

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Approved: 2/14/24

A meeting of the Jamestown Harbor Commission (JHC) was held on Wednesday, January 10, 2024 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 5:02 p.m.

Present:

Wayne Banks, Chairman
Jessica McCarthy, Commissioner
Sue Romano, Commissioner
Mark Campbell, Commissioner
Tom Alexander, Commissioner
Jim Archibald, Commissioner

Absent:

Dan Wurzbacher, Vice-Chairman

Also in Attendance:

Steven Bois, Executive Director
Joan Rich, Harbor Clerk
Bob Laman, Conservation Commission Liaison

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

A. December 13, 2023

Commissioner Romano moved to approve the minutes of the meeting held on Wednesday, December 13, 2023 and Commissioner Campbell seconded. So voted: 6 aye, 0 nay.

III. Open Forum

A. Scheduled Requests to Address

There were no scheduled requests to address.

B. Non-Scheduled Requests to Address

Antonio Pinheiro of Beacon Avenue stated he uses the Ft. Getty pier year-round because his business is a year-round business. He also stated his opinion of the condition of the Ft. Getty pier and what it would take to repair it. There was some discussion.

IV. Executive Director and Harbormaster Report – S. Bois

Executive Director Bois stated that per the order of the Rhode Island Interlocal Trust, the town's insurance company, the Ft. Getty pier is closed to all use due to damage from the storm of December 17, 2023. He is in the process of procuring estimates for the repairs and will be working with Mike Gray of Public Works to get the pier repaired. There was some discussion. Executive Director Bois stated that Commissioner Alexander suggested more changes to the Harbor Ordinance. The Harbor Management Plan cannot be voted on tonight because the appendices still need to be inserted into the plan. He also discussed visits to different vendors who responded to the RFP for a new harbormaster boat. Executive Director Bois also addressed Chairman Banks' concern about the space on the pier assigned to aquafarmers/fishermen for equipment storage. He also discussed the revenue generated by the pier permits. Executive Director Bois prepared a survey of various other towns and how they manage their moorings for informational purposes. The pumpout stations need to be repaired/replaced in the amount of approximately \$25,000.00. Executive Director Bois is looking into grant opportunities from DEM to cover the cost of the pumpouts. There was also discussion about the negotiations between the Town and the operators of the Jamestown-Newport Ferry for pier use at East Ferry, along with charging other commercial users of the pier. The question was raised if any disaster relief or insurance money is available to pay for some of the Ft. Getty pier repairs. There may also be DEM grant money available because the pier is used by aquafarmers. Executive Director Bois will be attending the Newport City Council meeting this month to ask for a resolution of support for the southern portion of Gould Island to be opened for recreation. He also discussed hiring an intern this summer to assist the harbormasters.

V. Year-to-Date Financial Report

Commissioner Romano reported that we are halfway through the fiscal year and approximately 40% of the budget has been expended, although she knows there will be upcoming expenses in the next three months. There was some discussion.

VI. Sub-Committee Reports

A. Budget – S. Romano – Review, discussion, and/or action and/or vote;

Commissioner Romano reported already under the financial report.

B. Facilities – W. Banks and J. McCarthy – Review, discussion, and/or action and/or vote;

Chairman Banks and Commissioner McCarthy had nothing to report.

C. Mooring Implementation – D. Wurzbacher and M. Campbell – Review, discussion, and/or action and/or vote;

Commissioner Campbell had nothing new to report, any changes will be discussed as part of the harbor ordinance revisions.

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

Chairman Banks had nothing to report and Executive Director Bois had covered Gould Island in his report.

VII. Liaison Reports

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

Commissioner Laman stated the subject of a proposed sugar kelp farm off the east side of Dutch Island had come up in a Conservation Commission meeting. The commission is not opposed to the farm itself, but the commissioners were wondering if the proposed location could cause an issue with vessels seeking refuge from storms. Some wind farm vessels have anchored on that side of Dutch Island to escape the recent storms. There was some discussion.

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

Councilor White was not in attendance.

VIII. Old Business

A. Comprehensive Harbor Management Plan – Review, discussion, and/or action and/or vote;

Executive Director Bois stated that he was planning on distributing the final draft of the Comprehensive Harbor Management Plan to be voted on, however, some of the appendices were not ready yet, so the vote will be delayed until the February meeting.

B. Harbor Management Ordinance – Review, discussion, and/or action and/or vote;

Executive Director Bois turned the meeting over to the Commissioner Tom Alexander so he could discuss additional changes he proposed to the Harbor Management Ordinance. Commissioner Alexander stated that he went through the whole document and edited it to make it more cohesive. He also edited it for grammar and page numbering, and to make it more readable and logical.

In the course of the edits, Commissioner Alexander stated that additional changes to the outhaul requirements were made. Some of these changes will render some current outhaul permittees non-compliant with the ordinance, and he believes a process should be in place to grandfather those that have become non-compliant, and he believes it should be the Harbor Commission that determines who can be grandfathered. Votes were taken on the following changes:

1. Outhauls will be for Jamestown residents only – Commissioner McCarthy made a motion that outhauls will from now on be for Jamestown residents only, and if a non-resident currently has an outhaul permit, they will be grandfathered and allowed to keep it. Chairman Banks seconded the motion. There was no discussion. So voted: 6 aye, 0 nay.

2. The minimum size of a vessel that can be on an outhaul is 13 feet – Commissioner McCarthy made a motion that the minimum size of a vessel that can be on an outhaul is 13 feet, and Chairman Banks seconded. There was no discussion. So voted: 6 aye, 0 nay.

3. Liability Insurance – Chairman Banks made a motion that the owner of any vessel on an outhaul must provide a certificate of liability insurance, and Commissioner McCarthy seconded it. There was no discussion. So voted: 5 aye, and Commissioner Romano recused herself from voting.

4. Yacht club member vessels using a club mooring – Commissioner Alexander made a motion that vessels from a yacht club that are using a club mooring must check in on Channel 16 on VHF and/or on the Harbormaster cell phone that they will be using the mooring, and Chairman Banks seconded. There was some discussion. So voted: 6 aye, 0 nay.

5. Decision maker for grandfather appeals – Chairman Banks made a motion that a permit holder whose vessel becomes non-compliant because of an ordinance change can appeal to the Harbor Commission, and it was seconded by Commissioner McCarthy. There was no discussion. So voted: 6 aye, 0 nay.

Commissioner Alexander also discovered, during this process, that there is a Rhode Island law that states the Town Council must appoint the Harbormaster as the Commissioner of Wrecks, and that a \$5,000 bond be posted.

IX. Correspondence

There was no correspondence this month.

X. New Business

A. Sale of Harbormaster Boat “Freedom” – Review, discussion, and/or action and/or vote;

Executive Director Bois asked that the Harbor Commission vote to allow him to list the Harbormaster boat “Freedom” on the government auction resale site. Commissioner McCarthy made a motion that the boat be listed and Commissioner Romano seconded. There was no discussion. So voted: 6 aye, 0 nay.

B. Purchase of Replacement Boat – Review, discussion, and/or action and/or vote;

Executive Director Bois discussed the extensive process by which he and Commissioners Campbell and Archibald, and Larry Goss, Assistant Harbormaster, determined which boat would best suit the needs of the Harbor Department. They determined that another Ribcraft boat should be the choice to purchase. The price quoted was \$116,430. The estimates provided for the sale of the “Freedom” average about \$60,000, so the net purchase price would be

approximately \$56,000. The purchase price will be paid for by Harbor revenues, there is no cost to the taxpayers of Jamestown. There was some discussion. Commissioner McCarthy made a motion to have Executive Director Bois negotiate for the purchase of a new Ribcraft boat and Commissioner Romano seconded. So voted: 6 aye, 0 nay.

Commissioner McCarthy had to leave the meeting at 6:09 p.m.

C. Ft. Getty Use Agreement between Town and Commercial Fishermen/Aquafarmers – Review, discussion, and/or action and/or vote;

Chairman Banks stated he had asked that this be put on the agenda, due to the addition of two more commercial fishermen/aquafarmers boats on the pier. He feels that the footprint for gear storage is large and may need to be reduced to give the two new people room, and that a height limit of 3 feet should be imposed. The current amount of storage allotted to each permit holder is 80 square feet, and Executive Director Bois proposed cutting the allotted storage space to 40 square feet. There was much discussion about how much equipment could actually fit in 40 square feet, who the users of the Ft. Getty pier are, and balancing the needs of the public with the commercial fishermen and aquafarmers.

Tony Pinheiro of Beacon Avenue stated that 40 square feet is only enough space to store about two cages. He also stated that each commercial operation is different and their space needs are different.

Joseph Pinheiro of Beacon Avenue stated he is at the pier every day, and he rarely sees anyone other than fishermen using the pier, and they are usually lined up with their fishing poles along the edge of the pier. He suggested having the permit holders keep their gear in the middle of the pier. He also stated that the commercial operations should not have space taken away from them at the Ft. Getty pier because of a proposed Town ordinance that would prohibit aquafarmers from storing their gear in their yard.

Paul Sprague of Mast Street suggested using the east end of the pier for commercial use/storage and make it off limits to the general public. The general public and recreational fishermen would have the use of the rest of the pier and the commercial gear would be out of the way. He also talked about the condition of the pier and has the name of a marine engineer if the Commissioners are interested.

Mark Goerner also addressed the storage space on the pier. Having the pier closed due to the storm damage is impacting his ability to get his cages out of the water and make repairs, as this is the time of year he usually does so. He does not usually use all of his allotted space, only when he needs to pull his cages, and then he removes them with his truck and trailer. He feels that cutting the amount of storage space in half would be unrealistic.

Executive Director Bois suggested instead of basing the square footage on the number of permits issued, that the space allotted be calculated by the size of the fishing/aquaculture operation. There was some discussion.

XI. Open Forum – Continued (If Necessary) – Review, discussion, and/or action and/or vote;

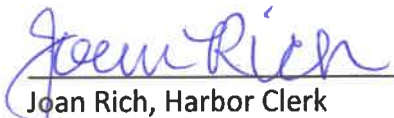
Paul Sprague of Mast Street asked for clarification on the mooring waiting list. He looked at it last week and it appeared to him that there were people at the top of the list who had very recently applied to be on the wait list. Harbor Clerk Rich explained that the people on the top of the wait list were riparian property owners and were automatically placed at the top of the list no matter when they had applied. There is also sometimes an issue with Online Mooring in that the people near the top of the wait list are there because activity had recently taken place on their account, instead of being sorted by the date of application.

Joseph Pinheiro of Beacon Avenue commented on the location of the two new permits that are being issued for the Ft. Getty pier. He feels the spot on the north will have a problem if there is an east wind and strong tide because it will crash into the dock. Executive Director Bois will meet with Joe, Jim Archibald, and Therman Richard to discuss vessel placement.

Executive Director Bois also reported on how different towns in Rhode Island manage their moorings i.e. allowing grace periods, if a person can decline a mooring offer, if other towns require a vessel on a mooring to have a DEM registration and insurance, limits on the number of moorings an individual can have, mooring transfer to a family member, yacht club and commercial businesses having a private mooring, etc. He is going to propose changes to how the Harbor Office manages its moorings. There was some discussion.

There being no further business, Commissioner Romano moved to adjourn and Chairman Banks seconded. So voted: 5 aye, 0 nay.

Attest,



Joan Rich, Harbor Clerk