

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the November 9, 2022 meeting of the Jamestown Harbor Commission

Approved: 12/14/22

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, November 9, 2022 at 5:00 p.m. 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 5:00 p.m.

Present:

Wayne Banks, Chairman
Michael Junge, Vice-Chairman
Dan Wurzbacher, Commissioner
Steven Bois, Commissioner
Jessica McCarthy, Commissioner

Absent:

Eric Lexow, Commissioner

Also in Attendance:

Chief Edward Mello, Executive Director
Joan Rich, Harbor Clerk

II. Approval of Meeting Minutes – Review, discussion and/or potential action and/or vote
A. Wednesday, October 12, 2022

Chairman Banks moved to approve the minutes of the October 12, 2022 meeting of the Jamestown Harbor Commission; Commissioner Bois seconded. So voted: 4 ayes, 1 abstention.

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's Report – Chief Mello

The touch and go docks have been removed from the water and the gangways have been raised but will stay in place this year. Both vessels are out of the water, are being serviced, and will be shrink wrapped. Harbormaster Skalubinski is pretty much done for the season and Joan is getting ready to send out the renewals for next year. With the transition from the previous Harbor Clerk, some institutional knowledge has been lost and Joan is also focusing on getting all the permit holders' paperwork up to date in Online Mooring and is starting out with the outhaul permit holders.

V. Harbormaster's Report – G. Skalubinski

Harbormaster Skalubinski was not present. Chairman Banks asked if he was through for the season and Executive Director Mello stated he is pretty much done for the season and will be back in the beginning of April.

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

Executive Director Mello had nothing to report.

VII. Sub-Committee Reports

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

Commissioner Lexow was absent.

B. Facilities – W. Banks and D. Wurzbacher – Review, discussion, and/or potential action and/or vote

Chairman Banks stated they would discuss the Ft. Getty pier as an agenda item and Commissioner Wurzbacher had nothing to add.

C. Mooring Implementation – W. Banks – Review, discussion, and/or potential action and/or vote

Chairman Banks had nothing to report.

D. Traffic Committee – M. Junge – Review, discussion, and/or potential action and/or vote

Vice-Chairman Junge had nothing to report.

E. Gould Island Restoration – W. Banks and S. Bois – Review, discussion, and/or potential action and/or vote

Commissioner Bois stated the Army Corps of Engineers gave a presentation in October to the Gould Island Restoration Committee and they discussed their findings of the levels of chemical

contamination on the island. They will develop a risk assessment and decide what sort of remediation they will conduct. The Army COE will present again in June, 2023.

The Gould Island committee met with the Town Council Monday night. The Council approved a resolution to send to RIDEM asking them to create a plan and budget for the restoration of Gould Island for recreational use, over and above what the Army COE will do. The Town Council will send a request to neighboring communities around the bay asking them to endorse the interest Jamestown has in Gould Island. The Town Council would also like to expand the discussion about Gould Island to include the restoration of Dutch Island and include that in the overall plan for Gould Island, even though such overall plan doesn't really exist right now. Should the Harbor Commission get involved in the planning for the restoration of Gould and Dutch Islands? Some discussion ensued.

VIII. Liaison Reports

A. Conservation Commission – Review, discussion and/or potential action and/or vote
Conservation Commission Liaison Leo Orsi was not present.

B. Town Council – Review, discussion and/or potential action and/or vote
Town Council Liaison Randy White was not present.

IX. Old Business

A. 2024 Mooring Harbor Permit Rates

Executive Director Mello stated the budget has generated an approximately \$300,000 surplus that is placed in a capital improvement fund to be available for projects around the waterfront, however, if the Harbor Commission wants to undertake a major project, such as the restoration of the Ft. Getty pier, that is not a lot of money. Executive Director Mello wished to include this discussion with the new business agenda item of the Ft. Getty pier study. Chairman Banks asked if, when a project has been identified, would the Harbor Commission raise the permit rates as an assessment, and then lower them again when the project is completed? Some discussion ensued.

Commissioner McCarthy asked if the Harbor Commission could hire a consultant to determine what the costs would be to replace the Ft. Getty pier and develop a plan for Dutch Island. The Ft. Getty consultant will be discussed in new business.

Commissioner Wurzbacher stated that with inflation, supply chain issues, and that things in general are more expensive, it is not unreasonable to raise the mooring rates to undertake capital harbor projects. The rates in Jamestown are underpriced and could be increased to bring them more in alignment with other communities.

B. Update on Town Owned East Ferry Property

Executive Director Mello stated that last month the Town Administrator sent a letter to the operator of the Jamestown Newport Ferry to cease operating from the town-owned East Ferry dock. An objection was filed in writing by legal counsel for the ferry operator. Meetings have continued with the ferry operator, Town Solicitor and the Town Administrator, and Executive Director Mello. The Town Council will meet in Executive Session next Monday to be briefed on what has taken place during the meetings. Both sides understand what the other wants, but they are not in agreement, and will get direction from the Town Council on how to proceed.

C. Harbor Management Guidebook

The guidebook was distributed to the Commission at the September meeting, and Executive Director Mello asked for the Commissioners to look at it and make comments and suggestions so a draft can be presented by the January meeting and approved. It can then be presented to the Town Council for their approval and adoption so everyone has a clear understanding of how the Town's waterfront property can be used. The guidebook will be posted on the Town's website.

X. Correspondence

There was no correspondence.

XI. New Business

A. Ft. Getty Pier Study – Review, discussion and/or potential action and/or vote

Chairman Banks stated he took some photos of the pier at Ft. Getty last week. The north-south section of the pier is 95 feet long, not including the gangway, and 28 feet wide. The other section, facing roughly east-west, is 72 feet long and 17 feet wide. There are photos of the condition of the decking, which is deteriorating. The Commission needs to make a decision about what to do with the pier. One option is to do nothing, another is to replace just the decking. Chairman Banks spoke to one of the oystermen who happened to be at the pier when he was, and the oysterman suggested the Commission have the pilings and underpinnings tested by a structural engineer to determine what condition they are in. A third option is to replace the entire pier. If that occurred, it probably would not need to be as big as it is now. Would the pier be for fishing only or would aquaculture be included and a storage area built for the equipment? That leads to the discussion of how will the project be paid for. Vice-Chairman Junge also suggested limiting the use of the pier to only commercial activities, which would eliminate any friction between the general public fishing from the pier and the commercial operators. Chairman Banks stated the only friction he hears about is trash because the town does not have a trash can at the pier. Some discussion ensued.

Commissioner McCarthy asked if the fisherman have to pay to keep their equipment at the pier. Executive Director Mello stated that included in the fee for the use of the pier by the

commercial fishermen is 100 square feet of equipment storage, but there is no defined space per slip. Some discussion ensued.

Executive Director Mello stated that discussions about what to do with the Ft. Getty pier have been going on for about 13 years. It has reached the point that a decision has to be made about what type of use the Commission wants to allow there and exactly what repairs/replacement will be done. Included in this month's packet is a proposal from the Beta Group for a conceptual study of what could be done to Ft. Getty, and it will cost approximately \$3,500.00. Executive Director Mello asked for any other suggestions as to what people would like to see at Ft. Getty so they could be incorporated into the proposal.

Commissioner Wurzbacher commented that he thinks it is a good idea to engage the Beta Group for a proposal because discussion has been going on for so long, but he wondered if a plan for Dutch Island also be included in the proposal, because Ft. Getty would most likely be the gateway to Dutch Island if it is ever opened for recreation.

Commissioner Bois made a motion to accept Beta Group's proposal for the Ft. Getty pier analysis and Commissioner Wurzbacher seconded. So voted: 5 ayes, 0 nay.

Chairman Banks asked if the Beta proposal addressed the possibility of adding a touch and go dock at Ft. Getty. Executive Director Mello replied that there are some challenges relating to adding a touch and go at that location such as tidal action, the lack of public parking, and its remoteness from downtown Jamestown. He will ask Beta to include that idea as an option in the proposal.

B. Long Range Capital Plan – Review, discussion and/or potential action and/or vote

Included in the meeting packet was a long-range infrastructure plan that was approved by the Harbor Commission on February 13, 2019. It included repairs to the Ft. Getty pier, the West Ferry touch and go and bulkhead, the East Ferry landing, and tube replacement for the Harbormaster's Ribcraft boat. Executive Director Mello explained this document used to be prepared on an annual basis and was used in the budget planning process, but focus has always been on the operating portion of the budget, never on the capital improvement portion. Some discussion ensued regarding identifying what projects are most important and building those into the budget for 2024 along with a potential fee increase.

Commissioner McCarthy asked if Beta could look at all the harbor properties in Jamestown and come up with a vision of what a "best in class Jamestown" would look like and what the cost would be for that plan. Some discussion ensued.

Commissioner Wurzbacher also suggested asking the Public Works department to get involved in the discussion of what projects should be implemented, especially because there are some safety issues involved regarding public access. Some discussion ensued. Executive Director Mello stated that the Harbor Commission cannot continue to rely on the Public Works

department to get things done because they are busy doing their own projects and town tax dollars cannot be used for harbor projects.

Commissioner Bois made a motion that the Harbor Commission and any other stakeholders look at the list from 2019 and come up with the top 4 or 5 capital opportunities that need to be addressed. Chairman Banks seconded the motion. There was some discussion regarding the Beta timeline for presentation on the Ft. Getty pier. So voted: 5 ayes, 0 nay. This item will be placed on the December agenda.

Executive Director Mello added that he met with Mike Gray, the Public Works Director, at East Ferry regarding the status of the pile of broken concrete where the ferries used to land. It is unsightly and is it possible for some sort of surface be put over the concrete to make it more attractive and useful to visitors. The Public Works department will be replacing the sidewalk that has started to collapse on the east side of Veteran's Square in early spring, so would they be able to resurface the old ferry landing at the same time?

C. Commercial and Transient Moorings – Review, discussion and/or potential action and/or vote

Executive Director Mello stated that the Town owns approximately 300 +/- commercial moorings that are assigned to Conanicut Yacht Club, the four marinas and Conanicut Marine Services. The moorings are allocated based upon the number of moorings they have been granted in past years. Each year the commercial operators provide the Harbor Office with a report of the number of moorings they have, the number of boats and length of the boats, that are assigned to a mooring, and how many unused (transient) moorings they have. These numbers are used to calculate the fee the commercial operators are charged for use of the moorings. This system has worked very well, but the Harbor Office really has no way of knowing if the unoccupied moorings are really used for transient vessels or if the operators are holding on to the moorings because they have been allocated that many in the past. Some of the moorings have been loosely monitored and there have not been any boats on them at all. The question Executive Director Mello has for the Harbor Commission is, what do you want the Harbor Office to do? For example, if a commercial operator has 50 moorings with 40 boats on them, and the other 10 are unoccupied every year, what do you want the Harbor Office to do about the 10 unoccupied moorings?

Commissioner McCarthy asked if raising the rates would have an impact on the number of transient or unoccupied moorings, and Executive Director Mello did not think that it would, the operators would just pass the increase onto their customers.

Commissioner McCarthy left at 6:03 p.m.

Commissioner Junge suggested adding a provision in the Harbor Management Guidebook that a commercial operator could have no more than 5% of their moorings be unoccupied or transient. Using CMS as an example, they have been allocated 10 moorings, but have only had

boats tied up on 3 of the moorings. Some discussion ensued. Executive Director Mello asked if the Harbor Commission wants to have the commercial operators provide records of the usage of the transient moorings, and if they continue to have a large number of transient moorings, should those be returned to the town?

Commissioner Bois stated the boat yards should be held to the same standard that private mooring users are; that if there is not a boat on the mooring for at least 20 days the mooring permit will be cancelled. Commissioner Wurzbacher stated the commercial operators should be held to a stricter time limit than 20 days. Commissioner Junge suggested that if the reporting requirements for transient moorings were onerous for the operators, such as requiring them to report to the Harbor Office the owner's name, name and length of the boat, and the occupancy dates of the mooring from May 1 to October 1, they would be less likely to have transient moorings.

Commissioner Bois made a motion to require that commercial operators must provide the owner's name, boat name and length, and dates of occupancy for all transient moorings from May 1 to October 1. Some discussion ensued. Chairman Banks seconded the motion. So voted: 4 ayes, 0 nay.

There was also discussion regarding holding commercial operators to having a vessel on the mooring for the same number of days it is required that a private mooring have a vessel on it, and that the commercial operators have always presumed they would get the same number of moorings each year. Executive Director Mello indicated the harbor ordinances are up for renewal/revision in 2023, and the matter of commercial, transient mooring occupancy can be addressed then. Per CRMC regulations, there is a ratio of commercial to private moorings that must be met.

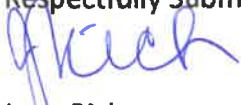
Included in the meeting packet was the application from Conanicut Marine Services to retain 10 moorings of the 160 moorings held by CMS that were transferred to TPG in the sale of the marina, allowing TPG the use of 150 moorings. The 10 moorings that CMS retained are not being used to the letter of the ordinance, i.e., that they be rented or leased to private individuals. It would appear that 3 of the 10 moorings are being used for commercial vessels and 7 are not being used at all. There was discussion over whether CMS implied they were going to use all the moorings for their ferry boats or if they would be used for transient customers. It was clear throughout the summer that not all the ferries were on moorings. One had a slip in Newport and one was tied up at the town pier. Going forward, if they do not use the moorings, they should lose them.

XII. Open Form – Continued (If necessary) – Review, discussion and/or potential action and/or vote

Commissioner Bois asked if the status of the crane at East Ferry and TPG's plan for it next summer could be added to the December agenda. Executive Director Mello stated they are working on a plan and have been very cooperative.

There being no further business, Chairman Banks moved to adjourn the meeting and Commissioner June seconded. So voted: 4 ayes, 0 nay. The meeting was adjourned at 6:23 p.m.

Respectfully Submitted,



Joan Rich,
Harbor Clerk