

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the September 13, 2023 meeting of the Jamestown Harbor Commission.

Approved: 10/11/23

A meeting of the Jamestown Harbor Commission (JHC) was held on Wednesday, September 13, 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
Jessica McCarthy, Commissioner
Sue Romano, Commissioner
Mark Campbell, Commissioner

Absent:

Dan Wurzbacher, Commissioner
Eric Lexow, Commissioner

Also in Attendance:

Steven Bois, Executive Director
Joan Rich, Harbor Clerk
Randy White, Town Council Liaison
Bob Laman, Conservation Commission Liaison

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

A. Wednesday, August 9, 2023

Commissioner Romano moved to approve the minutes of the meeting of August 9, 2023 and Chairman Banks seconded. So voted: 4 aye, 0 nay.

III. Open Forum

A. Scheduled Requests to Address

There were no scheduled requests to address.

B. Non-Scheduled Requests to Address

Mary Meagher of Melrose Avenue stated that she was recently involved in a marine rescue in the Dutch Harbor area when a windsurfer collapsed. The fire/rescue boat was dispatched, but it

is located on the east side of the island and had to go all the way around Beavertail before it could get to the person in distress. The harbormaster, Larry Goss, arrived on scene quickly but did not have any rescue equipment on his boat. A DEM police boat also arrived and the two DEM officers were able to get the windsurfer out of the water. Ms. Meagher suggested that some sort of protocol be developed between the Harbor Office and the Fire Department where an EMT could get on the boat with the Harbormaster when there is a water emergency on the west side of the island, or upgrade the harbor boat somehow to enable it to act as a rescue boat as well. There was some discussion, and Executive Director Bois stated he has been in touch with Steve Tiexiera, who is one of the fire boat captains, and they have discussed harbor and fire response to incidents that occur on the west side of the island, but nothing formal has been put into place yet. Ms. Meagher also stated she would communicate to the Fire Department what she communicated tonight.

Paul Sprague of Mast Street suggested that the harbormasters have at a minimum CPR and first aid training on an annual basis and that it is a requirement for boat captains.

IV and V. Executive Director and Harbormaster Report – S. Bois

Executive Director Bois reported for the Harbormasters that the Freedom boat is still having engine trouble so he is looking into the cost of a replacement vessel. Both boat trailers have been repaired, and the harbormasters have been looking at the occupancy rates of the mooring fields, kayak racks and outhauls. Storm preparation is underway for the potential impact of Hurricane Lee. The boats will be taken out, boat ramps to the touch and go docks at East Ferry and the dinghy dock at West Ferry will be taken up, and the pumpouts will be turned off this weekend.

Commissioner Romano stated that she was at a Housing Authority meeting today and there is a PEMA certification available through the Providence Emergency Management Agency for emergency readiness. Executive Director Bois stated he was not aware of it but he is planning on attending, along with the two Harbormasters, a Harbormaster seminar conducted by the Bristol Harbormaster.

Executive Director Bois provided the Harbor Commission members with an informational packet that included budget vs. actual revenues and expenses for FY 23, the roles and responsibilities of commissioners for the update of the Harbor Management Plan and Ordinance, and information regarding the floating dock that is available, for free, from the New York Yacht Club. The floating dock could potentially be placed on the south side of the wood pile pier at East Ferry. Also included were estimates for a wooden float and a concrete pier that have been proposed in the past for the same location. Further study on the condition of the NYYC dock is needed, along with estimates of installation costs, before anything will be presented to the Harbor Commission for a vote. There was some discussion.

Executive Director Bois also reported he met with representatives from Shake A Leg regarding their adaptive sailing program; a representative from DEM volunteered to dive at Head's Beach to check the impact the mooring field there has on the eelgrass beds at that location. There is

some impact to the eelgrass from the mooring chains but he needs more time to analyze the data before the nature of the impact can be determined. Ben Goetsch met with Harbor staff and gave a presentation about the aquaculture going on in the West Passage around Dutch Island. Executive Director Bois is working on changes to the way grace periods for moorings are granted and the way outhauls are regulated. Commissioner Romano volunteered to assist the mooring sub-committee with the outhaul regulations. Executive Director Bois also updated the commission on kayak rack occupancy, the wait lists, and mooring fields.

Executive Director Bois stated that the nomination of a new Vice-Chairman was on the agenda, but Dan Wurzbacher, who had expressed interest in the position, was not present. Chairman Banks stated he had spoken to Dan this week and he is still interested. Commissioner Romano made a motion nominating Dan Wurzbacher as Vice-Chairman and Chairman Banks seconded. So voted: 4 aye, 0 nay.

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

The budget vs. actual reports of revenues and expenses for FY 23 was included in the packet. Executive Director Bois stated that the Budget sub-committee needs to meet to prepare the budget for FY 25.

VII. Sub-Committee Reports

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

Commissioner Lexow was absent, but Commissioner Romano, who has volunteered to be on the Budget Sub-Committee, stated that the Harbor Commission needs to have a capital budget plan to address infrastructure needs, and the fact that legal fees for the rights of way issue are being paid for out of the Harbor budget. There was some discussion.

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

Chairman Banks stated he would hold off reporting on facilities until Old Business.

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

Chairman Banks stated he would discuss that under Old Business as well.

D. Gould Island Restoration – W. Banks – Review, discussion, and/or action and/or vote;

Chairman Banks stated Executive Director Bois had updated the Commission already.

VIII. Liaison Reports

A. Conservation Commission – B. Laman – Review, discussion, and/or action and/or vote;

Commissioner Laman had nothing to report.

B. Town Council – R. White – Review, discussion, and/or action and/or vote;

Councilor White stated the Town Council is in the process of filling the vacant Harbor Commission seat. At the last Town Council meeting there were four candidates on the agenda: Paul Sprague, Steven Santoro, Christopher Matthews, and Tom Alexander. There was some disagreement and controversy over whether all four candidates should have been listed, because three of the four candidates missed the August 2nd deadline for expressing interest in the position, although two of the three had applied for a previous vacancy this spring. The Town Council was advised by the Town Solicitor to only consider the one candidate, Paul Sprague, who met the deadline, which the Town Council did, but they did not vote because Councilor Michael White was absent from the meeting. Mr. Sprague withdrew his name from consideration two days later. Nancy Beye, Chairperson of the Town Council, suggested that in the future, the Town Council should reach out more assertively to the Commission who is seeking a new member and ask for their input about candidates, even though it is the ultimate responsibility of the Town Council to make the decision. Councilor White asked the Commission members if they knew any of the other three candidates and if so, if they had an opinion as to whether they would be an effective commission member, the Town Council would welcome their input. There was some discussion.

IX. Old Business

A. Ft. Getty Engineering Study-Proposals – Review, discussion, and/or action and/or vote;

Executive Director Bois stated that he has been focused on other Harbor issues but discussed with Commissioner Romano that funds for an engineering study should be included in the Capital budget for FY 25. There was some discussion.

B. Committee Reassignments – Review, discussion, and/or action and/or vote;

Budget Sub-Committee - Commissioner McCarthy moved that Sue Romano be the primary member on the budget sub-committee and Chairman Banks seconded. So voted: 4 aye, 0 nay.

Mooring Sub-Committee - Chairman Banks moved that Dan Wurzbacher be the primary member on the mooring sub-committee and Mark Campbell be the secondary member, and Commissioner Romano seconded. So voted: 4 aye, 0 nay.

Facilities Sub-Committee – Commissioner Romano moved that Wayne Banks be the primary member of the facilities sub-committee and Jessica McCarthy be the secondary member, and Commissioner Campbell seconded. So voted: 4 aye, 0 nay.

Gould Island Sub-Committee – Charman Banks moved that Wayne Banks be the primary member of the Gould Island sub-committee and Mark Campbell be the secondary member, and Commissioner McCarthy seconded. So voted: 4 aye, 0 nay

C. Roles and Responsibilities of Harbor Commission Members – Review, discussion, and/or action and/or vote;

It was agreed that the commissioners needed more time to look over the spreadsheet furnished by Executive Director Bois and get feedback to him. Executive Director Bois asked that the feedback be furnished sooner rather than later so commission members can potentially vote on it during the October meeting.

D. One Year Lease of Approved Grace Period Moorings to Wait Listed Persons – Review, discussion, and/or action and/or vote;

Executive Director Bois asked if the commission could defer this item to October. He feels it is wasteful to grant someone a grace period and then have the mooring sit empty for the season. Newport, Bristol, Warren, and North Kingstown do not let a mooring sit empty. Executive Director Bois stated he has developed a new grace period application, that he has given to the Town Solicitor to review, that would allow the next person on the wait list to use the mooring for the grace period, and there would be conditional agreements between the mooring holder asking for the grace period and the person using the mooring for that period. There was some discussion and the item will be on October's agenda.

E. Nomination of new Vice-Chairperson of Harbor Commission – Review, discussion, and/or action and/or vote;

This item had been voted on earlier in the meeting.

F. Adding a Kayak Rack to Park Dock – Review, discussion, and/or action and/or vote;

Commissioner Romano moved to add a kayak rack to the Park Dock area, and Chairman Banks seconded it. There was much discussion over the allocation of permits for the rack and if priority should be given to those who have boats in the Park Dock mooring field and currently keep their dinghies on the beach. There was also discussion about parking in the area. Commissioner McCarthy moved that a kayak and dinghy rack be added to Park Dock, with permit priority given to current mooring holders, and Chairman Banks seconded. So voted: 4 aye, 0 nay

X. Correspondence

There was no correspondence.

XI. New Business

A. Sunset Oyster Farm Request for Harbor Commission Support of their Application to Expand their Oyster Farm – Review, discussion, and/or action and/or vote;

Tony and Joe Pinheiro of Sunset Oyster Farm have had an oyster farm just outside of Jamestown Brook for approximately seven years. The tide ranges from approximately three feet to seven feet of water. They have been selling to local restaurants during that time and they also occasionally conduct walking and wading tours of their oyster farm. The Pinheiros have applied to CRMC to expand their farm approximately 50 feet in towards Jamestown Creek to plant soft shell clams and quahogs, and are asking for support from the Harbor Commission. The product

will be planted on the bottom and there won't be any equipment in the water. There was much discussion about whether or not a letter of support by the Harbor Commission would have an effect on CRMC's decision. Commissioner McCarthy made a motion stating the Jamestown Harbor Commission is supportive of local aquaculture whenever it meets local and state standards, therefore, if CRMC approves the Pinheiro's request, the JHC is fully supportive, and Chairman Banks seconded. So voted: 4 aye, 0 nay.

B. New Kayak Rack Process and Permit Conditions – Review, discussion, and/or action and/or vote;

Executive Director Bois stated that the goal of his proposed changes to the distribution process for kayak permits is to provide access to all to the waterfront and to reduce the wait list time from 2-3 years to one year or less, and to increase occupancy rates to 90% and above. The proposed changes are:

- Permit offers will be made via email only;
- Respond to permit offer in 48 hours;
- Only two areas may be applied for;
- No more than 2 permits per household;
- If one fails to respond to a permit offer, or if they decline a permit offer, they are removed from the wait list and must reapply;
- All kayaks/paddleboards/dinghies must be on the racks by June 1; if a vessel is not on the rack by June 1 the permit is revoked;
- Wait list fee will be charged;
- Send out pre-season email reminding permit holders the season runs from April 1 through October 31, with an occupancy date by June 1;
- Send out post-season reminder to remove vessels by October 31;
- Confiscation/storage fee increase from \$50.00 to \$100.00;
- 5 day warning period, then vessel will be confiscated;

There was much discussion about the limit of 2 permits per household, with Commissioner McCarthy stating that if families wish to kayak together, they would be unable to do so. Chairman Banks and Commissioner Romano both stated that the people/families who have more than two permits should be able to keep them. Commissioner Campbell also stated that communicating all of these changes is very important to the permit holders. They must be told of the changes to the permitting process multiple times in multiple ways. He also feels that a lot of vessels will be confiscated and wondered if there is a plan for storage and disposal. Commissioner Romano made a motion to approve the changes, and Chairman Banks stated that he thought the response time of 48 hours is not realistic and that 72 hours is more flexible. That was agreed upon, and there was more discussion regarding grandfathering people who had three or more permits, and that was also agreed upon, as long as they keep paying the permit fee for the multiple permits. Commissioner Campbell seconded the motion with the two modifications. So voted: 3 aye, 0 nay, 1 abstain.

XII. Open Forum – Continued (if necessary) – Review, discussion, and/or action and/or vote;

Paul Sprague of Mast Street had some comments regarding the dock that could potentially be given to the town by the New York Yacht Club. He thinks having a concrete pier at that location is a bad idea because of the potential for damage from storms. A wood pier would be lighter and could be removed. The fairway is also narrow, and adding another float would make the space even tighter.

Joe Pinheiro of Beacon Avenue commented on the Ft. Getty pier studies and asked why the repairs to the pier were not done earlier, when a previous harbor commission had voted to replace the surface of the pier and repair the strapping. He also felt the condition of the boat ramp at Ft. Getty could be improved, as it can be difficult to launch boats from there.

XIII. Adjournment

There being no further business, Chairman Banks made a motion to adjourn and Commissioner McCarthy seconded. So voted: 4 aye, 0 nay. The meeting was adjourned at 7:11 p.m.

Attest,



Joan Rich, Harbor Clerk