



**TOWN COUNCIL MEETING**  
**Jamestown Town Hall**  
**Rosamond A. Tefft Council Chambers**  
**93 Narragansett Avenue**  
**Monday, September 19, 2022**  
**6:30 P.M.**

**THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.**

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

*The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.*

*Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.*

*Attachments for items on this meeting agenda are available to the public on the Town website at:*  
<https://jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2022-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 Action and/or Vote:  
1) 08/22/2022(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: Review, Discussion, and/or Action and/or Vote:
  - 1) Pumping Report
  - 2) Town Project Reports
    - a) Town Wells
    - b) Water Treatment Plant
    - c) Transfer Pumping/Reservoir
    - d) Distribution System
    - e) Wastewater Treatment Facility
  
- D) Letters and Communication: Review, Discussion, and/or Action and/or Vote:
  - 1) Copy of letter dated August 21, 2022 from Christine Ferguson of 37 Bay View Drive re: request for relief from her 01/22 Water and Sewer bill and her 04/22 Water and Sewer Bill
  
- E) Unfinished Business: Review, Discussion, and/or Action and/or Vote:
  - 1) Water Conservation Regulations-reviewed and possibly amended; Re: status levels/action levels
  
  - 2) Review, Discussion, and/or Action and/or Vote regarding whether the Board of Water and Sewer Commissioners find, after a showing by the applicant, a material or substantial change in circumstances in the time intervening after having denied a previous application of Christina DiMeglio for a water service extension to 68 East Shore Road, Jamestown, RI; Assessor's Plat 7 Lot 86 to warrant hearing a factually identical application for water service extension at this address.
  
- F) New Business: Review, Discussion, and/or Action and/or Vote:
  - 1) None
  
- G) **The Town Council Adjourns from sitting as the Board of Water and Sewer Commissioners**

#### IV. OPEN FORUM

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

- A) Scheduled request to address
- B) Non-scheduled request to address

#### V. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

- 1) None

**VI. 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**

- 1) Proposed Amendments to the Code of Ordinances, Chapter 38 Offenses and Miscellaneous Provisions, Article VII Cannabis, Section 140-143. These amendments are proposed to prohibit cannabis smoking/vaporizing in public places, and places of business; and to define violations, penalties and enforcement; Review, Discuss and/or Take Action and/or Vote

**B) Town Council Sitting as the Alcohol Beverage Licensing Board**

- 1) **REQUEST** that the applications listed below will be in order for hearing at a meeting of said Licensing Board on Monday, November 7, 2022, at 6:30 p.m. and advertised in the *Jamestown Press*. **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 **RENEWAL** applications have been received by the Town Council for licenses under said Act, for the year December 1, 2022, to November 30, 2023; review, discussion and/or potential action and/or vote:

**CLASS A (PACKAGE STORE) – RETAIL**

Tunstall, Inc.

dba: Grapes & Gourmet  
9 Ferry Wharf

Varsha, Inc.

dba: Jamestown Wine & Spirits  
30 Southwest Avenue

**CLASS B – TAVERN**

JB's On the Water, LLC  
dba: JB's On the Water  
150 Conanicus Avenue

**CLASS B – VICTUALER**

Conanicut Restaurant Group II, LLC  
dba: Beech  
13 Narragansett Avenue

Epic Decade, LLC  
dba: Curiosity & Co.  
14 Narragansett Avenue

Jamestown Locals LLC  
dba: Narragansett Café  
25 Narragansett Avenue

Jamestown Marina Beverage Operations LLC  
dba: One Ferry Wharf  
3 East Ferry Wharf

KALI, LLC  
dba: J22 Tap & Table  
22 Narragansett Avenue

New England Golf Course Management, Inc.  
dba: Jamestown Golf and Country Club  
aka: The Caddy Shack  
245 Conanicus Avenue

Slice of Heaven, Inc.  
dba: Slice of Heaven  
32 Narragansett Avenue

Tallulah's Taqueria, LLC  
dba: Tallulah's Tacos  
35 Narragansett Avenue, Unit D

**CLASS B – VICTUALER - LIMITED**

Our Table LLC  
dba: Our Table  
53 Narragansett Avenue

Village Hearth Bakery, Inc.  
dba: Village Hearth Bakery  
2 Watson Avenue  
Jamestown, RI 02835

**CLASS D – FULL (CLUB)**

Conanicut Yacht Club  
dba: Conanicut Yacht Club  
40 Bay View Drive

**The Town Council Adjourns from sitting as the Alcohol Beverage Licensing Board**

C) **Licenses and Permits**

- 1) One Day Event/Entertainment License: All One-Day Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Take Action and/or Vote for the following:
  - a) Applicant: Save the Bay  
Event: International Coastal Cleanup- Potter Cove  
Date(s): September 25, 2022 10 a.m. – 12:00 p.m.  
Location: Potter Cove
  - b) Applicant: Out of the Box Studio and Gallery  
Event: Rhodexo Poets/Poetry Nights  
Date(s): see attached  
Location: 11 Clinton Avenue
  - c) Applicant: Jamestown Parks and Recreation  
Event: Fright Night at Fort Getty  
Date(s): October 22, 2022 (Rain Date October 23, 2022)  
Location: Fort Getty

**VII. COUNCIL, ADMINISTRATOR, 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) Recusal: Town Moderator, Agenda Item
  - 2) Short Term Rental (STR) Ordinance extension of Registration and Inspection Deadlines
  - 3) Reservoir Level
  - 4) Tree Committee Expansion
  - 5) Covid 19 update: Covid Testing

**VIII. UNFINISHED BUSINESS**

- A) Review, Discussion and/or Action, and/or Vote regarding the request by Andrea Colognese and Doriana Carella for permission to build an outdoor Pizza Oven at the Fort Getty Pavilion
  - 1) August 16, 2021, Town Council minutes and vote to approve endorsement of the proposal to continue the exploration of the project.
- B) Review, Discussion and/or Action, and/or Vote: at the request of Vice President Meagher dissolve the Traffic Committee; and direct Town staff to investigate on parking and traffic issues including but not limited to, stop signs, speeding, parking, and other related issues in the Town of Jamestown and make recommendations to the Town Council.

**X. NEW BUSINESS**

- A) Review, Discussion, and/or Action and/or Vote: Appoint Susan Romano as interim Town Moderator for the Special Financial Town Meeting on October 18, 2022
  - 1) Copy of email from John Murphy regarding conflict of interest and SFTM
- B) Review, Discussion, and/or Action and/or Vote: Request of Vice President Meagher to authorize reactivating the ad hoc Charter Review Committee

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

- A) Appointments, Vacancies and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
  - 1) Jamestown Housing Authority, One (1) Resident Commissioner vacancy with an unexpired term ending December 31, 2023
    - a) JHA Resident Commissioner
      - i) Gerald Precious
      - ii) Doreen Dell
      - iii) Bernie Courtney
- B) Review, Discussion, and/or Take Action and/or Vote: **permission to advertise unexpired and expiring vacancies for the following Committee/Boards/Commissions:**
  - 1) Beavertail State Park Advisory Committee One (1) member; three-year term ending 12/31/2025
  - 2) Conservation Commission, Three (3) members; three-year term ending 12/31/2025
  - 3) Harbor Management Commission, Two (2) members, three-year term ending 12/31/2025
  - 4) Jamestown Housing Authority, One (1) full member, five-year term ending 12/31/2027
  - 5) Juvenile Hearing Board, One (1) full member, three-year term ending 12/31/2025, and One (1) alternate member, two-year term ending 12/31/2024
  - 6) Library Board of Trustees, Two (2) members, three-year term ending 12/31/2025
  - 7) Planning Commission, One (1) member, four-year term ending 12/31/2026
  - 8) Quonset Development, One (1) member, three-year term ending 12/31/2025
  - 9) Tree Committee, Two (2) members, three-year term ending 12/31/2025
  - 10) Tree Warden, One (1) warden, one-year term ending 12/31/2023
  - 11) Zoning Board of Review, One (1) full member, five-year term ending 12/31/2027, and three (3) alternate members, one year-term ending 12/31/2023

**XIII. 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 the 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) Minutes of Boards/Commissions/Committees
  - 1) Jamestown Affordable Housing Committee (August 1, 2022)
  - 2) Jamestown Affordable Housing Committee (August 15, 2022)
  
- B) Tax Assessor’s Abatements and Addenda of Taxes

<b>ABATEMENTS TO THE 2022 TAX ROLL</b>		
<b>22-0305-00</b>	<b>ADDED EXEMPTION-PURCHASE</b>	<b>\$ 250.00</b>
<b>14-0210-00</b>	<b>UPDATED PROP INFORMATION</b>	<b>\$ 85.55</b>
<b>19-0636-00</b>	<b>UPDATED PROP INFORMATION</b>	<b>\$ 119.50</b>
<b>ADDENDA TO 2022 TAX ROLL</b>		
<b>13-1188-02</b>	<b>REMOVED EXEMPTION- SOLD</b>	<b>250.00</b>
	<b>TOTAL ABATEMENTS TO 2022 TAX ROLL</b>	<b>\$455.05</b>
	<b>TOTAL ADDENDA TO 2022 TAX ROLL</b>	<b>\$250.00</b>

- C) Approval of the Appointment of Michael Gray as the Director of Public Works for the Town of Jamestown
  - 1) Memorandum from Town Administrator regarding Director of Public Works Confirmation by Town Council
  
- D) Approval of the Appointment of Peter Medeiros as the Building and Zoning Official for the Town of Jamestown
  - 1) Memorandum from Town Administrator regarding Building and Zoning Official Confirmation by Town Council
  
- E) Approval of the proposed 2023 Harbor Rates and 2023/2024 Budget
  - 1) Memorandum from Police Chief Mello to Town Administrator Jamie Hainsworth
  - 2) 2023 Harbor Rates and 2023/2024 Marine Development Fund Operating Budget approved by the Harbor Commission on September 14, 2022

**XIV. 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 Clerk, Administrator, Police Chief, and Parks & Recreation Director  
From: Christine Ariel  
Date: September 2, 2022  
Re: Amended dog ordinance

- 2) Copy of Letter to: Town Council members  
From: Dan Jensen  
Date: September 2, 2022  
Re: 98 Bay View Drive
- B) Proclamations and Resolutions from other Rhode Island Cities and Towns
  - 1) Town of Warren Resolution requesting that the State of Rhode Island in partnership with municipalities develop a comprehensive plan to provide high-speed broadband access, Resolution 22-153

#### **XV. ADJOURNMENT**

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

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to [rfagan@jamestownri.net](mailto:rfagan@jamestownri.net) not less than three (3) business days prior to the meeting.

*Posted on the RI Secretary of State website on September 15, 2022*



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

**August 22, 2022**

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:33 PM by Commission President Nancy A. Beye.

The following members were present:

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

Also, present were:

Jamie A. Hainsworth, Town Administrator  
Roberta J. Fagan, Town Clerk  
Christina D. Collins, Finance Director  
Michael Gray PE, Public Works Director  
Jean Lambert, Town Engineer  
Peter D. Ruggiero Esq., Town Solicitor  
Brenda Hanna, Stenographer  
Denise Jennings, Water and Sewer Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

**READING AND APPROVAL OF MINUTES**

1) June 21, 2022 (regular meeting)

Motion was made by Commissioner Meagher, seconded by Commissioner Michael White to accept the June 21, 2022, regular meeting minutes. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

2) July 25, 2022 (special meeting)

Motion was made by Commissioner Meagher, seconded by Commissioner Michael White to accept the July 5, 2022, special meeting minutes. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

## 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:

- JR-1 well is in service.
- Pumping was up slightly for the month of July.
- Rainfall was down for the month of July. We are in a significant drought. We will continue to monitor the level of the reservoir and when we reach 42 inches below the spillway, we will restrict all outside watering.
- North Reservoir is @ 37MG, usable storage-60MG.
- South Pond is @ capacity, usable storage- 6MG

Commissioner Meagher stated that at the special meeting in July that she would like to begin discussion on possibly amending the water conservation and water restrictions. The Public Works Director stated that we are only two weeks away from Labor Day weekend and that we should see water consumption drop.

Commissioner Meagher asked that discussion pertaining to water conservation and water restrictions be placed on the next Water and Sewer meeting agenda in September.

#### 2) **Town project reports:** *(See attached Project Update Report dated August 2022)*

##### **Treatment Plant-**

The Public Works Director reported the following:

- The Town continues to be work with SUEZ to strip and recoat the two steel tanks that hold the membrane filters and he is hoping to have the new membranes installed after the peak season in the fall.
- The RIDOH has asked water suppliers to perform PFAS testing. The Town has submitted a preliminary testing plan to the RIDOH. PFAS testing will begin in the fall.

##### **Distribution System-**

The Public Works Director reported the following:

- The Town has received a proposal from PARE Corporation for the design of the water main in Narragansett Avenue and North Road and it is recommended that it be awarded.
- The Town has received a proposal from PARE Corporation for the state mandated 5-year update to the Water Supply Management Plan. The updated plan is due next year and it is recommended that it be awarded.

It was the consensus of the Commission, to accept the Public Works Director's report, as submitted.

- 3) Consumer Confidence Report for the calendar year 2021  
No action taken.

## LETTERS AND COMMUNICATIONS

(None)

### UNFINISHED BUSINESS

- 1) Review, Discussion, and/or Action and/or Vote: Status update on North Reservoir  
Commission President Beye noted that discussion was previously had, under the Public Works Directors report.

### NEW BUSINESS

- 1) Review, Discussion, and/or Action and/or Vote: **Application of Christina DiMeglio et CLP Trust-2016 for water extension-68 East Shore; Plat 7 Lot 86**

Commissioner Randall White noted that as reported by the Public Works Director the Towns water supply is literally existential for the Town. It is an issue now and also for the future. He expressed his concerns about allowing the applicant to be heard again. Brief discussion ensued regarding RIGL 46-15-2.

Motion was made by Commissioner Randall White, seconded by Commissioner Meagher to ask the applicant or her Counsel to submit a memorandum no later than September 19, 2022, laying forth the authority upon which the Board should hear another application substantially, factually identical allegations that was submitted last year and after a full hearing reviewed and was denied by the Board on October 13, 2021.

Commissioner Brine asked Solicitor Ruggerio if he could weigh in on the matter. Solicitor Ruggerio stated that he was not prepared to answer questions this evening.

Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

- 2) Review, Discussion, and/or Action and/or Vote: **Application of Laura Carlson dba Good Graces Grooming and McQuade's Jamestown LLC/Michael McQuade (Owner of real estate); 3 Clarke St.-Plat 9, Lot 105 for Utility Service Expansion/Change of Use (From laundromat (business closed Dec. 2020) to dog grooming**

The Public Works Director reported that the applicant has received approval from the Planning Commission and is currently before Zoning Board of Review to convert the laundry facility into a grooming facility for dogs and that he supports the approval subject to the following:

- Approval by the Zoning Board of Review.
- All fixtures must meet the efficiency standards established by the Water and Sewer Commission.
- Appropriate backflow preventer devices are be installed.

Motion was made by Commissioner Meagher, seconded by Commissioner Randall White to approved the application of Laura Carlson dba Good Graces Grooming and McQuade's Jamestown LLC/Michael McQuade (Owner of real estate); 3 Clarke St.-Plat 9, Lot 105 for Utility Service Expansion/Change of Use (From laundromat (business closed Dec. 2020) to dog grooming, as recommended by the Public Works Director and subject to the following:

- Approval by the Zoning Board of Review.
- All fixtures must meet the efficiency standards established by the Water and Sewer Commission.
- Appropriate backflow preventer devices are be installed.

Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

3) Review, Discussion, and/or Action and/or Vote: **Application of We Dig Investments, LLC; 29 Narragansett Avenue- Plat 9, Lot 631 for Utility Service Expansion/Change of Use (former bank building to 2 residential units and 2 commercial units)**

The Public Works Director reported that the applicant has received approval from the Planning Commission and the Zoning Board of Review for the construction of a mixed-use structure with two commercial units and two residential units at 29 Narragansett Avenue and that he supports the approval subject to the following:

- All fixtures must meet the efficiency standards established by the Water and Sewer Commission.
- Each unit must be metered separately.
- And all water and sewer comments submitted to the Planning Commission be addressed.

The Engineer for the project at 29 Narragansett Avenue briefly outlined the details of the proposed project. Following brief discussion, Motion was made by Commissioner Meagher, seconded by Commissioner Michael White to approve the application of We Dig Investments, LLC; 29 Narragansett Avenue- Plat 9, Lot 631 for Utility Service Expansion/Change of Use (former bank building to 2 residential units and 2 commercial units), as recommended by the Public Works Director and Subject to the following:

- All fixtures must meet the efficiency standards established by the Water and Sewer Commission.
- Each unit must be metered separately.
- And all water and sewer comments submitted to the Planning Commission be addressed.

Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

4) Review, Discussion, and/or Action and/or Vote: Award of Proposal not to exceed in the whole, the sum of Thirty-Three Thousand Five Hundred (\$33,500.00) Dollars: **Water Supply System Management Plan Update 2022, Jamestown Municipal Water System**

Jean Lambert, Town Engineer briefly outlined the details of the plan update and recommended that the Water Supply System Management Plan update 2022, be awarded to PARE Corporation in the amount of \$33,500 as detailed in their proposal dated June 29, 2022.

Motion was made by Commissioner Meagher, seconded by Commissioner Randall White to award the proposal for the Water Supply System Management Plan Update 2022, Jamestown Municipal Water System to PARE Corporation in an amount not to exceed \$33,500.

Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

**ADJOURNMENT**

Motion was made by Commissioner Meagher, seconded by Commissioner Randall White to adjourn the meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners at 7:07 PM. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye

Attest:  
Denise Jennings,  
Water and Sewer Clerk

## Project Update August 2022

### WELLS

JR-1, JR-3

- JR-1 is in service and producing approximately 30 gpm directly into the transmission main.

### TREATMENT PLANT

- The project schedule to strip and recoat the two steel filter tanks is being developed with SUEZ. As each tank is completed, the replacement membrane filters will be installed. The overhead crane was inspected in preparation for the project and no issues were found. The tentative plan is for work to begin in the fall.
- We have submitted a preliminary testing plan to RIDOH for PFAS testing. The RIDOH will fund an initial round of testing to establish a base line for Jamestown water. Sampling will be scheduled after RIDOH reviews the proposed sampling plan.

### TRANSFER PUMPING/RESERVOIR

- The region is experiencing a moderate drought with the lack of significant rainfall over the past two months.
- No water was transferred from South Pond.

### DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage 6 Million Gallons

North Pond @ 37 MG

Usable Storage 60 Million Gallons

- The water tower painting project have been approved by the RI Department of Health. PARE Corporation is finalizing the bid documents for the project to be bid in fall 2022 with a planned start date in spring 2023.
- The Town has received proposal from PARE Corporation for the design of approximately 5700' of water main in Narragansett Ave and North Road. Pare will be working with the Town to prepare bid documents with the project anticipated to be bid in spring of 2023. Staff has recommended the proposal be awarded.
- The Town has received a proposal from PARE Corporation for the State mandated 5-year update to the Water Supply Management Plan. The updated plan is due to the State in April 2023. Staff has recommended the proposal be awarded.

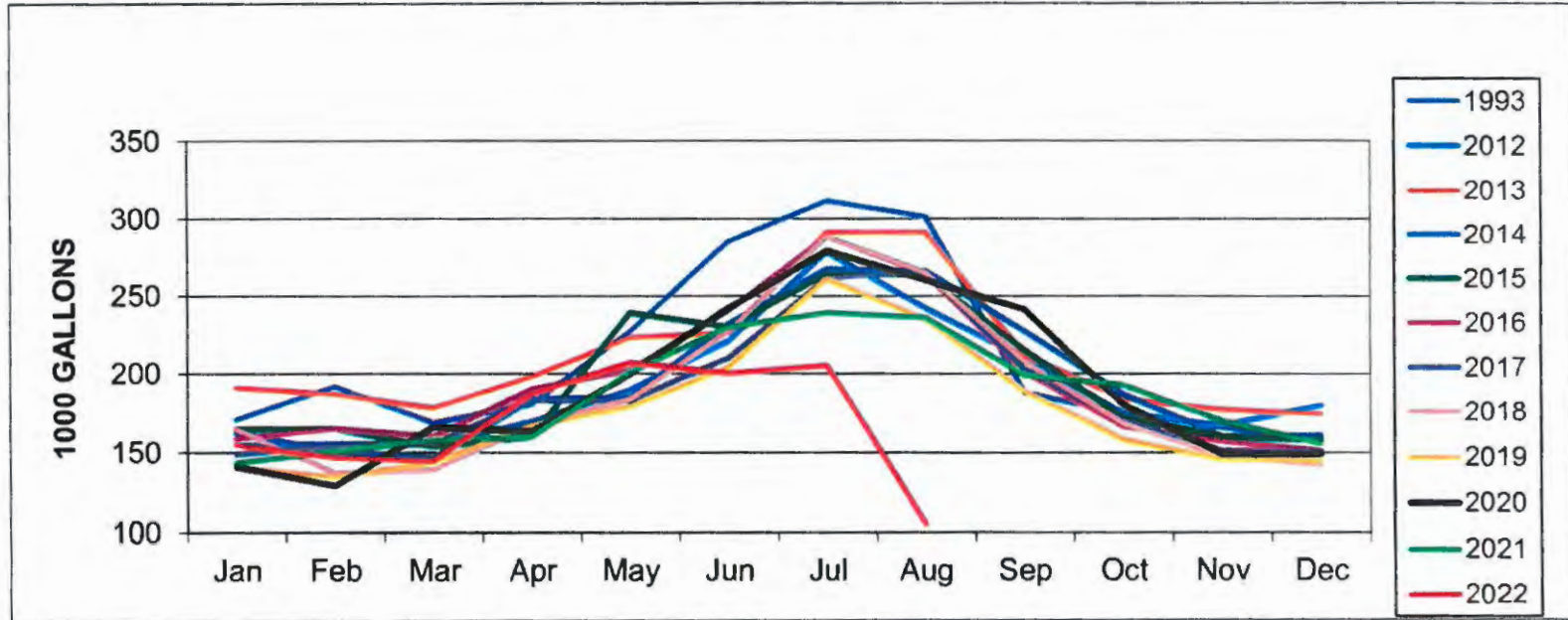
### WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for May 0.12 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 0.22 million gallons. There were no sanitary sewer overflows for the month of July.



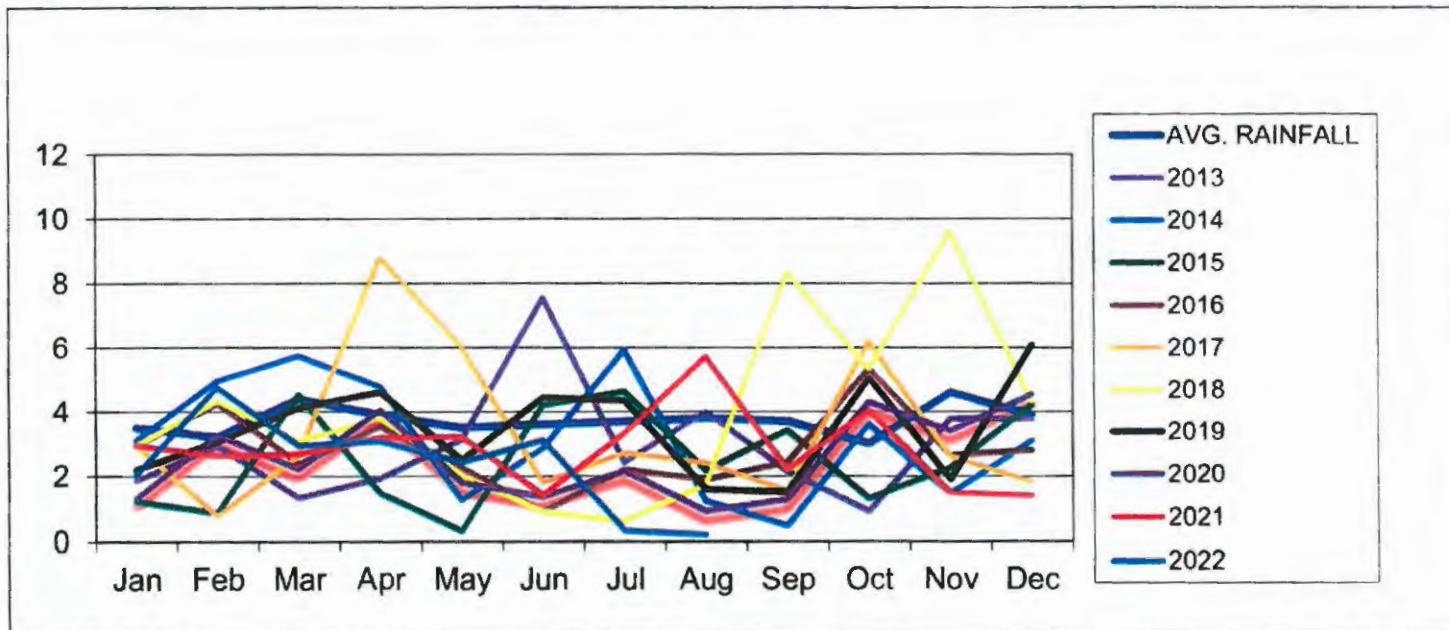
	1993	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	171	173	239	172	155	191	163	165	159	149	165	141	141	144	155
Feb	192	173	210	158	156	187	151	165	165	155	137	135	129	151	147
Mar	169	165	198	157	155	178	147	154	160	156	139	144	166	158	145
Apr	181	196	210	180	170	198	184	160	190	183	167	167	163	160	187
May	227	195	180	212	190	223	185	239	202	183	184	179	200	201	207
Jun	285	215	218	226	221	226	232	230	240	210	227	204	242	230	200
Jul	311	277	274	279	278	291	267	264	288	261	288	261	279	239	205
Aug	301	290	251	254	242	291	266	263	264	266	265	235	260	236	105
Sep	188	245	193	205	210	212	227	215	201	203	208	189	241	199	
Oct	175	259	182	175	175	184	187	172	166	170	168	158	180	193	
Nov	166	226	160	164	167	177	160	160	157	151	148	146	149	170	
Dec	158	230	167	158	180	174	161	158	151	151	142	145	149	156	

### PUMPING REPORT



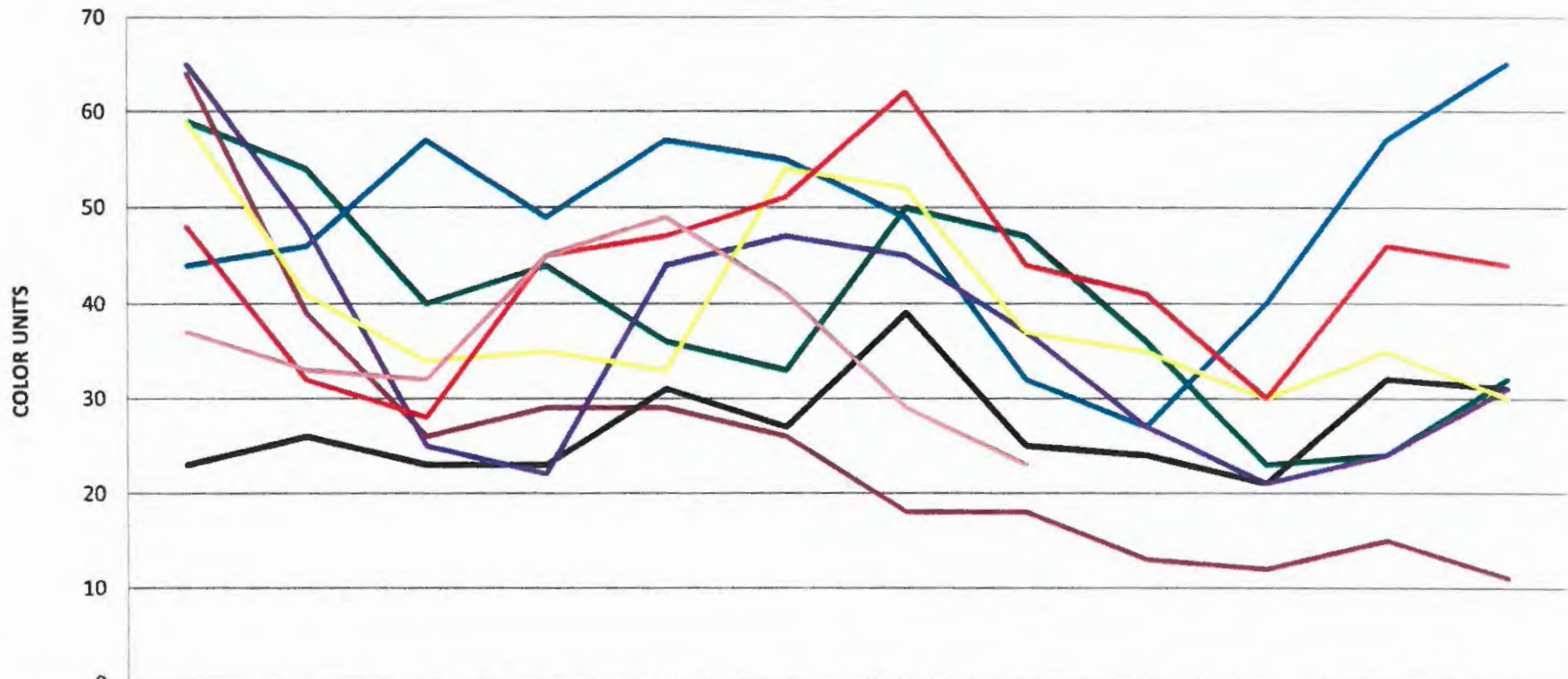
	AVG. RAINFALL	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3	2.94	2.04
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26	2.62	4.77
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21	2.66	2.94
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03	3.18	3.08
May	3.5	3.11	1.27	0.32	2.24	6.03	2.03	2.46	1.79	3.2	2.43
Jun	3.6	7.55	2.86	4.2	0.89	1.79	0.89	4.44	1.36	1.4	3.11
Jul	3.7	2.42	5.93	4.63	2.19	2.7	0.61	4.33	2.16	3.3	0.35 avg 25.8
Aug	3.8	3.98	1.23	2.17	1.88	2.4	1.73	1.58	0.91	5.71	0.23
Sep	3.7	2.13	0.5	3.41	2.42	1.54	8.35	1.49	1.27	2.19	
Oct	3	0.9	3.61	1.31	5.33	6.18	5.34	5.04	4.29	4.03	
Nov	4.6	3.76	1.47	2.27	2.63	2.61	9.61	1.89	3.39	1.47	
Dec	3.9	3.76	3.1	4.2	2.79	1.81	4.33	6.09	4.53	1.38	
Total	44.8	35.64	38.59	30.59	33.45	40.18	47.02	41.29	30.5	34.08	18.95

### RAINFALL





## Transfer Pumping NORTH POND WATER QUALITY



	1	2	3	4	5	6	7	8	9	10	11	12
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39	25	24	21	32	31
2018	44	46	57	49	57	55	49	32	27	40	57	65
2019	65	48	25	22	44	47	45	37	27	21	24	31
2020	59	41	34	35	33	54	52	37	35	30	35	30
2021	48	32	28	45	47	51	62	44	41	30	46	44
2022	37	33	32	45	49	41	29	23				



TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
JULY 2022

Douglas Ouellette, Superintendent

## Parameters

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.1207	MGD .73 MGD	
Daily Max	.2240		
BOD Removal	99.8%	85%	% Removed
TSS Removal	99.2%	85%	% Removed
Fecal Coliform	1.11	No limit, report only	
Enterococci	1.0	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

## Environmental Compliance (Violations)

There are 0 violations to report for the month of July 2022

## Complaints

There was one complaint reported for July, 45 Columbia Avenue reported its sewer was backing up. Staff responded to that address and determined it was the homes service line and that the street was clear.

## Alarms

The facility had three alarms in July 2022, all three were at pump station#2 and were the result of pump#2 motor starter tripping out on over temp due to the heat.

## Septage

The facility received 8250 gallons for July.

### **Sludge Production**

The facility processed 105,000 gallons of sludge through Wastewater Services Incorporated.

### **Maintenance Management**

Pump stations#1 and 2 had the grease and grit removed by Inland Waters. Facility staff replaced the motor starter for the sanitary sump.

### **Chemical Use**

The facility used 347 gallons of Sodium hypochlorite and 150 pounds of lime for process control.

### **Collection System**

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

### **Energy Use**

Energy use for July was: 187 KWH

### **Precipitation**

Precipitation for July was .35"

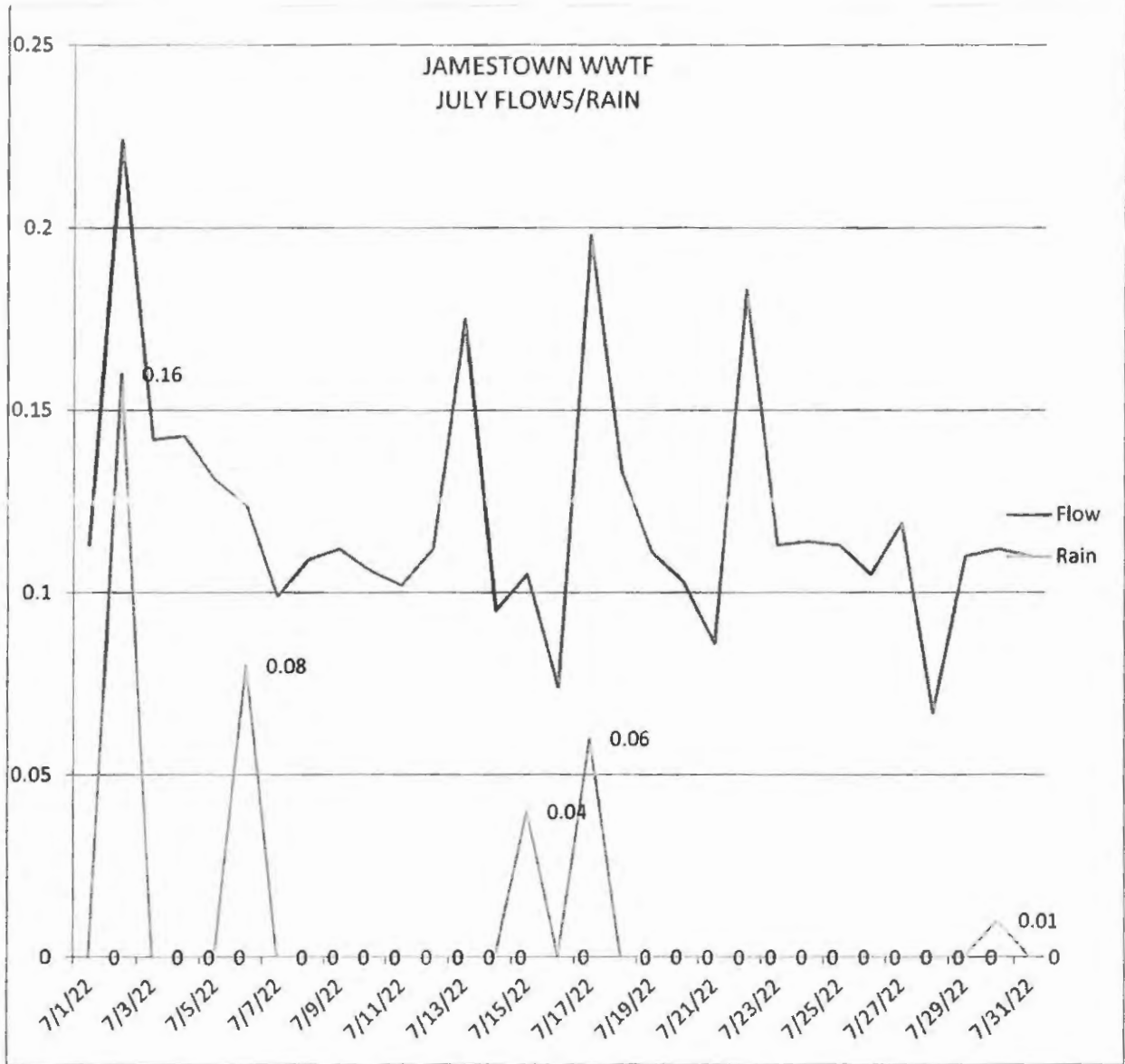
### **Golf Course**

2,271,000 gallons of effluent was pumped to the pond in July.

### **Work Orders**

70 work orders were completed.

### Graphs





## **Project Update September 2022**

### **WELLS**

JR-1, JR-3

- JR-1 is in service and producing approximately 28 gpm directly into the transmission main.

### **TREATMENT PLANT**

- The project schedule to strip and recoat the two steel filter tanks is being developed with SUEZ. As each tank is completed, the replacement membrane filters will be installed. The overhead crane was inspected in preparation for the project and no issues were found. The tentative plan is for work to begin in the fall. RIDOH is currently reviewing both the recoating protocol and the filter replacement.
- We have submitted a preliminary testing plan to RIDOH for PFAS testing. The RIDOH will fund an initial round of testing to establish a base line for Jamestown water. Sampling will be scheduled after RIDOH reviews the proposed sampling plan. RIDOH is proposing that the testing occur in October.

### **TRANSFER PUMPING/RESERVOIR**

- The region is experiencing a significant drought with the lack of significant rainfall over the past three months.
- No water was transferred from South Pond.

### **DISTRIBUTION SYSTEM**

South Pond @ 6 MG

Total Usable Storage is 6 Million Gallons

North Pond @ 29.75 MG

Total Usable Storage is 60 Million Gallons

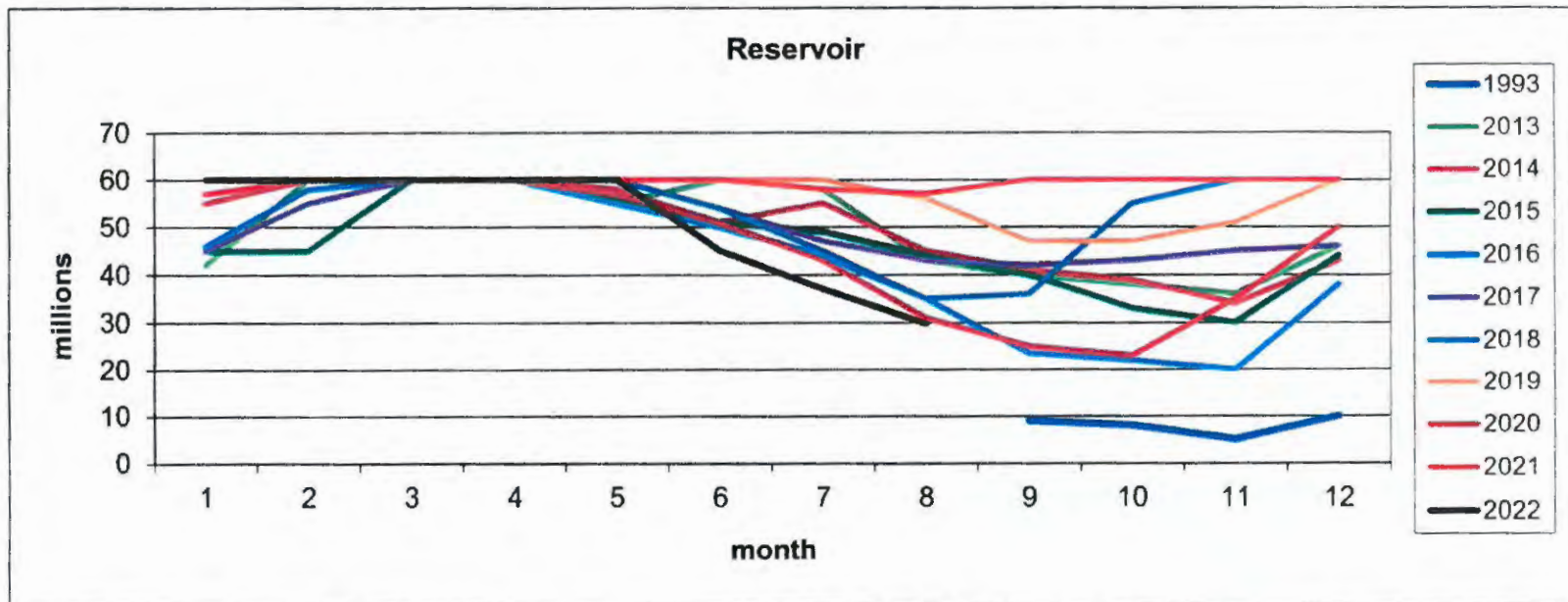
- The water tower painting project have been approved by the RI Department of Health. PARE Corporation is finalizing the bid documents for the project to be bid in fall 2022 with a planned start date in spring 2023.
- The proposal from PARE Corporation for the design of approximately 5700' of water main in Narragansett Ave and North Road has been awarded. Pare will be working with the Town to prepare bid documents with the project anticipated to be bid in spring of 2023.
- The proposal from PARE Corporation for the State mandated 5-year update to the Water Supply Management Plan has been awarded. The updated plan is due to the State in April 2023.
- A proposal from PARE Corporation to conduct a capacity and build out analysis of the Municipal Water System has been awarded. An initial kickoff meeting with staff has been scheduled.

### **WASTEWATER TREATMENT PLANT**

- The monthly average daily flow at the treatment plant for August was 0.09 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 0.12 million gallons. There were no sanitary sewer overflows for the month of July.

## RESERVOIR LEVEL

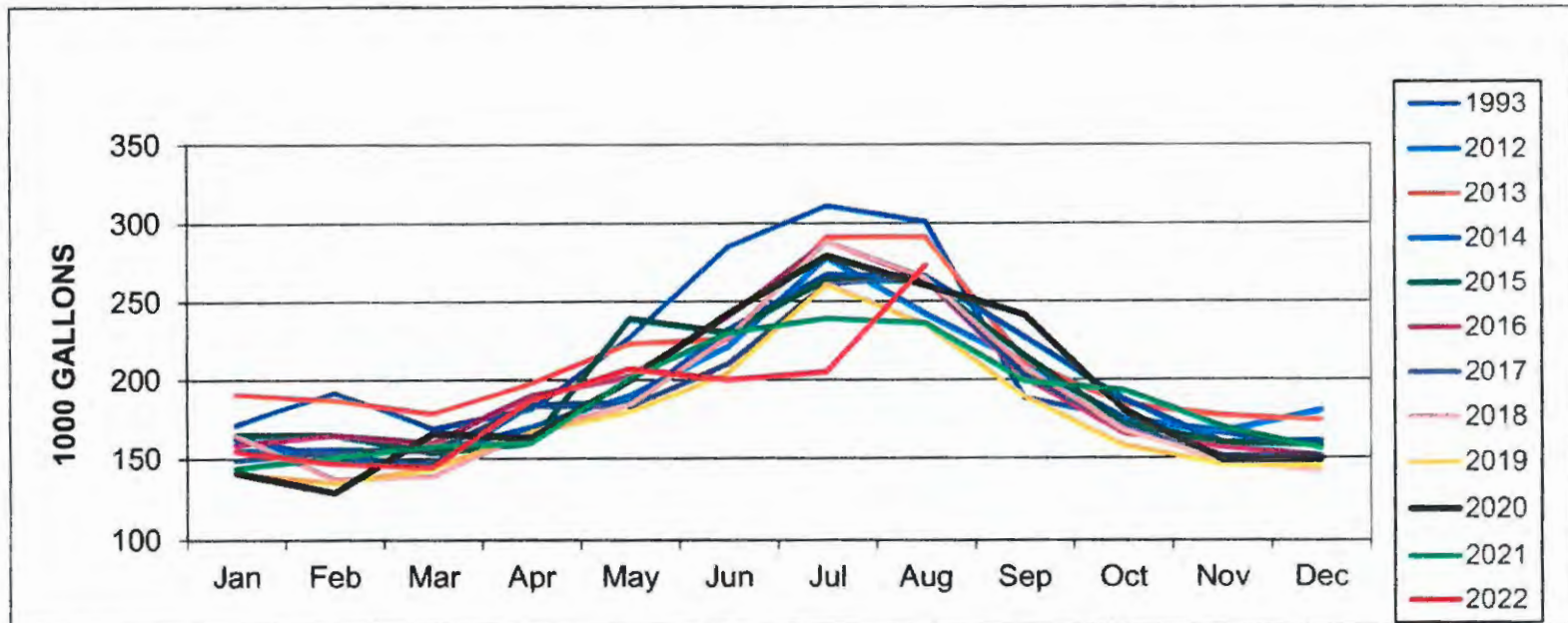
	1993	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan		60	42	55	45	46	45	60	60	60	57	60
Feb		60	60	60	45	58	55	60	60	60	60	60
Mar		58	60	60	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60	60
May		60	55	58	56	55	60	60	60	57	60	60
Jun		54	60	51	51	50	54	54	60	51	60	60
Jul		49	58	55	49	44	47	45	60	43	58	45
Aug		43	43	45	44	35	43	35	56	31	57	37
Sep	9	40	40	41	40	23.5	42	36	47	25	60	29.75
Oct	8	38	38	39	33	22	43	55	47	23	60	
Nov	5	35	36	34	30	20	45	60	51	35	60	
Dec	10	42	46	43	44	38	46	60	60	50	60	





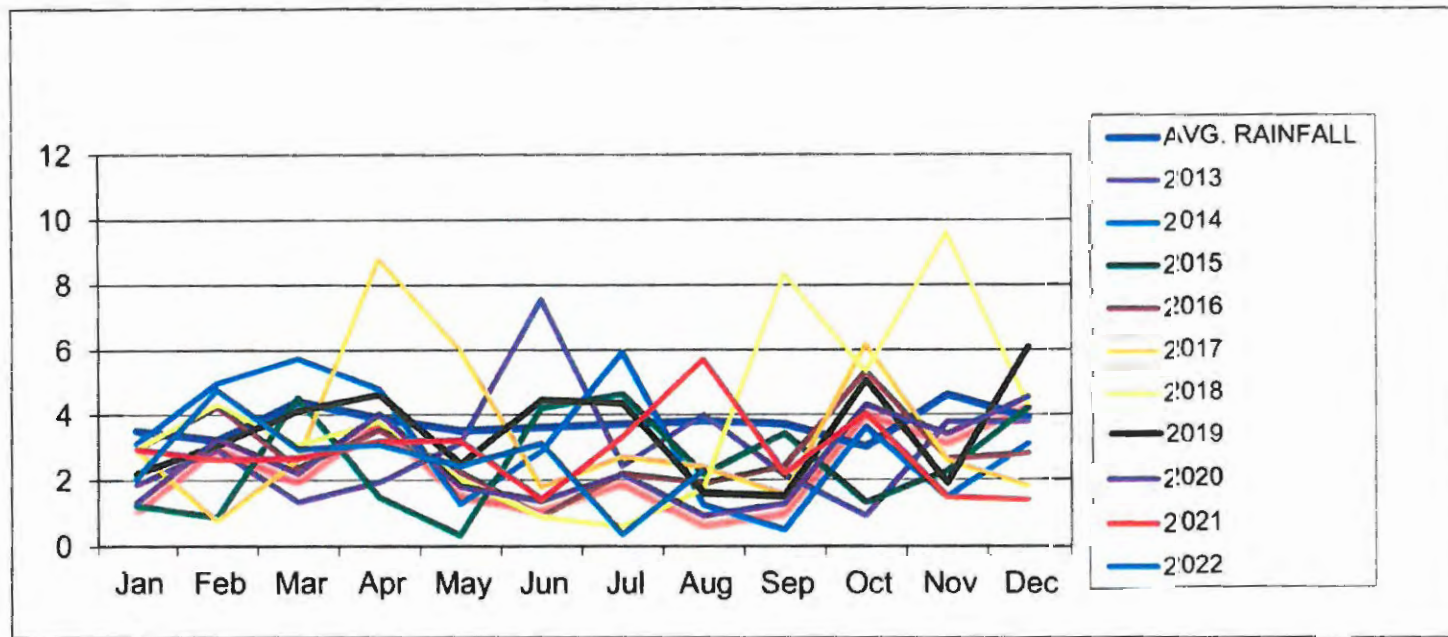
	1993	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	171	173	239	172	155	191	163	165	159	149	165	141	141	144	155
Feb	192	173	210	158	156	187	151	165	165	155	137	135	129	151	147
Mar	169	165	198	157	155	178	147	154	160	156	139	144	166	158	145
Apr	181	196	210	180	170	198	184	160	190	183	167	167	163	160	187
May	227	195	180	212	190	223	185	239	202	183	184	179	200	201	207
Jun	285	215	218	226	221	226	232	230	240	210	227	204	242	230	200
Jul	311	277	274	279	278	291	267	264	288	261	288	261	279	239	205
Aug	301	290	251	254	242	291	266	263	264	266	265	235	260	236	273
Sep	188	245	193	205	210	212	227	215	201	203	208	189	241	199	
Oct	175	259	182	175	175	184	187	172	166	170	168	158	180	193	
Nov	166	226	160	164	167	177	160	160	157	151	148	146	149	170	
Dec	158	230	167	158	180	174	161	158	151	151	142	145	149	156	

### PUMPING REPORT

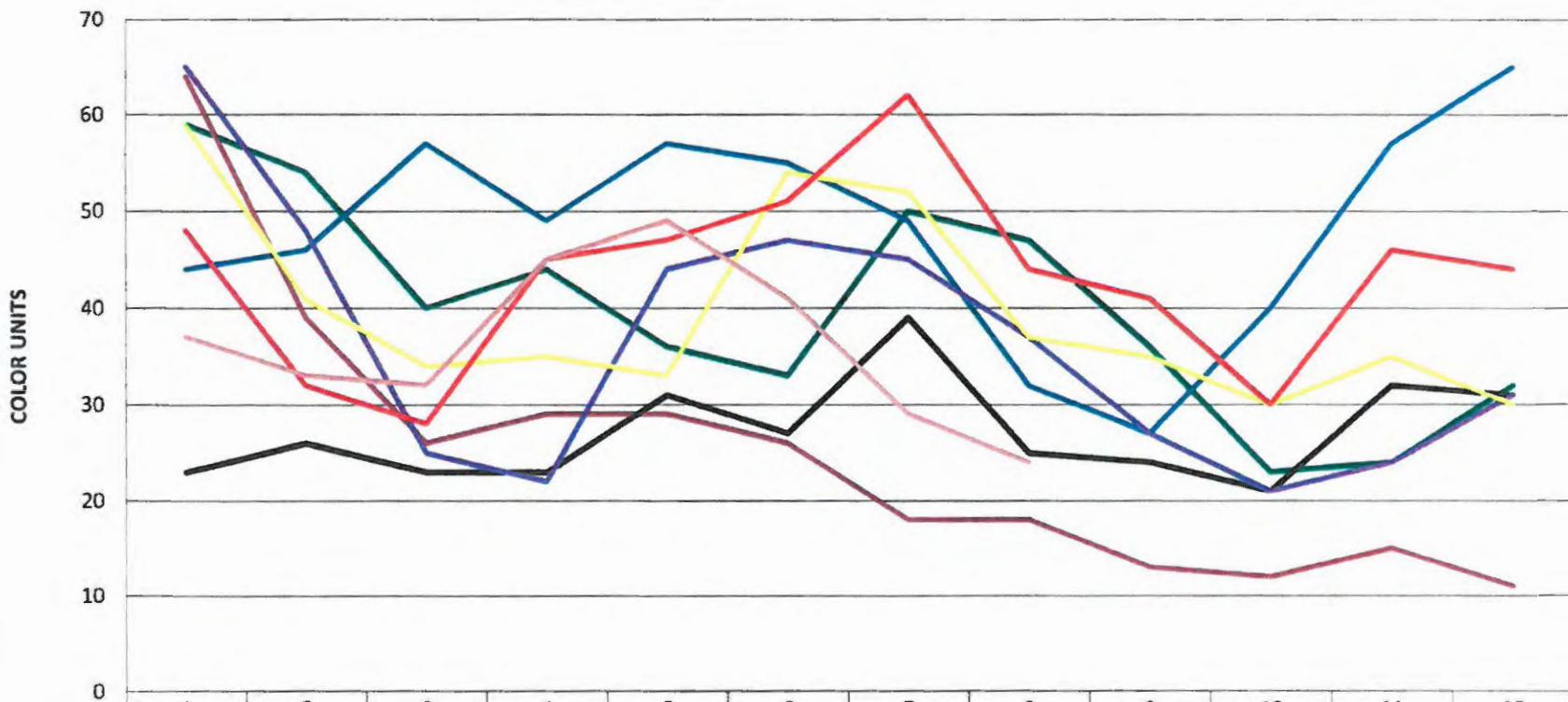


	AVG. RAINFALL	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	3.5	1.85	3.1	1.22	2.94	2.94	2.94	2.19	1.3	2.94	2.04
Feb	3.2	2.94	4.98	0.86	4.25	0.76	4.33	3.06	3.26	2.62	4.77
Mar	4.4	1.32	5.74	4.53	2.36	2.62	3.07	4.11	2.21	2.66	2.94
Apr	3.9	1.92	4.8	1.47	3.53	8.8	3.79	4.61	4.03	3.18	3.08
May	3.5	3.11	1.27	0.32	2.24	6.03	2.03	2.46	1.79	3.2	2.43
Jun	3.6	7.55	2.86	4.2	0.89	1.79	0.89	4.44	1.36	1.4	3.11
Jul	3.7	2.42	5.93	4.63	2.19	2.7	0.61	4.33	2.16	3.3	0.35
Aug	3.8	3.98	1.23	2.17	1.88	2.4	1.73	1.58	0.91	5.71	2.29 avg 29.6
Sep	3.7	2.13	0.5	3.41	2.42	1.54	8.35	1.49	1.27	2.19	
Oct	3	0.9	3.61	1.31	5.33	6.18	5.34	5.04	4.29	4.03	
Nov	4.6	3.76	1.47	2.27	2.63	2.61	9.61	1.89	3.39	1.47	
Dec	3.9	3.76	3.1	4.2	2.79	1.81	4.33	6.09	4.53	1.38	
Total	44.8	35.64	38.59	30.59	33.45	40.18	47.02	41.29	30.5	34.08	21.01

### RAINFALL



## Transfer Pumping NORTH POND WATER QUALITY



	1	2	3	4	5	6	7	8	9	10	11	12
2015	59	54	40	44	36	33	50	47	36	23	24	32
2016	64	39	26	29	29	26	18	18	13	12	15	11
2017	23	26	23	23	31	27	39	25	24	21	32	31
2018	44	46	57	49	57	55	49	32	27	40	57	65
2019	65	48	25	22	44	47	45	37	27	21	24	31
2020	59	41	34	35	33	54	52	37	35	30	35	30
2021	48	32	28	45	47	51	62	44	41	30	46	44
2022	37	33	32	45	49	41	29	24				



TOWN of JAMESTOWN WWTF  
MONTHLY REPORT  
AUGUST 2022

Douglas Ouellette, Superintendent

## **Parameters**

	<u>Monthly Avr.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.0928	MGD .73 MGD	
Daily Max	.1160		
BOD Removal	99.8%	85%	% Removed
TSS Removal	99.4%	85%	% Removed
Fecal Coliform	1.0	No limit, report only	
Enterococci	1.0	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

## **Environmental Compliance (Violations)**

There are 0 violations to report for the month of August 2022

## **Complaints**

There were no complaints reported for August

## **Alarms**

The facility had 1 alarm that was caused by a power blip during a lightning storm August 26th.

## **Septage**

The facility received 3750 gallons for August.

## **Sludge Production**

The facility processed 76,500 gallons of sludge through Wastewater Services Incorporated.

## **Maintenance Management**

### **Chemical Use**

The facility used 330.4 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

### **Collection System**

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

### **Energy Use**

Energy use for August was: 195 KWH

### **Precipitation**

Precipitation for August was 2.29"

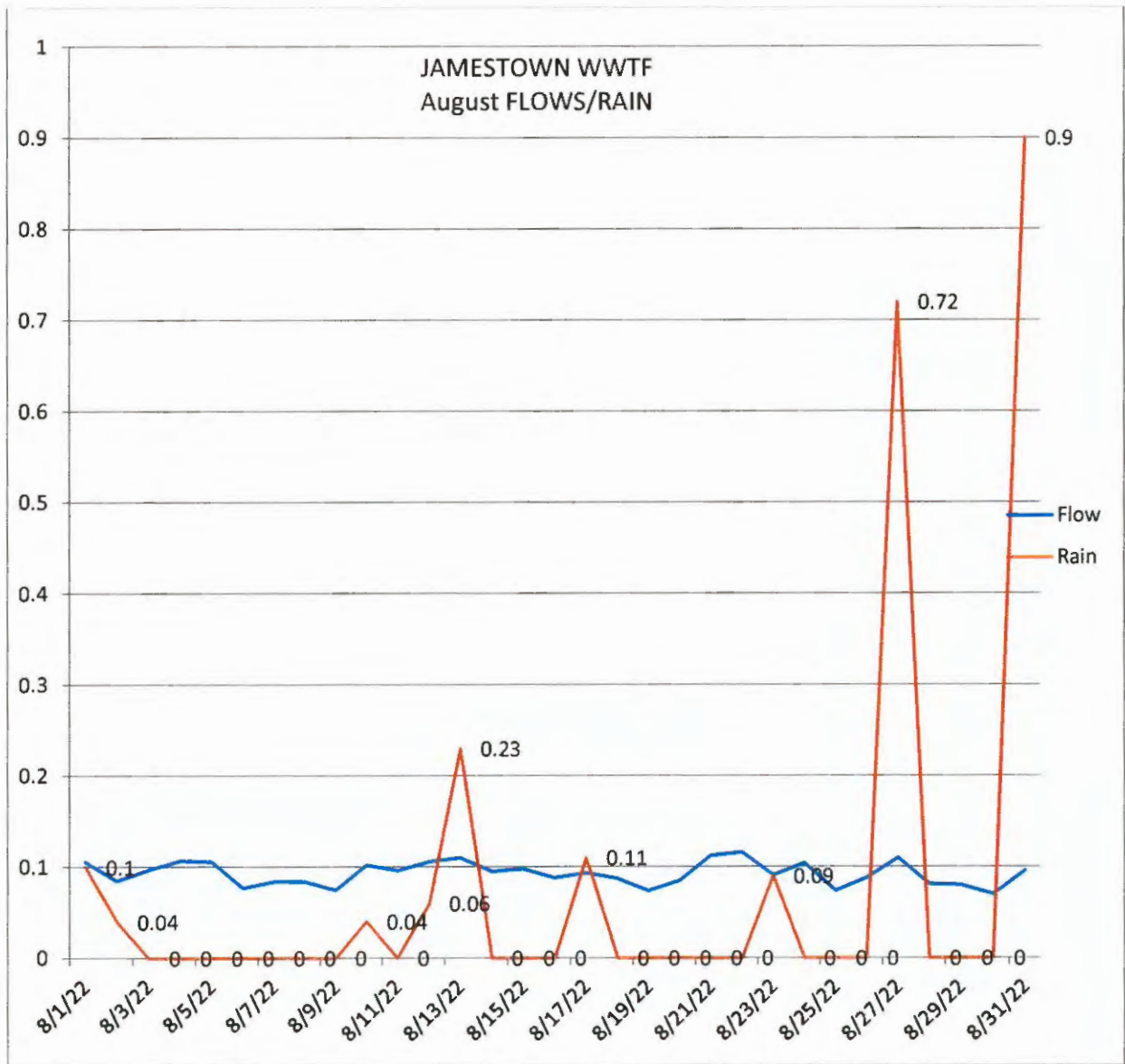
### **Golf Course**

2,059,000 gallons of effluent was pumped to the pond in August.

### **Work Orders**

63 work orders were completed.

## Graphs







Christine Ferguson  
37 Bay View Dr.  
Jamestown RI 02835

REC'D  
12/21/21  
Rec. \$1900.00 check # 2845  
12/21/21

The Honorable Nancy A Beye  
President  
Jamestown Town Council Sitting as  
The Board of Water and Sewer Commission  
August 21, 2022

Dear Madame President,

I am writing to request relief from our water bill which skyrocketed from the normal amount of roughly \$1,000 over 6 months to \$33,000 in the last quarter of 2021 and the first quarter of 2022 due to a leak that occurred sometime in December of 2021 and was identified and repaired on January 18 of 2022.

The pipe was in a crawl space under the area in which my elderly mother lives. No one could see or hear it and my mother did not notice a loss in water pressure in that side of the house. It did not affect the water pressure in the rest of our house. We had no indication that it had occurred until we went down under her section of the house into the crawl space to install a new water heater on January 18 and saw it spilling out into the ground at an alarming rate. We fixed it immediately.

I have attached our account history for the past 10 years, as well as the fourth quarter bill for 2021 and first and second quarter bills for this year. As you can see the second quarter bill reflects a full quarter without the impact of the leak and is in line with our normal usage.

For the past 3 years, our fourth quarter usage was \$696, \$432, and \$421 and our first quarter usage was \$549, \$401, and \$421. The leak caused it to be \$21,720 and \$10,497 this year.

I am asking for relief from this bill and am happy to attend any meetings or provide any additional information you and the Commission require. This was an extraordinary circumstance and had it been in any other part of the house I am sure we would have immediately felt the impact. Unfortunately, my mother did not. I was surprised that there was no indication at the water or sewer facilities that such a large amount of water was suddenly being consumed somewhere on the island. Perhaps there is some way to create a tool that would notify the department if an unusually large amount of water is suddenly being used so it can be checked.

I appreciate your consideration of my request for relief. I have enclosed a check for the highest amount for each of the quarters in question for the past 3 years as well as our full second quarter amount in the hope our water won't be shut off as you consider our situation.

Sincerely,

Christine Ferguson

Cell phone # 401-862-3325

**TOWN OF JAMESTOWN**  
**Water & Sewer Division**

Plat and Lot Number: 8/261  
 Location: 37 BAY VIEW DRIVE  
 Account Number: 05-106018

Total Amount Due:	\$21,720.52
Due Date:	Due upon receipt
Amount Enclosed:	

PAYMENTS CAN BE MADE BY MAIL, IN PERSON OR BY DROP BOX, WHICH IS LOCATED AT THE TOWN HALL 93 NARR AVE

FERGUSON CHRISTINE C.  
 37 BAYVIEW DRIVE  
 JAMESTOWN, RI 02835

Please Remit Water Bill Payment To:

Jamestown Water and Sewer Division  
 93 Narragansett Avenue  
 P.O. Box 377  
 Jamestown, RI 02835

^ DETACH HERE ^

PLEASE DETACH AND RETURN TOP PORTION OF BILL WITH YOUR PAYMENT

^ DETACH HERE ^

Read Information	Charge Description	Units	Rate	Amount Due		
Read Type: Actual (Mtr# 48240967, Size: 1)	MINIMUM IN ADV.	1.0000	156.4700 \$/FLAT	156.47		
Current Read: 2,122,000 on 12/16/2021	EXCESS WATER	386.0000	28.2600 \$/1000 GAL	10767.06		
Prior Read: 1,736,000 on 09/08/2021	STATE SURCHARGE 1	386.0000	0.1054 \$/1000 GAL	40.66		
Consumption: 386,000 GAL	STATE SURCHARGE 2	386.0000	0.1664 \$/1000 GAL	64.23		
	SEWER CHARGE USAGE	386.0000	17.2000 \$/1000 GAL	6639.20		
	SEWER DEBT FLAT FEE	1.0000	38.0200 \$/FLAT	38.02		
	SEWER DEBT USAGE FEE	386.0000	6.4900 \$/1000 GAL	2505.14		
Current Bill Total				20,210.80		
Description	Original Bill	- Adjustments	- Payments	= Balance Due	+ Interest	= Amount Due
2022 W/S Tax Roll	1,228.75	0.00	0.00	1,228.75	280.97	1,509.72
<i>christy@leveragegc.com</i> <i>401-862-3325</i>						
<b>Total Amount Due:</b>						<b>\$21,720.52</b>

WATER SERVICES SHALL BE TERMINATED ON ALL DELINQUENT ACCOUNTS IN COMPLIANCE WITH RI STATE LAW...  
 Interest is calculated at 8.00 per annum and is accrued daily. Your bill reflects interest calculated as of 02/28/2022

<b>Account Number</b> 05-106018	<b>Plat and Lot Number</b> 8/261
FERGUSON CHRISTINE C. 37 BAYVIEW DRIVE JAMESTOWN, RI 02835	<b>Town:</b> Jamestown Water and Sewer Division 93 Narragansett Avenue P.O. Box 377 Jamestown, RI 02835 <b>Phone:</b> (401) 423-9808



Check your balance and pay on-line at: [www.jamestownri.gov](http://www.jamestownri.gov)

Your Account number is: 05-106018

**TOWN OF JAMESTOWN**  
**Water & Sewer Division**

Total Amount Due:	<b>\$32,119.40</b>
Due Date:	<b>Due upon receipt</b>
Amount Enclosed:	

Plat and Lot Number: 8/261  
 Location: 37 BAY VIEW DRIVE  
 Account Number: 05-106018

PAYMENTS CAN BE MADE BY MAIL, IN PERSON  
 OR BY DROP BOX, WHICH IS LOCATED AT THE  
 TOWN HALL 93 NARR AVE

FERGUSON CHRISTINE C.  
 37 BAYVIEW DRIVE  
 JAMESTOWN, RI 02835

Please Remit Water Bill Payment To:

Jamestown Water and Sewer Division  
 93 Narragansett Avenue  
 P.O. Box 377  
 Jamestown, RI 02835

^ DETACH HERE ^ PLEASE DETACH AND RETURN TOP PORTION OF BILL WITH YOUR PAYMENT ^ DETACH HERE ^

Read Information	Charge Description	Units	Rate	Amount Due		
Read Type: Actual (Mtr#: 48240967, Size: 1) Current Read: 2,322,000 on 03/10/2022 Prior Read: 2,122,000 on 12/16/2021 Consumption: 200,000 GAL	MINIMUM IN ADV.	1.0000	156.4700 \$/FLAT	156.47		
	EXCESS WATER	195.0000	28.2600 \$/1000 GAL	5510.70		
	STATE SURCHARGE 1	200.0000	0.1054 \$/1000 GAL	21.08		
	STATE SURCHARGE 2	200.0000	0.1664 \$/1000 GAL	33.28		
	SEWER CHARGE USAGE	200.0000	17.2000 \$/1000 GAL	3440.00		
	SEWER DEBT FLAT FEE	1.0000	38.0200 \$/FLAT	38.02		
	SEWER DEBT USAGE FEE	200.0000	6.4900 \$/1000 GAL	1298.00		
	Current Bill Total:				10,497.55	
Description	Original Bill	- Adjustments	- Payments	= Balance Due	+ Interest	= Amount Due
2022 W/S Tax Roll	21,439.55	0.00	0.00	21,439.55	182.30	21,621.85
<b>Total Amount Due:</b>						<b>\$32,119.40</b>

**WATER SERVICES SHALL BE TERMINATED ON ALL DELINQUENT ACCOUNTS IN COMPLIANCE WITH RI STATE LAW...**  
 Interest is calculated at 8.00 per annum and is accrued daily. Your bill reflects interest calculated as of 04/01/2022

<b>Account Number 05-106018</b>	<b>Plat and Lot Number 8/261</b>
FERGUSON CHRISTINE C. 37 BAYVIEW DRIVE JAMESTOWN, RI 02835	<b>Town:</b> Jamestown Water and Sewer Division 93 Narragansett Avenue P.O. Box 377 Jamestown, RI 02835  <b>Phone:</b> (401) 423-9808



Check your balance and pay on-line at: [www.jamestownri.gov](http://www.jamestownri.gov)

Your Account number is: 05-106018

**TOWN OF JAMESTOWN**  
**Water & Sewer Division**

Plat and Lot Number: 8/261  
 Location: 37 BAY VIEW DRIVE  
 Account Number: 05-106018

Total Amount Due:	<b>\$33,335.60</b>
Due Date:	Due upon receipt
Amount Enclosed:	

PAYMENTS CAN BE MADE BY MAIL, IN PERSON  
 OR BY DROP BOX, WHICH IS LOCATED AT THE  
 TOWN HALL 93 NARR AVE

FERGUSON CHRISTINE C.  
 37 BAYVIEW DRIVE  
 JAMESTOWN, RI 02835

Please Remit Water Bill Payment To:

Jamestown Water and Sewer Division  
 93 Narragansett Avenue  
 P.O. Box 377  
 Jamestown, RI 02835

^ DETACH HERE ^

PLEASE DETACH AND RETURN TOP PORTION OF BILL WITH YOUR PAYMENT

^ DETACH HERE ^

Read Information	Charge Description	Units	Rate	Amount Due					
Read Type: Actual (Mtr#: 48240967, Size: 1) Current Read: 2,337,000 on 06/09/2022 Prior Read: 2,322,000 on 03/10/2022 Consumption: 15,000 GAL	MINIMUM IN ADV.	1.0000	156.4700 \$/FLAT	156.47					
	EXCESS WATER	10.0000	10.1600 \$/1000 GAL	101.60					
	STATE SURCHARGE 1	15.0000	0.1054 \$/1000 GAL	1.58					
	STATE SURCHARGE 2	15.0000	0.1664 \$/1000 GAL	2.50					
	SEWER CHARGE USAGE	15.0000	17.2000 \$/1000 GAL	258.00					
	SEWER DEBT FLAT FEE	1.0000	38.0200 \$/FLAT	38.02					
	SEWER DEBT USAGE FEE	15.0000	6.4900 \$/1000 GAL	97.35					
Current Bill Total:				655.52					
Description	Original Bill	Adjustments	Payments	=	Balance Due	+	Interest	=	Amount Due
2022 W/S Tax Roll	31,937.10	0.00	0.00	=	31,937.10	+	742.98	=	32,680.08
<b>Total Amount Due:</b>									<b>\$33,335.60</b>

**WATER SERVICES SHALL BE TERMINATED ON ALL DELINQUENT ACCOUNTS IN COMPLIANCE WITH RI STATE LAW...**  
 Interest is calculated at 8.00 per annum and is accrued daily. Your bill reflects interest calculated as of 07/01/2022

<b>Account Number</b> 05-106018	<b>Plat and Lot Number</b> 8/261
FERGUSON CHRISTINE C. 37 BAYVIEW DRIVE JAMESTOWN, RI 02835	<b>Town:</b> Jamestown Water and Sewer Division 93 Narragansett Avenue P.O. Box 377 Jamestown, RI 02835 <b>Phone:</b> (401) 423-9808



Check your balance and pay on-line at: [www.jamestownri.gov](http://www.jamestownri.gov)

Your Account number is: 05-106018

**Account Information**

Account Status: Active  
 Account Number: 05-106018  
 Utility Billing Address:  
 FERGUSON, CHRISTINE C.  
 37 BAYVIEW DRIVE  
 JAMESTOWN, RI 02835

Parcel ID: 8/261  
 Location: 37 BAY VIEW DRIVE  
 Property Type: RESIDENTIAL  
 District: JAMESTOWN  
 Business Type: DISTRICT 1  
 Section:  
 Billing Freq:  
 Mtr. Number 48240967  
 Mtr. MIU

**Water Billing History**

Billing Roll	Read Type	Reading	Reading Date	Consumption	Total
2021-10-01 W/S	ACTUAL	1,736,000	09/08/2021	29,000	
2021-07-01 W/S	ACTUAL	1,707,000	06/08/2021	21,000	\$888.54
2021-04-01 W/S	ACTUAL	1,686,000	03/08/2021	13,000	\$549.00
2021-01-01 W/S	ACTUAL	1,673,000	12/10/2020	17,000	\$696.61
2020-10-01 W/S	ACTUAL	1,656,000	09/08/2020	26,000	\$1,071.60
2020-07-01 W/S	ACTUAL	1,630,000	06/08/2020	13,000	\$519.65
2020-04-01 W/S	ACTUAL	1,617,000	03/11/2020	9,000	\$401.85
2020-01-01 W/S	ACTUAL	1,608,000	12/10/2019	10,000	\$432.85
2019-10-01 W/S	ACTUAL	1,598,000	09/09/2019	11,000	\$461.79
2019-07-01 W/S	ACTUAL	1,587,000	06/10/2019	9,000	\$391.57
2019-04-01 W/S	ACTUAL	1,578,000	03/11/2019	10,000	\$421.20
2019-01-01 W/S	ACTUAL	1,568,000	12/10/2018	10,000	\$421.20
2018-10-01 W/S	ACTUAL	1,558,000	09/10/2018	12,000	\$476.49
2018-07-01 W/S	ACTUAL	1,546,000	06/08/2018	11,000	\$440.75
2018-04-01 W/S	ACTUAL	1,535,000	03/09/2018	13,000	\$494.43
2018-01-01 W/S	ACTUAL	1,522,000	12/08/2017	11,000	\$440.75
2017-10-01 W/S	ACTUAL	1,511,000	09/12/2017	22,000	\$825.60
2017-07-01 W/S	ACTUAL	1,489,000	06/09/2017	44,000	\$1,501.70
2017-04-01 W/S	ACTUAL	1,445,000	03/10/2017	21,000	\$778.99
2017-01-01 W/S	ACTUAL	1,424,000	12/09/2016	24,000	\$873.26
2016-10-01 W/S	ACTUAL	1,400,000	09/09/2016	21,000	\$778.99
2016-07-01 W/S	ACTUAL	1,379,000	06/10/2016	30,000	\$1,050.69
2016-04-01 W/S	ACTUAL	1,349,000	03/09/2016	23,000	\$833.33
2016-01-01 W/S	ACTUAL	1,326,000	12/09/2015	13,000	\$480.65
2015-10-01 W/S	ACTUAL	1,313,000	09/14/2015	15,000	\$550.72
2015-07-01 W/S	ACTUAL	1,298,000	06/10/2015	25,000	\$875.24
2015-04-01 W/S	ACTUAL	1,273,000	03/11/2015	38,000	\$1,263.34
2015-01-01 W/S	ACTUAL	1,235,000	12/10/2014	41,000	\$1,353.85
2014-10-01 W/S	ACTUAL	1,194,000	09/15/2014	68,000	\$2,336.08
2014-07-01 W/S	ACTUAL	1,126,000	06/09/2014	14,000	\$467.88
2014-04-01 W/S	ACTUAL	1,112,000	03/10/2014	12,000	\$420.27
2014-01-01 W/S	ACTUAL	1,100,000	12/09/2013	13,000	\$444.07
2013-10-01 W/S	ACTUAL	1,087,000	09/11/2013	19,000	\$610.26
2013-07-01 W/S	ACTUAL	1,068,000	06/10/2013	13,000	\$423.53
2013-04-01 W/S	ACTUAL	1,055,000	03/11/2013	16,000	\$508.79
2013-01-01 W/S	ACTUAL	1,039,000	12/13/2012	13,000	\$423.53
2012-10-01 W/S	ACTUAL	1,026,000	09/17/2012	27,000	\$838.92



## CONSERVATION

15A. Limitations on Use. In an effort to conserve water, the following rules shall control the uses hereafter described:

1. No customer shall connect an in-ground or underground irrigation or sprinkler system to the municipal water system. Lawn irrigation shall be prohibited from June 1 to August 31.
2. No customer shall use water furnished by the municipal water system for lawn irrigation, house washing, boat washing, or residential car washing when the height of north reservoir is more than 42 inches below the top of the spillway and after publication of said information in a daily or weekly newspaper of general circulation within the Town of Jamestown.
3. When the height of the north reservoir is from 42 inches to 60 inches below the top of the spillway and after publication as described in subsection 2, above, no customer shall use water furnished by the municipal water system for any outdoor use.
4. Any customer alleged to have violated any of subsections 1 through 4, of section 15A or any of subsections 1 through 4 of Section 15B of the Rules and Regulations, may be required to appear at a show cause hearing before the commission. Notice of the show cause hearing shall be mailed to the customer by first class mail at least 14 days before the hearing. The notice shall set forth the time, date and place of hearing and the subsection or subsections alleged to have been violated. The hearing shall be open to the public. Violations shall be established upon proof to a preponderance of the evidence before the commission, as found by a majority vote of all members of the commission, that the customer has violated the aforementioned rules and regulations. If the commission finds that there has been a violation of the rules and regulations, the burden shall be upon the customer to show cause, by a preponderance of the evidence satisfactory to a majority of the commission, why the customer's water service should not be discontinued or, as an alternative to discontinuance, temporarily suspended upon such terms and conditions as the commission deems appropriate.
5. An application for relief from the literal requirements of subsections 2, 3, and 4, above, in the form of a variance, shall be made in writing to the board of water and sewer commissioners, specifying the relief sought and reasons therefore. The commission shall hold a public hearing on any application for a variance in an expeditious manner, after receipt, in proper form, of an application, and shall give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of Jamestown at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the application for the variance. Notice also shall be sent by first class mail to the applicant at least 14 days before the hearing. The cost of publishing and mailing notices shall be borne by the applicant. The commission may grant relief in the form of a variance, setting forth terms, conditions and limitations it deems appropriate, only upon a four-fifths vote of all members of the commission and only upon a finding that the applicant has proven by clear and convincing evidence:
  - a.) That the requested relief will not compromise the ability of the commission to supply customers with adequate quantities of safe potable water; and,
  - b.) That the requested relief will not contribute to conditions inimical to the public health, safety and welfare or to the Town of Jamestown Water Supply Management Plan; and
  - c.) That the applicant has no reasonably available and practical alternative, such as wells, holding tanks, water tankers, off-island services, or the like, to supply water for the use or uses in question; and,
  - d.) That the applicant will suffer substantial hardship if relief is not granted and that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; and,
  - e.) That the relief to be granted is the least relief necessary.
6. The commission may temporarily suspend all or part of the limitations on use set forth in subsections 2, 3 and 4 above, for such period or periods of time and/or upon such terms and conditions it deems appropriate at a public hearing and upon a four-fifths vote of all members of the commission and upon a finding, upon a preponderance of the evidence, that it is satisfied that rainfall, other meteorological conditions, north reservoir height, projected water usage needs, and other

\*\*Consumption tolerances shall be determined from reference standards.

Within 15 years of the date May 17, 1999, all clothes washers in all improved real property connected to the municipal water system shall meet or exceed the water efficiency standards established and published by the board the from time to time.

4. *Procedure.* No person shall connect new construction as described in (B)(1) above, replace appliances as described in (B)(2) above, or replace toilets, faucets, showerheads and clothes washers as described in (B)(3)(a) and (B)(3)(b) above, unless issued a permit therefore by the office of the building official of the Town of Jamestown.

Upon installation or replacement of the appliances and/or fixtures described herein, every owner shall apply to the office of the building official for a certificate of compliance which shall be issued by the office of the building official upon satisfactory evidence that the appliances and/or fixtures meet the standards established and published by the board from time to time. The office of the building official shall charge as an inspection fee for said certificate of compliance such fee as may be established and published by the commission from time to time. Said certificate of compliance shall be presented to the clerk of the commission who shall maintain a permanent record of the same.



**TOWN OF JAMESTOWN  
BOARD OF WATER & SEWER COMMISSIONERS**

**IN RE: APPLICATION OF CLP TRUST-2016 FOR EXTENSION OF WATER SERVICE FOR 68 EAST SHORE ROAD**

**DATE: SEPTEMBER 13, 2022**

**MEMORANDUM IN SUPPORT OF THE APPLICATION OF CLP TRUST-2016 FOR AN EXTENSION OF WATER SERVICE FOR 68 EAST SHORE ROAD**

NOW COMES CLP Trust-2016 and hereby files this Memorandum, as requested by the Board of Water and Sewer Commissioners (“Board”) at the August 22, 2022 meeting<sup>1</sup>.

**BACKGROUND FACTS AND TRAVEL**

On June 16, 2016, CLP Trust-2016 (“Owner” or “Applicant”) purchased property located at 68 East Shore Road, Jamestown, Rhode Island, otherwise known as Assessor’s Plat 7, Lot 86 (“Property”). The Property consists of a 21,780 sq. ft. lot of record, with a one-story, 1,672 sq. ft. single family ranch-style home located on the Property. The Property is located south of the Town’s North Reservoir, and approximately 600 ft. from the closest water line which ends service at 36 East Shore Road:

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<sup>1</sup> In submitting this Memorandum, CLP Trust-2016, nor its Trustee or beneficiary waive any and all rights they have and are pursuing at law and in equity.



See plan DiPrete Engineering submitted with 2021 and 2022 Applications. The water quality and quantity servicing the house has become dire in that quantity was significantly less than RI Department of Health mandated standards for a residential dwelling, and quality having become a threat to Ms. DiMeglio and her family's health. Experts were retained to determine alternatives. After being advised that there were no feasible alternatives for either a new well, a deeper well, fracking, or a treatment system by several experts, the Owner submitted an Application for a water extension in May 2021 ("2021 Application")<sup>2</sup>. Expert reports and testimony were presented to this Board on the 2021 Application which was heard before this Board on May 17, 2021, and June 21, 2021. The Board denied the 2021 Application but did not

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<sup>2</sup> The Applicant had significant reasonable investment-backed expectations at this time, as a review of the Board's decisions shows that no applicant has been denied an extension or connection who is similarly situated as the current Applicant.

issue its written decision until October 13, 2021. The Board reviewed the 2021 Application under the standards set forth in its Regulations.

Subsequently, in early 2022, legislation was introduced to standardize the requirements for consideration of water connections and extensions by public water authorities. Such legislation was passed by the General Assembly in June 2022 and signed into law by the Governor the same month (“2022 Statute”). The legislation amended R.I. Gen. Laws §46-15-2 and is applicable to all applications. Importantly, the legislation applies the following standards to applications:

- (1) The application must not be prohibited by the specific language of the latest water supply system management plan (“WSSMP”) of the public water supply system;
- (2) The application must comply with the design and construction standards and specifications established by the public water supply system for the sizing and location for the infrastructure;
- (3) The extensions shall not reduce the necessary level of fire protection for the community;
- (4) All water main and service connection materials, construction and inspection required hereunder shall be at the sole cost and expense of the applicant;
- (5) The public water supply system shall be granted an easement in a form acceptable to them which shall permit the maintenance, repair or replacement of water lines and all other related activities;
- (6) For applications for single-family residential lots, the applicant must show that:
  - (i) The existing or proposed well for the property does not meet the well industry standard as described in the department of environmental management regulations for “yield per depth of well chart” which is required by the department of health for a dwelling unit; and
  - (ii) Due to the unique characteristics of the property that the drilling of a new well is not feasible;

R.I. Gen. Laws § 46-15-2. The 2022 Statute also allows water districts and water supply facilities to apply *less* stringent standards so long as consistent with their up-to-date Water Supply System Management Plan (“WSSMP”).

Just two weeks after passage of the 2022 Statute, the Applicant submitted a new application, with summaries, updated technical information and expert reports on July 1, 2022, and supplemented with an updated well report on July 5, 2022, and a plan from DiPrete Engineering showing the location of wells and septic systems in the area which was submitted on August 15, 2022. The Application was scheduled to be heard on August 22, 2022, but upon Motion of Board Member White, the Board did not hear the 2022 Application and instead required the instant Memorandum to be submitted to be considered at the September 19, 2022, hearing of the Board.

The Property was purchased with the intent to be a year-round residence for Ms. DiMeglio, her husband, and their young family; however, the Property is currently unusable for *any* permitted use and the DiMeglio family had to find replacement housing late last year and has been unable to return to reside at the Property because of the lack of water servicing the home. The Property lacks all beneficial use without a permitted water connection.

#### **ISSUE PRESENTED**

At the hearing on August 22, 2022, Member White of the Board raised an issue as to why the Board should hear the 2022 Application. He moved to require the Applicant to provide the Board with a legal memorandum setting forth the authority by which the Board should hear a “substantially same application” after the October 13, 2021 denial of the 2021 Application. Such memorandum was required to be submitted prior to the September 19, 2022, hearing of the Board.

#### **LEGAL ARGUMENT**

At the August 22, 2022 hearing, the Board’s attorney summarized the issue presented to the Board by Member White to be whether the doctrine of “administrative finality” applies to bar the hearing of the 2022 Application, and if it does apply, whether the 2022 Statute is a change in

material circumstances. For the reasons set forth below, the doctrine does not apply in the first instance. Additionally, even if applicable, the change in reviewing standards by the 2022 Statute prevents the application of the doctrine and allows for the 2022 Application to be heard under the 2022 Statute. Further, there is no other legal doctrine applicable to the 2022 Application which would prevent it from being heard and even if there was, the 2021 Decision is not final, and was in error, so the doctrine is inapplicable in the first instance. Finally, and perhaps most importantly, the Board's review of the applications is entirely different for the 2021 Application as compared to the 2022 Application, as the Board has to make completely different findings because the governing standards have changed, preventing the application of any doctrine that would prohibit the Board hearing the 2022 Application.

**I. THE DOCTRINE OF ADMINISTRATIVE FINALITY DOES NOT APPLY TO BOARD MATTERS OR THE 2022 APPLICATION.**

**A. The Board is not an Administrative Agency and Therefore the Doctrine is Inapplicable.**

As noted by our Supreme Court, the doctrine of *administrative* finality is part of the general rules that govern the deference that an *administrative* agency owes to earlier decisions. See Johnston Ambulatory Surgical Associates, Ltd. v. Nolan, 755 A.2d 799, 808 (R.I. 2000). Our Court recognized that under the doctrine of administrative finality, “where an *administrative agency* receives an application for relief and denies it, a subsequent application for the same relief may not be granted absent a showing of a change in material circumstances during the time between the two applications.” Id. (*emphasis added*) citing Audette v. Coletti, 539 A.2d 520, 521-22 (R.I. 1988).

Here, however, the Board has never considered itself an “administrative agency.” To do so, would have required the application of R.I. Gen. Laws §42-35-15 and the appellate process

involved in the same to apply prior to the 2022 Statute—i.e., to the 2021 Application. This position would also mean that *all* previous denials of the Board would have a right to appeal to Superior Court. As noted on the record at the August 22, 2022, hearing, the Board and Town have always taken the position (and certainly do with respect to the 2021 Application) that such appellate process is not implicated, and the only means of review of a Board action—likened to a licensing agency on the record by the Town Solicitor---would be a Petition for a Writ of Certiorari. Prior to the 2022 Statute, there was no method of review of the Board’s decision provided.

It would also mean that an Applicant can seek relief under the Equal Access to Justice Act, codified at R.I. Gen. Laws § 42-92-1 *et. seq.* to obtain its reasonable attorneys’ fees and costs when the determination of the Board was not substantially justified. Moreover, a review of the case law in Rhode Island reveals that the doctrine has been applied mainly to zoning board actions. *See e.g. Audette*, 539 A.2d at 521; *Costa v. Gagnon*, 455 A.2d 310 (R.I. 1983), *May-Day Realty Corp. v. Board of Appeals of Pawtucket*, 107 R.I. 235, 237, 267 A.2d 400, 401-02 (1970); *Marks v. Zoning Board of Review*, 98 R.I. 405, 203 A.2d 761 (1964); *Day v. Zoning Board of Review of Cranston*, 92 R.I. 136, 140, 167 A.2d 136, 139 (1961); *Fryburg v. Warwick Zoning Bd. of Review*, C.A. No. KC 1990-0926, 1991 WL 789759, at \*3 (R.I. Super. February 25, 1991). There appear to be no instances where the doctrine has been applied to actions of a Town Council, regardless of what authority it is ruling under.

Wherefore, since the Doctrine of Administrative Finality applies only to “administrative agencies” with rights of appeal, the doctrine is inapplicable here.

**II. THE 2021 DECISION IS NOT FINAL, AND WAS IN ERROR SO THE DOCTRINE IS NOT APPLICABLE IN THE FIRST PLACE.**

Board Member White questioned whether the Applicant had filed a Petition for a Writ of Certiorari as to the 2021 Decision, noting his opinion that the Applicant had “failed to seek redress in the Supreme Court.” A copy of the Petition for Writ of Certiorari challenging the Board’s 2021 Decision will be provided to the Board’s counsel ahead of the September 19, 2022, hearing on this matter<sup>3</sup>. As noted by our Supreme Court in various cases with respect to administrative finality, administrative action is not final for purposes of application of the doctrine, if the first decision was in error or invalid. *See e.g., deBourgknecht v. Rossi*, 798 A.2d 934, 938 (R.I. 2002); *Providence Water Supply Bd. v. Beattie*, 2006 WL 270096, \*14-16 (R.I. Super. February 3, 2006); *see also* 5 Jacob A. Stein et. al., *Administrative Law* §40.01 (2005) at 40.8-40.12 (*administrative res judicata is applied to agency determinations that were never subjected to judicial review*).

**III. THE BALANCING OF THE EQUITIES SUPPORTS HEARING THE 2022 APPLICATION.**

Additionally, there is also a balancing of the equities in determining whether to apply the doctrine in the first place. *See Providence Water Supply Bd.*, 2006 WL 270096 at \*16. Here, the Applicant is merely seeking a hearing for its 2022 Application under the applicable law. The Applicant has a Property which is currently unusable for its only permitted use---single family, as it has less than 1/10 gpm of water, and even that water is not fit for human consumption, as noted in the thorough record. There are no alternatives, let alone feasible alternatives as set forth

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<sup>3</sup> As noted in the Writ, there is no deadline for filing a Petition for Writ of Certiorari; rather, such may be done within a reasonable time, which is a determination to be made by the Supreme Court in light of the facts. In this case, the pending legislation is certainly relevant. Moreover, the Supreme Court weighs whether there is any prejudice to the opposing party—here the Board certainly cannot establish any prejudice for any alleged delay.

in the record. The Town suffers no harm by allowing one single-family dwelling to connect to its water supply system, based on capacity, buildout figures in the WSSMP and the gallons per day measurement set forth therein for one dwelling unit. As recognized by the WSSMP, the 2000 studies relied upon by the Town in its Comprehensive Plan are significantly outdated, as the buildout projected by several studies in 2000 was far off-base, and population growth and connections have been relatively stagnant, with no projected date as to when the system could reach capacity. In any event, the instant petition is for just one single-family home which will not detrimentally impact the system. Certainly, based on the 2018 WSSMP of the Jamestown Water District, the balancing of the equities supports the inapplicability of the doctrine.

**IV. NEITHER RES JUDICATA NOR COLLATERAL ESTOPPEL APPLY TO BAR THE 2022 APPLICATION.**

While not yet argued by the Board, to be clear, neither collateral estoppel nor *res judicata* apply to bar the 2022 Application. Moreover, once again, Rhode Island has never applied the doctrine in these circumstances. Our Supreme Court has recently described both doctrines and the elements of the same:

Under the doctrine of collateral estoppel, an issue of ultimate fact that has been actually litigated and determined cannot be re-litigated between the same parties or their privies in future proceedings. Subject to situations in which application of the doctrine would lead to inequitable results, collateral estoppel is applied when: (1) the parties are the same or in privity with the parties of the previous proceeding; (2) a final judgment on the merits has been entered in the previous proceeding; and (3) the issue or issues in question are identical in both proceedings.

Doe v. Brown Univ., 253 A.3d 389, 396 (R.I. 2021) (*internal citations and quotations omitted*).

*Res judicata*, or claim preclusion, bars the re-litigation of all issues that were tried or might have been tried in an earlier action. It is our well-settled principle that '*res judicata* serves as a bar to a second cause of action where there exists: (1) identity of parties; (2) identity of issues; and (3) finality of judgment in an earlier action.



BI Boat Basin Assocs., LLC v. Sky Blue Pink, LLC, 242 A.3d 462, 466 (R.I. 2020) (*internal citations and quotations omitted, emphasis in original*).<sup>4</sup>

Both collateral estoppel and *res judicata* are applicable only where “the issue or issues are identical in both proceedings.” Where, as here, when an entirely new standard is signed into law in between the two applications, neither doctrine is applicable. *See e.g.*; Bobby v. Bies, 556 U.S. 825, 834 (2009); Commissioner of Internal Revenue v. Sunnen, 333 U.S. 591, 600 (1948); Union Carbide Corp. v. Richards, 721 F.3d 307, 315 (U.S. Ct. App. 4<sup>th</sup> Cir. 2013); Bingaman v. Dept. of Treasury, 127 F.3d 1431, 1437-38 (U.S. Ct. App. Fed. Cir. 1997); Ljutica v. Holder, 588 F.3d 119, 127 (2d Cir. 2009); Providence Water Supply Bd., 2006 WL 270096, at \*17; Reid v. Zoning Bd. of Appeals of the Town of Lebanon, 670 A.2d 1271, 1274 n.4 (Conn. 1996); McAllen v. Morris, 217 S.W.2d 875, 877 (Tex. Civ. App. 1948); Restatement (Second) of Judgments §28 (1982). As set forth, the standards applicable to the 2021 Application and the 2022 Application do not overlap at all.

Importantly, as set forth below, the findings for the 2021 Application, and the standard required to be met by the Applicant at that time, are entirely different than what is required for review of the 2022 Application. The Board cannot rest on the fact that they made certain findings with respect to the 2021 Application, as those are not the standards for review under the 2022 Statute. There is therefore no identity of issues, as the issue for the 2022 Application is whether it meets the specific standards of the 2022 Statute, none of which overlap or are

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<sup>4</sup> As explained in Johnston Ambulatory Surgical Associates, Ltd. v. Nolan, the doctrines of *res judicata* and administrative finality are related, but *res judicata* provides an “absolute bar” to a second action on any matters that were actually raised or that could have been raised in the first proceeding.” 755 A.2d at 809. Whereas administrative finality is *res judicata* but with a qualified and limited preclusion” where a second application from an administrative agency is barred unless the applicant can demonstrate a change in material circumstances between the two applications.

referenced in the standards applied to the 2021 Application. For these same reasons, even if the doctrine of administrative finality applies, there has been a change in material circumstances which renders the doctrine inapplicable.

V. **EVEN IF ONE OF THE AFOREMENTIONED LEGAL DOCTRINE APPLIES, THERE HAS BEEN A CHANGE IN MATERIAL CIRCUMSTANCES NECESSITATING THE HEARING OF THE 2022 APPLICATION.**

Our Supreme Court has held:

What constitutes a material change will depend on the context of the particular administrative scheme and the relief sought by the applicant and should be determined with reference to the statutes, regulations, and caselaw that govern the specific field. The changed circumstances could be internal to the application, as when an applicant seeks the same relief but makes important changes in the application to address concerns expressed in the denial of its earlier application. Or, the external circumstances could have changed . . .

Johnston Ambulatory Surgical Assoc., Ltd., 755 A.2d at 812.

First, as to the 2021 Application, the Board, through no fault of the Applicant, heard and treated the 2021 Application for the Property as part of a number of applications for extensions in the same area. It is worthy to note that none of the other applications presented the expert testimony and experienced the dire situation as the Applicant. However, the 2021 Application was not viewed on the merits independently. Assuring that the 2022 Application was heard on its own merits, by itself, as is required, the application proposes to end the water line at the Property and go no further<sup>5</sup>. Additionally, the Property has been unusable for over the past year.

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<sup>5</sup> Even if it were a valid consideration as to whether the extension opens up the opportunity of the properties in between the existing water line and the proposed water line to connect, which it is not under either standard, that is a non-issue anyway, as with the 2022 Statute, any petition for extension or connection is required to meet the same stringent standards. In any event, from a review of the Town records, none of these properties have submitted a petition to extend or connect.

As to external circumstances, as set forth above, the external circumstance here is the change in the governing law and standards which apply to *all* applications<sup>6</sup>. A change in the governing legal principals and the law applicable to an application is a significant and material change preventing the application of doctrines such as collateral estoppel, *res judicata* and administrative finality. *See e.g.*; Bobby, 556 U.S. at 834; Commissioner of Internal Revenue, 333 U.S. at 600; Union Carbide Corp., 721 F.3d at 315; Bingaman, 127 F.3d at 1437-38; Ljutica, 588 F.3d at 127; Providence Water Supply Bd., 2006 WL 270096, at \*17; Reid v., 670 A.2d at 1274 n.4; McAllen, 217 S.W.2d at 877; Restatement (Second) of Judgments §28 (1982); 50 CORPUS Juris Secundum Judgments § 989 (2009).

A change in the governing law is exactly what is involved here—and therefore a change in material circumstances. For the 2021 Application, the Board applied the standards set forth in the 2009 Board Regulations, which provide as follows:

- 14B. Rural water districts. All service connections in the rural water district shall be subject to the following conditions:
- a. The applicants shall be subject to the requirements described for connections in the urban district for one- or two-family residential uses.
  - b. The applicants shall show to the satisfaction of the commission that the proposed service connection requested:
    1. Is consistent with the Comprehensive Community Guide Plan adopted December 23, 1991, as amended.
    2. Will not impair the available resources of the urban water district.
    3. Will not reduce the level of fire protection of the community; the property shall not be part of a major subdivision.

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<sup>6</sup> It is also worthy to note that the cited authority points to the need for legislative deference which is applicable here, especially where the General Assembly has passed standards for statewide application which now provide a preemptive and conclusive effect on any local attempts to disregard or supersede the same.

4. Extensions to and within the rural district shall be prohibited.

The Board, in its written decision, found that the extension was prohibited as set forth in the Regulations<sup>7</sup>, that the extension would impact service<sup>8</sup> to the urban district, and that it was inconsistent with the Comprehensive Plan because it may impact future connections in the urban district at full buildout<sup>9</sup>.

In contrast, the 2022 Statute provides an entirely different set of governing standards, which the Board never made findings for (nor could it have):

- (1) The application must not be prohibited by the specific language of the latest water supply system management plan (“WSSMP”) of the public water supply system;
- (2) The application must comply with the design and construction standards and specifications established by the public water supply system for the sizing and location for the infrastructure;
- (3) The extensions shall not reduce the necessary level of fire protection for the community;
- (4) All water main and service connection materials, construction and inspection required hereunder shall be at the sole cost and expense of the applicant;
- (5) The public water supply system shall be granted an easement in a form acceptable to them which shall permit the maintenance, repair or replacement of water lines and all other related activities;
- (6) For applications for single-family residential lots, the applicant must show that:
  - (i) The existing or proposed well for the property does not meet the well industry standard as described in the department of environmental management regulations for “yield per depth of well chart” which is required by the department of health for a dwelling unit; and
  - (ii) Due to the unique characteristics of the property that the drilling of a new well is not feasible;

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<sup>7</sup> The Applicant notes the convenient and only application of this standard under these circumstances. Such is adequately addressed in a separate legal action as noted below.

<sup>8</sup> Notably, hypothetical future service, not current service.

<sup>9</sup> The erroneous nature of these findings is detailed in the Petition for Writ of Certiorari.

R.I. Gen. Laws § 46-15-2. The bases for denial of the 2022 Application are not findings under the 2022 Statute or proper bases for denial of the same. In fact, as to the only overlapping standard, that the extension will not reduce the necessary level of fire protection, in both applications there is positive evidence and affirmative statements from the Fire Marshal that the applications meet this standard.

This Board cannot preclude hearing the 2022 Application because it has not considered or made findings necessary under the 2022 Statute. The findings that the Board did make for the 2021 Application do not address the standards established for applications state-wide in the 2022 Statute. Therefore, there is no preclusive effect as to the 2022 Application.

**VI. AS SET FORTH IN THE PETITION FOR WRIT OF CERTIORARI AND BELOW, THIS BOARD SHOULD RECONSIDER THE OCTOBER 13, 2021, DENIAL OF THE 2021 APPLICATION EVEN IF IT ERRONEOUSLY APPLIES THE DOCTRINE OF ADMINISTRATIVE FINALITY TO THE 2022 APPLICATION.**

As noted above, the Applicant's Petition for Writ of Certiorari contains arguments as to why this Board's Decision is in error. As such, there is no final preclusive effect in the first instance. However, should this Board erroneously choose to not afford the 2022 Application a hearing, it should reconsider its findings and vote based on the argument set forth in the Petition for Writ of Certiorari which will be filed and provided to the Town in advance of the September 19, 2022 hearing. Also of notable consideration on a reconsideration of the 2021 Application is the disparate treatment afforded to the Applicant as opposed to all other property owners who have appeared before the Board arguing that they are unable to obtain sufficient water from their wells. All such petitions were granted in the past. Importantly, those applicants presented much less technical and expert information in support of their applications than the Owner presented in support of its 2021 Application. Moreover, the determination of the Board on the 2021 Application has rendered a loss in all beneficial use and value for the Property.

**CONCLUSION**

**WHEREFORE**, for the reasons set forth herein, this Board is not precluded from hearing the 2022 Application under the 2022 Statute and Applicant is entitled to a hearing on the same forthwith.

Submitted,

**CLP Trust-2016,**

By and through its Attorney,

*/s/ Joelle C. Rocha* \_\_\_\_\_  
Joelle C. Rocha, Esq.  
Duffy & Sweeney, Ltd.  
321 South Main Street, Suite 400  
Providence, RI 02903  
Tel: 401-455-0700  
[jrocha@duffysweeney.com](mailto:jrocha@duffysweeney.com)

September 13, 2022

**PUBLIC HEARING NOTICE  
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on the **19th day of September 2022, 6:30 p.m.** at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 38– Article VII Cannabis**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review 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 at [www.Jamestownri.gov](http://www.Jamestownri.gov).

**Section 1.** The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code of Ordinances, **Chapter 38-Article VII Cannabis**, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

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

See Exhibit A, attached hereto and incorporated herein by reference. NOTE: amendments to the terms and conditions set forth at Exhibit A may be made based on comments received during the public hearing.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

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

Ad Date(s): September 8, 2022

Publication Source: Jamestown Press

Hearing Date: September 19, 2022

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

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

- 1
- 2
- 3
- 4
- 5

1 EXHIBIT A

2 Chapter 38 Offenses and Miscellaneous provisions

3 Article VII Cannabis

4  
5 **Sec. 38-140. Definitions**

6 For the purposes of this chapter, "cannabis" shall be defined by RI General Law 21-28.11-3 (6)  
7 as amended.

8 **Section 38-141. Prohibition Against Cannabis Smoking/Vaporizing in Public Places**

9 No person shall smoke or vaporize cannabis in public places, including outdoor common areas,  
10 parks, beaches, schools, school property, recreational facilities, motor vehicles on public  
11 property or highways, and other public spaces.

12 **Section 38-142. Prohibition Against Cannabis Smoking/Vaporizing in Places of Business**

13 No person shall smoke or vaporize cannabis in any establishment, retail space or other space  
14 licensed or required to be licensed by the State of Rhode Island or the Town of Jamestown.

15 **Sec. 38-143. - Violations; penalties; enforcement.**

16  
17 A. Any person who violates the provisions of this chapter may be fined \$100 for the first  
18 offense, up to \$250 for the second offense, and up to \$500 for the third offense.

19 B. All members of the Police Department are authorized to enforce the provisions of this article.  
20  
21  
22



# MEMORANDUM

To: The Honorable Town Council  
 From: Denise Gamon, Town Clerk's Assistant  
 Date: September 19, 2022  
 RE: Liquor License Advertisements

Local liquor licenses will expire on November 30, 2022. The following is a list of local businesses that require a liquor license for their establishment. On September 1, 2022, each business was sent a letter requesting their license renewal application with a copy of their menu (in accordance with RIGL 3-7-7), site or seating plan, a current Department of Health Certificate, RI retail sales permit, Alcohol Server Training certification and COI all to be completed and returned to the Town Clerk's Office in a timely manner.

Establishment	Class	Menu	Site Plan	DOH Cert	Alcohol Server Training Certification	Certificate of Insurance
Conanicut Yacht Club 40 Bayview Drive ✓	D					
JB's On the Water 150 Conanicus Avenue ✓	BT					
Beech 13 Narragansett Avenue ✓	BV					
Curiosity & Co. 14 Narragansett Avenue ✓	BV					
J22 Tap & Table 22 Narragansett Avenue ✓	BV					
Jamestown Golf Course 245 Conanicus Avenue ✓	BV					
Narragansett Café 25 Narragansett Avenue ✓	BV					
One Ferry Wharf 3 Ferry Wharf ✓	BV					
Slice of Heaven 32 Narragansett Avenue ✓	BV					
Tullulah's Tacos 35 Narragansett Avenue ✓	BV					
Grapes & Gourmets 9 Ferry Wharf ✓	A	N/A	N/A			
Jamestown Wine & Spirits 30 Southwest Avenue ✓	A	N/A	N/A			
Our Table 53 Narragansett Avenue ✓	BV-L					
Village Hearth Bakery 2 Watson Avenue	BV-L					

If the Town Council deems favorable, the advertisement is scheduled for October 13<sup>th</sup> and October 20<sup>th</sup> for a Public Hearing to occur the night of November 7, 2022.



**Town of Jamestown**  
Town Administrator  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9805  
Email: [jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)

Jamie A. Hainsworth  
Town Administrator

**MEMORANDUM TO: Honorable Town Council**  
**FROM: Town Administrator, Jamie A. Hainsworth**  
**DATE: September 15, 2022**  
**SUBJECT: Report for Town Council Meeting September 19, 2022**

**Recusal: Town Moderator, Agenda Item:** In your Council packet, you have a letter from our Town Moderator, Mr. John A. Murphy, recusing himself as Moderator for the Special Financial Town Meeting on Tuesday October 18, 2022 at 7 p.m. This is due to a potential conflict he may have in his capacity as an Honorary Co-Chair on the Library's fund-raising efforts. I have contacted former Town Moderator Susan Romano and she has agreed to serve as Moderator that evening.

**Short Term Rental (STR) Ordinance extension of Registration and Inspection Deadlines:** The recently passed short-term rental ordinance has deadlines requiring inspections and registrations. In practicality, considering the timing, I am directing the staff to relax those deadlines for 2023 and work with the applicants to achieve the registration and licensing requirements as soon as is practical. This does not relieve the licensing requirement for 2023.

**Reservoir Level:** As of September 13<sup>th</sup>, the north reservoir water level was at Forty-Three and three quarters of an inch (43.75) below the spillway. That was before the rain storm we received later that morning. We will continue to monitor and stay on the water restrictions until it again goes below the 43" threshold.

**Tree Committee Expansion:** the vote in the last meeting to expand the tree committee to nine (9) members exceeded the maximum number of seven (7) voting members in accordance with the Town Charter. Therefore, the new appointment made at that meeting was not executed.

**Covid 19 Testing update:** From August 16<sup>th</sup> to September 14<sup>th</sup> there have been Twenty-Six (26) new positive covid-19 cases reported by the Department of Health (DOH) in Jamestown.

## Roberta Fagan

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**From:** MARY MEAGHER <tiptoparch@msn.com>  
**nt:** Wednesday, September 14, 2022 8:48 AM  
**ro:** Roberta Fagan; Jamie Hainsworth; Michael Gray; Lisa Bryer  
**Subject:** FW: Ft Getty project

Email from Andrea Colognese regarding the Pizza Oven at Fort Getty

**From:** Andrea Colognese <villagehearth@gmail.com>  
**Sent:** Thursday, September 8, 2022 3:29 PM  
**To:** MARY MEAGHER <tiptoparch@msn.com>  
**Subject:** Ft Getty project

Hi Mary,  
Dori and I just want to touch base with you regarding the Ft Getty project before reaching out to the Town Council or Lisa and Mike.  
I know that it may not be in the budget right now but do you foresee this happening in the near future?  
We totally understand if the town has other priorities at the moment,  
I haven't been in touch with the oven company since this time last year when they offered to ship it at cost in exchange for some recipes and promotion of their residential pizza ovens.  
We believe that the oven and fireplace will greatly improve the use of the pavilion as a community gathering place where we can all share good food, music, performances, movies and baking classes through the rec center and the conanicus sailing foundation for kids and adults.  
We can form and train a small group of bakers on how to use it so that I will not be the only person familiar with it.  
For example, this commercial grade oven, after some trials, with one firing can cook pizzas one day and use the residual heat the next morning for a bread bake and even bake pastry after the temperature drops further.  
All the proceeds from classes and fundraisers would go to the town or donated to charities and organizations such as the CISF.  
Also, as discussed, Weddings and Events will have an extra fee for the use of the oven to create additional income to pay back the project expenses.  
In the event we move forward, I would like to talk to the mason, Norberto and show him the drawings.  
If we work together we can probably build the fireplace and do the stone work in a few days.  
I can build the oven and post and beam roof structure with some volunteers.  
Town workers can help with ground work and plumbing/electric.  
Please let us know what you think and how to best approach the project.

Thank you!  
Andrea and Dori

A motion was made by Vice President Meagher with second by Councilor Brine to approve/authorize the Town of Jamestown to partner with the Jamestown Arts Center in the 2022 exhibition, the *Outdoor Arts Experience Biennial 2022*. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye

- F) Review, Discussion and/or Action and/or Vote regarding the request by Andrea Colognese and Dorianna Carella for permission to build an outdoor Pizza Oven at the Fort Getty Pavilion
  - 1) Project scope and overview prepared by Council Vice President Meagher

Discussion ensued. Vice President Meagher gave an overview of the proposed Pizza Oven/Bread Oven for teaching, community events, as an amenity to the Ft. Getty Pavillion. Dorianna Carella and Andrea Colognese addressed the Council, hoping to give back to the community that has supported them for 20 years. Robert Tamboe also addressed the Council requesting clarification on whether profits were anticipated and if this opened opportunity for other food vendors e.g. food trucks. Vice President Meagher reiterated that this project is not meant to be a profit center, rather an amenity and educational tool for Ft. Getty and the community.

A motion was made by Vice President Meagher with second by Councilor Brine to approve endorsement of the proposal to continue exploration of the project. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye

### VIII. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

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

- A) Appointments, Vacancies and Expiring Terms; Review, Discussion, and/or Action and/or Vote:
  - 1) Jamestown Affordable Housing Committee (One [1] Member vacancy with a three-year term ending date of May 31, 2023)
    - a) No applicants
  - 2) Jamestown Fire Department Compensation Committee (Two [2] Citizen-at-Large Representatives with an unexpired term ending date of May 31, 2023 and an unexpired term ending May 31, 2024)
    - a) No applicants
  - 3) Jamestown Housing Authority (Two [2] Commissioner vacancies with an unexpired five-year term ending date of December 31, 2024 and an unexpired five-year term ending date of December 31, 2025)
    - a) No applicants
  - 4) Jamestown Juvenile Hearing Board (One [1] Alternate vacancy with a two-year term ending date of December 31, 2021)
    - a) No applicants

For insertion on October 6 and 13, 2022

**Attention Jamestown Residents  
Committee Volunteers Needed**

*There are openings on the following Committees:*

Committee Name	# of openings	Term Ending Date
<b>Beavertail State Park Advisory Committee</b>	<b>1</b>	<b>12/31/2025</b>
<b>Conservation Commission</b>	<b>3</b>	<b>12/31/2025</b>
<b>Harbor Management</b>	<b>2</b>	<b>12/31/2025</b>
<b>Jamestown Housing Authority</b> Full Member	<b>1</b>	<b>12/31/2027</b>
<b>Juvenile Hearing Board</b> Full Member	<b>1</b>	<b>12/31/2025</b>
Alternate	<b>1</b>	<b>12/31/2024</b>
<b>Library Board of Trustees</b>	<b>2</b>	<b>12/31/2025</b>
<b>Planning Commission</b>	<b>1</b>	<b>12/31/2026</b>
<b>Quonset Development</b>	<b>1</b>	<b>12/31/2025</b>
<b>Traffic Committee</b>	<b>5</b>	<b>12/31/2025</b>
<b>Tree Committee</b>	<b>2</b>	<b>12/31/2025</b>
<b>Tree Warden</b>	<b>1</b>	<b>12/31/2023</b>
<b>Zoning Board</b> Full Members	<b>1</b>	<b>12/31/2027</b>
Alternate Members	<b>3</b>	<b>12/31/2023</b>

Beavertail State Park Advisory Committee 1 member  
Lisa Primiano 1 term

Conservation Committee 3 members  
Anne Kuhn Hines 3 terms – term limit  
George Souza 3 terms – term limit  
Joyce Antonello 2 terms

Harbor Commission 2 members  
Michael Junge 1 term  
Richard Raynes 1 term

Jamestown Housing Authority 1 member  
Bob Plain – finished unexpired term of B. Szepatowski

Juvenile Hearing Board 1 full member / 1 alternate  
Agnes Filkins 3 terms – term limit  
Nancy Ventrone

Library Board of Trustees 2 members  
Paul Houseberg 3 terms – term limit  
Peter Carson 2 terms

Planning Commission 1 member  
Dana Prestgiacomo 1 term

Quonset Development 1 member  
Job Toll 2 terms

Traffic Committee (?)

Tree Committee 2 members  
Beth Herman 1 term  
Richard Kingsley

Tree Warden

Zoning Board of Review

Jane Bentley

Judy Bell

John Shekarchi

---

1 full member / 3 alternates

Any resident who is a qualified elector in the Town of Jamestown and is interested in serving should contact the Town Clerk by submitting an application and resume. Applications can be found on the internet at [www.jamestownri.gov](http://www.jamestownri.gov) or at the Jamestown Library, 26 North Road, and the Town Clerk's Office at 93 Narragansett Avenue. Persons who have submitted letters in the past are encouraged to do so again. **Please forward all applications to the Town Clerk prior to October 21, 2022.**



Approved as written  
Jamestown Affordable Housing Committee Minutes  
August 1, 2022  
5:00 p.m.  
93 Narragansett Ave.  
Jamestown RI 02835

**I. Call to Order**

The meeting was called to order at 5:00pm and the following members were present: Joe Cannon, Job Toll, Quaker Case, Lisa Bryer, Bob Plain, Mary Meagher, and Mike Liebhauser via conference call – not voting at this meeting (joined at 5:05pm)

Also present: Carrie Kolb, Greg DiGasper  
Not Present: Nick Radesca, Fred Pease

**II. Approval of Minutes July 5, 2022** - review, discussion and/or action and/or vote

A motion to approve the minutes from July 5, 2022 as written was moved by Cannon and seconded by Case. All in favor. So unanimously voted. As noted above: Liebhauser did not vote.

**III. Accessory Dwelling Units** - review, discussion and/or action and/or vote

1. Update on new state law(s)
2. Policy ideas brainstorm
3. Next steps / Working with other Town committees (ie – Planning Commission, Conservation Commission, Town Council)

Bryer discussed the memo from Ursillo, Teitz and Ritch (UTR) regarding Accessory Dwelling Units (ADUs). The page gives a run down to the changes. Toll asked if the law was signed because at the last discussion it was not signed. Bryer said yes that the law was signed on June 30.

Plain read the paragraph from UTR. Discussion ensued. Case asked the question: what did it change? Bryer stated it still not clear. Meagher stated that ADUs are now permitted use. Case asked if permits were still required and the answer is yes a building permit. Bryer stated that towns can only prohibit ADUs if they do not permit them today. The purpose of the law was to make ADUs regulations consistent statewide. Meagher said that the limit to 20,000 sq ft. is strange. Bryer stated that zoning and land use issues are a generally a local decision, and the State is intervening more and more. Cannon asked if the local zoning board can make changes?

Bryer stated again that she needs more advice from the solicitors to answer many questions. Plain's opinion of the law is that the Town no longer can limit who lives in an ADU. DiGasper stated that this is a big change since the AFDU was built on his property for his mother.

Meagher stated that the Short-Term Rental ordinance should state that if you have an ADU it cannot be used as a STR. Cannon has his reservations about STR in coastal communities, but he wants to make sure the ordinance doesn't hurt opportunities for affordable housing in ADUs.

Plain stated that he is all for having unrestricted ADUs because they will create more housing, even if it is one unit out of ten. DiGasper stated that it sounds attractive to someone who has an AFDU to make it into an affordable housing unit.

Cannon stated that having an ADU could be a way for retirees who want to stay on the island. He doesn't want to open door too wide, but he doesn't want to close the door on all types of ADUs. Plain stated he thinks ADUs are a great idea because they can help people who are already living here, and it's not so easy (financially) to be living here. They can bring people to the island who are not living here yet, as a rental option. Plain said that what we don't have it a lot of cheap rentals for people who work in restaurants, police, teachers where working-class people can afford to live.

Discussion ensued regarding the issue of water on Jamestown. The Town is looking at build out analysis for the urban water district. DiGasper asked if new construction should have a cistern for use? Bryer stated that we have a highly state regulated water system. Meagher stated that building code says you cannot use cisterns for drinking water, but you can use grey water to flush the toilet or water the grass.

Plain asked Bryer if the committee can send her questions to ask the Town Solicitor? Bryer said yes, to send her the questions by Wednesday. Bryer had written down 4 questions brought up during the meeting already.

Questions to ask the Town Solicitor:

1. Can the Zoning Board grant variances to the 20,000 sq ft minimum lot size?
2. Does RIGL 45-24-37 (e) lines 16-19 (stating that ADU's being permitted as a reasonable accommodation for family members with disabilities or who are six-two (62) year of age or older, or to accommodate other family members) conflict with RIGL 45-24-73 that states in line 11-12 that that a municipality shall not impose any excessive restrictions on accessory dwelling units (ADUs) such as... restrict tenants based on familial relationship or age unless such restriction is necessary to comply with the terms of the federal subsidy related to affordability.
3. How does new law change our existing ordinance? Can Jamestown still restrict ADUs to family members?
4. Proposed ordinance to stay if you have a second unit it cannot be used for STR?

Bob thinks that ADUs are having a moment now. Do we want to do more? Should we write another letter to the Planning Commission?

Case doesn't want to throw ourselves into doing all we can do until we get more information/clarification on the law. Plain does not want to miss our moment (giving input) to wait for the legalese. Case stated that the building of ADUs should not increase STR. If there is more ADUs that create more and less expensive housing, then we are ok. Bryer stated that the state law says that an Affordable Unit has to be year-round for it to be counted but not otherwise. Having 1 month, 2 month or 3-month rentals and then 9-month rental doesn't help with "affordable" housing. Cannon asked if there was anything else in the ADUs to qualify for Affordable Housing? Bryer replied that it looks like the new law takes out the subsidy requirement. Meagher said that the law took away the deed restriction and it makes her fearful that it won't last. DiGasper said that he likes not having the deed restriction. Meagher said that the notion that you have encumbered your property has kept people away from the creating affordable housing. Bryer said she doesn't think the deed restriction keeps the property from selling because you still have a rental income.

A motion was moved by Case and seconded by Cannon to ask the Town Council:

1. Short-Term Rental proposed ordinance:
  - a. Add "Accessory Dwelling Units" to read "Accessory Structure" and "Accessory Dwelling Units".
  - b. Clarify that the primary structure may be used as a Short-Term Rental, but not the Accessory Dwelling Units.
2. In the Zoning Ordinance: Accessory Dwelling Units should be allowed as year-round market rate rentals not limited to family members, caretakers and those over 62.

All in favor.

**IV. 91 Carr Lane – 3 lot Subdivision, Comprehensive permit for Affordable Housing** - review, discussion and/or action and/or vote

Plain and Bryer recused themselves. CCHC applied for the preliminary stage of review and going to Planning Commission on August 17. There was not a quorum and no further discussion.

**V. East Greenwich Cottage Clusters Field Trip** - review, discussion and/or action and/or vote

A date was set for the Cottage Cluster field trip to East Greenwich: August 15<sup>th</sup> at 3:00pm. The Town Council, Town Administrator and Planning Commission will be invited. Bryer will invite Don Powers, who has already said that he will try to attend once a date is chosen. The group will meet at the CVS located at 507 Main Street, East Greenwich.

**VII. Town-owned properties update** - review, discussion and/or action and/or vote (5min)

Bryer stated that Kolb got a list of town owned properties from the Tax Assessor and made notes on each property as to their use. She would like to have the list discussed in Executive Session at the next meeting, since we will be talking about Town owned real estate. Bryer is also looking at other opportunities that will be discussed. Case would like the AHC to review the list and once a plan of action is determined to speak with the Conservation Commission to get them on board since they do support Affordable Housing. Cannon stated that it's good to get boards working together.

**VIII. Tools and Techniques for Creating Affordable Housing in Jamestown** - review, discussion and/or action and/or vote

Cannon asked Plain about the buyers training of affordable housing that CCHC runs. Plain will put Cannon in touch with Mr. Aubrey Collins, CCHC.

Plain said that he and Liebhauser discussed fees charged for having a licensed STR in Jamestown, which are \$350 if the owner lives on the property and \$700 if not Jamestown owner. They discussed that the money should go towards the Affordable Housing Trust. Meagher stated that the funds do go to pay the company that surveys the STR. She also said that there is nothing stopping from charging more. Discussion ensued. Maybe 50% of the non-owner occupied goes to affordable housing trust fund.

**VIII. Member Reports**

Cannon compared the American Community Survey for Jamestown, Rhode Island, which is done every 2-3 years, for 2019 vs. 2021. The population in Jamestown is: 31% - over 64; 49% 18-64 years old; and 50.7 is the median age. Median home cost went from \$595,000 to \$664,900. The monthly median home payments went from \$3,735 to \$4,169. The income required for a median home is \$149,490. The median income in Jamestown is \$119,000 and most of the people living in Jamestown cannot afford to buy a house here today. These are all things to talk about when we discuss utilizing the Real Estate Transfer Tax.

**IX. Future meetings and agenda items of Affordable Housing Committee**

Next meeting will be on Wednesday, September 7 at 9:00am

**X. Adjournment**

A motion to adjourn at 6:26pm was moved by Case and seconded by Toll. All in favor

Attest:

Lisa Bryer      and      Carrie Kolb  
Town Planner      Planning Assistant

Approved as written

Joint Field Trip between  
Affordable Housing Committee,  
Town Council, and  
Planning Commission  
Minutes

August 15, 2022

3:00PM

Cottages on Greene, 40 Greene St, East Greenwich, RI 02818

And

Castle Street Cottages, 15 Castle St, East Greenwich, RI 02818

In attendance: The Affordable Housing Committee: Bob Plain and Joe Cannon; Town Council: Erik Brine and Mary Meagher; Planning Commission: Rosemary Enright and Duncan Pendlebury

Also in attendance: Lisa Bryer, Town Planner; Carrie Kolb, Planning Assistant; Lizzie Houle and Chris Chutz from Church Community Housing Corporation; Don Powers, Union Studios, project architect for Cottages on Greene; Jerry Zarella, Jr., developer Castle Street Cottages

**Cottages on Greene:**

Powers, project architect for Cottages on Greene, discussed the background of the project. He found the site in 2009 and it was an old auto repair site. The owners of the land had previously planned to build a retail cluster. He worked with them to envision the cottage cluster.

With the housing crash in 2008, it was a great time to create a radically different design. The design that Powers created was 15 units on 0.85 acre of land. Powers and his team did a whole streetscape presentation with 3D models and animation. You can't ask people to image a cottage cluster, you have to demonstrate how it will work and fit in the neighborhood.

The units range in size from 900-1,100 sq ft. There were 15 units, 12 are 2-bedroom and 3 are 2-bedroom plus den. Each unit has a front porch that is 3-4 steps up to give a bit of privacy that would not be there if on the ground level.

There is a linear garden in the middle that is common space and it's the idea of shared space in the courtyard with patio space, lawn and gardens. The landscaping is intentional.

With a project that is both small and dense, stormwater engineering is important. The design was for the water to infiltrate in place. The landscaping contains retaining ponds and spillways. The cost was also one-third of a conventional system. Brine asked who maintains the ponds and spillways. Powers said that the Homeowners Association (HOA) maintains it, and that the developer maintain until a HOA is formed. Towns will require a copy of the HOA docs as a condition of approval.

Cannon asked about parking. Powers said that there were 1.5 parking spaces per unit.

Cannon asked how the units were marketed? Powers said that the units were 10 market rate units and 5 affordable housing. The developers made a profit on both the market rate and affordable units.

The Congress for the New Urbanism awarded the project an Honorable Mention in its 2011 Charter Awards program.

**Castle Street Cottages:**

Zarella, project developer, gave an overview of the project. The land previously had 15-20 cars and boats on it and dilapidated buildings. The land was zoned for single family. Power got the lot zoned for a cottage cluster because the parking is on one-side of the project and considered a "pocket". The cottage cluster is 9 units in 5 buildings on 0.72 acre lot. The units range from 1,000 to 2,000 sq. ft. The original project has 10 units but was scaled down to 9 units and this size works better.

Zarella said it was important not to chintz on the common area. The common area has an outdoor kitchen, tables, benches and chairs. Zarella put in extra stone work and special attention was paid to the landscaping.

This project is built on slopped land. There are stairs with multiple landings to walk up. At the top of the project there is a rain garden. Excess storm water flows down the parking area and is collected in a rain garden that sits above the street level.

Cannon asked if they got a Comprehensive Permit to build? The answer was yes.

This project won the National Association of Home Builders Design Committee's "Best in American Living" Award in 2019.



**Town of Jamestown  
Tax Assessor**

**93 Narragansett Avenue  
Jamestown, RI 02835**

**Phone: 401-423-9802  
Email: [cbrochu@jamestownri.net](mailto:cbrochu@jamestownri.net)**

To: COUNCIL PRESIDENT BEYE, JAMESTOWN TOWN COUNCIL

From: CHRISTINE BROCHU, JAMESTOWN TAX ASSESSOR

Subject: ADDITIONS AND ABATEMENTS OF TAXES FOR THE **SEPTEMBER 19, 2022** MEETING

Please see the attached.

RESPECTFULLY SUBMITTED,

*Christine Brochu*

CHRISTINE BROCHU  
TAX ASSESSOR

BAA/COC Listing Report

TYPE: All

JAMESTOWN

YEAR: 2012 TO 2022

Page 1

Conditions:

District:

Reported Type: All

DATE: 9/14/2022

YEAR	NAME/ADDRESS	COC INFO	ACCOUNT # UNIQUE ID LIST NUMBER	GROSS OLD	EXEMPT OLD	NET OLD	TAX OLD	SEWER OLD
				CHANGE	CHANGE	CHANGE	CHANGE	CHANGE
				GROSS NEW	EXEMPT NEW	NET NEW	TAX NEW	SEWER NEW
2022	[REDACTED]	18654R	13-1188-02	871,500	0	871,500	5,667.49	0.00
Accept	JAMESTOWN, RI 02835	REMOVED EXEMPTION- SOLD	3/564 2067	0	0	0	250.00	0.00
2022	[REDACTED]	18655R	22-0305-00	641,300	0	641,300	4,354.43	0.00
Accept	THOMPSON, CT 06277	ADDED EXEMPTION- PURCHASE	8/170-2E 3213	0	0	0	-250.00	0.00
2022	[REDACTED]	18658R	14-0210-00	536,000	0	536,000	3,389.44	0.00
Accept	JAMESTOWN, RI 02835	UPDATED PROP. INFORMATION	7/129 2278	-12,600	0	-12,600	-85.55	0.00
2022	[REDACTED]	18659R	19-0636-00	467,600	0	467,600	3,175.00	0.00
Accept	JAMESTOWN, RI 02835	UPDATED PROP. INFORMATION	7/76 2847	-17,600	0	-17,600	-119.50	0.00
Totals For -2022 R						-30,200	-205.05	
						Total Inc's:	250.00	
						Total Dec's:	-455.05	
TOTAL	# Of Accts 4					-30,200	-205.05	
						Grand Total Inc's:	250.00	
						Grand Total Dec's:	-455.05	





**Town of Jamestown**  
Town Administrator  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9805  
Email: [jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)

Jamie A. Hainsworth  
Town Administrator

**MEMORANDUM TO: Honorable Town Council**  
**FROM: Town Administrator, Jamie A. Hainsworth**  
**DATE: September 8, 2022**  
**SUBJECT: Director of Public Works Confirmation by Town Council**

Over the past few months, we have been actively working to recruit for the position of Director of Public Works. Throughout this period, Michael Gray has continued to work in an advisory capacity with our Highway Superintendent and Town Engineer on various day to day issues as well as long term projects.

While we received many resumes, only a handful possessed the necessary skills and requirements for Public Works Director. We had begun the interviews of those applicants, at which time, I received the request from Mr. Gray to be considered to be reappointed to the Directors position.

As such, it is with great pleasure that I recommend to the Town Council the reappointment of Michael Gray as Director of Public Works. Michael's many years of exemplary service and dedication to Jamestown is well noted. I am sure Mr. Gray and the public works department will continue to provide our residents the highest quality services.

Thank you for your continued commitment in these matters of mutual concern for Jamestown. If you have any questions concerning this recommendation, please contact me.



**Town of Jamestown**  
Town Administrator  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9805  
Email: [jhainsworth@jamestownri.net](mailto:jhainsworth@jamestownri.net)

Jamie A. Hainsworth  
Town Administrator

**MEMORANDUM TO: Honorable Town Council**  
**FROM: Town Administrator, Jamie A. Hainsworth**  
**DATE: September 15, 2022**  
**SUBJECT: Building/Zoning Official Confirmation by Town Council**

Over the past few months, we have been actively working to recruit for the position of Building/Zoning Official.

This position requires specific experience along with certifications and qualified candidates can be difficult to find. We conducted a number of interviews and based on our discussions I would recommend to the Town Council the appointment of Peter Medeiros as Building/Zoning Official.

Mr. Medeiros is currently a Building Inspector and Zoning Official in Little Compton and previous experience as an Assistant Building Inspector in the Town of Middletown. Prior to this he had 34 years' experience as the Vice President of a construction company where he gained his extensive knowledge of construction regulations and protocols.

Thank you for your continued commitment in these matters of mutual concern for Jamestown. If you have any questions concerning this recommendation, please contact me.



## JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835

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

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



Edward A. Mello  
Chief of Police

### MEMORANDUM

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**TO:** Jamie Hainsworth, Town Administrator  
**FROM:** Chief Edward A. Mello  
**DATE:** September 14, 2022  
**SUBJECT:** 2023 Harbor Rates      2023/2024 Budget

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Jamie

Please find attached the proposed 2023 Harbor Rates and the 2023/2024 Proposed Budget. The Harbor Commission approved them at the September 14, 2022 meeting. These must be submitted to the Council following your review. I ask that this be done as soon as possible as the renewal process is set to begin in October.

Respectfully,

Chief Edward Mello

## 2023 HARBOR PERMIT RATES

*Approved by The Jamestown Harbor Commission on TBD*

*Approved by The Town Council on TBD*

<b>Permit Type</b>	<b>2022</b>	<b>2023 Proposed Rate</b>
Resident Mooring (per foot)	\$4.60	\$4.60
Non-Resident Mooring (per foot)	\$9.20	\$9.20
Commercial Mooring (per foot)	\$9.20	\$9.20
Yacht Club Mooring (flat rate)	\$1,365.00	\$1,365.00
Recreational Outhaul (flat rate)		
West Ferry Recreational Outhaul Rate	\$600.00	\$600.00
Ft. Getty Recreational Outhaul Rate	\$550.00	\$550.00
Commercial Outhaul (flat rate)		
West Ferry Commercial Outhaul Rate	\$600.00	\$600.00
Ft. Getty Commercial Outhaul Rate	\$500.00	\$550.00
Recreational Pier (per foot)	\$80.00	\$80.00
Commercial Pier (per foot)	\$40.00	\$40.00
Beach - Under 12' (flat rate)	\$63.00	\$63.00
Beach - Over 12' (per foot of beam)	\$25.00	\$25.00
Wait List Fees (flat rate)	\$11.00	\$11.00
Late Fee (per month)	\$100.00	\$100.00
West Ferry Dinghy Dock	\$450.00	\$450.00

Description	2020-2021	2021-2022	2022-2023	2023-2024
	Actual Revenues	Actual Revenues	Approved Budget	Draft Budget
Resident Moorings	\$ 77,613.02	\$ 70,383.00	\$ 75,000.00	\$ 77,000.00
Commercial Moorings	\$ 116,147.40	\$ 156,653.00	\$ 130,000.00	\$ 135,000.00
Non-Resident Moorings	\$ 17,875.26	\$ 16,597.00	\$ 16,000.00	\$ 17,875.00
West Ferry Outhauls	\$ 12,556.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
Ft. Getty Outhauls	\$ 11,590.00	\$ 11,575.00	\$ 11,000.00	\$ 11,000.00
Beach Permits	\$ 11,955.00	\$ 10,285.00	\$ 11,000.00	\$ 11,000.00
Ft. Getty Dock	\$ 5,955.00	\$ 4,740.00	\$ 5,000.00	\$ 5,000.00
Misc Rev. Admin/Late fee	\$ 1,472.00	\$ -	\$ -	\$ -
Wait List Fees	\$ 4,651.00	\$ 4,598.00	\$ 4,000.00	\$ 4,500.00
Club Moorings	\$ 8,190.00	\$ 8,190.00	\$ 8,000.00	\$ 8,000.00
WF Dingy Dock	\$ 8,550.00	\$ 8,774.00	\$ 8,000.00	\$ 8,075.00
	\$ 276,554.68	\$ 303,795.00	\$ 280,000.00	\$ 289,450.00
Description	2020-2021	2021-2022	2022-2023	2023-2024
	Actual Expenditures	Actual Expenses	Approved Budget	Draft Budget
Harbormaster Salary	\$ 42,924.86	\$ 37,443.00	\$ 40,000.00	\$ 40,000.00
Harbor Clerk Salary (75%)	\$ 23,434.87	\$ 22,806.00	\$ 26,000.00	\$ 35,450.00
Harbormaster Asst Salary	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00
Administrative Fees To Town*	\$ 25,000.00	\$ 28,500.00	\$ 32,000.00	\$ 32,000.00
Office Equip Purchase	\$ 1,475.00	\$ 221.00	\$ 2,000.00	\$ 2,000.00
Boat Maint/Repairs	\$ 8,569.12	\$ 9,734.00	\$ 10,000.00	\$ 10,000.00
Maint Docks & Harbor	\$ 10,912.55	\$ 13,956.00	\$ 50,000.00	\$ 50,000.00
Floating Docks	\$ 2,202.62	\$ 4,471.00	\$ 8,000.00	\$ 8,000.00
Pumpout Maintenance/Restrooms	\$ 1,769.87	\$ 9,494.00	\$ 6,500.00	\$ 6,500.00
Patrol Craft Purch/Fixtures	\$ -	\$ 415.00	\$ 2,000.00	\$ 2,000.00
Data Package	\$ -	\$ 72.00	\$ 1,000.00	\$ 1,000.00
Office Supplies	\$ 1,268.46	\$ 5,638.00	\$ 3,000.00	\$ 3,000.00
Printing & Mailing	\$ 2,664.79	\$ 1,869.00	\$ 3,000.00	\$ 3,000.00
Telephone	\$ 2,583.54	\$ 2,807.00	\$ 3,500.00	\$ 3,500.00
Uniforms	\$ 459.80	\$ 10.00	\$ 500.00	\$ 500.00
Car Repair	\$ 129.67	\$ 911.00	\$ 2,500.00	\$ 2,500.00
Boat & Car Fuel	\$ 2,412.87	\$ 2,632.00	\$ 3,500.00	\$ 3,500.00
Training & Dues	\$ -	\$ -	\$ 500.00	\$ 500.00
Equipment	\$ 100.00	\$ 1,061.00	\$ 2,000.00	\$ 2,000.00
Boat Capitalization Fund	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Channel Markers & Buoys	\$ 8,692.64	\$ 21,216.00	\$ 10,000.00	\$ 10,000.00
FICA	\$ 5,060.39	\$ 2,289.00	\$ 6,000.00	\$ 6,000.00
Blue Cross/Dental	\$ 6,659.56	\$ 5,606.00	\$ 10,000.00	\$ 10,000.00
Worker's Compensation	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Retirement	\$ 5,188.70	\$ 4,100.00	\$ 6,000.00	\$ 6,000.00
Boat & Liability Ins.	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,000.00
Inspection Services			\$ 5,000.00	\$ 5,000.00
Depreciation				
	\$ 187,009.31	\$ 211,751.00	\$ 280,000.00	\$ 289,450.00

## Roberta Fagan

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**From:** Christine Ariel <cwariel1@cox.net>  
**Date:** Friday, September 2, 2022 10:10 AM  
**To:** Roberta Fagan; Jamie Hainsworth; Chief Edward Mello; Raymond DeFalco  
**Subject:** Amended Dog Ordinance

Hello,

I am wondering why it took so long to post the amended dog ordinance on the Town website. It wasn't until I saw all of the violations this summer at Head's Beach and saw the confusion on social media about it that I inquired with Town Clerk. An amended 'summary' of the ordinance was finally posted on August 28<sup>th</sup>.

Also, the posting of dog ordinance notice on Municipal Code Library is not searchable as a simple PDF. The entire re-written ordinance has to be uploaded to the searchable area on that site. If one tries to search online for the Jamestown Ordinance, nothing amended comes up. When will this be done correctly?

There is a significant problem with signage and with enforcement of the dog ordinance at Head's Beach. Dogs are all over the bathing beach area and in the water there and defecating and running around on the grassy area, neither of which are allowed under the amended dog ordinance. There is only one sign, not even near the gate, and that sign is incomplete and inaccurate in that it does not direct dog owners toward the proper area to unleash their dogs.

I can report that I had a white standard poodle run at me, not under the owner's control, at around 8am on August 26<sup>th</sup> when I was getting set to go out kayaking. I had to scream loudly at the dog to get it to back off. The owner said I didn't have to scream. I told her the dog should be on a leash if she could not control it, which she could not. That same morning, after I finished kayaking at around 8:45-9am, there were 3 dogs in the water at the Head's Beach bathing area with their owners while I attempted to take a short swim. The white poodle was one of them but there was also a red standard poodle and a big brown mutt with his male owner swimming further out too.

Additionally, I can report that around 8am on August 24<sup>th</sup> as I was riding my bicycle up (north on) Gondola Avenue I encountered a man with the backpack and light hair with his brown dog off leash on the roadway as I approached. I asked him to put the dog on leash so I could ride past safely. This is the same man I have complained about in the past to the police. I believe he unleashed him again after I passed but I can't be sure of that.

My question is why haven't all persons with dog licenses been informed by letter about new ordinance? Why has the Town been so lax about notice and enforcement? It certainly seems as though this Town does not take this issue seriously at all. When will the Council take up these issues again?

Sincerely,  
Christine W. Ariel

## Roberta Fagan

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**From:** dan jensen <bowarrows@msn.com>  
**nt:** Friday, September 2, 2022 2:16 PM  
**To:** Roberta Fagan  
**Subject:** 98 Bay View Drive

Dear Town Council Members:

As a Rhode Island resident who moved here 17 years ago I wanted to voice my opinion on a coastal development issue. In the past I believe Rhode Island has done an excellent job maintaining the balance between development and conservation of coastal habitats. Unfortunately over the last three years, several homes in Jamestown square footage has exceeded what a reasonable person would consider appropriate for a non water dependant use. Specifically the home being built at 98 Bay View Drive is the perfect example what not to approve by planning. Whether this home was built over two lots or not, it does not change the negative externalities this project will create. ( I do not have the file on this home because the building and zoning official was out for the week.) Excessive light pollution from interior lights the 15 or more rooms this house will have plus the inability to screen any of the house from viewsheds are all problematic. These are just several issues.

As a graduate of the University of Rhode Island with a degree in coastal zone management I am concerned that development projects approved in the past for the benefit of coastal Rhode Island are now all threatened by out of state residents from large western states that do not understand how small Rhode Island is and how there desires can negatively impact Rhode Island. Thank you for your time. Please respond so I know this was received.

Signed,

Dan Jensen  
30 prospect square  
Wyoming, RI 02898

208 577 7930

Sent from [Mail](#) for Windows

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**From:** Roberta Fagan <rfagan@jamestownri.net>  
**Sent:** Friday, September 2, 2022 12:40:57 PM  
**To:** bowarrows@msn.com <bowarrows@msn.com>  
**Subject:** Town Clerk email

Sincerely,

*Roberta*

Roberta J. Fagan - Town  
Clerk

[Town of Jamestown](#)  
[93 Narragansett Avenue](#)  
[Jamestown, RI 02835](#)  
[rfagan@jamestownri.net](mailto:rfagan@jamestownri.net)  
401-423-9800



Business hours: Mon 8:00 AM - 4:30 PM- last recording at 4:00 PM

[FALL 2022 ELECTIONS VOTER OPTION GUIDE](#) and important dates:

**Town of Warren Resolution**

**Town of Warren  
Bristol County, Rhode Island**

**A RESOLUTION REQUESTING THAT THE STATE OF RHODE ISLAND IN  
PARTNERSHIP WITH MUNICIPALITIES DEVELOP A COMPREHENSIVE PLAN TO  
PROVIDE HIGH-SPEED BROADBAND ACCESS  
RESOLUTION NO. 22-153**

**WHEREAS** the Warren Town Council recognizes that access to high-speed broadband is essential for both residents and businesses; and

**WHEREAS** the State of Rhode Island with funding from the federal government has the ability to develop and implement a plan to provide high-speed broadband; and

**WHEREAS** the Town of Warren has completed a study of Warren residents which indicates that 63% of respondents are not meeting the federal standards of upload and download speeds; and

**WHEREAS** the study also indicated a wide disparity as to fees residents and businesses are being charged while not having access to the federal download and upload speeds; and

**WHEREAS** the Warren Town Council by this resolution demonstrates their commitment to ensuring that residents and businesses will have access to affordable high-speed broadband.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WARREN RHODE ISLAND,  
THAT**

The Town Council:

- 1) Encourages the State of Rhode Island to regulate broadband service as a utility.
- 2) Requests that the State continue to work with cities and towns in developing a plan to ensure all residents and businesses have access to high-speed broadband.
- 3) Requests that the State ensure pricing transparency for high-speed broadband and that minimum federal speed standards are available to all residents and businesses.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WARREN ON  
THIS September 6, 2022**

By: 

John W. Hanley, Town Council President

**ATTEST**

By: 

Sandra Speroni CMC, Town Clerk