



**TOWN OF JAMESTOWN
HARBOR COMMISSIONS**

Minutes of the June 8, 2022 Meeting of the Harbor Commission

Approved: *July 13, 2022*

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, June 8, 2022, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

I. Call to Order and Roll Call

Chairman Wayne Banks called the meeting to order at 5:01 pm

Present:

Wayne Banks, Chairman
Steven Bois, Commissioner
Richard Raynes, Commissioner
Dan Wurzbacher, Commissioner
Eric Lexow, Commissioner
Jessica McCarthy, Commissioner (departed early at 5:48 p.m.)

Absent:

Michael Junge, Vice-Chairman

Also, in attendance:

Chief Edward Mello, Executive Director
Roberta Fagan, Town Clerk
Glenn Skalubinski, Harbormaster

II. Approval of Meeting Minutes - Review, discussion, and/or potential action and/or vote

A. Wednesday, May 11, 2022

Commissioner Raynes requested the May 11, 2022 minutes to be amended to reflect that he was not in attendance.

At 5:02 Chairman Banks moved to approve the amended minutes of May 11, 2022, of the Jamestown Harbor Commission; Commissioner Bois second. 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

There were no Non-Scheduled Requests to Address

IV. Executive Director Report – E. Mello

Executive Director Mello gave an update on the clerk's position. Difficulty choosing from an array of talented applicants. An offer has been made to one individual and it is anticipated that the position will be filled by the end of June.

V. Harbormaster Report – G. Skalubinski

Harbormaster Skalubinski report on the following:

- Relinquished moorings – 10 relinquished moorings have to be reassigned
 - 3 on the East side
 - 5 on the West side
 - 1 in Cranston Cove
 - 1 in Park Dock
- Inspections: 145 inspections are still due (as of 2 weeks ago) Reminder emails have been sent out to those mooring holders. As of June 8th, only 36 are still due. Commissioner Bois asked if it was one particular certified mooring inspector (CMI) that was causing the delay in inspections. Harbormaster explained that it was spread out among all CMIs

V. Year-to-Date Financial Report - Review, discussion, and/or potential action and/or vote

Nothing to report

VI. Sub-Committee Reports

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

Commissioners Raynes and Lexow will be meeting with Executive Director Mello in August to work on a preliminary budget.

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

Commissioners Wurzbacher and Banks 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

Co-Chairman Junge was absent.

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

Commissioner Bois reported that a scheduled meeting will be taking place on June 16, 2022, Army Corp of Engineers (USACE) will be presenting an update on the status of remediation, restoration, and future plans. The USACE lead engineer and Formerly Used Defense Sites (FUDS) program manager will make a presentation on the strategy to get Federal funding to complete work on Gould Island over the next 1-2 years. The plan would be to meet with Rhode Island Congressional delegation to get Federal support for additional remediation. Senator Reed has given only a verbal commitment at this time, but no commitment to get additional Federal funding.

VII. Liaison Reports

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

Conservation Commission Liaison L. Orsi was not in attendance

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

Town Council Liaison R. White was not in attendance.

VIII. Old Business

None.

IX. Correspondence

A. CRMC- SAMP Plan

B. CMS- Ferry Services

Chairman Banks moved to accept the Correspondence into the record; Commissioner Bois second. So voted; 6 ayes; 0 nays

X. New Business

A. Use of inner touch and go

B. Use of outer touch and go

C. Use of wood pile pier by Coastal Queen

Chairman Banks asked Executive Director Mello to explain why this item is on the agenda again.

Executive Director Mello gave a brief overview to the Harbor Commission. Point of clarification Item B under Correspondence was submitted by Atty. Infantolino, representing Conanicut Marine Services/Jamestown Newport Ferry (CMS/JTN Ferry) related to that particular item

In the fall of 2021, there was a discussion on the use of the public inner touch-n-go. The Harbor Commission had a meeting on-site at East Ferry and determined that the signage was misleading; updated signage needed to be installed to clearly define that the inner touch-n-go is a public space intended for public use. Executive Director Mello and Harbormaster Skalubinski installed the new signage/markings on the decking indicating a maximum 30-minute limit and prohibition of unattended vessels. Mr. Munger reached out to Executive Director Mello with concerns regarding the new signage on the inner touch-n-go.

The former touch-and-go before 2019 was a conventional wooden float. In 2018 CMS/JTN Ferry applied for and was granted funds to replace the original conventional wooden float with a concrete float to accommodate the yet-to-purchase/commissioned Coastal Queen. The proposal at the time was to install (1) an inverted "L" concrete float with a ramp, and (1) a 10 x 130 ft timber float to run parallel to the wood-piled pier, to accommodate the Ferry service (Coastal Queen and other smaller JTN ferries). The 10x130 timber float has yet to be installed. It would be challenging for the smaller JTN ferries and the public to use the inner touch and go at the same time. CMS/JTN Ferry has not made arrangements with the new owners of TPG Conanicut Marina to use other dock space for the landing, embarking, and disembarking of passengers. Currently, the only dockage that can accommodate the smaller JTN ferries would be the southwest facing of the inner touch and go. A use conflict needs to be resolved.

Commissioner McCarthy asked why the 10 x 130 ft floating dock was not installed and was there a contract CMS/JTN Ferry should be adhering to? If it were completed it is her opinion that the dock space conflict would be resolved.

Executive Director Mello stated that the 10 x 130 ft floating dock was a private/public project and the anticipated funding either wasn't received or the cost of the project exceeded the original estimate. It would be the solution, but was cost-prohibitive and never completed. It was not a contract, merely a proposal of the management of that area of East Ferry.

Chairman Banks stated that the sale of CMS has caused the docking issue for CMS/JTN Ferry, and the Town has been impacted by the association; essentially a "taking" of the public floating dock without permission.

Commissioner Bois has observed that the outer touch and go floating docks were not very busy this season; last season the inner and outer touch and go floating docks were very busy and difficult to access, especially in July and August. Mr. Munger has stated the plan to expand ferry service and Commission Bois anticipates that the CMS/JTN Ferry will just "take" the inner touch and go dock.

In addition to the public use issue, the Town also does not have the required number of pump-out stanchions as required by the Harbor Commission Plan, and agreement with the Department of Environmental Management (DEM) associated with the Coastal Resource Management Council (CRMC) requirements. There was a plan to have

a third pump-out stanchion on the proposed new floating dock.

Chairman Banks stated that the use of the inner and outer floating docks for CMS/JTN Ferry was never agreed to and public funds, approximately \$200,000, went into building the dock for the public's right to water access.

Commissioner McCarthy commented that the proposed plan was approved, and an agreement was signed by CMS/JTN Ferry and the Rhode Island Department of Transportation/Town of Jamestown. Why isn't CMS/JTN Ferry obligated to what was agreed to (10 x 130 ft floating dock)?

Attorney Infantolino addressed the Harbor Commission. The 2018 pitch was to conform with ADA accessibility as well as to benefit the Coastal Queen. The 2019 proposal was a public/private collaboration. Unfortunately, the project was not completed. Public Utilities Carriers such as CMS/JTN Ferry are required to be ADA compliant. The CMS/JTN Ferry does not plan to take over the inner touch-and-go dock. In 2019 CMS had the lease with the town, the JTN Ferry operated within the CMS lease, and CMS managed the use of the docks. The reason the discussions are before the Harbor Commission is because CMS/JTN Ferry would like to work collaboratively with the Town on the use of the public touch-and-go docks and utilize them according to the ferry schedule. Ten hours out of every day they will be free for public use. It is a management issue that the CMS/JTN Ferry intends to handle responsibly to coexist with the public as the ferries come and go.

The purpose of the 2018 Sub Agreement was to relocate, replace and reconfigure the "Docking Facility located at 1 Ferry Wharf in the Town of Jamestown, Rhode Island...located on public property owned by the Town of Jamestown and further identified as Plat 9, Lot 355 & 356 located in the center of Jamestown know as East Ferry"¹ for the ferry boarding dock ADA improvements.

Chairman Banks stated the optics vis a vis the CMS/JTN Ferry arched sign purports that the inner touch and go is a private dock for landing, embarking, and disembarking.

Executive Director Mello made clarifying statements regarding the following:

- two ferries and a public vessel could not utilize the inner touch and go at the same time. (the Coastal Queen always resides parallel to the wood pile pier)
- The previous lease between the Town and CMS, the three touch-and-go docks were the responsibility of the Harbor Commission. In the current lease between TPG, they are not controlling that space. An agreement has to occur between the Harbor Commission and CMS/JTN Ferry, and how those spaces are managed.
- The grant was nonspecific as to what work was to be completed. The permitting and grant applications were done by CMS. The Town was brought into the conversation after the fact.

Based on Town official observations the smaller ferries are occupying the outer touch-and-go docks during peak times (Folk Fest, Jazz Fest) exclusively and the Harbor Commission needs to address the management issue during peak times.

Commissioner McCarthy asked if there was another place where the floating touch and go could be placed that is not in the way of the ferry?

Executive Director believes that if the 2018 proposal, the 10' x 130' floating dock, were to be completed it would solve the issue and accommodate the smaller ferries and the Coastal Queen; and would free up the public the inner and outer touch and go.

Commissioner Wurzbacher inquired if the 10' x 130' was not going to be completed, could another float be built

¹ Subrecipient Agreement RI Department of Transportation/Town of Jamestown and the Jamestown Newport Ferry (Conanicut Marine Services, Inc.); Ferry Boarding Dock ADA Improvements

i.e. 10' x 15' touch and go to be installed alongside the wood pile pier for public use?

Commissioner Wurzbacher's suggestion would be a challenge to execute due to accessibility and cost according to Executive Director Mello.

There has never been an agreement between the Harbor Commission and CMS/JTN Ferry to allow for the use of the inner and outer floating docks. Commissioner Bois also acknowledges the benefits of the Ferry, reducing motor vehicle use, safe way of transporting passengers, etc. but there needs to be a formal understanding and agreement that the Harbor Commission approves.

The Harbor Commission concluded that the use of the inner and outer docks should not be overutilized by the CMS/JTN Ferry and that protecting the public's right to water access should be the priority.

Commissioner Bois made a motion to request a usage plan for the public touch-and-go floating docks located at East Ferry from CMS/JTN Ferries with a second by Chairman Banks. So voted: 6 ayes, 0 nays.

XI. Open Forum – Continued (If necessary) - Review, discussion, and/or potential action and/or vote
None.

XII. Adjournment

Chairman Banks made a motion to adjourn at 5:56 pm; Commissioner Bois second. So voted: 6 ayes, 0 nays.

Attest:


Roberta J. Fagan, Town Clerk