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**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the January 9, 2019 Meeting of the Jamestown Harbor Commission
Approved: 2/13/2019

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, January 9, 2019 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
Eric Lexow, Commissioner
Steven Bois, Commissioner

Absent:

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, December 12, 2018

Chairman Cain moved to approve the minutes; Commissioner Banks seconded. So voted; 6 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.

(Vice-Chairman Harsch arrives.)

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

Executive Director Chief Mello reported that the East Ferry touch and go project was awarded to Regan. Public Works Director Mike Gray is finalizing the details on the design of the floating dock. There is a significant amount of in-kind work that the Public Works Department will be investing in the building of the float.

Chairman Cain asked if there is a timeline on the project.

Executive Director Chief Mello stated that the plan is to have it functional for this season.

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

Harbormaster Campbell had nothing to report.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2018/2019

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 reported that he met with Executive Director Chief Mello on the budget and that there were no comments or questions from the members of the Jamestown Harbor Commission. Commissioner Heagney reported that there was only one change, the West Ferry floating dock line item was increased from \$0 to \$8500.

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

Commissioner Banks reported the Ft. Getty Pier needs maintenance.

Executive Director Chief Mello stated that there was a meeting with Tony and Joe Pinheiro about the possibility of adding upwellers to the Ft. Getty pier. The Pinheiro's were asked to submit a proposal by January 1st so the topic could be discussed at this meeting but nothing was submitted until after the agenda was already posted and the information submitted was incomplete.

Executive Director Chief Mello stated that a survey of the pier was completed a few years back and the estimate to bring the pier back to the point of being able to be used for large vessel dockage is at \$500,000. Executive Director Chief Mello suggested that the facilities sub-committee sit down with Public Works Director Mike Gray and determine what the pier should be used for, as it will be a sizeable investment and may require a grant to complete the work.

Chairman Cain stated that there are also a number of aquaculture operations that rely on the pier for their commercial working vessels and they expect that pier to be maintained.

A discussion ensued.

Chairman Cain suggested that the Facilities sub-committee research the project and also asked Vice-Chairman Harsch to join the Facilities sub-committee on this particular project.

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 next meeting of the committee is in April.

Commissioner Bois reported that URI Civil Engineering is participating in the project and there is a planned visit on March 2nd to show RAD members the progress that has been made.

VIII. LIAISON REPORTS

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

Conservation Commission Liaison Souza was absent.

IX. OLD BUSINESS

A. Appeal – Mr. Chris Museler; re: Mooring location; 5/8/2018 – Review, discussion and/or potential vote; Continued from December 12, 2018

Executive Director Chief Mello stated that he has spoken with the Town Solicitor and with Mr. Anthony and we are requesting the appeal be continued until the next meeting.

Commissioner Banks moved to continue the appeal until the next meeting, Vice-Chairman Harsch seconded. So voted; 7 ayes, 0 nays.

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

Executive Director Chief Mello stated that the proposed budget documents were presented to the Jamestown Harbor

Commission at the last meeting and hopefully the Commissioners have had a chance to review them. The only change made, based on a meeting with Commissioner Heagney, was \$8500 moved to the West Ferry floating dock line item. The budget remains balanced at \$262,000.

Vice-Chairman Harsch moved to approve the 2019-2020 Operating Budget; Commissioner Banks seconded. So voted; 7 ayes, 0 nays.

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

Commissioner Heagney stated that no changes were made to the proposed rates for the 2019 season.

Vice-Chairman Harsch asked how our rates stack up compared to other towns.

Executive Director Chief Mello stated we are in the middle, based on a comprehensive study conducted a few years back.

Vice-Chairman Harsch moved to approve the proposed rates for the 2019 season; Commissioner Heagney seconded. So voted; 7 ayes, 0 nays.

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

Executive Director Chief Mello stated that he would like to spend more time with the facilities sub-committee to discuss Ft. Getty pier repairs and the priorities of the Jamestown Harbor Commission.

Commissioner Wurzbacher moved to continue the Capital Improvement Plan until the next meeting; Commissioner Banks seconded. So voted; 7 ayes, 0 nays.

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

1. Riparian Moorings

2. Modification of Conservation Zone

Chairman Cain stated that he has questions for the Town Solicitor on this item and that he is also concerned that the community isn't aware of the proposed changes.

Executive Director Chief Mello stated that Chairman Cain's concerns may be alleviated based on the process. Executive Director Chief Mello explained that the Jamestown Harbor Commission is an advisory committee for the Town Council and the Jamestown Harbor Commission would only be making a recommendation to the Town Council. The Town Council is then required to hold a public hearing with notice and public comment.

Chairman Cain stated that he is concerned about the seasonal residents not being aware of the proposed changes.

Executive Director Chief Mello stated that he doesn't expect the Jamestown Harbor Commission to make any decisions at the time. If the Jamestown Harbor Commission can vote on the proposed changes at the February meeting, then we will meet with CRMC to see if they approve of the changes, we are looking at April before the Town Council will have this on their agenda.

Commissioner Bois stated that he has concerns about why these changes are coming about.

Executive Director Chief Mello stated that he will provide the background on the changes in two pieces. The first part is the inclusion of the specific water areas around the island, including the coordinates of the areas, so that they are included in the plan and the ordinance.

The second part is the revised Zeek's Creek Conservation Zone. The only change made there is to align the Town's Conservation Zone with CRMC's Conservation Zone.

Commissioner Bois asked Executive Director Chief Mello if there are any proposed changes that will affect Mr. Museler's appeal.

Executive Director Chief Mello stated yes, the revision of the Conservation Zone.

Commissioner Bois asked Executive Director Chief Mello how that will affect his appeal.

Executive Director Chief Mello stated that when Mr. Museler applied for his mooring permit he asked to be outside of the CRMC's 500' Conservation Zone but within the Town's Conservation Zone at 1000'. If the Town Council and CRMC

approve of aligning the Town's line with CRMC's line Mr. Museler's appeal will be unnecessary because we will be able to place his mooring in the location he requested.

A discussion on the number and location of non-conforming moorings ensued.

Executive Director Chief Mello stated that the ordinance changes related to riparian moorings are born from a CRMC initiative. CRMC is seeking to clarify riparian property rights and the proposed language change is a direct result of that directive from CRMC. The proposed language added in Section 78-26 clarifies that riparian moorings must be adjacent to the property and fall within the lateral extensions of the property lines. There are a number of moorings that do not fall within those parameters.

Executive Director Chief Mello stated that CRMC wants those riparian moorings that do not fall within the lateral extensions of the property lines to terminate on the sale of the property and the new owners cannot apply for a riparian mooring to be associated with that property unless there is sufficient water in front of the property to support a mooring.

Chairman Cain asked for the solicitor's opinion and guidance on this matter.

Executive Director Chief Mello stated that the Town Solicitor was present at the CRMC meeting and has been involved in all of the discussions on the proposed ordinance changes.

Executive Director Chief Mello stated that in writing the proposed language he tried to meet CRMC in the middle and compromise on behalf of the property owners by limiting the non-conforming riparian moorings to one.

Chairman Cain asked if this is a common occurrence.

Executive Director Chief Mello stated that he doesn't know the exact numbers but that there are a handful of instances where riparian property owners have been accommodated by having riparian moorings placed outside of their property lines where there isn't sufficient water adjacent to their property to support a mooring.

A discussion on notification of permit holders ensued.

Vice-Chairman Harsch asked if this proposed language has been shared with CRMC.

Executive Director Chief Mello stated that no, it has not, he is waiting for direction from the Jamestown Harbor Commission.

X. CORRESPONDENCE

There was no Correspondence to discuss.

XI. NEW BUSINESS

There was no New Business to discuss.

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

Mr. Chris Museler addressed the Jamestown Harbor Commission regarding his appeal and the proposed language changes.

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

Vice-Chairman Harsch moved to adjourn at 7:23 PM, Commissioner Lexow seconded. So voted; (7 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk