

**TOWN OF JAMESTOWN  
HARBOR COMMISSION**

Minutes of the March 8, 2023 meeting of the Jamestown Harbor Commission.

Approved: 4/12/23

A meeting of the Jamestown Harbor Commission (JHC) was held Wednesday, March 8, 2023 at 5:00 p.m. in the Town Council Chambers of 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  
Sue Romano, Commissioner

Absent:

Eric Lexow, Commissioner

Also in Attendance:

Edward Mello, Executive Director  
Joan Rich, Harbor Clerk  
Wyatt Brochu, Town Solicitor  
Randall White, Town Council Liaison  
Bob Laman, Conservation Commission Liaison

Chairman Banks made a motion to reorder the agenda and move discussion of Old Business to just after approval of the minutes and Vice-Chairman Junge seconded. So voted: 6 ayes, 0 nay.

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

**A. Wednesday, February 8, 2023**

Chairman Banks moved to accept the minutes of the February 8, 2023 meeting of the Jamestown Harbor Commission and Vice-Chairman Junge seconded. So voted: 6 ayes, 0 nay.

### **III. Old Business**

#### **A. Update on the use of Town-Owned Docks at East Ferry by CMS/Jamestown-Newport Ferry – Statement from Town Council President Nancy Beye – Review, discussion, and/or potential action and/or vote**

Executive Director Mello summarized the status of the ongoing agenda item of the use of a town-owned dock at East Ferry by the CMS/Jamestown-Newport Ferry and how it overlaps with the Harbor Commission's objectives to the boating public. There has been significant discussion and public comment regarding the use of the docks by the ferry that were started by the Harbor Commission because of the perceived occupation at the end of 2021 by the ferry operator. CMS came to the Harbor Commission on a few different occasions to come to a resolution of the matter and those efforts were unsuccessful. At that time the then Town Administrator, Jamie Hainsworth, Executive Director Mello and Chairman Banks were tasked by the Harbor Commission and later, the Town Council, to work with CMS towards a resolution. Several meetings occurred but the discussions were unproductive. CMS then asked to meet with the Town Council in Executive Session to continue the talks. There were several more meetings, and the last one occurred on February 28, 2023 when the Town Council and CMS could not come to an agreement. The disagreements were over ownership of the concrete float, cost and term of the lease, and public access/public touch and go dock space.

Executive Director Mello prepared a power point presentation (it is currently available on the town website - [www.jamestownri.gov](http://www.jamestownri.gov)). Michael Junge asked that a copy of the power point slides be included in the minutes. The presentation showed the location of the touch and go docks, the north and south boat basins, and who owned and leased what portion. It also includes a timeline of events that have occurred from 2017, when CMS approached the Harbor Commission with their plan to replace the public touch and go dock next to the old ferry landing with a concrete float, and reconfigure the wood-pile pier with a ramp to the concrete float, up through the use of the concrete float by the ferries in 2022. Vice-Chairman Junge pointed out that the diagram showing the delineation of marina spaces as far as the touch and go docks are concerned is not the same as the diagram contained in the lease signed in 2016.

There was a question from Commissioner Romano regarding one of the quotes listed on Slide 4 that was attributed to Bill Munger of CMS that public access was affirmed in the discussions in the December, 2017 meeting. There was also much discussion about Vice-Chairman Junge's statement regarding the marina spaces in the 2016 lease and Slide 3 in the presentation, and he objected to the use of the image in Slide 3 because it is not the same image in the 2016 lease. He also asked how the figure of \$12,000 per year for the lease was arrived at. Executive Director Mello replied that it was based on Newport's overnight dock rate of \$225/foot plus a \$750 landing fee.

Chairman Banks stated that he and Commissioner Wurzbacher were on the Harbor Commission in 2017 and at the time, the Town had a touch and go dock that was not in very good condition,

but had use of both sides for small boats. It was his understanding that they would trade that dock for the new concrete float and the Town/public would be able to use one side of it, and the Town/public didn't get anything. Commissioner Wurzbacher agreed that public access was agreed to during the discussions but it never materialized. Commissioner Bois also stated that he has articulated his concern during the discussions that for boaters trying to tie up to the outer touch and go docks, it can be dangerous when the wind and seas are up, and boaters should be able to access the inner touch and go, especially when conditions are less than ideal.

#### **IV. Open Forum**

##### **A. Scheduled Requests to Address**

There were no scheduled requests to address.

##### **B. Non-Scheduled Requests to Address**

Christian Infantolino spoke on behalf of CMS as its attorney and stated that CMS had provided the Town Council with multiple counter-offers to the licensing agreement offered by the Town. He presented another offer to the Harbor Commission and asked it to recommend that the Town Council re-open negotiations with CMS and to also recommend that the Town Council enter into mediation with CMS in order to resolve the ownership issues of the concrete floating dock.

Paul Sprague of Mast Street spoke next, apparently also on behalf of CMS, and discussed the lease between the Town and CMS, which then transferred to TPG upon the sale of the business from CMS to TPG. He claimed the ferry was leasing the concrete float from TPG and Commissioner Bois stated that he had asked Mr. Munger last summer if the ferry was leasing the space from TPG and if he could provide any evidence of such lease. Mr. Munger did not remember Commissioner Bois' request and then he and Vice-Chairman Junge asked again to see the documentation of a lease between TPG and the ferry. Mr. Sprague also stated that the concrete float is specifically for the use of the ferry, but claimed the area is public space and the public and boaters have never been barred from using the float. Vice-Chairman Junge, Commissioner Bois and Commissioner McCarthy disputed the statement that the public has not been barred using the float at the wood pile pier because they witnessed people being turned away or were told personally they could not walk down the dock.

The next speaker was Randall White of Westwood Road. Mr. White is a Town Councilman and the liaison to the Harbor Committee, but was not speaking in his role of liaison. He stated that the issue of the ferry negotiations was not on the Town Council agenda for the Monday, March 6, 2023 meeting because the Town Council had rejected Mr. Munger's latest proposal and there was nothing more to discuss. He also refuted Mr. Munger's statements that the negotiations were held behind closed door in Executive Session by stating that Mr. Munger was present at the Executive Sessions and that Mr. Munger had asked for the meetings to be in Executive Session. Mr. White also discussed the meeting of December 13, 2017 and that the mutual expectations of the Harbor Committee and Mr. Munger had perhaps not been articulated as much as they should have been. He also stated that Monday night he was served notice that

the ferry company intended to sue the Town and possibly himself personally, and that did not engender feelings of cooperation or good faith. Mr. Infantolino replied the letter was a statutory notice that must be filed 40 days prior to any suit being filed and to preserve the rights of the ferry. There was much discussion with comments from Commissioner Romano and Commissioner McCarthy that the Harbor Commission's role is to protect public access to the shore/waterfront and that decisions must be based on that protection. There was further discussion about the negotiations and the possibility of reopening them.

Joan Goldstein of Beavertail Road spoke next as a representative of the Chamber of Commerce in support of the ferry. The Chamber's mission is to preserve and support the businesses in Jamestown. She stated that many of the local businesses are concerned about the impact that not having the ferry land in Jamestown will have. Successful, thriving, businesses are a sign of a healthy community, and the ferry helps then achieve that goal. Ms. Goldstein believes that the ferry does provide public access to the water for tourists and others who do not have boats.

Ted Walls of East Shore Road stated that last summer he and his family had gotten ice cream and attempted to walk out toward the end of the dock when they were turned away by someone telling them the dock was for the ferry and they were not allowed out there. Mr. Walls got the impression Jamestown was not open for business and feels the signage at the dock should be that it is primarily for public access and secondary to that, there is a ferry.

Marilyn Munger spoke as a business owner and stated the ferry is public access. 13,000 people came to Jamestown last year on the ferry and they stop to eat, they shop, they spend money. She and her coworkers know when the ferry has arrived by the amount of people on the street. The ferry passengers support the local economy and Ms. Munger stated "you've got to fix this".

Commissioner McCarthy commented that the real issue is public access to the limited shoreline and ownership of the pier. It is not about saving the ferry. There was some discussion.

Michael White spoke next. He has been on the Town Council for 16 years and stated that, as evidenced by the discussions tonight, the Town Council and Mr. Munger do not agree, and Mr. White does not see any way of them coming to an agreement. There are differing opinions about public access and ownership, and there may not be a way of resolving the issues without some type of litigation. There was some discussion.

Vice-Chairman Junge made a motion that the Harbor Commission recommend to the Town Council that it reenter negotiations with the Jamestown-Newport Ferry and that the negotiations include the licensure or lease, whatever the appropriate legal term is, remove language about the concrete float, that they include usage of the south side of the wood pile pier for events, that they include public access to the concrete float but not to interfere with the ferry, and they include TPG as part of the agreement since TPG is the operator and leaseholder of the marine terminal. Chairman Banks seconded the motion and there was some discussion. So voted: Chairman Banks, No; Vice-Chairman Junge, Aye; Commissioner Wurzbacher, No;

Commissioner Bois, Aye; Commissioner McCarthy, No; Commissioner Romano, No. The motion failed.

Chairman Banks closed discussion in Open Forum.

Commissioner Wurzbacher made a motion that the Harbor Commission recommend to the Town Council that they reengage with CMS in mediation with the goal of trying to reimplement ferry service in a mutually agreeable form at a minimum for this season. Chairman Banks seconded the motion. Commissioner Romano wanted to amend the motion to put a validity date on the offer so there is motivation to negotiate. So voted: Chairman Banks, Aye; Vice-Chairman Junge, Aye; Commissioner Wurzbacher, Aye; Commissioner Bois, Aye; Commissioner McCarthy, Aye; Commissioner Romano, Aye. The motion carried.

#### **V. Executive Director's Report**

Executive Director Mello had nothing to report but asked for feedback on the possibility of restructuring the role of the Executive Director and the Harbor Department. He does not feel that having the Police Chief as the director is in the best interest of the division because there are management decisions, a lot of moving parts, grant opportunities, initiatives with DEM and CRMC, and the Gould and Dutch Island projects, and these could get more attention with someone who does not necessarily have to be full-time, but whose primary focus would be the Harbor Department. Some discussion ensued.

#### **VI. Harbormaster Report**

There was no Harbormaster's report this month.

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

The year-to-date financial report was included in the monthly packets. Some discussion ensued.

#### **VIII. Sub-Committee Reports**

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

Commissioner Lexow was not present.

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

To be discussed under item B of New Business. Executive Director Mello received a proposal from Beta Corporation to perform a structural analysis of the Ft. Getty pier and will discuss it next month.

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

Chairman Banks had nothing to report.

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

The Gould Island Restoration Committee has a meeting on Thursday, March 9, 2023 with a professor from Salve Regina University who is an environmental engineer and a meeting in two weeks with Save the Bay. These are informational meetings. Some discussion ensued.

**IX. Liaison Reports**

**A. Conservation Commission Liaison Report – B. Laman – Review, discussion, and/or potential action and/or vote**

Mr. Laman introduced himself as the new liaison from the Conservation Commission.

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

Mr. White had nothing to report.

**X. Old Business**

**B. Mooring/Permit Fees of Narraganset Bay Communities – Review, discussion, and/or potential action and/or vote**

Mooring rates from North Kingstown, Portsmouth, Bristol, and Newport were included in the monthly packet. Vice-Chairman Junge would like to know what the commercial operators are charging their customers. Some discussion ensued. Chairman Banks asked that mooring rates be placed on next month's agenda.

**XI. Correspondence**

There was no correspondence.

**XII. New Business**

**A. Appointment of New Harbormaster – Review, discussion, and/or potential action and/or vote**

Executive Director Mello welcomed Steven Bois as the new Harbormaster. Mark Campbell assisted Executive Director Mello in the interview process and several candidates were interviewed, but they felt that Steven brings the right combination of experience and qualifications. Some discussion ensued.

**B. Installation of New Floats at East Ferry – Review, discussion, and/or potential action and/or vote**

Chairman Banks and Commissioner Wurzbacher agreed to discuss this at next month's meeting.

**C. Permit Forfeiture Appeals (if necessary) – Review, discussion, and/or potential action and/or vote**

There were no forfeiture appeals.

**XIII. Open Forum – Continued (if necessary) – Review, discussion, and/or potential action and/or vote**

Vice-Chairman Junge asked about the Harbor Management Plan, which is due this year. Executive Director Mello has been in contact with Kevin Cute, who manages the process for CRMC and is waiting to hear from him about the deadline. There was some discussion.

Rob Packer of Pennsylvania Avenue informed the commission that the hose was missing from the inner pumpout station on the dock at East Ferry last spring when the pumpouts were commissioned. He spoke to the previous Harbormaster, Glenn Skalubinski, about the missing hose and offered to assist him in the procurement of new equipment. Apparently the hose was never installed on that pumpout station, in violation on DEM regulations, and Mr. Packer wanted to know why it was never installed. Executive Director Mello stated the hose was never installed on that pumpout because there was no access to the public for its use.

**XIV. Adjournment**

There being no further business, Chairman Banks adjourned the meeting at 7:22 p.m.

Attest,



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Joan Rich, Harbor Clerk