	67.88
1100 7045 70309 00 Telephone	800.00	226.38	562.33	237.67	70.29
1100 7045 70321 00 Electricity	1,200.00	210.87	815.93	384.07	67.99
1100 7045 70340 00 Maintenance And Testing	41,000.00	95.00	22,689.63	18,310.37	55.34
1100 7045 70341 00 Transfer And Trucking	350,000.00	45,671.58	279,815.32	70,184.68	79.95
1100 7045 70350 00 Hazardous Waste Recycling	300.00	0.00	0.00	300.00	0.00
Waste Removal Expenses	464,300.00	51,302.39	352,081.33	112,218.67	75.83
1100 7046 70321 00 Electricity	64,000.00	10,722.60	45,239.78	18,760.22	70.69
Street Lighting Expenses	64,000.00	10,722.60	45,239.78	18,760.22	70.69
1100 7047 70101 00 Salaries	11,250.00	3,075.00	3,075.00	8,175.00	27.33
1100 7047 70302 00 Fees And Supplies	1,800.00	0.00	1,218.72	581.28	67.71
1100 7047 70360 00 Tree Pruning	17,000.00	0.00	16,574.67	425.33	97.50
1100 7047 70370 00 Purchase Of Trees	5,000.00	0.00	2,140.00	2,860.00	42.80
Tree Warden Expenses	35,050.00	3,075.00	23,008.39	12,041.61	65.64
1100 7048 70342 00 Town Cemetery And Parade	3,000.00	120.00	1,304.81	1,695.19	43.49
Other Public Works Expenses	3,000.00	120.00	1,304.81	1,695.19	43.49
1100 7049 70101 00 Cleaning Contracts	58,000.00	0.00	32,621.42	25,378.58	56.24
1100 7049 70302 00 Supplies	5,000.00	64.67	8,188.39	(3,188.39)	163.77
1100 7049 70309 00 Telephone	15,500.00	825.50	8,060.15	7,439.85	52.00
1100 7049 70321 00 Electricity	53,000.00	4,383.48	38,414.11	14,585.89	72.48
1100 7049 70324 00 Water	9,000.00	65.25	4,384.35	4,615.65	48.72
1100 7049 70343 00 Heating	40,000.00	8,124.02	23,604.12	16,395.88	59.01
1100 7049 70344 00 Repairs And Maintenance	55,000.00	4,220.36	38,150.59	16,849.41	69.36
1100 7049 70375 00 Landscape	7,500.00	0.00	4,211.17	3,288.83	56.15
Public Buildings Expenses	243,000.00	17,683.28	157,634.30	85,365.70	64.87
1100 7060 70456 00 Visiting Nurse/Mental Health	31,000.00	0.00	9,000.00	22,000.00	29.03
General Expenses	31,000.00	0.00	9,000.00	22,000.00	29.03
1100 7061 70302 00 Fees And Supplies	5,000.00	0.00	1.50	4,998.50	0.03
1100 7061 70306 00 Tick Tack Force	4,000.00	0.00	0.00	4,000.00	0.00
Animal Control Expenses	9,000.00	0.00	1.50	8,998.50	0.02
1100 7065 70101 00 Salaries	63,527.00	4,886.66	48,866.60	14,660.40	76.92
1100 7065 70102 00 Meal Site Aid	38,320.00	1,105.64	10,890.12	27,429.88	28.42

**Budget vs Actual - Expenditures
TOWN OF JAMESTOWN, RI
For 3/31/2021**

Run: 4/12/2021 at 12:12 PM

	Annual Budget	P-T-D Actual	Y-T-D Actual	Remaining \$	% of Budget
1100 7065 70201 00 Cleaning Contract	5,100.00	1,516.00	6,489.00	(1,389.00)	127.24
1100 7065 70302 00 Fees, Supplies & Dues	4,000.00	155.95	3,738.21	261.79	93.46
1100 7065 70305 00 Advertising	2,500.00	0.00	66.00	2,434.00	2.64
1100 7065 70308 00 Insurance	5,948.00	0.00	0.00	5,948.00	0.00
1100 7065 70309 00 Telephones	2,000.00	0.00	74.68	1,925.32	3.73
1100 7065 70321 00 Electricity	4,500.00	0.00	1,751.93	2,748.07	38.93
1100 7065 70324 00 Water	1,200.00	0.00	396.12	803.88	33.01
1100 7065 70341 00 Trash Removal	400.00	35.00	315.00	85.00	78.75
1100 7065 70343 00 Heat	4,000.00	975.26	2,424.11	1,575.89	60.60
1100 7065 70344 00 Repairs & Maintenance	6,000.00	1,188.89	4,526.48	1,473.52	75.44
1100 7065 70380 00 Program	5,000.00	134.23	1,689.53	3,310.47	33.79
Total Expenses	142,495.00	9,997.63	81,227.78	61,267.22	57.00
1100 7070 70100 00 Salary, Library Director	81,047.00	12,770.70	66,463.62	14,583.38	82.01
1100 7070 70101 00 Salaries	185,821.00	20,769.21	143,032.91	42,788.09	76.97
1100 7070 70104 00 Library-OT	0.00	41.39	496.63	(496.63)	0.00
1100 7070 70302 00 Fees And Supplies	8,250.00	18.83	4,283.10	3,966.90	51.92
1100 7070 70308 00 Insurance	18,813.00	0.00	18,813.00	0.00	100.00
1100 7070 70309 00 Telephone	1,000.00	0.00	200.76	799.24	20.08
1100 7070 70310 00 Equipment	1,000.00	0.00	296.99	703.01	29.70
1100 7070 70321 00 Electricity	20,000.00	0.00	12,492.72	7,507.28	62.46
1100 7070 70343 00 Heating	17,000.00	1,705.96	7,737.67	9,262.33	45.52
1100 7070 70344 00 Repairs And Maintenance	19,000.00	2,670.24	11,414.03	7,585.97	60.07
1100 7070 70345 00 Computer Repairs And Maintenanc	8,000.00	0.00	5,579.72	2,420.28	69.75
1100 7070 70351 00 Books And Periodicals	17,000.00	620.31	13,109.89	3,890.11	77.12
1100 7070 70352 00 Books - State Aid	107,185.00	10,387.31	67,367.38	39,817.62	62.85
1100 7070 70355 00 CREDITS (LIB SALES & GIFTS)	0.00	0.00	(1,992.36)	1,992.36	0.00
1100 7070 70375 00 Landscaping	2,500.00	0.00	1,263.75	1,236.25	50.55
Library Expenses	486,616.00	48,983.95	350,559.81	136,056.19	72.04
1100 7080 70101 00 Salary- Recreation Director	75,239.00	0.00	49,529.01	25,709.99	65.83
1100 7080 70102 00 Salaries- Recreation Staff	233,626.00	15,877.92	159,628.92	73,997.08	68.33
1100 7080 70104 00 Salaries -Teen Center Support Staff	16,720.00	450.00	7,002.00	9,718.00	41.88
1100 7080 70105 00 Seasonal Support Staff	110,400.00	2,596.00	100,260.81	10,139.19	90.82
1100 7080 70112 00 Recreation - OT	3,000.00	151.08	2,194.59	805.41	73.15
1100 7080 70302 00 Supplies	6,200.00	104.44	4,706.62	1,493.38	75.91
1100 7080 70305 00 Advertising	4,000.00	617.82	1,730.32	2,269.68	43.26
1100 7080 70308 00 Vehicle Insurance	9,043.00	0.00	9,043.00	0.00	100.00
1100 7080 70309 00 Telephone	1,500.00	177.43	937.97	562.03	62.53
1100 7080 70310 00 Equipment	4,500.00	23.91	5,555.96	(1,055.96)	123.47
1100 7080 70314 00 Gas And Oil	11,000.00	409.24	4,333.83	6,666.17	39.40
1100 7080 70321 00 Electricity	26,000.00	217.02	21,934.35	4,065.65	84.36
1100 7080 70322 00 Fort Getty Water Removal	9,000.00	0.00	1,966.00	7,034.00	21.84
1100 7080 70323 00 Shores Beach/Sanitary Faciliti	5,000.00	0.00	5,075.00	(75.00)	101.50
1100 7080 70324 00 Water	14,000.00	0.00	8,600.34	5,399.66	61.43
1100 7080 70341 00 Trash Removal	11,000.00	262.00	10,058.00	942.00	91.44
1100 7080 70344 00 Repairs, Maintenance And Impro	23,000.00	3,096.34	19,158.71	3,841.29	83.30
1100 7080 70382 00 Summer Program	3,500.00	0.00	0.00	3,500.00	0.00
1100 7080 70383 00 Winter Program	1,200.00	0.00	936.43	263.57	78.04
Parks, Beaches & Recreation Expenses	567,928.00	23,983.20	412,651.86	155,276.14	72.66
1100 7090 70504 00 Payment Of Principal - Town	736,085.00	430,000.00	702,662.81	33,422.19	95.46
1100 7090 70505 00 Payment Of Interest - Town	453,964.00	73,725.00	105,394.15	348,569.85	23.22
1100 7090 70506 00 School- Principal	235,200.00	0.00	235,200.00	0.00	100.00
1100 7090 70507 00 School - Interest	160,078.00	78,568.75	81,508.75	78,569.25	50.92
1100 7090 70524 00 Payment Of Principal - PW LEASE	102,468.00	0.00	0.00	102,468.00	0.00
1100 7090 70525 00 Payment Of Interest - PW LEASE	115,845.00	0.00	0.00	115,845.00	0.00
1100 7090 70526 00 Exp. for Lease Equipment	0.00	0.00	27,500.00	(27,500.00)	0.00
Debt Service Expenses	1,803,640.00	582,293.75	1,152,265.71	651,374.29	63.89
1100 7092 70527 00 Incidentals And Emergencies	50,000.00	0.00	4,881.00	45,119.00	9.76
1100 7092 70530 00 Conservation Commission	2,200.00	0.00	232.20	1,967.80	10.55
1100 7092 70533 00 Eastern RI Conservation District	1,000.00	0.00	1,000.00	0.00	100.00
1100 7092 70550 00 CHAMBER OF COMMERCE	4,000.00	0.00	1,683.00	2,317.00	42.08
Other Expenses	57,200.00	0.00	7,796.20	49,403.80	13.63
Total Department Expenses	11,074,145.00	1,257,403.82	7,571,428.83	3,502,716.17	68.37



WARNING FOR TOWN MEETING

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT, Sc.**

**BY: _____, CMC, Town Clerk of the Town of
Jamestown, Rhode Island**

**TO: Fred Pease, Town Sergeant of the Town of Jamestown, or any
of the Constables of said Town**

GREETING:

WHEREAS, the first Monday in June in each year is the day designated by law for the purpose of hearing the reports of its officers, ordering a tax, making appropriations and for the transaction of business required by law of the Town of Jamestown as a municipal corporation of this State;

NOW, THEREFORE, pursuant to Chapter 3 - Title 45 of the General Laws of the State of Rhode Island 1956, as amended, you are hereby required to post at least seven (7) days before the 7th day of June A.D. 2021, written notification in three or more public places in said Town of Jamestown, Rhode Island, notifying and warning the Electors of the said Town of Jamestown qualified to vote upon any proposition to impose a tax or for the expenditure of money, to assemble in Town Meeting at the Jamestown School, Field Complex, 55 Lawn Avenue, in said Town of Jamestown, on the 7th day of June A.D. 2021, at 7:00 P.M., as the same may be adjourned, reconvened and/or rescheduled, for the purpose of ordering a tax to be levied and assessed on the ratable property of said Town and inhabitants thereof, for the payment of the Town Debt and Interest, for the payment of the Town's proportion of the State Tax, for the support of

School, for the support and maintenance of the Poor, for the building, repairing and amending of Highways, for the building, repairing and amending of Bridges, for the improvement in any manner deemed fit of any property belonging to the Town, and for all necessary charges and expenses whatsoever arising within said Town, whether incidental or not to the above, for any and all other purposes authorized by law, and for the purpose of considering and voting upon the following propositions:

RESOLUTION NUMBER 1 **SEWER LINE FRONTAGE TAX RATE**

RESOLVED, That the Electors of the Town of Jamestown, Rhode Island, duly qualified hereunder, under an Act passed by the General Assembly authorizing the Town of Jamestown to construct and maintain common drains and sewers, and approved April 19, 1917 as amended by the January 1966 Session of the General Assembly, at a Town Meeting legally assembled on this 7th day of June, A.D. 2021, do hereby order that the Tax Assessor of the said Town, as of December 31, 2020 assess at a rate not to exceed .68 cents per linear foot and said Tax Assessor shall determine what amount is properly chargeable against each of the estates in said Town of Jamestown, subject to the provisions of said Act, and that the said Assessor shall assess against such estate in said Town such sum as shall be found chargeable against the same.

Each assessment shall become and be a lien upon the said real estate and the several owners thereof shall be liable for the payment, to be enforced according to the provisions of the law in such cases made and provided.

RESOLUTION NUMBER 2 **BORROWING IN ANTICIPATION OF TAXES**

RESOLVED, That the qualified Electors of the Town of Jamestown vote to authorize the Finance Director, with the consent and approval of the Town Council, to borrow in anticipation of taxes, such sum or sums of money as shall be necessary for the payment of the current liabilities and expenses of the Town but not to exceed

in the whole, the sum of One Million dollars (\$1,000,000.00) (or the limit provided by law, whichever is less) and to issue the negotiable promissory note or notes of the Town therefore. Sums so borrowed during the current fiscal year commencing July 1, 2021 and ending June 30, 2022 shall be borrowed in anticipation of taxes assessed as of December 31, 2020, and sums so borrowed during the subsequent fiscal year but prior to the next Annual Financial Town Meeting shall be borrowed in anticipation of taxes assessed as of December 31, 2020. Negotiable notes issued pursuant to the authority hereof shall be signed by the Finance Director and counter-signed by the President of the Town Council, and such counter-signature shall be conclusive evidence to all holders of such note or notes of the consent and approval of the Town Council to the loan or loans evidenced thereby. All terms and conditions of said note or notes and the method of sale thereof not fixed herein or by provisions of law, may be fixed by the Town Council, and if not so fixed, then by the Finance Director. The Finance Director is hereby authorized and empowered, with the consent and approval of the Town Council, to renew said notes from time to time, but any such renewal note shall be due not later than one year from the date of the original note so renewed.

RESOLUTION NUMBER 3
DISPOSITION OF COLLECTED BACK TAXES

RESOLVED, That all back taxes collected during the fiscal year July 1, 2021 to June 30, 2022 and all other moneys received, be placed in the General Fund for the payment of current expenditures.

RESOLUTION NUMBER 4
SETTING THE TAX RATE

RESOLVED, That the Electors of the Town of Jamestown, Rhode Island qualified to vote on any proposition to impose a tax, in the Town Meeting legally assembled on this 7th day of June A.D. 2021 hereby order the assessment and collection of a tax on the ratable real estate and tangible personal property in the sum not less than \$. , or not less than \$.00, nor more than \$. , per thousand dollars of assessed

valuation. The final levy shall be set based on the amount, if any, of State reimbursement for the motor vehicle excise tax, pursuant to RIGL §44-34.1-2. Said tax is for the ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said Town, for the payment of the Town's proportion of the State tax and for other purposes authorized by law. The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said Town as of the 31st day of December A.D. 2020 at twelve o'clock midnight, according to law and shall on completion of said assessment, date, certify and sign the same, and deliver to and deposit the same in the office of the Town Clerk not later than the 15th day of August, 2021. Upon receipt of said assessment, the Town Clerk shall forthwith make a copy of the same and deliver it to the Finance Director, who shall forthwith issue and affix to said copy a warrant under her hand, directed to the Finance Director in said Town, commanding her to proceed and collect taxes of the persons and estates liable thereof (unless by law otherwise provided). Said tax shall be due and payable on the 12th day of September A.D. 2021, and shall carry until collected a penalty at the rate of twelve per centum per annum upon said unpaid tax; said tax may be paid, however, in four installments; the first installment of 25 per centum on or before the 12th day of September A.D. 2021, and the remaining installments as follows: 25 per centum on the 12th day of December A.D. 2021; 25 per centum on the 12th day of March A.D. 2022; and 25 per centum on the 12th day of June A.D. 2022.

Each installment of taxes, if paid on or before the last day of each installment period successively and in order, shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the late date of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry, until collected, a penalty at the rate of the twelve (12) per centum per annum calculated from the due date of the 1st installment or calculated back to the last payment received. Late tax payments will be first used to reduce any interest due and any unpaid taxes from prior years, and then if there are any moneys remaining it will be used to reduce the outstanding portion of the tax bill due.

RESOLUTION NUMBER 5
BORROWING FOR WATER TANK PURPOSES THROUGH
ISSUANCE OF BONDS

RESOLVED, That the qualified Electors of the Town of Jamestown vote to authorize the Finance Director, with the consent and approval of the Town Council, pursuant to Section 45-12-2 of the General Laws of the State of Rhode Island, to borrow and issue bonds, from time to time, but not to exceed in the whole, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00), to finance repairs and improvement to the water system consisting principally of water tank renovations, replacements and repairs, including installation and any design costs and costs of issuance and payment of interest on any temporary notes. The Town Council, acting as the Board of Water and Sewer Commissioners, shall fix and revise from time to time water rates under Chapter 273 of the public laws of 1968 as amended to pay all or any part of the principal and interest coming due within the year on bonds issued hereunder. Nonetheless, the town shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not provided by such water rates or otherwise. The Town Council may by resolution authorize the issue from time to time of interest bearing or discounted notes in anticipation of the issue of bonds. Bonds and notes issued pursuant to the authority hereof shall be signed by the Finance Director and counter-signed by the President of the Town Council, and such counter-signature shall be conclusive evidence to all holders of such bonds and notes of the consent and approval of the Town Council to the borrowings evidenced thereby. All terms and conditions of the bonds and notes authorized herein including the manner of sale, amount, denominations, maturities and conversion or registration privileges and the designation of a securities depository and paying agent, not fixed by provisions of law, may be fixed by the Town Council or if not so fixed by the Finance Director. Pending any issue of bonds hereunder or pending or in lieu of any issue of notes hereunder, the Finance Director, with the approval of the Town Council, may, to the extent that bonds or notes may be issued hereunder, apply funds in the treasury of the district to the purposes for which bonds or notes are authorized hereunder, such advances to be repaid without interest from the

proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal or state assistance or from other available funds. The Finance Director is hereby authorized to execute and deliver on behalf of the Town such additional agreements as are necessary to effect the issuance of bonds and notes hereunder, the due authorization thereof being conclusively demonstrated by his or her execution and delivery of such agreements. The Finance Director is hereby authorized to deliver such bonds and notes to the purchasers thereof and said officer is authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that the interest on the bonds will be excludable from gross income for federal income tax purposes, and to refrain from all actions which would cause interest on the bonds to be subject to federal income taxes. The Finance Director is authorized to deem the bonds, and to the extent not deemed to be, to designate the bonds and notes as "qualified tax-exempt obligations" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986 as amended. The Finance Director is hereby authorized to take such action as to comply with Rule 15 c 2 – 12 (b) (5) of the Securities and Exchange Commission and is authorized to execute and deliver a Continuing Disclosure Certificate. At the option of the Town Council, the provisions of Chapter 12.8 (the "Act") and/or Chapter 15.1 of Title 46 as amended of the General Laws shall apply to the issuance of bonds and notes hereunder, and the Town Council is authorized to exercise the powers of a town under either or both of said Chapters. Further, the Town Administrator and the Finance Director and each of them acting singly is authorized to apply for a loan from, and the Finance Director is hereby authorized to execute and deliver on behalf of the Town a loan agreement and related instruments and documents including the aforesaid bonds and/or notes to, the Rhode Island Infrastructure Bank, the due authorization thereof being conclusively demonstrated by their execution and delivery thereof.

RESOLUTION NUMBER 6
USE OF PROCEEDS OF BORROWING FOR FIRE DEPARTMENT
PURPOSES THROUGH ISSUANCE OF BONDS UNDER
RESOLUTION NUMBER 5 OF PRIOR FINANCIAL TOWN MEETING
2020

WHEREAS, pursuant to Resolution Number 5 passed by the Financial Town Meeting on June 22, 2020, the qualified Electors of the Town of Jamestown voted to authorize the Finance Director to borrow and issue bonds, from time to time, but not to exceed in the whole, the sum of Three Hundred Fifty Thousand dollars (\$350,000.00) to finance a fire truck and related equipment; and

WHEREAS, the Finance Director has issued such bonds and funds may remain after the purchase of a fire truck and related equipment; and

WHEREAS, it was unclear under said Resolution Number 5 whether the qualified Electors' authorization permitted the application of any funds so remaining towards the purchase of any additional fire truck or other fire equipment;

NOW, THEREFORE, the qualified Electors of the Town of Jamestown do hereby approve the use of any balance of said Three Hundred Fifty Thousand dollars (\$350,000.00) after the purchase of a fire truck and related equipment to the purchase (together with other available funds) of any additional fire truck(s) or other fire equipment.

RESOLUTION NUMBER 7

USE OF FEDERAL GRANTS IN LIEU OF BORROWING FOR PROJECTS OTHERWISE AUTHORIZED AND ANY OTHER CAPITAL PROJECTS IN THE TOWN CAPITAL IMPROVEMENT PROGRAM AND/OR THE SCHOOL CAPITAL IMPROVEMENT PROGRAM

WHEREAS, pursuant to federal legislation, the Town may be awarded federal grants for various capital infrastructure projects and equipment; and

WHEREAS, the qualified Electors of the Town of Jamestown have from time to time approved borrowing for capital projects;

WHEREAS, the Town Administrator presented a Capital program with a Six Year Capital Program to the Council on April 8, 2021;

NOW THEREFORE, RESOLVED, That the qualified Electors of the Town of Jamestown vote to authorize

- (1) the Town Administrator, with the consent and approval of the Town Council, to apply and/or contract for any such federal grants for any projects in said Six Year Capital Program, for any projects to be undertaken by the Board of Water and Sewer Commissioners, the School Committee, and/or the library board of Trustees, for any other capital projects for which the Electors have approved any borrowing and in lieu of such borrowing in whole or in part and/or for any trucks, vehicles and other equipment for information technology, town hall, public works, the senior center, recreation department, library, school, fire or police purposes;**

- (2) the Town Council to expend such grants and award contracts to expend such grants for any such projects, trucks, vehicles and equipment, which sums are hereby appropriated for such projects and for all costs incidental thereto, without any further action by the qualified Electors of the Town.**

Nancy A. Beye, Town Council President

Jamie A. Hainsworth, Town Administrator

Christine Brochu, Tax Assessor

Christina D. Collins, Finance Director

GIVEN UNDER MY HAND and seal this 7th day of June A.D. 2021

_____, **CMC, Town Clerk**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, Sc.

**Jamestown, Rhode Island
May 14, 2021**

**To: _____, CMC
Town Clerk
Town of Jamestown, Rhode Island**

In Jamestown, in said County and State on this 14th day of May, A.D., 2021, I have posted up notices, true copies of the within Warrant, at the following public places in said Town, to-wit:

**One at the Town Hall
93 Narragansett Avenue**

**One at the Jamestown Philomenian Library
26 North Road**

**One at the Community Meal Site
6 West Street**

**One at the Recreation Center
41 Conanicus Avenue**

**One at the Police Station
250 Conanicus Avenue**

Fred Pease, Town Sergeant

TOWN OF JAMESTOWN BUDGET WARRANT FY 2021-2022

Pursuant to the Jamestown Town Charter, Sec. 1106, no motion which increases or reduces an appropriation recommended by the Town Council by \$10,000 or more, shall be in order at the Financial Town Meeting unless notice of intention to include such motion has been presented to the Town Clerk at least twenty (20) days prior to the date set for the meeting at which such motion is to be considered. The Warrant of the Financial Town Meeting shall include notice of any such motion.

Update with log in and voting instructions

TOWN MODERATOR'S PROCEDURE AND RULES FOR FINANCIAL TOWN MEETING

TIME OF MEETING:

The meeting will be called to order at 7:00pm or as soon thereafter as a quorum shall be present, and/or the assembly of citizens seated in orderly fashion.

AGENDA:

1. Pledge of Allegiance
2. Opening Comments by Moderator
3. Presentation by Town Council president or designee
4. Presentation by School Committee chairman or designee
5. Motion made on general town government budget
6. Motion made on school budget
7. Opportunity for voters to ask questions, present motions
8. Votes taken on motions, and warrants
9. Adjournment following conclusion of business

GENERAL PROCEDURE

Moderator acts to maintain an orderly presentation and discussion of agenda items, in accordance with state and municipal law. To be considered by the assembly, a motion must relate to the business of the meeting, and be duly seconded. The discussion of a motion shall be limited to the substance of that motion, and requests to amend which negate the motion, or which bear no relationship to it shall be ruled out of order. Non-voters shall be seated separately from voters.

VOTING

The Moderator determines the form of voting, by voice, by hand, or by standing. A motion for a paper ballot duly made and seconded shall, if supported by twenty percent of voters present, be granted.

CHARTER LIMITATION

Pursuant to the Jamestown Town Charter, a motion which increases or reduces an appropriation recommended by the Town Council by \$10,000 or more, SHALL NOT BE IN ORDER AT THE FINANCIAL TOWN MEETING, unless notice of intention to include such motion has been presented to the Town Clerk at least twenty days prior to the date set for the meeting at which said motion is to be considered. The warrant for the Financial Town Meeting shall include notice of any such timely filed motion.

Town of Jamestown as an abutter.

Town property: Plat 15, Lot 373

**TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING**

Tuesday, April 27, 2021

7:00 PM

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

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

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

WHEN PROMPTED, ENTER MEETING ID: 84779819144

PRESS # AGAIN TO JOIN THE MEETING

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

JOIN VIA COMPUTER OR MOBILE APP: [https://us02web.zoom.us/j/ 84779819144](https://us02web.zoom.us/j/84779819144)

MEETING ID: 84779819144

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

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

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

On the following matters:

Application of Michael & Sabrina Donnelly (David & Janice Martin, owners), whose property is located at the corner of Garboard St. & Stanchion Ave. and further identified as Assessor's Plat 15, Lot 268 for a special use permit from Article 3, Section 82-314, High Groundwater Table & Impervious Layer Overlay District, District "A" review process to install a proposed rain garden, septic system, and construct a new 4-bedroom single-family residential dwelling. Said property is located in a R40 zone and contains 14,440 sq. ft.

PLEASE NOTE: All Correspondence or Exhibits you wish the Board to consider on any of the above matters must be received by the Zoning Board Clerk Office no later than Monday April 19, 2021. You may submit those documents the following ways: Email to pwestall@jamestownri.net or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835.

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

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

**BY ORDER OF THE
ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN**
Lisa W. Bryer, AICP INTERIM ZONING OFFICER

TOWN OF PORTSMOUTH, RI
RESOLUTION #2021-03-08 A

RESOLUTION IN SUPPORT OF 2021- H 5113
AN ACT RELATED TO MINIATURE ALCOHOLIC BEVERAGE CONTAINER
DEPOSIT RECYCLING

WHEREAS, the prevalence of roadside litter of miniature alcoholic beverage containers, commonly referred to a "nips," is undesirable and unhealthy; and

WHEREAS, many states have determined that nominal refundable deposits when purchasing these nips has reduced roadside litter of these containers between 30 to 60 percent and significantly increased recycling rates; and

WHEREAS, requiring refundable deposits upon purchase of these containers will place the obligation to return the used container upon the purchaser and not require the public to undertake the continued clean-up of these containers when discarded along roadsides; and

WHEREAS, increasing recycling of these products will help to extend the life-span of Rhode Island's central landfill; and

WHEREAS, uncollected deposits will be converted to fund environmental programs.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Portsmouth hereby requests that the General Assembly act favorably and pass 2021 — H 5113; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to provide a copy of this resolution to the Town of Portsmouth's representatives in the R.I. General Assembly and all other Rhode Island cities and towns.

Adopted: March 8, 2021



Kevin Aguiar, President
Portsmouth Town Council

ATTEST:



Jennifer M. West, Town Clerk

**TOWN OF PORTSMOUTH, RI
RESOLUTION #2021-02-22**

**RESOLUTION REQUESTING AND SUPPORTING LEGISLATION
TO AMEND TITLE 44, CHAPTER 5 OF THE RHODE ISLAND GENERAL LAWS
REGARDING MUNICIPAL TAXATION OF REAL ESTATE**

WHEREAS: in 1997, the R.I. General Assembly enacted legislation (P.L. 1997, ch. 179, § 1) which overhauled the statutory revaluation process for municipal taxation of real estate, to require that “each city and town shall conduct a revaluation within nine (9) years of the date of the prior revaluation and shall conduct an update of real property every three (3) years from the date of the last revaluation”; and

WHEREAS: the new revaluation process was based on the General Assembly’s recognition that the prior ten (10)-year cycle was “the longest revaluation cycle in the country;” the new revaluation cycle, with its three (3)-year updates, was designed “to provide more reliable and up-to-date property values in each of the cities and towns” and “to ensure that all taxpayers in Rhode Island are treated equitably”; and

WHEREAS: in 2001, the General Assembly enacted legislation (P.L. 2001, ch. 365, § 1) amending R.I. Gen. Laws § 44-5-15 regarding the filing of an annual account and R.I. Gen. Laws § 44-5-26 regarding tax appeals; and

WHEREAS: as amended, § 44-5-15 requires that a taxpayer, as a prerequisite to seeking relief from a tax assessment, must file with the assessor an annual account “specifying the value of every parcel of the real estate as of December 31 in the year of the last update or revaluation and personal estate as of December 31 of the tax year”; and

WHEREAS: as amended, § 44-5-26 requires that the mandatory statutory form for appealing a tax assessment give a taxpayer a right to appeal an assessment “if your property is: (1) OVERVALUED (assessed value is more than the fair market value as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate for any reason, including clerical and data processing errors” and further requires the applicant to state the taxpayer’s “opinion” of the property’s value “as of December 31 in the year of the last update or revaluation for real estate and as of December 31 of the tax year for personal estate;” and

WHEREAS: on May 2, 2018, the Rhode Island Supreme Court issued an Opinion in *Michael A. Balmuth et al. v. David E. Dolce, in his capacity as Tax Assessor for the Town of Portsmouth*, Supreme Court Case Nos. 2017-6-A, 2017-8-A, 2017-9-A, 2017-11-A, and 2017-12-A (“*Balmuth*”); a copy of the *Balmuth* Opinion is attached to this Resolution and incorporated herein; and

WHEREAS: in *Balmuth*, a group of Portsmouth taxpayers challenged their real estate tax assessments on December 31, 2008 (for tax year 2009) and on December 31, 2009 (for tax year 2010). The taxpayers conceded that the Assessor did not overvalue their properties on December

31, 2007, when he conducted a full revaluation of all real estate in the Town; rather, the taxpayers alleged that they were entitled to relief because their property values had fallen following the last revaluation due to a declining real estate market; and

WHEREAS: the Tax Assessor and the Tax Assessment Board of Review denied the taxpayers' appeals based on the provisions of R.I. Gen. Laws § 44-5-15 and § 44-5-26, as amended in 2001, because the properties were not overvalued as of the date of the last revaluation on December 31, 2007; and

WHEREAS: the taxpayers filed appeals to the Newport Superior Court which ultimately entered judgment for the taxpayers in five consolidated cases; and

WHEREAS: the Tax Assessor appealed from the Superior Court to the R.I. Supreme Court, seeking a *de novo* interpretation of the intent and effect of the 2001 amendments to R.I. Gen. Laws § 44-5-15 and § 44-5-26; and

WHEREAS: the Rhode Island League of Cities and Towns as Amicus Curiae submitted a brief to the Supreme Court which supported the Tax Assessor's statutory interpretation and positions; and

WHEREAS: on a vote of 3-2, the Supreme Court affirmed the Superior Court judgment for the taxpayers, ruling that the taxpayers were not confined to the property values established at the last revaluation of December 31, 2007 and were permitted to appeal their assessments for tax years 2009 and 2010 based on valuations of the properties as of December 31, 2008 and December 31, 2009; and

WHEREAS: the majority opinion found that it was unclear "whether plaintiffs are, as defendant argues, confined to the values of their properties as of December 31, 2007. Based on our thorough review of the language contained in chapter 5 of title 44, the only thing that appears clear to us now is just how unclear the conflicting language is.... [T]here is no shortage of doubt about whether the General Assembly intended to restrict plaintiffs to the values of their properties as of December 31, 2007, the year of the revaluation at issue. Unfortunately, neither the 2001 amendments to § 44-5-15 and the form required by § 44-5-26(b), adding the phrase 'in the year of the last update or revaluation[,] nor the legislative findings contained in § 44-5-11.5 are determinative in discerning legislative intent.... [B]ecause we are confronted with a tax statute so plainly afflicted with significant ambiguity, we are firm in our view that we are best guided by the maxim which directs that 'taxing statutes are to be strictly construed' with doubts resolved in favor of the taxpayer;" and

WHEREAS: the dissenting opinion stated: "Our review of the relevant tax statutes leads us to conclude that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge it 'in the year of the last update or revaluation....'; and

WHEREAS: the dissenting opinion considered the "possible ramifications of the majority's interpretation. Some taxpayers could seek a revaluation every year, requiring municipalities,

such as defendant, to expend funds in justifying them. Interpreting the statute in that manner would unnecessarily burden already strained municipal budgets, ultimately passing the costs on to taxpayers. Likewise, loss of revenue, which occurred in this case, would leave cities and towns attempting to recoup their losses by, again, looking to remaining property owners. In these times when most owners do not have expendable income, we cannot fathom the General Assembly wanting to do that"; and

WHEREAS: the majority opinion noted the dissent's "cautions of such a descent into fiscal disarray. Besides noting that appealing a tax assessment is in and of itself rather cost-prohibitive, we nonetheless conclude that such a policy concern is best addressed by the General Assembly, not this Court"; and

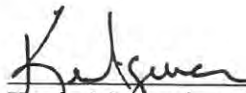
WHEREAS: Senate Bill S 0115 and House Bill H 5407 have been introduced in the current session of the Rhode Island General Assembly; and

WHEREAS: these bills would amend the provisions of chapter 5 of title 44, as necessary, to address the ambiguities noted by the Supreme Court in *Balmuth*, in order to provide with clarity that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge the value in the year of the last update or revaluation, as indicated in the 2001 amendments to § 44-5-15 and § 44-5-26;

NOW, THEREFORE, BE IT RESOLVED, that the Portsmouth Town Council hereby requests and urges the Rhode Island General Assembly to pass and enact Senate Bill S 0115 and House Bill H 5407; and

BE IT FURTHER RESOLVED, that the Town Clerk submit a copy of this Resolution to the Town of Portsmouth's State Senator and Representatives, the Speaker of the House of Representatives, the President of the Senate, the Rhode Island Governor, and every Rhode Island municipality.

Adopted this 22nd day of February, 2021.


Kevin M. Aguiar, President
Portsmouth Town Council

ATTEST: 
Jennifer M. West, Town Clerk

RESOLUTION OF THE TOWN OF WESTERLY
IN OPPOSITION TO RHODE ISLAND 2021 GUN CONTROL LEGISLATION

WHEREAS, the Town Council of the Town of Westerly pursuant to Rhode island statute and the Town of Westerly Charter, is vested with the authority of administering the affairs of the Town of Westerly, RI; and

WHEREAS, the Second Amendment to the United States Constitution, ratified on December 15, 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S.570 (2008), affirmed an individuals' right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to "**keep and bear arms**," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and is applicable to the states; and

WHEREAS, the United State Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article I, Section 22 of the Rhode Island Constitution adopted in 1842, provides that "**The right of the people to keep and bear arms shall not be infringed.**"; and

WHEREAS, Article I, Section 6 of the Rhode Island Constitution provides that "**The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the person or things to be seized.**"; and

WHEREAS, as a matter of general principle, and in recognition of over 230 years of lawmaking under the guidance of the Constitution for the United States of America having properly established numerous laws regarding criminal use of firearms that are wholly adequate when judiciously enforced such that additional laws are unneeded, any law which upon passage renders a life-long law-abiding citizen a felon through no action of their own, is an unjustified law and should be unconstitutional under multiple amendments in the Bill of Rights; and

WHEREAS, it is the desire of the Town Council of the Town of Westerly to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect the citizens of the State of Rhode Island's inalienable and individual right to keep and bear arms; and

WHEREAS, the Westerly Town Council members each took an oath to support and defend the United States Constitution, the Rhode Island Constitution, and the law of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Westerly; and

WHEREAS, the Westerly Town Council members give great weight to and adhere to the belief of James Madison, Jr., the fourth President of these great United States that: "Oppressors can tyrannize only when they achieve a standing army, an enslaved press, and a disarmed populace"; and

WHEREAS, many of the bills being considered by the General Assembly would require the confiscation and storage of otherwise lawfully owned firearms, and make the Towns and Cities of Rhode Island, responsible for these costs; and

WHEREAS, the Rhode Island General Assembly, in its 2021 legislative session has pending before it numerous bills regulating and restricting the rights afforded the citizens of the State of Rhode Island through the Second Amendment to the United State's Constitution and the Constitution of the State of Rhode Island, including, but not limited to:

Senate Bill 73, the Harold Metts School Safety Act of 2021 and its companion bill, House Bill 5555, prohibiting the possession of firearms on school grounds, which prohibition extends to individuals with lawful, legitimate carry permits;

Senate Bill 129 which repeals the authority of local authorities to issue conceal carry permits to eligible individuals and repeals the right of minors to obtain carry permits; and repeals provisions allowing permits to be issued to law enforcement officers who have retired in good standing after at least twenty (20) years of service;

House Bill 5381 which would require a purchase of a firearm to execute a medical authorization for release of medical records related to substance abuse and mental health records for a period of five (5) years preceding the purchase of any firearm;

House Bill 5386 which prohibits a purchaser from purchasing a firearm for a prohibited person, a regulation already covered by federal law; and requires a specification of the number of firearms the individual is seeking to purchase;

House Bill 5553 which would require all firearms within a home to be kept in a locked container or equipped with a tamper resistant or mechanical lock;

House Bill 5554 which would ban large capacity feeding devices, i.e., those holding more than ten (10) rounds unless the owner modified the magazine so that it holds ten (10) or less rounds, surrenders the device or transfers the device to a federally license firearm dealer outside the State of Rhode Island;

House Bill 5556, the Rhode Island Assault Ban Weapon Act of 2021, would prohibit the possession of "assault weapons," defined as any shotgun that holds more than six (6) rounds or a rifle that holds more than 10 rounds. In order to be exempt, the weapon must, within twelve (12) months of the bill's passage, be registered, be rendered inoperable, be surrendered to a registered firearm dealer or police department, or be transferred to a person in another jurisdiction where such firearms are allowed. It would also require any heirs of a decedent to surrender or transfer the firearm. If registered,

the lawful owner would be required to submit fingerprints and pay a fee for registering the firearm.

NOW THEREFORE, BE IT RESOLVED: That the Town Council of the Town of Westerly hereby takes the following position on state legislation that potentially abridges our Second Amendment rights. We find and declare that these gun restriction bills, if enacted by the Rhode Island General Assembly, infringe upon the rights of the People of the Town of Westerly and the People of the State of Rhode Island to keep and bear arms. We are collectively opposed to the infringement of these rights established by our Founding Fathers; and

BE IT FURTHER RESOLVED: That these bills impose unfunded mandates upon local governments; and the Town Council of the Town of Westerly will not appropriate funds for capital construction of building space and/or the purchase of storage systems to store weapons seized, pursuant to any requirements set forth in the legislation if enacted by the General Assembly for the purpose of enforcing any law, that unconstitutionally infringes upon the rights of the People of the Town of Westerly to keep and bear arms; and

BE IT FURTHER RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, the State Senators and State Representatives representing the Town of Westerly, the Governor and the Lt. Governor respectfully requesting their support.

ADOPTED: April 12, 2021

RESOLUTION OF THE TOWN OF WESTERLY OPPOSING SENATE BILL S-0259
AND HOUSE BILL H-6067, "AN ACT RELATING TO AERONAUTICS"

WHEREAS, Senate Bill S-0259 and House Bill H-6067, An Act Relating to Aeronautics, (the "Act") have been introduced in the Rhode Island General Assembly; and

WHEREAS, this Act proposes amendments to existing Rhode Island General Law Title I, Aeronautics; and

WHEREAS, the practical effects of the Act for the Town of Westerly and other municipalities hosting airports and/or airport approaches will be to expand the authority of the Rhode Island Airport Corporation (RIAC) to acquire by purchase or condemnation *airspace and/or air rights* that it may deem necessary; and

WHEREAS, the proposed amendments are significant, with a substantial increase of jurisdiction to RIAC, a quasi-governmental agency, in favor of a municipality and in contradiction to fundamental principles of the Home Rule Act; now therefore, be it

RESOLVED: That the Westerly Town Council respectfully requests that all State Representatives and the Governor oppose S-0259 and H-6067; and be it further

RESOLVED: That the Town Clerk shall submit a copy of this resolution to the Town of Westerly's State Representatives, the Speaker of the House, the Executive Director of the Rhode Island League of Cities and Towns, all cities and towns in the State of Rhode Island, and the Governor in consideration of their support to defeat these amendments to the General Laws.

ADOPTED: April 12, 2021

A. O. Gutierrez
66 Clinton Avenue
Jamestown, RI 02835

RECEIVED:
APR 08, 2021 01:09 PM
Erin F. Liese CMC
TOWN OF JAMESTOWN Town Clerk

April 6, 2021

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

Dear Council Members:

I would like to provide some input, as a dog owner, to the review of the leash law in Jamestown.

Current law seems to cover most areas of concern regarding the ownership and control of pets. Some sections would benefit from minor clarifications.

Sec. 10-67. - Dogs prohibited on school property

- (a) would suggest that taking the family dog on a leash to a child's soccer match or ball game is prohibited. Some revision should be considered.
- (b) prohibits dogs, not pets in general, from stores and eating establishments. This is not currently enforced and seems to be an issue best left to the management of individual establishments.
- (c) All dogs, if permitted, must be kept on a leash at all times while in any of the town recreational facilities. This appears to refer to indoor venues such as the Rec Center but could be construed to include the parks and beaches.

Sec. 10-70. - Dogs at large

The wording of this section makes it clear that the owner is responsible to control his dog by either physical restraint or training. The phrase "...between the hours of 7:00 a.m. and 4:00 p.m." could be eliminated without effectively changing the current intent. There is no necessity for unsupervised dogs to be roaming at large on a regular basis.

Sec. 10-72. - Removal of dog feces

The proliferation of dog droppings on sidewalks and trails seems to be occurring with increasing regularity. While very difficult to police this is a matter of civic responsibility that needs to be addressed.

Responsible ownership should be the thrust of any changes to the ordinance. There are many dog owners who regularly run their dogs in public areas, parks and beaches specifically, off lead for exercise. This is done daily without incident except for the very rare occasion. These owners understand the nature of their pets and attempt to avoid situations that will bring them into conflict with incompatible animals. They also schedule their outings to avoid those areas during times of heavy use by the general public.

Much is often made of the "rural nature" of our community. Part of that rural charm is the pleasure of enjoying the company of one's dog in a natural setting and care should be taken to ensure, within reason, that this remains possible.

The focus of any changes should be on compelling responsible dog ownership in the few cases that require enforcement without penalizing the majority of owners or drastically altering the social interaction that many of us have enjoyed for as long as memory serves.

Sincerely,


A. O. Gutierrez

Jamestown Town Council
Town Hall
Jamestown, RI 02835

RECEIVED
APR 10 2021
TOWN HALL

April 7, 2021

OPEN LETTER TO THE JAMESTOWN TOWN COUNCIL

We are aware that that Councilperson Randy White has been charged with revising the Jamestown Dog Ordinance This is to let our feelings be known regarding this matter.

The issue of a dog ordinance has been around for many years. The previous law which was very loose served its purpose when the town was not as populated year round and most people were acting responsibly with their animals. Unfortunately, the dog problem has gotten out of hand. People are letting their dogs run loose in town and on our public areas. They are free to defecate anywhere and everywhere and as awful as it sounds on our beaches in front of the Bay View, Veterans Square, as well as the town beach and at Fort Getty which has become a dog run and open toilet. Disgusting and unhealthy... dog waste does not disintegrate but rather seeps into our water ways over time.

As a victim of a vicious dog bite by a 'friendly' dog off leash, I feel compelled to write you and express my views The bite on my lower leg not only broke skin but went through my calf damaging the nerves. For two years, I had to have my leg cared for by a Dr. I now carry dog repellent and whistles in case a dog gets close to me. I hope that I never have to use them.. Last spring our small Havanese was almost mauled by a dog darting from his home on Hamilton Avenue. One second more and he would have had Charlie but instead he eyed two small dogs being walked across the street and ran to attack them and the dog walker knocking her down. My husband called the police. It took a few minutes for a response and I thought that two seconds more and Charlie would have been killed. The police came and I presume filed a report. Three weeks ago another dog ran out to where we were walking up Holland Avenue. The dog was not under control and ran around our carrying carriage to try to get to Charlie. I almost fell due to the rope hanging around his neck twisting around my ankles. Thankfully, some good Samaritans got a hold of the dog. They did not know the dog.

I know you are receiving letters from dog lovers in favor of less control. Jamestown is becoming more and more populated year round and the crowding is exaserbating the dog problem.

The town has a duty to all tax paying residents. It is charged with our welfare and safety. Please take this seriously before something horrible happens.

Cynthia Levesque
138 Narragansett Avenue
Jamestown, RI 02835



401 423-1081

Attachment: 1 State vicious dog law

TITLE 4 Animals and Animal Husbandry

CHAPTER 4-13.1 Regulation of Vicious Dogs

SECTION 4-13.1-11

§ 4-13.1-11. Determination of a vicious dog.

(a) In the event that the dog officer or law enforcement officer has probable cause to believe that a dog is vicious, the chief dog officer, or his or her immediate supervisor, or the chief of police, or his or her designee, is empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The dog officer or chief of police shall conduct, or cause to be conducted, an investigation and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5), nor more than ten (10), days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public. The hearing shall be conducted by a panel of three (3) persons that shall consist of the chief of police, or his or her designee, the executive director of the Society for the Prevention of Cruelty to Animals (S.P.C.A.), or his or her designee; and a person chosen by the chief of police and the executive director of the S.P.C.A. All members of the panel shall have one vote in making a determination whether or not the dog in question is vicious. Hearing officers shall have immunity.

(b) After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with this chapter in accordance with a time schedule established by the dog officer or chief of police, but in no case more than thirty (30) days subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of that determination, bring a petition in the district court within the judicial district where the dog is owned or kept, praying that the court conduct its own hearing on whether or not the dog should be declared vicious. After service of notice upon the dog officer, the court shall conduct a hearing de novo and make its own determination as to viciousness. The hearing shall be conducted within seven (7) days of the service of the notice upon the dog officer or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's determination. If the owner has not complied with the provisions of this chapter at the end of thirty (30) days from the written notification that the dog is vicious, the dog may be euthanized.

(c) The court may decide all issues for or against the owner or keeper of the dog regardless of the fact that the owner or keeper fails to appear at the hearing.

(d) The determination of the district court shall be final and conclusive upon all parties. The dog officer or any law enforcement officer shall have the right to convene a hearing under this section for any subsequent actions of the dog.

(e) In the event that the dog officer or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or

TITLE 4 Animals and Animal Husbandry

CHAPTER 4-13.1 Regulation of Vicious Dogs

SECTION 4-13.1-2

§ 4-13.1-2. Definitions.

As used in §§ 4-13.1-1 – 4-13.1-14, the following words and terms shall have the following meanings, unless the context indicates another or different meaning or intent:

- (1) "Dog officer" means any person defined by the provisions of chapter 19 of this title.
- (2) "Domestic animals" means animals that, through extremely long association with humans, have been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species. Such animals may include, but are not limited to:
 - (i) Domestic dog (*Canis familiaris*);
 - (ii) Domestic cat (*Felis catus*);
 - (iii) Domestic horse (*Equus caballus*);
 - (iv) Domestic ass, burro, and donkey (*Equus asinus*);
 - (v) Domestic cattle (*Bos taurus* and *Bos indicus*);
 - (vi) Domestic sheep (*Ovis aries*);
 - (vii) Domestic goat (*Capra hircus*);
 - (viii) Domestic swine (*Sus scrofa domestica*);
 - (ix) Llama (*Lama lama*);
 - (x) Alpaca (*Lama pacos*);
 - (xi) Camels (*Camelus bactrianus* and *Camelus dromedarius*);
 - (xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);
 - (xiii) Domestic races of chickens (*Gallus gallus*);
 - (xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from wild birds;
 - (xv) Domestic races of guinea fowl (*Numida meleagris*);
 - (xvi) Domestic races of peafowl (*Pavo scristatus*).
- (3) "Enclosed area" means an area surrounded by a fence that will prevent the dog from leaving the owner's property.
- (4) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in

(4) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(5) "Guardian" shall mean a person(s) having the same rights and responsibilities of an owner and both terms shall be used interchangeably. A guardian shall also mean a person who possesses; has title to or an interest in, harbors; or has control, custody, or possession of an animal and who is responsible for an animal's safety and well-being.

(6) "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found.

(7) "Leash" means a rope, cable, nylon strap, or other means attached to the dog that will provide the owner with control of the dog.

(8) "Muzzle" means a device that shall not cause injury to the dog or interfere with its vision or respiration but shall prevent the dog from biting a person or animal.

(9) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(10) "Serious injury" means any physical injury consisting of a broken bone(s) or permanently disfiguring lacerations requiring stitches, multiple stitches or sutures, or cosmetic surgery.

(11) "Tie-out" means a cable, rope, light-weight chain, or other means attached to the dog that will prevent the dog from leaving the owner's property.

(12) "Vicious dog" means:

(i) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

(ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting that is deemed vicious after it has been properly assessed by the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) pursuant to the provisions of § 4-13.1-5(d).

Notwithstanding the definition of a vicious dog in subsection (12), no dog may be declared vicious in accordance with § 4-13.1-11 if an injury or damage is sustained by a person who, at the time that injury or damage was sustained, was committing a trespass or other tort upon premises occupied by the owner or keeper of the dog; or was teasing, tormenting, provoking, abusing, or assaulting the dog; or was committing, or attempting to commit, a crime; or until the society for the prevention of cruelty to animals has an opportunity to assess the dog pursuant to the provisions of § 4-13.1-5(d).

(v) No dog may be declared vicious if an injury or damage was sustained by a domestic animal which, at the time that injury or damage was sustained, was teasing, tormenting, provoking,

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Law Office Stephen P Levesque
[165 Burnside Street 2nd Floor](#)
[Cranston RI 02910](#)
401-490-4900

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From: Alice Adler <cameragirl616@yahoo.com>

Sent: Wednesday, April 7, 2021 7:08 PM

To: Jamie Hainsworth <jhainsworth@jamestownri.net>

Subject: National Gun Violence Awareness proclamation request

Hello!

My name is Alice Adler and I am a resident of Jamestown and a volunteer with the Rhode Island chapter of Moms Demand Action for Gun Sense in America.

In January of 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021, to recognize the 24th birthday of Hadiya Pendleton, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to all victims of gun violence and their loved ones.

The idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange. They chose this color because hunters wear orange to announce themselves to other hunters when out in the woods.

In honor of this day many cities and towns all across the United States are issuing proclamations declaring the first Friday in June to be National Gun Violence Awareness Day and encouraging people to wear orange. I am writing to ask if the town council would consider adding Jamestown to the list of towns and cities issuing this proclamation. I can forward you a sample proclamation if you feel this is something that we can do.

Thank you for your time,
Alice Adler

Jamestown Harbor Commission
Jamestown RI

Subject: Request by Walrus and Carpenter to relocate their oyster nursery operation to West Ferry

Members of the Harbor Commission:

The purpose of this letter is to object to the request by Walrus and Carpenter to relocate their oyster nursery operation to West Ferry in Jamestown. We believe the decision on this request may set a major precedent for the further proliferation of oyster cages and the commercialism of West Ferry. Our main objections are as follows:

- The proposed location of the upweller at the West Ferry town dock would mean it would compete with the Harbormaster boat as well as dinghies and the people using them and boats coming to the dock to use the pump out machine. In addition, this dock is also used as a touch and go dock for boaters to pick up passengers.
- Approval would be one step closer to locating a major oyster company in a residential neighborhood in West Ferry. After obtaining approval for the upwellers, next potentially would be storage of equipment there. If Walrus and Carpenter were approved for an upweller, the many other oyster farmers already proliferating the harbor may also request the same approval.
- As well as being a residential neighborhood, West Ferry is also the most scenic and desirable recreational area of Jamestown and is described on the Dutch Harbor Boatyard website as "the last pristine and unspoiled boating location in southern New England." During the boating season, many boaters moor their boats at Dutch Harbor Boatyard, at town moorings, or at privately owned moorings and use them often throughout the season. This usage results in many people and cars in the relatively small area. In addition, others dine at The Shack resulting in more people and cars. Adding an upweller and the people and equipment required to maintain it would add even more congestion.

In conclusion, oyster farming in Dutch Harbor has already degraded gorgeous Dutch Harbor with its thousands of floating oyster cages –approval for 22,635 of them has already been requested and 10,635 have been approved (data from CRMC). As you know, approval for floating cages is under the jurisdiction of CRMC so as a town, we have no recourse. However, we can prevent the businesses from occupying our shores.

Please do not approve the Walrus and Carpenter request for housing an upweller at West Ferry.

Sharon Purdie and Ted Sybertz
52 Westwind Drive

Alan and Lorraine Katz
60 Westwind Drive

William Robert Kalander
63 Westwind Drive

SPINNAKERS CAFE

RECEIVED:
APR 09, 2021 11:10 AM
Erin F. Liese CPC
TOWN OF JAMESTOWN Town

Jamestown Town Clerk
93 Narragansett Ave.
Jamestown, RI 02835

April 7, 2021

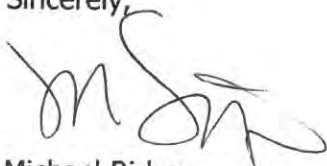
Dear Acting Town Clerk,

Please find enclosed the three (3) current year business licenses for Lucky Ridge Co., LLC that I am surrendering back to the Town. These include the Class B-Limited Liquor, Town Victualers and Town Holiday licenses.

Spinnakers Café will not be operating this year in it's approved location; and I am aware that all business licenses are only valid for BOTH the operating entity as well as the location. Therefore, I am appropriately returning these licenses to the Town.

I wish to thank the Town Administration for their support over the last 16 years, and extend my gratitude to the Town Council, present and past, for continuing to keep Jamestown one of Rhode Island's most vibrant communities.

Sincerely,



Michael Ridge



Lucky Ridge Co., LLC
74 Larch Street
Providence, RI 02906

401-527-1811

mike@spinnakerscafe.com
Spinnakerscafe.com