



JAMESTOWN HARBOR OFFICE
TOWN HALL
93 NARRAGANSETT AVENUE
JAMESTOWN, RHODE ISLAND 02835

Phone 401.423.7262
Fax 401.423.7229

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the July 9, 2014 Meeting of the Jamestown Harbor Commission
Approved: 8/13/2014

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, July 9, 2014 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

1. CALL TO ORDER AND ROLL CALL

Chairman deAngeli called the meeting to order at 7:01 PM with roll call:

Present:

Michael deAngeli, Chairman
David Cain, Vice-Chairman
Ed McGuirl, Commissioner
Patrick Bolger, Commissioner
William Harsch, Commissioner
Bruce Dickinson, Commissioner
Joseph McGrady, Commissioner

Absent:

George Souza, Conservation Commission Liaison

Also in attendance:

Executive Director Chief Mello
Sam Paterson, Harbormaster
Kim Devlin, Harbor Clerk & Recording Secretary

2. APPROVAL OF MEETING MINUTES

A. June 11, 2014

Vice-Chairman Cain moved to approve the minutes of the June 11, 2014 Jamestown Harbor Commission meeting. Chairman deAngeli seconded. So voted (7 ayes, 0 nays).

3. CONSENT AGENDA

No Consent Agenda.

4. EXECUTIVE SESSION

No Executive Session.

5. OPEN FORUM

A. Scheduled Requests to Address

No Scheduled requests to address.

B. Non-scheduled Requests to Address

No Non-scheduled requests to address.

6. EXECUTIVE DIRECTOR MELLO'S REPORT

Executive Director Chief Mello reported that a used truck was purchased for the Harbormaster.

Executive Director Chief Mello informed the Jamestown Harbor Commission about the beach permit clean-up at Ft. Getty and East Ferry. Both locations have unpermitted vessels on the beaches; on the east side by the outhauls at Ft. Getty and

the Bryer Beach area of East Ferry. Executive Director Chief Mello will research when the transfer of the Bryer Beach plat occurred and the best way to proceed.

Executive Director Chief Mello reported the Town Council included the transfer language in the Harbor Management Ordinance they approved and submitted to CRMC. CRMC will not approve the Harbor Management Ordinance with the language that allows for the Jamestown Harbor Commission discretion on the transfer policy. CRMC is now waiting for the Town Council to approve the Harbor Management Ordinance without the appeal language. The public hearing for the Harbor Management Ordinance is on August 4, 2014.

7. MARINE DEVELOPMENT FUND BUDGET

A. 2013/2014 MDF YTD Budget

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

8. HARBORMASTER REPORT

Harbormaster Paterson had nothing to report.

9. HARBOR CLERK REPORT

Harbor Clerk Devlin has nothing to report.

10. LIAISON REPORTS

A. Planning Commission Liaison

Planning Commission Liaison seat is vacant.

B. Town Council Liaison

Town Council Liaison seat is vacant.

C. Conservation Commission Liaison

Conservation Commission Liaison George Souza was absent.

11. ONGOING BUSINESS

A. Budget

Commissioner Dickinson had nothing to report.

B. Facilities

Commissioner McGuirl had nothing to report.

C. Mooring Implementation

Commissioner Cain had nothing to report.

D. Harbor Management Ordinance / Comprehensive Harbor Management Plan

Chairman deAngeli had nothing to report.

E. Traffic Committee

Vice-Chairman Cain had nothing to report.

12. OLD BUSINESS

There was no Old Business to discuss.

13. NEW BUSINESS

A. Appeal – Elizabeth Sullivan; Re: Mooring permit transfer denial

Chairman deAngeli stated the appeal was filed before the Harbor Management Ordinance changes were made; therefore, the Jamestown Harbor Commission can grant the appeal.

Commissioner Bolger asked what boat is going on the mooring.

Mason Kelly stated he has a ten foot boat.

Harbormaster Paterson stated the vessel must be in need of a mooring and should be at least 16 feet.

Commissioner McGuirl stated that at the time this appeal was made, we (the Jamestown Harbor Commission) were still under the Harbor Management Ordinance that did not allow for the appeal.

Executive Director Chief Mello stated that the commission should understand the chronology of the Harbor Management Ordinance approval. The Jamestown Harbor Commission passed an ordinance that did not allow for the appeal and submitted that ordinance to the Town Council for approval. The commission then took a position where they wanted to be

able to hear appeals on transfers and wrote a memo to the Town Council asking for reconsideration. The Town Council included the transfer language in the Harbor Management Ordinance that they approved and passed on to CRMC. That version of the ordinance, with the transfer language included, has since been rejected by CRMC. That is why we have to go back to public hearing on August 4, so the Town Council can approve the Harbor Management Ordinance with the appeal language removed.

Chairman deAngeli stated this will definitely not happen again, but the appeal was filed before the language was removed, so it is still an option.

Commissioner Bolger agrees that this is the last time this will happen.

Commissioner Dickinson stated he agrees that he would like moorings to stay in the family. Commissioner Dickinson also stated that he wants to go by the law, but he has over 400 people (on wait lists for mooring permits) to answer to, if he votes to grant the appeal. To approve this appeal would be unfair to all of those people who have been waiting over a decade for a mooring permit.

Commissioner McGuirl stated CRMC is very clear on their intention that if a transfer does not fall within CRMC guidelines, the mooring permit cannot be transferred and goes back in the pool for the general public, and someone on the waiting list can have it.

Chairman deAngeli stated that is clearly how they (CRMC) wants it, but it is not our law yet. The ordinance we (the Jamestown Harbor Commission) are operating under does allow for appeals on transfers to be heard.

Commissioner Harsch stated he is looking at the legal aspects of this, and it seems to him that Chairman deAngeli is right about what law the Jamestown Harbor Commission is under. They (Ms. Sullivan and family) still have the right of appeal.

Commissioner Harsch asked if CRMC had the authority, and are they inclined, to step in on something like this.

Chairman deAngeli answered no.

Commissioner Harsch asked if CRMC could invalidate this transfer if we allow it.

Chairman deAngeli stated he does not see how, as they have no jurisdiction at this point. The law we are under allows for appeal.

Chairman deAngeli moved that the appeal be granted, Vice-Chairman Cain seconded. (5 ayes, 2 nays (Dickinson and McGuirl)).

B. Harbor Management Ordinance – Town Council amendments and approval

Item was not discussed.

14. CORRESPONDENCE

A. Cheryl Fernstrom – Town Council meeting follow-up; 6-19-2014

B. CRMC – July 2014 Calendar; 6-23-2014

C. Request for Appeal – Elizabeth Sullivan; 6-24-2014

D. CRMC – Notice of Proposed Rule-Making and Public Hearing; 6-26-2014

Chairman deAngeli moved to accept the items of correspondence, Commissioner Bolger seconded. So voted (7 ayes, 0 nays).

15. OPEN FORUM – CONTINUED

Commissioner Bolger pointed out that an item (13(B) New Business – Harbor Management Ordinance – Town Council amendments and approval) was skipped over.

Chairman deAngeli stated it was covered already.

Commissioner Bolger stated that the Harbor Management Ordinance language was changed from what the Jamestown Harbor Commission submitted to the Town Council. The lease funds have been removed from the harbor budget. Currently, the lease funds are held in an enterprise fund for harbor. This ordinance states the lease funds will be held in a capital account under the town.

A discussion ensued.

Town Administrator, Andrew Nota addressed the Jamestown Harbor Commission regarding the budget changes. Town Administrator Nota stated that how the change has been interpreted by the council is that, previously, there were two

harbor accounts – one for the operating budget and one for the infrastructure budget. Now, how the language is interpreted is there will be three accounts.

Town Administrator Nota stated the lease funds have been completely removed from the harbor budget and are under the direction of the Town Council. There will be a separate capital account specifically for waterfront improvements. The funds in the capital reserve account can include projects on the Asset Management Inventory list, but they may also be used for things not currently on the Asset Management Inventory list. The other two accounts will still be in effect, and any reserves will be rolled over into the capital waterfront improvement account. The harbor budget will be zeroed out each year and will not have a reserve fund.

A discussion ensued.

Commissioner Dickinson suggested including East Ferry beach property (Bryer Beach) on the Asset Inventory List, since it is town property and a public right-of-way. Currently, the town owned beach property is only identified up to Bay View Drive, so the line needs extended.

16. ADJOURNMENT

Chairman deAngeli moved to adjourn at 7:36 PM, Vice-Chairman Cain seconded. So voted; (7 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk