



JAMESTOWN HARBOR OFFICE

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TOWN OF JAMESTOWN HARBOR COMMISSION

Minutes of the June 13, 2011 Jamestown Harbor Commission Meeting
Approved: 7/13/2011

A meeting of the Jamestown Harbor Commission (JHC) was held Monday, June 13, 2011 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

Chairman deAngeli called the meeting to order at 7:02PM with roll call:

Present:

Michael deAngeli, Chairman
Andrew Kallfelz, Vice-Chairman
Chris Brown, Commissioner
Susan Little, Commissioner
David Cain, Commissioner
Larry Eichler, Commissioner
Edward McGuirl, Commissioner (7:13PM)

Also in attendance:

Chief Thomas Tighe, Executive Director
Bob Bowen, Town Council Liaison
Kimberly Devlin, Harbor Clerk & Recording Secretary

APPROVAL OF MINUTES May 11, 2011

Harbor Clerk Devlin stated the minutes will be presented at the next meeting.

CONSENT AGENDA Sub-Committee Meeting Minutes for Review

1. Budget Sub-Committee Meeting Minutes; 4/19/2011

Commissioner Cain moved to approve the minutes of the Budget Sub-Committee; Commissioner Little seconded. So voted; 6 ayes, 0 nays.

EXECUTIVE SESSION

No Executive Session.

OPEN FORUM Scheduled Requests to Address

No Scheduled requests to address.

Non-scheduled Requests to Address

No Non-Scheduled requests to address.

EXECUTIVE DIRECTOR TIGHE'S REPORT

Executive Director Tighe had nothing to report.

OPEN FORUM

Non-scheduled Requests to Address

Bill Munger requested that the Jamestown Harbor Commission revisit the finance and budget section of the Harbor Management Ordinance.

MARINE DEVELOPMENT FUND BUDGET

2010/2011 MDF YTD Budget

The Marine Development Fund was presented to the Jamestown Harbor Commission.

HARBOR CLERK REPORT

Harbor Clerk Devlin reported the season is going as scheduled.

HARBORMASTER REPORT

Harbormaster Paterson reported the pump-outs are up and running and that Mike Gray has put up signs at the kayak racks stating a permit is needed. Harbormaster Paterson also stated the Ribcraft and Eastern engine's need work.

LIAISON REPORTS

Planning Commission Liaison

Planning Commission Liaison seat is vacant.

Town Council Liaison

Town Council Liaison Bob Bowen reported there will be a public hearing Monday for the two pieces of the ordinance.

Conservation Commission Liaison

Conservation Commission Liaison Maureen Coleman was absent.

ONGOING BUSINESS

Budget

The budget Committee had nothing to report.

Facilities

Commissioner Little presented the Jamestown Harbor Commission with a facilities report. A discussion on the touch and go time limit and the DHBV dinghy dock ensued.

(Commissioner McGuirl arrives; 7:13PM)

Mooring Implementation

Commissioner Cain had nothing to report.

Harbor Management Ordinance / Comprehensive Harbor Management Plan

A discussion on the wording of the financial section of the Harbor Management Ordinance ensued. Vice-Chairman Kallfelz stated he would draft some wording to try and satisfy concerns some people have expressed regarding the Harbor finances being utilized by the Town. Vice-Chairman Kallfelz stated that, regardless of the wording of the Harbor Management Ordinance, the Town Council can do what they wish.

OLD BUSINESS

There was no Old Business to discuss.

NEW BUSINESS

Chairman deAngeli addressed the appellants, as a group, stating that Chief Tighe, the Town Solicitor, Peter Ruggiero, and himself sat down to discuss how to handle the appeals. It was decided that most would be allowed to file a retro-active temporary exemption, and would have until July 1, 2011 to submit

the paperwork and have their permit renewal complete. Their moorings must be used this season, by the boat registered to the mooring.

Commissioner Eichler stated he is ok with that approach.

Vice-Chairman Kallfelz stated he feels that approach is ridiculous; we have a wait list 15 years long for people who want a mooring. If they were used, and have documentation to confirm that, then allow the exemption. If the mooring was not used and the proper paperwork was not filled out, then the mooring should be forfeited.

Commissioner Little stated she hates to take people's moorings' away.

Commissioner Cain stated he feels each case should be heard separately, due to the factual differences.

Commissioner Brown stated we should stress the Harbor Management Ordinance.

Commissioner McGuirl stated it is not clear what should be done. Should the process to handle the appeals be voted on?

Vice-Chairman Kallfelz asked Executive Director Tighe and Harbormaster Paterson if the permit holders' did not learn of the forfeiture until the spring, when the harbormaster returned.

Harbormaster Paterson addressed the Jamestown Harbor Commission regarding the forfeiture letters mailed. He stated he disagreed with the process and none should be taken away. He stated it is impossible to check on a 14 day usage requirement. He also stated that there are riparian's on the list and all they need to do is re-apply for the mooring. Harbormaster Paterson also stated that the Harbormaster should be notified when the mooring is in use.

A. Appeal – Ms. Jacquelyn Deinert; 5-13-2011; Forfeiture of Mooring

Chairman deAngeli moved to approve Ms. Jacquelyn Deinert's appeal on the condition she renews her permit by July 1, 2011, and has her boat on the mooring this season for at least 14 days, Commissioner McGuirl seconded. So voted; 6 ayes, 1 nays (Vice-Chairman Kallfelz.)

B. Appeal – Mr. David Sleczkowski; 5-16-2011; Forfeiture of Mooring

Chairman deAngeli moves to approve Mr. David Sleczkowski's appeal based on the fact that he did use the mooring last season; Commissioner Cain seconded. So voted; 7 ayes, 0 nays.

C. Appeal –Mr. John Murphy; 5-16-2011; Forfeiture of Mooring

Chairman deAngeli moves to grant Mr. Murphy a retro-active temporary exemption, under the condition that the boat will be registered and on the mooring for at least 14 days this season. Commissioner Cain seconded; So voted; 7 ayes, 0 nays.

D. Appeal – Mr. Robert Roach; 5-17-2011; Forfeiture of Mooring

Commissioner Little moves to accept the appeal by Mr. Roach based on retro-active temporary exemption; Commissioner Cain seconded. So voted; 6 ayes, 1 nay. (Vice-Chairman Kallfelz.)

E. Appeal – Mr. Paul Laviolette; 5-18-2011; Forfeiture of Mooring

Vice-Chairman Kallfelz moves to grant the appeal, under the condition the permit is renewed by July 1, 2011, and has a boat on the mooring this season for at least 14 days. Chairman deAngeli seconded. So voted; 7 ayes, 0 nays.

F. Appeal – Mr. Terry Jones; 5-20-2011; Forfeiture of Mooring

Vice-Chairman Kallfelz moves to grant the appeal, based on the fact that the mooring was used. Chairman deAngeli seconded. So voted; 7 ayes, 0 nays.

G. Appeal – Mr. Michael Kavanagh; 5-20-2011; Forfeiture of Mooring

Vice-Chairman Kallfelz stated that the implication of compensation is dangerous, as the lease allows for the owner to captain the boat for the permit holder at a "discounted rate."

A discussion on the lease ensued.

Chairman deAngeli moves to approve the appeal; Commissioner Cain seconded. So voted; 7 ayes, 0 nays. So voted; 6 ayes, 1 nays (Commissioner Eichler.)

CORRESPONDENCE

- A. CRMC – 5-24-2011; Cease and Desist Order; Richard and Pamila Haas**
- B. CRMC – 5-27-2011; May 2011 Calendar**
- C. CRMC – 5-31-2011; Agenda – Joint Work Session**
- D. CRMC – 6-1-2011; June 2011 Calendar**

Commissioner Cain moved to accept Items 14 A-D, Commissioner Brown seconded. So voted; 7 ayes, 0 nays.

Open Forum – Continued

Vice-Chairman Kallfelz presented his new language to the Jamestown Harbor Commission. Vice-Chairman Kallfelz suggested adding back (*under Sec. 78-28 (e)*) language that was previously struck; "The harbor management account shall be maintained exclusively for the management and development of harbor management programs" and to additionally include the phrase "and harbor infrastructure facilities" as the new inclusion at the end of the sentence.

Chairman deAngeli moves to accept Vice-Chairman Kallfelz's language, to be submitted at the Town Council public hearing on Monday; Commissioner Little seconded. So voted; 7 ayes, 0 nays.

Vice-Chairman Kallfelz also stated, regarding the Forfeitures for non-use, that the permit holder in jeopardy of losing their mooring should have time to rectify the situation, and at lease, be notified of the violation before the new season begins.

ADJOURNMENT

Vice-Chairman Kallfelz moved to adjourn at 9:36 PM, Commissioner Eichler seconded. So voted; 7 ayes, 0 nays.

Respectfully submitted,


Kim Devlin
Harbor Clerk