



Jamestown Harbor Office
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**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the February 14, 2018 Meeting of the Jamestown Harbor Commission
Approved: 3/14/2018

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, February 14, 2018 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 6:02 PM with roll call:

Present:

David Cain, Chairman
Wayne Banks, Commissioner
Eric Lexow, Commissioner
Steven Bois, Commissioner

Absent:

William Harsch, Vice-Chairman
Dan Wurzbacher, Commissioner
James Heagney, Commissioner

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
Kim Devlin, Harbor Clerk

II. APPROVAL OF MEETING MINUTES - Review, discussion and/or potential action and/or vote

A. Wednesday, January 10, 2018

Commissioner Banks moved to approve the minutes of the January 10, 2018 Jamestown Harbor Commission meeting; Commissioner Lexow seconded. So voted; 4 ayes, 0 nays.

III. OPEN FORUM

A. Scheduled Requests to Address

There were no Scheduled requests to address.

B. Non-scheduled Requests to Address- Review, discussion and/or potential action and/or vote

There were no Non-Scheduled requests to address.

IV. EXECUTIVE DIRECTOR MELLO'S REPORT- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello reported that the Town Council approved the 2018/2019 Harbor budget and rates for the 2018 season.

Executive Director Chief Mello also reported that a small portion of the East Ferry project, the railings and seawall, is the responsibility of the Harbor Department and will come out of the Harbor budget. Public Works Director Mike Gray opened up the bids yesterday and his recommendation will be brought to the Town Council on February 20th.

Executive Director Chief Mello reported that part of the project is to move the location of the pumpout pump, and we have received a considerable amount of grant funding for that part of the project. We would also like to reconnect the pumpout stanchion on the far eastern end of the wood pile pier.

V. HARBORMASTER REPORT- Review, discussion and/or potential action and/or vote

Harbormaster Campbell had nothing to report.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2017/2018

MDF YTD Budget- Review, discussion and/or potential action and/or vote

Executive Director Chief Mello presented the new monthly budget statement format to the Harbor Commission.

VII. SUB-COMMITTEE REPORTS

A. Budget- Review, discussion and/or potential action and/or vote

Chairman Cain stated that the budget sub-committee point person is currently vacant and we will solicit members to fill the vacant positions at a meeting where all of the members are present.

B. Facilities- Review, discussion and/or potential action and/or vote

Commissioner Banks had nothing to report.

C. Mooring Implementation- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

D. Traffic Committee- Review, discussion and/or potential action and/or vote

Chairman Cain had nothing to report.

VIII. LIAISON REPORTS

A. Conservation Commission Liaison- Review, discussion and/or potential action and/or vote

Conservation Commission Liaison Souza had nothing to report.

IX. OLD BUSINESS

A. East Ferry Touch and Go replacement - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello distributed plans to the Jamestown Harbor Commission for the replacement of the East Ferry floating dock and summarized the plans for the new members.

Executive Director Chief Mello reported that he and Public Works Director Mike Gray met with Mr. Bill Munger regarding the plans, and Mr. Munger stated he would be able to transport the floating dock, per his lease with the town, to commission and de-commission the floating docks at East Ferry. The old floating dock was 30'x8' and it was not very stable and it was not used as much as it would have been if it were larger and more stable. The proposed floating dock is 40'x10' and will provide a better platform for touch and go use.

Executive Director Chief Mello stated that a larger touch and go dock will also recoup some of the public touch and go space that will be lost with the reconfiguration of the town touch and go dock. The public touch and go space will be reduced from the reconfiguration of the town's inboard touch and go dock to accommodate Mr. Munger's proposed ferry dock.

Executive Director Chief Mello stated that when he met with Mr. Munger he and Public Works Director Mike Gray left the meeting with the impression that Mr. Munger was ok with the size of the dock, but Mr. Munger later emailed Executive Director Chief Mello stating that he would prefer an 8' wide dock, but did not provide reasoning for the statement.

Executive Director Chief Mello reported that the insurance company quoted a \$28,000 assessed value to the pilings, gangway and floating dock that were either damaged or lost in the storm, but he hopes they might reassess that value and increase the amount.

Executive Director Chief Mello stated that he would like the Jamestown Harbor Commission's approval to move forward with the project. Commissioner Banks moved to approve moving forward with the project and Commissioner Lexow seconded. So voted; 4 ayes, 0 nays.

X. CORRESPONDENCE

A. Letter of Appeal from Mr. Chris Museler - Review, discussion and/or potential action and/or vote

B. Letter from Executive Director Chief Mello to Town Administrator Andy Nota regarding Mr. Bill Munger's proposed projects for East Ferry; 1/15/2018

Commissioner Banks moved to accept Correspondence items A and B; Commissioner Lexow seconded. So voted; 4 ayes, 0 nays.

XI. NEW BUSINESS- Review, discussion and/or potential action and/or vote

A. Appeal – Mr. Chris Museler – Denial of riparian mooring - Review, discussion and/or potential action and/or vote

Mr. Quentin Anthony addressed the Jamestown Harbor Commission on behalf of Mr. Chris Museler. Mr. Anthony began by stating that he was not familiar with the Harbor Management Ordinance and asked how many members had to be present to hear an appeal.

Chairman Cain stated that if there is a quorum of commission members, meaning at least four of the seven members are present, they are able to hold a meeting and hear an appeal.

Mr. Anthony stated that the ordinance says that if your property borders the waters of the town you are a riparian. The decision denying the Muselers' application states that the language in the Muselers' deed does not qualify them as riparian property owners.

Mr. Anthony referred to Exhibit D in his information packet which states that the Muselers' have 550' of water frontage on the Great Creek. If that isn't sufficient qualification as a riparian property owner then the proper course of action would be to ask the Town Council to change the ordinance so the Muselers' can be issued a mooring permit.

Mr. Anthony provided a copy of the original plat map for the Jamestown Harbor Commission to review.

Executive Director Chief Mello stated that if at any time the Jamestown Harbor Commission would like to have some background on the appeal he is ready to provide them with that information.

Chairman Cain stated that the background information would be helpful at this time.

Executive Director Chief Mello stated that in September 2017 Mr. Museler applied for a riparian mooring permit after purchasing the property. Executive Director Chief Mello stated that he spoke to Mr. Museler at one point because Mr. Museler was trying to expedite the process to obtain a mooring, instead of going through the proper channels. Executive Director Chief Mello stated that he reviewed the application and discussing the application with Harbor staff, and because the Harbormaster was off duty, he made the decision to deny the riparian permit.

Executive Director Chief Mello stated that the definition of riparian property in the Harbor Management Ordinance is a freehold estate of land within the town having shorefront property. The property adjacent to Mr. Museler's property to the east is described as the Great Creek. The property west of Mr. Museler's is described as the Great Creek and Narragansett Bay. The property east of Mr. Museler's is described as the Great Creek. The property to the east does not have a mooring and is not classified as waterfront property.

Executive Director Chief Mello stated that the rest of the property owners in the development are true riparian property owners, all with property adjacent to Narragansett Bay. The area where the moorings are set is a designated Conservation area and the Harbor Management Ordinance does not allow moorings in Conservation areas, other than riparian moorings. The implication of granting a mooring to Mr. Museler is that we would be granting a non-riparian mooring in a Conservation area where they do not have a right to have a mooring.

Commissioner Bois asked how the property is classified in the tax records and stated he would like that information.

Executive Director Chief Mello presented a map of the area produced by the Harbor Department showing the properties and moorings in the area.

Executive Director Chief Mello stated that riparian moorings are supposed to lie within an extension on the property lines of the applicant. For right or wrong, in the past some riparian property owners have been granted moorings outside of their property lines. The only reason they were allowed a mooring was because they are riparian property owners, with property bordering Narragansett Bay.

Mr. Anthony stated that the waters that border Mr. Museler's property are coastal waters and that this property is riparian.

Commissioner Bois asked if the moorings are paid for and if the Museler's have a right to apply for a mooring whether or not they have water frontage.

Executive Director Chief Mello cautioned the Jamestown Harbor Commission that, if they do decide to grant the Museler's a mooring, there are three things to consider setting a precedent for:

- 1 – The Museler’s property does not border Narragansett Bay, which has been the criteria used for determining if a property is riparian for harbor purposes;
- 2 – The mooring will be placed outside of the Museler’s property lines; and
- 3 - The mooring will be placed within a Conservation area.

Chairman Cain stated he would like the opinion of the town attorney on this matter.

Chairman Cain moved to continue this matter until the next meeting.

Commissioner Banks stated he would also like to hear the opinion of the town attorney.

Commissioner Bois stated he would like more information and to review the information further.

Chairman Cain amended his motion to continue the matter until the second Wednesday in March or April; Commissioner Lexow seconded. So voted; 4 ayes, 0 nays.

B. Sub-Committee vacancies - Review, discussion and/or potential action and/or vote

Chairman Cain moved to continue this item until the next meeting when all of the members are present; Commissioner Banks seconded. So voted; 4 ayes, 0 nays.

C. Capital Improvement Plan - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello asked the Jamestown Harbor Commission to review the projects on the Capital Improvement Plan. Executive Director Chief Mello stated that these projects are a priority list in the event funding is available.

Chairman Cain moved to approve the Capital Improvement Plan; Commissioner Banks seconded. So voted; 4 ayes, 0 nays.

XII. OPEN FORUM – CONTINUED- Review, discussion and/or potential action and/or vote

There was no continued open forum.

XIII. ADJOURNMENT- Review, discussion and/or potential action and/or vote

Chairman Cain moved to adjourn at 7:15 PM, Commissioner Banks seconded. So voted; (4 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk