



JAMESTOWN HARBOR OFFICE
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**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the March 11, 2015 Meeting of the Jamestown Harbor Commission
Approved: 4/8/2015

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, February 11, 2015 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

1. CALL TO ORDER AND ROLL CALL

Chairman Cain called the meeting to order at 7:00 PM with roll call:

Present:

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

Also in attendance:

Town Administrator, Andy Nota
Executive Director Chief Mello
George Souza, Conservation Commission Liaison
Kim Devlin, Harbor Clerk & Recording Secretary

2. APPROVAL OF MEETING MINUTES

A. February 11, 2015

Commissioner McGrady moved to approve the minutes of the January 14, 2015 Jamestown Harbor Commission meeting. Commissioner Bolger seconded. So voted (6 ayes, 0 nays).

(Commissioner Harsch arrives at 7:01PM.)

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 Mello reported on the status of the Comprehensive Harbor Management Plan, stating it is still with CRMC for their approval. We are waiting for the water quality certification from DEM. DEM is requiring some conditions that would require minor language changes to the plan. Executive Director Mello stated he would draft changes for the Jamestown Harbor Commission approval and to send to the Town Council for ratification. Once we approve the changes and the plan is adopted we will receive a full certification. Executive Director Mello anticipates the changes will be prepared for the Jamestown Harbor Commission's approval at the April meeting.

Executive Director Mello also reported that the Town Council approved the harbor budget and LRIP without amendments. The changes in the budget will also require changes to the Harbor Management Ordinance.

Executive Director Mello reported that we are beginning to prep for season. The town also met with DEM to explore grant potentials related to the East Ferry boat ramp, fishing piers, etc. There are some large, long-term projects with significant investments the town is exploring.

7. MARINE DEVELOPMENT FUND BUDGET

A. 2014/2015 MDF YTD Budget

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

8. HARBOR CLERK REPORT

Harbor Clerk Devlin reported permit renewals will be sent within the next week or so.

9. LIAISON REPORTS

A. Conservation Commission Liaison

Conservation Commission Liaison Souza had nothing to report.

10. ONGOING BUSINESS

A. Budget

Item will be discussed under New Business.

B. Facilities

Commissioner McGuirl had nothing to report.

C. Mooring Implementation

Vice-Chairman Cain had nothing to report.

D. Traffic Committee

Vice-Chairman Cain had nothing to report.

11. OLD BUSINESS

There was no Old Business to discuss.

12. NEW BUSINESS

A. Appeal – Joseph Pinheiro

Executive Director Mello summarized the events that led to appeal and explained the initial permitting process. Mr. Pinheiro's boat is on trailer at Ft. Getty and he is not permitted for that, only for dockage at the pier. In the capacity of police chief, the vessel was deemed abandoned on town property. Mr. Pinheiro has been on notice to have the vessel removed, and the vessel is still there.

In August, Mr. Pinheiro applied for a commercial vessel permit, which is a discounted rate. It appears that the vessel is not a commercial style vessel and Mr. Pinheiro has not met his financial obligation.

Mr. Pinheiro has abandoned a vessel on town property and has not responded to any notification to have it removed. He has been put on notice that he would not receive a permit at Ft. Getty any longer.

Joseph Pinheiro stated the boat is an offshore fishing vessel.

Chairman Cain asks if that makes it a commercial vessel.

Joseph Pinheiro stated that he has a commercial fishing license.

Chairman Cain asked Mr. Pinheiro how long he has owned the vessel.

Joseph Pinheiro stated he has owned the vessel two weeks before it was docked at Ft. Getty pier and that he has contracted a boat hauler, but because of the weather he has not been able to remove it.

Commissioner Bolger asked Mr. Pinheiro if he paid for the lease on January 6th.

Joseph Pinheiro stated that, no, he had not paid for the lease.

Commissioner Bolger stated the lease is for dockage not winter storage and questioned why the boat was not removed upon notification.

Joseph Pinheiro stated he talked to a hauler and paid money to remove it, but they couldn't do it because of weather.

A discussion ensued.

Commissioner Kurz stated that he views this situation as two separate issues; one is an abandonment issue and the second is non-payment.

Executive Director Mello stated that, yes, these are two separate issues.

Chairman Cain stated that the current situation the Harbor Commission is dealing with is that payment has not been made.

Executive Director Mello agreed, stating that the abandoned vessel issue is outside of the purview of the Harbor Commission.

Commissioner Dickinson stated that it is not normal that the whole year wasn't paid in full up front. Other people are required to pay in full for the year and it was a generous offer for Executive Director Mello to allow Mr. Pinheiro to pay for 6 months.

Executive Director Mello stated that it is important for the Jamestown Harbor Commission to know that there was an informal hearing regarding Mr. Pinheiro's aquaculture application. When Executive Director Mello attended that meeting he conveyed to CRMC that Mr. Pinheiro's permit was in place. Executive Director Mello has since informed CRMC that we will not permit them any longer and that Mr. Pinheiro was appealing my decision.

Commissioner Bolger stated that the problem is the fact that the only thing that got their attention is that they will not be able to use the dock. Executive Director Mello followed up and this is not how we are supposed to deal with leases. Mr. Pinheiro did not make an honest attempt to follow through with his obligations and he still does not know when the boat will be moved or when a payment will be made. Commissioner Bolger stated that he has no sympathy.

Commissioner McGrady asked if there were any issues when boat was in h2o. Other than the abandonment, there were no issues with Mr. Pinheiro using the dock?

Executive Director Mello stated that that is correct.

Commissioner McGrady asked that, if the debt is paid in full and fines paid and boat removed?

A discussion ensued.

Commissioner Harsch stated that our issue is that we should insist that fees be paid on the schedule. Jamestown Harbor Commission should not make decisions on discretionary treatment.

Executive Director Mello stated that the fees owed to the town equal \$1635 and to pay for the next season in whole would be another \$1120.

A discussion on fees ensued.

Executive Director Mello stated that if that is the direction the Jamestown Harbor Commission is heading then he suggested requiring payment by close of business Friday and the same for the removal of the boat. The payment of a storage fee, will have to be discussed with the Town Administrator. Executive Director Mello stated he understands Commissioner Harsch position, that the land is not within the purview of Jamestown Harbor Commission, but if the permit wasn't issued at the beginning the boat would not be abandoned. The Jamestown Harbor Commission is the only commission that can exert leverage for storage at this time. Mr. Pinheiro could remove the vessel and the town not receive payment for storage. Otherwise I would have to seize vessel and that is a harsh outcome.

Commissioner Bolger moved to grant the appeal based on payment of \$1635 to town by Friday, March 13th by the end of the business day in the harbor office, and on the clearance of the check, the appeal will be granted. If not, the appeal will

be denied. Storage will be left to Chief Mello and the Town Administrator.

Commissioner Harsch asked if there was a determination if the vessel is commercial or recreational.

Vice-Chairman McGuirl stated that anyone holding a commercial fishing license with a boat is entitled to a commercial permit.

Commissioner Kurz seconded the motion. So voted; (7 ayes, 0 nays). Chairman Cain clarifies that the check must be in by Friday and must clear or else the appeal is denied.

B. Discussion on Ongoing Business; re: Point people

Commissioner Dickinson stated that he was asked to attend the budget meetings to make sure the cost of services and materials were on point and to ensure we were not being overcharged. He would like someone else to take over as point person for budget meetings.

Chairman Cain asked all in favor of appointing Commissioner Kurz as the budget point person to say aye. So voted; (7 ayes, 0 nays).

13. CORRESPONDENCE

A. Joseph Pinheiro – Re: Appeal; 2/11/2015

B. CRMC – Public Notice; Re: Adam Silkes Aquaculture Application; 2/18/2015

C. CRMC – Public Notice; Re: Mark Goerner Aquaculture Application; 2/18/2015

D. CRMC – Semi-Monthly Meeting Agenda; 2/20/2015

E. CRMC – March 2015 Calendar

Commissioner Dickinson moved to accept Correspondence items 13(A-E); Chairman Cain seconded. So voted; (7 ayes, 0 nays).

14. OPEN FORUM – CONTINUED

15. ADJOURNMENT

Commissioner Bolger moved to adjourn at 8:17 PM, Vice-Chairman McGuirl seconded. So voted; (7 ayes, 0 nays).

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk