



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

Minutes of the December 12, 2018 Meeting of the Jamestown Harbor Commission
Approved: 1/9/2019

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, December 12, 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 6:00 PM with roll call:

Present:

David Cain, Chairman
William Harsch, Vice-Chairman
James Heagney, Commissioner
Dan Wurzbacher, Commissioner
Wayne Banks, Commissioner

Absent:

Eric Lexow, Commissioner
Steven Bois, Commissioner

Also in attendance:

Chief Mello, Executive Director
Mark Campbell, Harbormaster
David Petrarca, Town Solicitor
Conservation Commission Liaison Souza
Kim Devlin, Harbor Clerk

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

A. Wednesday, November 14, 2018

Commissioner Banks moved to approve the minutes; Commissioner Wurzbacher 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 railings have been repaired at the East Ferry basin as a part of the parking lot renovation project. Also as a part of that project the pump house has been rebuilt off site and will be installed when appropriate. A good portion of the pump house was paid for with a DEM grant.

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

The budget was not available.

VII. SUB-COMMITTEE REPORTS

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

Commissioner Heagney had nothing to report.

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

Commissioner Banks stated that he and Commissioner Wurzbacher will be meeting with the Chief on Friday.

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.

E. Gould Island Restoration Committee - Review, discussion and/or potential action and/or vote

Chairman Cain reported that the committee is still in the planning stages for the Gould Island project, which will commence in the spring. The next meeting of the committee is in April.

A discussion on hunting on the DEM managed portion of Gould Island ensued.

VIII. LIAISON REPORTS

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

Conservation Commission Liaison Souza had nothing to report.

(Vice-Chairman Harsch arrived.)

IX. OLD BUSINESS

A. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 – Review, discussion and/or potential vote; Continued from October 10, 2018

Mr. Quentin Anthony addressed the Jamestown Harbor Commission on behalf of his client, Mr. Chris Museler, and requested that the appeal be continued until more members be present for the vote on his client's appeal. Mr. Anthony also stated that he would like to ask Harbormaster Campbell some questions in front of the full commission.

Mr. Anthony also requested that the Jamestown Harbor Commission guarantee his client that any future amendments to the Harbor Management Ordinance should not diminish or remove any rights his client has as a riparian property owner.

Town Solicitor David Petrarca stated that any subsequent legislation changes would not affect the current appeal.

Mr. Anthony also asked the Jamestown Harbor Commission to provide his client documents when they are prepared.

Executive Director Chief Mello stated that when the documents are prepared and presented to the Jamestown Harbor Commission they will become available to the public. It is up to the Jamestown Harbor Commission to decide if they want to send the documents straight to the Town Council to start the process of Public Notice and Public Hearing.

X. CORRESPONDENCE

There was no Correspondence.

XI. NEW BUSINESS

A. Initial Budget Discussions FY 2019/2020 - Review, discussion and/or potential action and/or vote

B. 2019 Harbor Rates - Review, discussion and/or potential action and/or vote

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

Executive Director Chief Mello presented the proposed budget, rates and capital improvement plan to the Jamestown Harbor Commission for their review. Executive Director Chief Mello stated that we will be meeting with Commissioner Heagney to discuss these documents in detail and asked that the Jamestown Harbor Commission review the documents and if anyone has any questions or concerns to email Commissioner Heagney directly and he can bring up those concerns at the meeting.

Executive Director Chief Mello stated that these documents will need to be ratified at the January meeting because the Town Council needs to approve the budget, rates and capital plan by February.

Executive Director Chief Mello reminded the Jamestown Harbor Commission that if there is a particular project in the capital improvement plan that the commission would like to advocate for someone from the commission should present that plan to the council.

Chairman Cain stated that Ft. Getty pier needs attention and maintenance so we don't lose that asset. Chairman Cain asked the facilities committee to present to the council.

D. Harbor Management Ordinance and Comprehensive Harbor Management Plan amendments - Review, discussion and/or potential action and/or vote

1. Riparian Moorings

Executive Director Chief Mello stated that, in conversations with CRMC and subsequent meetings with solicitors present, CRMC have asked us to address the wording in the ordinance on riparian moorings. We will work with the solicitors and staff to amend the Harbor Management Ordinance and to either bring the language back to the commission for review or to send it straight to the Town Council. The revisions will require Public Notice and a Public Hearing, as well as a vote by the Town Council.

Executive Director Chief Mello asked the Jamestown Harbor Commission if they would be willing to start the discussion tonight so we can have a consensus on how to proceed.

Executive Director Chief Mello stated that in the discussions with CRMC they are seeking a couple of things; the first is that they would like it clarified that riparian moorings must be placed within the lateral extension of the property lines and the second is a plan on how to deal with existing riparian moorings that do not fall within the lateral extension of the property lines.

Vice-Chairman Harsch questioned how riparian moorings in harbor waters would be handled and if they would be held to the same standards.

Executive Director Chief Mello stated that we will look at it, but that the grandfather clause would allow those moorings in existence that are not in compliance to remain. The moorings that are grandfathered would not transfer and would terminate on the sale of the property. Executive Director Chief Mello suggested mirroring the existing language that allows for one transfer to a family member on a one time only basis.

Vice-Chairman Harsch stated that the ordinance changes make sense except where there is a mix of boats in a mooring field.

Executive Director Chief Mello also addressed the Jamestown Harbor Commission regarding swim platforms, as there is no language that covers them in the ordinance. Property owners requesting a swim platform would still have to meet riparian mooring standards and they would count as a guest mooring. We would mimic the language in the (CRMC) Red Book and they would not be able to be used as a floating dock or for commercial purposes and would be limited in size and height.

Commissioner Heagney asked if the distance from shore should be mentioned.

Executive Director Chief Mello stated that, as with all moorings, the Harbormaster will have discretion on the location of swim platforms.

Executive Director Chief Mello stated that this is just a clean-up of the ordinance language and it will not change what the practice has been. Riparian moorings in harbor waters are limited to two moorings and riparian property owners must have an existing primary mooring in order to have a guest mooring. Outside of the harbor waters (coastal waters) riparian property owners may have up to four moorings and must have at least one primary mooring to apply for a guest mooring.

Vice-Chairman Harsch asked what prompted this.

2. Modification of Conservation Zone

Executive Director Chief Mello stated that this began with the CRMC approval letter of the town's Harbor Management Ordinance and Comprehensive Harbor Management Plan. CRMC directed us to move riparian moorings out of the Zeek's Creek Conservation Zone. Harbormaster Campbell noticed that the town's conservation zone was at 1000' and did not line up with CRMC's conservation zone of 500'. By moving the town's conservation zone to match CRMC's conservation zone the majority of the riparian moorings in question would be outside of the conservation zone.

Executive Director Chief Mello stated that we need approval to accept the revised map of the conservation zone into the

plan and then the appendix detailing the conservation zone can be adopted as a schedule in the ordinance. CRMC and the Conservation Commission are on board with realigning the conservation zone.

Chairman Cain asked Town Solicitor David Petrarca for advice on moving forward with this and with the appeal of Mr. Museler.

Town Solicitor David Petrarca stated that the appeal is on its own path with the existing regulations and any changes made after the appeal was filed should not affect the appeal.

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

Mr. Chris Museler addressed the Jamestown Harbor Commission on riparian mooring rights and stated that he does not think CRMC has jurisdiction over town moorings.

Mr. Museler also stated that he was not provided documents requested and it cost him thousands of dollars to obtain certain documents.

Vice-Chairman Harsch questioned why we are withholding documents to the appellant's council.

Town Solicitor David Petrarca stated that it is not the town that is withholding documents that CRMC was withholding documents, as stated in Mr. Anthony's appeal correspondence.

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

Chairman Cain moved to adjourn at 7:03 PM, Commissioner Harsch seconded. So voted; (5 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk