

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

Minutes of the January 10, 2007 Jamestown Harbor Commission Meeting

A regular meeting of the Jamestown Harbor Commission (JHC) was held January 10, 2008 at Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island.

Chairman de Angeli called the meeting to order at 7:06PM with roll call:

Present:

Michael de Angeli, Chairman
Andrew Kallfelz, Vice-Chairman
Richard Anderson, Commissioner
Bob Bowen, Commissioner (7:08)
Chris Brown, Commissioner

Also in attendance:

Chief Thomas Tighe, Executive Director
Kim Devlin, Harbor Clerk & Recording
Secretary
Sam Paterson, Harbormaster
Joe Falcioni, Assistant Harbormaster
Julio DiGiando, Town Council Liaison

Absent:

Terry Jones, Commissioner
Kate Smith, Conservation Commission Liaison

**APPROVAL OF MINUTES
December 12, 2007**

Vice-Chairman Kallfelz requested the following change to December 12, 2007 minutes, page 3 line 18, "Vice-Chairman Kallfelz stated there is no convenient system for ~~keeping track of~~ reissuing permit numbers..."

Town Council liaison DiGiando requested his Roll Call status be changed from "Absent" to "Present."

Vice-Chairman Kallfelz moved to accept the minutes as amended of the December 12, 2007 Jamestown Harbor Commission Meeting. Commissioner Anderson seconded. So voted; 5 ayes, 0 nays

CONSENT AGENDA

No Consent Agenda.

EXECUTIVE SESSION

Chairman de Angeli announced that there would be no executive session tonight.

Commissioner Bowen moved to move up agenda item 11(A), Old Business; Head's Beach Mooring Area. Commissioner Anderson seconded. So voted; 5 ayes, 0 nays.

OLD BUSINESS

Head's Beach Mooring Area

Town solicitor Peter Ruggiero was asked by Executive Director Chief Tighe to review the Head's Beach deed to determine if legal limitations exist that would prevent creation of a mooring area there. Mr. Ruggiero began by presenting maps of the area in question. Chairman de Angeli stated, referring to the maps, that CRMC (Coastal Resources Management Council) has stated that three areas (Park Dock, Head's Beach, and Cranston Cove) are sufficiently dense with moorings as to require us to delimit them as mooring areas. Mr. Ruggiero stated there is a choice to either call them mooring areas or have the boats removed. They are not regulated mooring areas, but by CRMC standards they are mooring areas. He also stated the rights granted in the deed stop at the mean high tide mark. From the mean high tide mark out into the water, Coastal Resources Management Council takes over and the public trust doctrine goes into effect. Coastal Resources Management Council has delegated the town authority to regulate the harbor management process.

The regulatory process begins with the Jamestown Harbor Management Commission setting policy. If the Jamestown Harbor Management Commission feels that one or more of the areas ought to be designated as a mooring field that is the first step. Then the Town Council has to decide if the town endorses this action. The town would then apply to CRMC for approval and then to DEM for water quality certification. That decision is exclusive from the rights granted on the shore side of the mean high water mark. However, if the activity in the water interferes with the swimming rights on the shore, there could be some legal entanglements.

Vice-Chairman Kallfelz stated the only difference is the painting of the yellow line around the moorings. When CRMC and DEM came to our meeting, they told us that they considered this a mooring area and we need to mark it as such before they will approve the Harbor Management Ordinance. DEM said that the only requirement they have is for a pump out facility and if we provide that we will not require a water quality assessment.

Vice-Chairman Kallfelz questioned if there is any way to specifically say what constitutes interfering with swimming?

Mr. Ruggiero said there is no way to say what interfering with swimming is. A decision would have to be made in response to an allegation that there is a problem. The Jamestown Harbor Management Commission will have to make a deliberate effort to make a decision concerning this matter.

Chairman de Angeli asked Harbormaster Sam Paterson the depth of water where the no-wake buoys are located.

Harbormaster Paterson responded the depth of water at the no-wake buoys at the mean high tide is 10 feet. The whole objective of placing the no-wake buoys was to separate a swimming area from boating.

Chairman de Angeli asked Mr. Ruggiero if the Head's Beach deeds set limitations on the Harbor Management Commission in their decision on the Head's Beach mooring area issue.

Mr. Ruggiero replied that the deed only addresses the rights shore-side of the mean high water mark.

Commissioner Anderson asked Mr. Ruggiero if the Jamestown Shores residents have additional rights to Head's Beach than other Jamestown residents.

Mr. Ruggiero stated he would not comment on the rights of the Jamestown Shores residents; however, when the town took over the deed to Head's Beach (Lots 1-8) in the public trust doctrine the same rights were granted to all residents of the Town of Jamestown.

Chairman de Angeli opened up questions to the audience.

Charlotte Zarlengo stated the Jamestown Shores Association is still opposed to a mooring field designation for Head's Beach.

Chairman de Angeli stated it is the responsibility of the Harbor Management Commission to make sure the Town of Jamestown complies with the rules and regulations of CRMC. The next step is to have the Harbor Management Ordinance approved by the town council and there will be plenty of opportunities for public opinion to be expressed. If there is any interference with swimming by actual boating activities, noting that the Harbor Management Commission has no jurisdiction over what happens on the land regarding parking problems, etc., the Harbor Management Commission will address the issue.

OPEN FORUM

Scheduled Requests to Address

No scheduled requests to address.

Non-scheduled Requests to Address

No non-scheduled requests to address.

EXECUTIVE DIRECTOR TIGHE'S REPORT

Executive Director Tighe updated the Harbor Commission on the status of the Ribcraft harbormaster boat. (Distributed correspondence with Ribcraft to the Commission.) Chief Tighe stated Ribcraft has agreed to repair the boat damages to provide us with a working boat and sort out the financial details later.

Chairman de Angeli asked if Ribcraft specifically noted to repair the damaged tubes.

Chief Tighe stated we were waiting for an itemized list of repairs from Ribcraft.

Chief Tighe updated the Commission on a meeting with the Fire Marshal on updating facilities to meet new fire standards. The Fire Marshal is requiring a line running out to the end of the wood pile pier because a water truck cannot make it out on the pier in case of a fire.

MARINE DEVELOPMENT FUND BUDGET 2006/2007 MDF YTD Budget

The updated Year-to-Date Marine Development Fund budget was presented to the JHC.

HARBOR CLERK REPORT

Harbor Clerk Devlin reported she has sent out the Wait List renewals.

Harbor Clerk Devlin informed the Commission of a conversation with Joe Migliore of DEM concerning the pump out grant. Mr. Migliore asked that we use the money or relinquish it back to DEM for re-allocation. Chairman de Angeli asked Harbor Clerk Devlin to compose a letter for DEM stating we will not be able to use the grant money.

LIAISON REPORTS

Planning Commission Liaison

Liaison seat vacant.

Town Council Liaison

Town Council Liaison DiGiando informed the Commission of the Town Council discussion of the Wood Pile Pier at the end of January.

Conservation Commission Liaison

Conservation Commission Liaison Smith was absent.

COMMITTEE REPORTS

Budget Committee

Commissioner Brown stated the Budget Committee has nothing to report.

Facilities Committee

Commissioner Bowen stated he met with Town Engineer Mike Gray and Town Administrator Bruce Keiser concerning the Wood Pile Pier and the dockage of the vessel *Beavertail*. The meeting resulted in the decision not to dock the Beavertail at the Wood Pile Pier and to add a floating dock instead.

Town Administrator Keiser asked the Harbor Commission to determine which projects should be submitted to the town for general fund capital projects budgeting.

Mooring Implementation Committee

Commissioner Anderson had nothing to report.

Ft. Getty Master Plan Committee

Chairman de Angeli had nothing to report.

Traffic Committee

Commissioner Bowen had nothing to report.

Technology Committee

Vice Chairman Kallfelz reported the database is not yet up and running.

HMO/CHMP Revision Committee

Chairman de Angeli reported the HMO/CHMP committee met last Tuesday and approved, in sub-committee, an updated version of the HMO. The CHMP is coming along nicely and hopefully, it will only take one more meeting to redraft before submitting the documents to the Harbor Commission, Town or CRMC for approval.

NEW BUSINESS

Mooring Permit Stickers

A packet of mooring permit sticker quotes was provided in the Harbor Commission meeting packets for review. Harbor Clerk Devlin stated Walnut printing had the lowest bid, and therefore it would make sense to contract them for stickers.

A discussion followed concerning sticker colors and formatting of the stickers.

CORRESPONDENCE

Letter from CRMC, notice of policy change; December 19, 2007

Vice-Chairman Kallfelz moved to accept the correspondence from CRMC, Commissioner Anderson seconded. So voted, 5 ayes, 0 nays.

Letter from RIDEM; December 26, 2007

Vice-Chairman Kallfelz moved to accept the correspondence from RIDEM, Commissioner Anderson seconded. So voted, 5 ayes, 0 nays

Forwarded letter from Fire Dept. re: Somyk dock; December 31, 2007

Commissioner Bowen moved to accept the correspondence from the Fire Department, Vice-Chairman Kallfelz seconded. So voted, 5 ayes, 0 nays

Letter from CRMC re: Rescheduling of Public Hearing, January 7, 2008

Commissioner Bowen moved to accept the correspondence from CRMC, Vice-Chairman Kallfelz seconded. So voted, 5 ayes, 0 nays

OPEN FORUM-CONTINUED

No Open Forum.

ADJOURNMENT

Commissioner Anderson moved to adjourn at 8:15 PM, Vice-Chairman Kallfelz seconded. So voted; 5 ayes, 0 nays.

Respectfully submitted,

Kim Devlin
Harbor Clerk

