

TOWN COUNCIL MEETING
September 29, 2020

I. ROLL CALL

A workshop of the Jamestown Town Council was held on September 29, 2020. This meeting was held pursuant to Executive Order No. 20-05, executed by Governor Gina Raimondo and was teleconferenced via Zoom. The public access code to participate by phone was 1 (301) -715-8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656. To participate by computer or mobile app: <https://zoom.us/j/96000851462> Meeting ID: **96000851462**. Town Council Members present were as follows: Mary Meagher, William J. Piva, Jr. and Randy White. Councilor Beye recused herself. Also present Town Administrator Jamie Hainsworth, Town Solicitor Peter D. Ruggiero, Chief of Police Edward A. Mello, Erin F. Liese, Town Clerk, and Denise Gamon Town Clerk's Assistant

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

III. WORK SESSION

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

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

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

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

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

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

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

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

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

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

Town Administrator Jamie Hainsworth questioned on page 4 of the proposed noise ordinance, under section (C) Construction and manufacturing; and page 5 under section (E) Lawn car and grounds maintenance equipment; "Sundays and legal holidays operation is permitted between the hours of 10:00 a.m. and 6:00 p.m. only when directly performed by the property owner or tenant. What does it matter who is making the noise?"

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

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

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

Councilor Piva agreed with lowering the decibel level.

IV. ADJOURNMENT

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

Attest:

Denise Gamon, Town Clerk's Assistant