



**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the April 13, 2022 Meeting of the Jamestown Harbor Commission
Approved: May 11, 2022

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, April 13, 2022 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. CALL TO ORDER AND ROLL CALL

Vice-Chairman Junge called the meeting to order at 5:01 PM with roll call:

Present:

Wayne Banks, Chairman
Michael Junge, Vice-Chairman
Steven Bois, Commissioner
Richard Raynes, Commissioner
Eric Lexow, Commissioner
Dan Wurzbacher, Commissioner

Absent:

Jessica McCarthy, Commissioner

Also in attendance:

Chief Edward Mello, Executive Director
Leo Orsi, Conservation Commission Liaison
Kim Devlin, Harbor Clerk
Glenn Skalubinski, Harbormaster

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

A. Wednesday, March 9, 2022

Vice-Chairman Junge moved to approve the March 9, 2022 minutes of the Jamestown Harbor Commission; Commissioner Raynes 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.

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

A. Recognition of Harbormaster Campbell

Executive Director Chief Mello thanked Harbormaster Campbell for his service to the Town and the Jamestown Community and presented Harbormaster Campbell with a Certificate of Recognition and an engraved spyglass.

Harbormaster Campbell thanked the Jamestown Harbor Commission and the Town.

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

Harbormaster Skalubinski reported that the touch and go docks are being repaired, the Wood Pile Pier will be power washed and the boats are being commissioned to launch.

VI. MARINE DEVELOPMENT FUND BUDGET

A. 2020/2021 MDF YTD Budget- Review, discussion and/or potential action and/or vote

The year to date budget was not available.

VII. SUB-COMMITTEE REPORTS

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

Commissioners Lexow and Raynes had nothing to report.

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

Commissioner Wurzbacher and had nothing to report.

C. Mooring Implementation - Review, discussion and/or potential action and/or vote

Chairman Banks had nothing to report.

D. Traffic Committee - Review, discussion and/or potential action and/or vote

Commissioner Junge had nothing to report.

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

1. Gould Island Status Report

Commissioner Bois reported that the Army Corps of Engineers (ACOE) has completed the remediation of Gould Island. The ACOE is now taking soil samples and conducting a feasibility study to determine which activities the island is suited for. The review process is scheduled for the Fall of 2023 and the plan implementation aspect is scheduled for 2024, tentatively.

Commissioner Bois stated that there is a planned site visit to Gould Island on April 26th.

VIII. LIAISON REPORTS

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

Conservation Commission Liaison Orsi introduced himself to the Jamestown Harbor Commission and had nothing further to report.

B. Town Council Liaison Report - Review, discussion and/or potential action and/or vote

Town Council Liaison White was not in attendance.

IX. OLD BUSINESS

A. Conanicut Marine Commercial Permit Transfer to TPG - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello summarized the request from Conanicut Marine to transfer 150 commercial moorings to TPG and Conanicut Marine's intent to retain 10 commercial moorings. Executive Director Chief Mello stated that the majority of the commercial moorings referenced in this transfer request are adjacent to Town property and that 47 of the commercial moorings are currently located outside of the ACOE perimeter. Executive Director Chief Mello also stated that the original ACOE permit indicated that the mooring operator was permitted for 150 moorings and we are unsure of how the number increased to 160.

Per Executive Director Chief Mello's memo to the Jamestown Harbor Commission:

"Before you is the presumed request to transfer 150 commercial moorings from CMS to TPG. With that, I (Executive Director Chief Mello) offer the history of the "request" leading up to today.

In August of 2021, I (Executive Director Chief Mello) was requested by CMS to provide confirmation of the number of commercial moorings currently assigned to CMS. I confirmed in writing at that time there were 160 commercial moorings. (Attachment A) At that time, I (Executive Director Chief Mello) reviewed the ACOE permit for this mooring area. (Attachment B)

In December of 2021, the Town Administrator issued a letter to ACOE requesting notice should any transfer of the ACOE permit occur. (Attachment C)

December 30, 2021 staff received a letter from both CMS and TPG indicating, " CMS has assigned the permits issued by the Town of Jamestown for the moorings on the list attached hereto to TPG..." (Attachment D)

The letter included a multi-page unnumbered list of moorings. It was presumed that this included the 160 moorings previously confirmed by staff in August of 2021. As such, an invoice was generated by staff to TPG for 160 moorings for the 2022 season.

This resulted in a letter from CMS. (Attachment E). This letter indicated that the 150 of the 161 moorings were to be transferred from CMS to TPG. It further indicated that CMS would retain eleven (11) moorings.

There was an additional request by CMS to retain two (2) additional moorings. These two (2) moorings have been determined to be riparian moorings associated to property that was acquired by TPG and cannot be retained by CMS.

On February 25, 2022, I met with representatives from both CMS and TPG. I (Executive Director Chief Mello) clarified that the two (2) riparian moorings were not transferable and could not be retained by CMS. I further clarified that only 160 commercial moorings are permitted. I informed both parties that 47 of the 160 moorings appear to be outside of the ACOE marina perimeter. I informed both parties that a new application (TPG) requires approval of ACOE, RICRMC and JHC.

On March 11, 2022, I received the attached correspondence from RICRMC Director. (Attachment F)

It appears that the request before you is to allow CMS to retain 10 commercial moorings and transfer 150 to TPG. The location of those moorings are depicted on the attached. (Attachment G)."

Executive Director Chief Mello also asked that the Jamestown Harbor Commission be aware of the ratios between commercial and private moorings, which should be at least 60% private to 40% commercial and that there is a 3:1 resident to non-resident ratio that we have to maintain, and that the commercial mooring operator is under no obligation to abide by the resident to non-resident permit ratio.

Vice-Chairman Junge asked Mr. Munger if he is out of the marina business since he sold to TPG.

Mr. Munger stated that he has reduced the size of his marina business to operating the ferry business and that the 10 moorings will be used to support the ferry business.

Vice-Chairman Junge asked Mr. Munger how many ferry boats he operates.

Christian Infantolino addressed the Jamestown Harbor Commission as Mr. Munger's legal counsel and stated that they have seven ferry boats and have plans to purchase an the eighth.

Chairman Banks asked how many are ferry boats and how many are service vessels.

Mr. Infantolino stated that they are all certified ferry boats.

Mr. Munger stated that in inclement weather when the boats aren't working and can't be tied to the dock that he will need those 10 moorings to tie the ferry boats to.

Chairman Banks asked Mr. Munger if the number is 160 or 161, because there is conflicting information.

Mr. Infantolino stated that the extra mooring was a private mooring that was mistakenly included in the commercial mooring count, so 160 is the number and the request is to transfer 150 to TPG and for Conanicut Marine Services to retain 10 commercial moorings for the use of their ferry business.

Vice-Chairman Junge stated that he would like to act on approving the transfer of 150 commercial moorings to TPG and continuing the discussion on the 10 as a separate conversation.

Mr. Infantolino stated that with all due consideration, he is trying to figure out what the hang up is with the Commission on approving the other 10. There is no status change.

Commissioner Bois stated that those are currently commercial moorings so there wouldn't be any effect on the wait list or the private moorings.

Vice-Chairman Junge stated that he was under the impression that Mr. Munger was out of the marina business, and also questioned why they need to retain 10 moorings if they only have seven ferries.

Mr. Munger stated that he needed the moorings for the ferry business.

Vice-Chairman Junge stated that he doesn't own those moorings and that if the Jamestown Harbor Commission decided to take back all 160 of those moorings and allocate them as private moorings that they could, as it is within the Commission's purview.

Vice-Chairman Junge stated that he is trying to keep it as simple as possible and separate the issues so TPG can operate the 150 moorings that were included in the purchase, but that he is struggling to understand why Mr. Munger needs to retain 10 moorings.

Mr. Infantolino stated that Mr. Munger still owns a ferry business that needs moorings to operate.

Vice-Chairman Junge stated that that was not part of any of the letters that were sent.

Mr. Infantolino stated that they were following the ordinance and that the ordinance states to make mention of the transfer. They followed the same, or similar, protocol that Jamestown Boat Yard

followed and the Dutch Harbor Boat Yard followed. Although they didn't retain any of them, we notified and put forth a request for the 150 to be transferred.

Vice-Chairman Junge stated that his point is that it wasn't a request and that it wasn't written as a request.

Mr. Infantolino stated that it may have come off as not being written as a request, but it was the letter to request approval as pursuant to the ordinance, to bring the board aware of what was going on. So, the 150 were addressed as those are the ones being transferred. The other 10 were never intended to be transferred.

Commissioner Raynes commented that there will not be a change in function, then.

Mr. Infantolino answered that there will be no change in function and no change in use and no change in numbers.

Commissioner Bois stated that his concern is the 178 people on the waiting list.

Vice-Chairman Junge stated that the permits are not forever and that the permits are renewed on an annual basis.

Mr. Infantolino stated that they are just trying to follow the ordinance and that there will be no changes to the 160 commercial moorings other than 150 will be operated by TPG and 10 will remain with CMS.

Vice-Chairman Junge asked if the lease was transferred to TPG and the the ferries will lease space from TPG then why doesn't Mr. Munger make arrangements with TPG for the use of moorings as well.

Mr. Munger stated that the ferry business has an agreement with the Town and TPG for the use of the inner float, which is within the marina perimeter.

Chairman Banks stated that 10 seems like a big number and that the 10 moorings are scattered all over the place.

Mr. Munger stated that five are near the Conanicut Yacht Club (CYC) fleet and five are riparian to a vacant lot that he owns south of the TPG property. Mr. Munger also stated that the five mooring near the CYC have been traditionally used by the CYC.

Commissioner Raynes stated that he doesn't understand why we are questioning the transfer of the 10 and not placing it in the same category as the transfer of the 150, as they will be staying as the same function and Mr. Munger has a long standing business in Jamestown.

Mr. Munger stated that the intent of selling to TPG was to reduce the umbrella of Conanicut Marine and not to get out of the business completely. The intent was always to maintain 10 moorings for the business.

Commissioner Wurzbacher stated that he is looking at this as if the business had not split, and without any change in use and without any change in purpose given the relationship that CMS has with the Town, he does not see a problem with it.

A discussion ensued.

Commissioner Raynes asked Mr. Munger what the reason he is asking for an excess of four moorings.

Mr. Munger stated that it will allow for future growth and that they are still commercial moorings so they can be leased to the general public. Mr. Munger stated that he has an agreement with TPG and the CYC for them to manage those moorings for CMS when they aren't occupied by a ferry.

Vice-Chairman Junge stated that none of this makes sense.

Chairman Banks asked the Jamestown Harbor Commission if they would be more comfortable approving the seven moorings for CMS and turning the other three back over to the Town.

A discussion ensued.

Vice-Chairman Junge asked Mr. Infantolino what will be the primary use of the 10 moorings, is it for supporting the ferry business or is it to lease and rent the moorings.

Mr. Infantolino stated that the primary purpose of the extra moorings would be to lease to the general public.

Vice-Chairman Junge stated that that is not what you have been saying this whole time, that the purpose of those moorings is for the ferries and for growth of the ferry business.

Mr. Infantolino stated that the moorings would be leased to the general public.

Vice-Chairman Junge stated that is not how this was presented and that he has a problem with that, because it sounds like Mr. Munger wants to retain 10 mooring and hasn't been transparent about the intended use of those moorings.

A discussion ensued.

Commissioner Wurzbacher asked the Executive Director or Harbor Staff if there was anything that they wanted to share.

Harbor Clerk Devlin stated that Mr. Munger submitted a check for the first half of the commercial payment for the 10 or 11 moorings that he plans to retain and I do not know where he got that number from and also it seems that he was intending on retaining those moorings without Jamestown Harbor Commission input.

Executive Director Chief Mello stated that there are a couple of questions that would need to be clarified. First, we keep transposing 10 or 11 moorings and that needs clarification. The second is that he had retained two riparian moorings. There are not any riparian moorings associated with any property that Bill owns. There are two wait list applications associated with a vacant lot that he owns, but no riparian moorings. There were two moorings associated with a lot that Bill sold to TPG and TPG will have the option to apply for those moorings associated with that lot.

Executive Director Chief Mello stated that, regarding the proposal by CMS to retain 10 mooring, we would need to know a few things. We would need to verify, if there are seven vessels associated with those moorings, we

would need to verify what those seven vessels are in order to charge a rate for those vessels. There was no record or indication of how the amount was calculated for the payment. For the three moorings, we would need to know what the use of those moorings are and what rate to charge for those moorings and what the expectation to monitor those transient moorings.

Executive Director Chief Mello stated that every year we are provided a list from all of the commercial operators that show what vessel is on each mooring, meaning they are for rent or lease to customers.

Commissioner Wurzbacher stated that the next step would be to ask Mr. Munger to provide a list of the boats to be on those moorings...

Mr. Infantolino stated that they did provide a list of the moorings.

Commissioner Wurzbacher stated that we do not have a list of the boats and we need to reconcile what boats will be on what moorings so we know exactly what we are talking about.

Mr. Infantolino stated that he does have a list of the vessels that he can provide, but he does not have the lengths.

A discussion ensued.

Executive Director Chief Mello asked Chairman Banks if he is content with Mr. Munger's claim of having seven ferry vessels or if he would want to see the certificates that the seven vessels are passenger carrying certified, and also that CMS is withdrawing from the QMI list so they will have to contract out a QMI to service those moorings. Lastly, Executive Director Chief Mello stated that we are still uncertain as to how Mr. Munger came to determine what amount to submit as a deposit on those 10 moorings.

Executive Director Chief Mello stated that Mr. Munger sent a deposit for the 10 moorings to the Harbor Office as the Spring installment, but we have no idea how he determined what to base the fee calculation on.

A discussion ensued.

Chairman Banks stated he would like to see a list of the boats and locations.

Commissioner Bois moved to, One, upon presentation of vessel information, to allow seven moorings to be retained by Conanicut Marine upon presentation of boat verification information and the boat usage and the remaining three moorings be returned to the Town for distribution to people on the wait list; and, Two, that 150 moorings be allowed to transfer from Conanicut Marine to TPG.

Chairman Banks seconded part Two of the motion. So voted; 6 ayes, 0 nays.

Mr. Infantolino asked the Jamestown Harbor Commission if this could be handled administratively or if they have to come back to the Jamestown Harbor Commission.

Vice-Chairman Junge asked Mr. Munger and Mr. Infantolino to name the seven boats that will be on the moorings.

Mr. Infantolino stated that he was looking for the email with the vessel names.

Vice-Chairman Junge stated that it's seven boats and that it shouldn't be that hard to name them. Vice-Chairman Junge asked Bill to name all seven.

Mr. Infantolino stated that the names are the Call Girl, the Coastal Queen, the Conanicut, the Jamestown, the Mistress, the Nymph, and the Zodiac.

Vice-Chairman Junge stated that the ferry website only lists three.

Executive Director Chief Mello stated that there are a couple of points to clarify before the Commission takes a vote on that motion. The first is that we are unfamiliar with a number of those vessels and we would need to know the use of them, and we would suggest that the Coastal Queen would not be permitted on a mooring.

Chairman Banks stated that, based on that information, why don't we continue motion number one until next month.

Commissioner Bois stated that that seems appropriate.

Commissioner Wurzbacher asked that the Jamestown Harbor Commission be provided the mooring list, number, status, the boat, the name, the size and the weight. A full package of the 10 moorings. For the three without boats, the intent of the use of that mooring.

Vice-Chairman Junge moved to return all 10 moorings to the Town to be distributed to people on the wait list and Mr. Munger can reapply for those 10 moorings.

Mr. Infantolino stated that no, that doesn't work and would cause a litany of procedural issues for Mr. Munger.

A discussion ensued.

Commissioner Bois seconded the motion to delay (continue) the vote until next month.

Chairman Banks moved to continue this item until next month; Commissioner Wurzbacher seconded. So voted; 7 ayes, 0 nays.

B. Mooring Capacity in Town Mooring Areas - Review, discussion and/or potential action and/or vote

Commissioner Wurzbacher recused himself from the discussion and departed the dais.

Vice-Chairman Junge presented his analysis of the mooring areas in Jamestown, with ideas on how to optimize the space available for moorings and to reduce the wait lists by potentially expanding West Ferry Mooring area and mandating the use of elastometric tackle.

Commissioner Raynes stated that he is unsure of how increasing moorings will make Jamestown a better place.

Vice-Chairman Junge stated that he doesn't see how it is a bad thing, but agrees that the wrong boats in the wrong places would be bad.

Commissioner Raynes stated that once an area becomes a mooring field it isn't used for anything else.

Commissioner Bois disagreed, stating that he lives near East Ferry and swims, fishes and paddleboards in the East Ferry mooring area.

Executive Director Chief Mello mentioned that the history on the elastometric moorings was not to increase the mooring capacity but to aid in conservation measures.

Vice-Chairman Junge asked Harbormaster Skalubinski if he knew what the cost differential is between the conventional mooring system and the elastometric mooring system.

Harbormaster Skalubinski stated that he does not know.

Vice-Chairman Junge suggested expanding the mooring field at West Ferry.

Mrs. Charlotte Zarlengo addressed the Jamestown Harbor Commission stating that not everyone moved to Jamestown to have a boat. Some people moved here for other reasons, like the fact that it is quiet and has nice views, and we don't need every piece of waterfront property to have boats.

Mrs. Zarlengo also stated that the Jamestown Harbor Commission should have contacted her to provide her with Vice-Chairman Junge's report before the meeting.

X. CORRESPONDENCE

A. Letter from the Conservation Commission – Re: Proposed MOU for Rights of Ways - Review, discussion and/or potential action and/or vote

Chairman Banks moved to accept Correspondence item A; Vice-Chairman Junge seconded. So voted; 6 ayes, 0 nays.

XI. NEW BUSINESS

A. Qualified Mooring Inspector List - Update - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello stated that Conanicut Marine Service has removed themselves from the QMI list and TPG Conanicut is requesting that they be added to the QMI list.

Chairman Banks moved to approve the QMI list, Vice-Chairman Junge seconded. So voted; 6 ayes, 0 nays.

Executive Director Chief Mello also mentioned to the Jamestown Harbor Commission that the appeal of Tri State Dive Services to the Town Council has been postponed until April 25th.

B. Non-Commercial Transient Mooring Rate - Review, discussion and/or potential action and/or vote

Executive Director Chief Mello stated that, in the event that the Jamestown Harbor Commission approves Mr. Munger's request for non-traditional commercial mooring permits, we will have to come up with a formula for how to charge for those permits and need to be clear on what the rate will be.

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

There was no continued open forum.

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

Commissioner Bois moved to adjourn at 7:00 PM; Commissioner Raynes seconded. So voted; 6 ayes, 0 nays.

Respectfully submitted,



Kim Devlin
Jamestown Harbor Clerk