



**Jamestown Harbor Commission Meeting
Wednesday, June 11, 2025 at 5:00 p.m.
Jamestown Town Hall
93 Narragansett Avenue, Jamestown, RI 02835**

AGENDA

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:

<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>.

The above virtual access option is being provided only as a convenience and is not an official "location" where meeting access is guaranteed. The only way to guarantee complete access to the meeting is to attend physically, in-person, at the physical location listed above.

- I. Call to Order and Roll Call
- II. Approval of Meeting Minutes – Review, discussion, and/or potential action and/or vote;
A. May 14, 2025
- III. Executive Director’s Report – J. Heagney
 - A. Harbor Management Plan Update;
 - B. Letter from Town of Jamestown to U.S. Coast Guard regarding potential removal of aids to navigation in/at the entrance to Narragansett Bay;
- IV. Harbormaster’s Report – B. Totten
- V. Year-to-Date Financial Report
- VI. Sub-Committee Reports
 - A. Budget – S. Romano – Review, discussion, and/or potential action and/or vote;
 - B. Facilities – J. Archibald – Review, discussion, and/or potential action and/or vote;
 - C. Gould Island Restoration – M. Campbell, and B. Laman – Review, discussion, and/or potential action and/or vote;
- VII. Liaison Reports
 - A. Conservation Commission – B. Laman – Review, discussion, and/or potential action and/or vote;
 - B. Town Council – N. Beye - Review, discussion, and/or potential action and/or vote;
- VIII. Old Business – None at this time.

- IX. Correspondence – None at this time.
- X. New Business
 - A. Discussion of Role and Duties of the Harbor Commission – Review, discussion, and/or potential action and/or vote;
 - B. Addition of Touch and Go Dock at Ft. Getty – Review, discussion, and/or potential action and/or vote;
 - C. West Ferry Town Docks Layout/Configuration – Review, discussion, and/or potential action and/or vote;
- XI. Open Forum
 - A. Scheduled Requests to Address – None scheduled at this time;
 - B. Non-Scheduled Requests to Address
- XII. Adjournment

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website, at the Town Hall, and at the Jamestown Police Station. Notice is also posted at the Jamestown Philomenian Library and on the Internet at www.jamestownri.gov.

ALL NOTE: If communications assistance or other accommodations are needed to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to rfagan@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on June 6, 2025.

**TOWN OF JAMESTOWN
HARBOR COMMISSION**

APPROVED:

A meeting of the Jamestown Harbor Commission (JHC) was held on Wednesday, May 14, 2025 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

The meeting was called to order at 5:02 p.m. by Vice-Chairman Mark Campbell.

Present:

Mark Campbell, Vice-Chairman
Sue Romano, Commissioner
Jim Archibald, Commissioner
Bob Laman, Commissioner
Paul Sprague, Commissioner

Absent:

Jessica McCarthy, Commissioner

Also in Attendance:

Jim Heagney, Executive Director
Joan Rich, Harbor Clerk
Nancy Beye, Town Council Liaison

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

A. February 12, 2025

Commissioner Laman made a motion to approve the minutes of the meeting of February 12, 2025, and seconded by Commissioner Romano. There was no discussion. So voted: Vice-Chairman Campbell, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Laman, aye; Commissioner Sprague, aye.

III. Executive Director's Report – J. Heagney

Executive Director Heagney stated that the only outstanding item in the Harbor Management Plan is the sunset clause for the transfer of a mooring to an immediate family member. CRMC is no longer allowing such transfers in any community. Executive Director Heagney stated he has not been able to get in touch with Kevin Cute at CRMC to go over the draft plan. Commissioner Sprague asked what other towns are doing as far as the sunset clause, and only Newport no longer allows transfers to a family member. Commissioner Archibald asked if the mooring permit would then be available to someone on the waiting list, and it would be. Commissioner

Sprague asked if riparian moorings would be affected, and they would not be. There was some discussion.

Executive Director Heagney stated he has also finished updating the Harbor Management Ordinance, but he is not going to submit the Ordinance for discussion until the Plan is approved. There was some discussion about the timeline and when public input should be sought. Marian Falla, of Green Lane, stated she thought there should be public comment before the Plan is adopted. There was more discussion about how the Plan and Ordinance would be presented to the public.

IV. Harbormaster's Report – J. Heagney

Harbormaster Bart Totten was not available so Executive Director Heagney updated the Commission. The older boat has been launched and is currently at the dock at East Ferry. It will eventually be moved to Dutch Harbor after the ramp to the Harbormaster dock is installed within the next week. The new boat is still on the trailer awaiting installation of the radar. Harbormaster Totten has hired a new assistant harbormaster, Mike Paruta, who is also an assistant harbormaster in Newport, and there will be one intern this summer, Kiley George. The harbormaster and the assistants will be working a rotating schedule throughout the summer, and the intern will be working 3 or 4 days a week. The harbormaster office will be moving to the former ambulance barn on Knowles Court for the summer. Commissioner Romano asked if the expenses to set up the office would be covered by the amount that was budgeted for an office space. Office furniture and internet wiring are already in place, so the only thing that needs to be installed is a land line. Commissioner Romano also asked how much of the building will be utilized. The back half of the building will be used by the harbormasters, and shared occasionally with the Parks and Recreation Department.

V. Year-to-Date Financial Report – S. Romano

Commissioner Romano explained a cost overrun in the fees, dues, and supplies line. Expenses that should have been charged to the maintenance of docks and harbor account will be reallocated.

Commissioner Sprague brought up the existence of a town fund that is specifically for the Parks and Recreation Department, but he wondered if it could possibly be accessed by the Harbor Department if a maintenance or repair project was applicable to both departments. There was some discussion.

VI. Sub-Committee Reports

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

Commissioner Romano discussed the timeline to prepare the budget for Fiscal Year 2027.

B. Facilities – J. Archibald – Review, discussion, and/or potential action and/or vote;

Commissioner Archibald stated that the repair to the West Ferry bulkhead looks great, but there are still some sinkholes on the north side of the pier that need to be taken care of. Executive Director Heagney stated that those sinkholes keep reappearing and there are no plans to repair

them at this time. The East Ferry project to repair the old ferry landing was brought up but there is no timeline for when that might begin.

Vice-Chairman Campbell asked if the pumpouts have been commissioned yet. They are not but will be next week. The West Ferry bathroom is open.

C. Gould Island Restoration – M. Campbell and B. Laman – Review, discussion, and/or potential action and/or vote;

Commissioner Laman stated he did not know what the date is yet for the June meeting. The RAB will be presenting what remediation needs to be done at that meeting.

VII. Liaison Reports

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

The Conservation Commission has gotten a lot of feedback from people who do not want to have Gould Island opened up for public use because they would like it to be kept strictly as a wildlife sanctuary. It is currently deeded as a wildlife sanctuary. The Audubon Society, in particular, is concerned because Gould Island is on the migratory route. Commissioner Laman stated the Conservation Commission is trying to put together a group to study the impact of public use on the birds and other wildlife on Gould Island.

The Conservation Commission is also involved in discussions about RIDOT plans for the Great Creek bridge. It could potentially be reconstructed in 2029, and the state is looking for feedback from Jamestown. One of the other conservation commissioners was told that the state will do what Jamestown wants to do as far as plans for a repaired or completely new bridge. Commissioner Laman thinks there should be a coordinated effort between the Harbor and Conservation Commissions to elicit feedback from the public.

Vice-Chairman Campbell brought up Gould Island again to confirm that the Harbor and Conservation Commissions, as well as the Town Council, are taking a wait and see attitude about allowing recreation on Gould Island. Once the Army Corps of Engineers finishes their hazardous waste remediation, the State must also do their own study to address the public safety issues on the island. There is no money in their budget this year or next for such a study. Commissioner Romano asked what the deed states as far as what the use of Gould Island is to be. The deed states it is to be used as a wildlife refuge.

B. Town Council – N. Beye – Review, discussion, and/or potential action and/or vote;

Town Council President Nancy Beye introduced herself as the new Town Council Liaison to the Harbor Commission. She stated three candidates for the vacancy on the Harbor Commission were interviewed at the last Town Council meeting, and the council may vote to fill the vacancy at the next meeting Monday night.

Vice-Chairman Campbell asked President Beye to bring information from the Town Council meetings as it relates to the Harbor Commission. There was some discussion.

VIII. Old Business

A. Liability Insurance Requirements for Mooring Permit Holders – Review, discussion, and/or potential action and/or vote;

Executive Director Heagney stated that he ran a report after the last meeting to show how many Class 3 mooring permit holders did not have liability insurance, and only 5 permit holders did not have insurance listed for their vessels. Vice-Chairman Campbell clarified they are discussing Class 3 moorings, of which there are 315 permitted. There was some discussion. Commissioner Romano asked about transient moorings, but the only transient moorings in Jamestown waters are leased by the marinas, and they all require insurance for vessels occupying a transient mooring. Executive Director Heagney stated that during a meeting with other harbor masters from the surrounding communities, he discovered that only Newport requires liability insurance for private moorings. Commissioner Sprague pointed out that the state does not require liability insurance when you register a vessel. There was more discussion about what the minimum size is for registering a boat and insurance requirements.

Commissioner Romano made a motion to require liability insurance for Class 3 mooring permit holders and was seconded by Commissioner Sprague. There was more discussion about including riparian mooring permit holders and how the insurance requirement would be reported in Online Mooring. Tony Pinheiro, of Beacon Avenue, asked how insurance requirements would be enforced for guest moorings. The motion was amended to state that non-commercial mooring permit holders, Riparian and Class 3, in Jamestown are required to have liability insurance to state-registered vessels. Commissioner Sprague then made a motion that all non-commercial mooring permit holders in Jamestown are required to have liability insurance for their vessel, if it is required to be registered by the state, and was seconded by Commissioner Laman. There was no further discussion. So voted on the original motion that would require liability insurance for Class 3 mooring permit holders: Vice-Chairman Campbell, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Laman, aye; Commissioner Sprague, aye. So voted on the amended motion: Vice-Chairman Campbell, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Laman, aye; Commissioner Sprague, aye.

B. Request of Antonio Pinheiro to defer payment of permit fees until later in the Season – Review, discussion, and/or potential action and/or vote;

Vice-Chairman Campbell opened the discussion by asking Executive Director Heagney if any other aquafarmers/commercial permit holders had asked to defer payment, and no one else has. Commissioner Romano stated she had asked a commercial fisherman who has an outhaul permit if he needed to defer payment of the fees, and he replied that he budgets for that. There was some discussion, including the fact that if one person got an exception then more people could ask for an exception. Commissioner Romano made a motion that no changes be made to the renewal period for permit fees and was seconded by Commissioner Archibald. So voted: Vice-Chairman Campbell, aye; Commissioner Romano, aye, Commissioner Archibald, aye; Commissioner Layman, aye; Commissioner Sprague, nay.

IX. Correspondence – None at this time.

X. New Business

A. Nomination and Selection of New Harbor Commission Chairperson and Vice-Chairperson – Review, discussion, and/or potential action and/or vote;

Commissioner Laman nominated Vice-Chairman Campbell for Chairman and was seconded by Commissioner Romano. So voted: Vice-Chairman Campbell, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Laman, aye; Commissioner Sprague, aye.

Commissioner Archibald nominated Commissioner Romano for Vice-Chair, but there was no second. Chairman Campbell then nominated Commissioner Laman. There was some discussion, as Commissioner Laman is already serving as Chairman of the Conservation Commission. It was pointed out that the Vice-Chair does not automatically become the Chair if the position is vacant. Commissioner Sprague stated he thought it would be a conflict of interest for Commissioner Laman to be the Chair of Conservation and Vice-Chair of Harbor because the two commissions often meld together in discussions. Commissioner Romano pointed out Commissioner Laman could recuse himself in those cases. There was more discussion. So voted: Chairman Campbell, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Laman, aye; Commissioner Sprague, nay.

B. Wait List Opportunities – Review, discussion, and/or potential action and/or vote;

Executive Director Heagney started by saying that 19 mooring permits turned over during the off-season. The process of reassigning the permits, however, becomes onerous because there are some people at the top of the wait list who have been there for some time, and they decline a mooring permit when offered. The Harbor Management Plan does not address the issue of how long someone can be on the wait list and how many times someone can say “no thank you” to a permit offer. Commissioner Romano asked if it would be addressed in the Ordinance, but it is not currently. Executive Director Heagney would like it to be addressed.

In his meeting with the other harbormasters last week, Executive Director Heagney asked what their wait list policies are. Some towns remove a person from the wait list entirely if they decline a mooring offer, in other towns, the person goes to the bottom of the wait list. Jamestown is the only town that allows wait list occupants to maintain their wait list position when they decline a mooring offer. There was some discussion. Harbor Clerk Rich stated that four people in the top 6 on the wait list in Dutch Harbor have been offered moorings multiple times and declined every time. It slows down the process of offering permits because the wait listed person is given 72 hours to reply yes or no to the offer. Commissioner Romano stated that Newport has opened up a mooring field for smaller boats and asked if something like that could work for Jamestown, but there is currently no space available for such a mooring field.

Executive Director Heagney discussed the five mooring zones around Jamestown that are open to Class 3 (non-riparian) mooring permits. Within two of the zones there are different mooring fields, some of which don't have any moorings in them. For example, within Zone E (Head's Beach), there are five different mooring fields. Executive Director Heagney is working with

Online Mooring this year to add the 17 different mooring fields so people can choose which mooring field, within a particular zone, they would like to be wait listed for. Some of the mooring fields are off of rights of way, so access could be difficult for some people, but for others, they could have a mooring tomorrow. Commissioner Sprague mentioned that parking could be an issue at some of the rights of way. There was some discussion. Executive Director Heagney asked the Harbor Commission if there should be a one or two strike policy for declining a mooring permit so it can be incorporated into the plan and ordinance. There was some discussion about how long a person has to get a boat if they accept a mooring permit. Vice-Chairman Laman made a motion that if a person declines a mooring offer, they will go to the bottom of the wait list, and it was seconded by Chairman Campbell. There was no discussion. So voted: Chairman Campbell, aye; Vice-Chairman Laman, aye, Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Sprague, aye.

C. Draft Letter from Sail Newport to Rear Admiral Platt, USCG First District Commander regarding Narragansett Bay Buoys – Review, discussion, and/or potential action and/or vote;

Executive Director Heagney asked if everyone had gotten a chance to read the letter contained in their packet regarding the potential removal, by the Coast Guard, of aids to navigation around Narragansett Bay. There was some discussion about the timeline because the Coast Guard has a deadline of June 13 for public comment. Executive Director Heagney had asked the Town Administrator, Edward Mello, what the role of the Harbor Commission should be for this request, and his response was one letter from the Town Council, at the request of the Harbor Commission, is sufficient. Executive Director Heagney had a chart of Narragansett Bay with pins identifying the buoys Sail Newport had identified that should not be removed. He asked if there were other buoys the commissioners felt should be included in the list to keep. There was more discussion as to the scope of the letter, and consensus that the letter from the commission should be limited to those buoys in Jamestown waters. Commissioner Sprague made a motion to have Executive Director Heagney draft a letter to the Town Council that would be forwarded to them after approval by the Town Administrator, and it was seconded by Commissioner Romano. There was no more discussion. So voted: Chairman Campbell, aye; Vice-Chairman Laman, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Sprague, aye.

XI. Open Forum

A. Scheduled Requests to Address – None scheduled at this time;

B. Non-Scheduled Requests to Address

John Potter, of Narragansett Avenue, had suggestions for posting the draft plan and ordinance on the Harbor page of the Town website. What is currently on the page is confusing and unclear as to what is being revised.

Marian Falla, of Green Lane, stated that during the Fort Getty presentation, someone brought up adding a touch and go dock there, and she asked if it was something that could be put on a future agenda for the Harbor Commission to discuss, or perhaps discuss it jointly with the Recreation Department. She thinks it is a good idea to have a touch and go dock there. There

was some discussion. Everyone agreed it would be a great idea to have a touch and go dock near the boat ramp and it has been discussed in the past, but there are always the issues that it is near a conservation zone and who is going to pay for it.

Tony Pinheiro, of Beacon Avenue, suggested filing an application with CRMC for maintenance of the existing boat ramp. There was some discussion. Executive Director Heagney recently met with Carlos Pena, who had done a study of the ramp for the previous Executive Director, and he suggested moving the ramp to the other side of the causeway where it would not be in a conservation area. There was more discussion. This item will be placed on the agenda for the next meeting for further discussion.

Chairman Campbell listed the items that had been discussed during the meeting, and it is a long list. He wants to know, what is the charter of the Harbor Commission and what is their role in the town? He will do the research, and stated the Harbor Commission needs to focus on doing what it is supposed to be doing.

There being no further business, Commissioner Romano made a motion to adjourn and was seconded by Commissioner Sprague. So voted: Chairman Campbell, aye; Vice-Chairman Laman, aye; Commissioner Romano, aye; Commissioner Archibald, aye; Commissioner Sprague, aye. The meeting adjourned at 6:52 p.m.

Attest,

Joan Rich, Harbor Clerk



TOWN OF JAMESTOWN

93 NARRAGANSETT AVENUE

P.O. Box 377

JAMESTOWN, RHODE ISLAND 02835

To: USCG First District Commander, Rear Admiral Michael E. Platt
From: Jamestown R.I. Town Council, Town Administrator, Harbor Team
Subject: Proposed Removal of USCG Navigational Aids U.S. Northeast Coast
Date: May 27, 2025

Dear Admiral Platt,

We are writing to you on behalf of all Jamestown residents, including our active boating community members, those who make a living on the water, the good people of our Yacht Clubs and Marinas, hundreds of mooring holders, and everyone who plies the waters surrounding our island, regardless of where they live or come from.

It has been brought to our attention that plans are underway for the United States Coast Guard to reduce the number of Aids to Navigation (ATON) buoys along the Northeast coast of the U.S., including several dozen buoys stationed by the entrance to and within the waters of Narragansett Bay and Conanicut Island.

We have an extremely active boating community here that includes 5 marinas, 2 yacht clubs, a fleet of charter fishing boats, oyster farmers, and upwards of 1,000 moorings which surround the island. Jamestown is situated at the mouth of Narragansett Bay and lies directly across from the entrance into Newport harbor, where many hundreds more boats and boaters are located. Further into the bay, and beyond our island are dozens more waterfront communities, many of which ply the bay's entrance waters, all of whom rely on the system of buoys that provide direction and assurance of safe passage. We believe today that the waters surrounding our island are safe because boaters depend on these navigational aids to keep them out of areas they must avoid. Local weather is known to change quickly here and can cause boaters to take swift action in order to return to port quickly. Having a system of buoys to stand as sentinels for everyone needing assistance is paramount to their safety.

As you determine the fate of these buoys for removal, we ask that you consider maintaining the 19 buoys that currently serve the perimeter of Jamestown today. These buoys are located at strategic points all throughout and assist those leaving or returning in getting there safely.

Should it not be possible to preserve each and every targeted buoy within our waters, we urge you to continue operational and financial support for the following aids to navigation which are on the list to decommission:

Newton Rock Bell Buoy NR – Lat: 41.443889; Lng -71.4025

This buoy is located at the Southern Tip of Jamestown and marks the eastern edge of the West Passage traffic separation scheme and the western edge of the East Passage separation scheme. It also marks a dangerous reef approximately 200 yards due northeast, directly between the buoy and the shore. This area is prone to large, breaking waves and in limited or restricted conditions, boaters depend on this buoy to guide them further up the East or West Passage towards their destination.

Narragansett Bay Entrance Lighted Whistle Buoy NB – Lat: 41.383333; Lng -71.389167

This MOA buoy delineates the traffic separation scheme for Narragansett Bay. It is the only AIS-broadcasting buoy in the area, having replaced the Brenton Reef Tower. It is a crucial landmark on navigational charts, both paper and electronic. The AIS signal from this buoy helps fishermen, commercial traffic, and recreational boaters safely back towards and into Narragansett Bay.

East Passage Bell Buoy 6 – Lat: 41.4575; Lng: -71.366389

This buoy is located just south of the entrance into East Passage and warns boaters of a dangerous and rocky shoreline just inside the waters it resides in. It is directly in line with R4 to the south which provides safe entrance into the bay and avoid Brenton Reef.

East Passage Lighted Bell Buoy 12 – Lat: 41.494444; Lng: -71.344722

East Passage Buoy 12A – Lat: 41.5; Lng: -71.345833

These buoys provide safe passage for every vessel heading both north or south along their route between the Newport Bridge and transiting past Goat Island, as rocks and shoals surround this island at all stages of tide.

In Conclusion

These existing aids to navigation play a vital role in guiding every manner of vessel safely through Narragansett Bay, in all types of conditions, at every hour of the day or night. The Coast Guard has been providing these aids to navigation since the late 1700's, saving countless lives while providing mariners the same level of comfort and assistance they have grown to depend on. While modern technology may seem like a better way to get mariners to their destination safely, not all boaters are equipped with such devices, nor can it be said that keeping one's head down to look at a screen is the safest and most prudent method for navigating.

Respectfully Submitted,



Nancy A. Beye – Town Council President



Edward A. Mello – Town Administrator



James R. Heagney – Executive Director Jamestown Harbor



Bart Totten – Harbormaster



Mark Campbell – Harbor Commission Chair

CC: Sen. Jack Reed, US Senate

Sen. Sheldon Whitehouse, US Senate

Hon. Gabe Amo, US House of Representatives

Hon. Seth Magaziner, US House of Representatives

§ 46-4-6.9. Town of Jamestown — Powers conferred.

(a) The provisions of § 46-22-14, or any other provisions notwithstanding, and in addition to any authority and powers conferred upon the town council of the town of Jamestown, authority shall also be granted to the town council of the town of Jamestown to enact ordinances as the town council may deem necessary or desirable for the enforcement and supervision of any rules and regulations established by the town council governing the public waters within its jurisdiction, and to regulate by ordinance the speed, management, and control of all vessels and the size, type, location, and use of all anchorages and moorages within the public waters within the confines of the town, including, without limiting the generality of the foregoing, the authority and power to regulate waterskiing upon any of the public waters; to designate upon a map of the public waters within the town the places where permanent or temporary moorings or anchorages may be maintained; to assign moorings; to remove moorings; to collect fees for the use of moorings; to provide for minimum mooring specifications; to provide for inspection of moorings; to provide regulations for houseboats that are not self-propelled; to provide regulations for regattas, races, marine parades, tournaments, and exhibitions; to provide for the removal of wrecks or derelict or abandoned boats or docks; to provide for the regulation of skin diving and scuba diving; and to impose penalties for violation of the ordinances not exceeding in amount one hundred dollars (\$100) or imprisonment not exceeding ten (10) days in some jail or house of correction for any one offense and the fines to be recovered to the use of the town.

(b) No powers or duties granted herein shall be construed to abrogate the powers or duties granted to the coastal resources management council...

maintaining the commercial fishing industry in the community. In other areas, where to avoid administrative redundancy the planning commission has deemed it appropriate to assign initiation action to other agencies (conservation commission, ~~parking commission~~, recreation department, etc.), with the harbor commission as a cooperating partner. These areas include public access, parking, aquaculture, improvements at Fort Getty, development and management plans for the harbor waterfronts, and matters affecting Narragansett Bay as a whole.

2) The Jamestown Harbor Commission

Authority: The General Laws of Rhode Island R.I.G.L. 46-4-6.9 delegate to coastal municipalities responsibility for three main categories of activities in municipal waters: managing vessel operation; managing moorings and anchorages; and managing activities such as water-skiing, skin-diving, marine parades and regattas. The coastal municipalities have the authority to enact ordinances to regulate these activities and to impose penalties for violations.

The Jamestown Harbor Commission, established in 1989 as the Jamestown Harbor Management Commission, has the primary responsibility under the authority of the town council and the Jamestown harbor management ordinance for regulating and managing the waters of the town of Jamestown--which includes Dutch, Gould, and Conanicut Islands. (It should be noted that while the ownership of all the land on both Dutch and Gould Islands is at present divided between the federal and the state governments, the jurisdiction of the Jamestown Harbor Commission extends to those two islands as it does to state or federal land on Conanicut Island itself. Because the landside responsibilities of the commission are effectively curtailed for those two islands, however, in this document, the terms "Jamestown", "town", and "island" will refer to Conanicut Island alone, except when specifically stated otherwise. The Harbor Commission has a Gould/Dutch Island Development subcommittee which is charged with planning and coordinating improvement opportunities needed to open Gould and Dutch Islands for recreational use in the future. During 2018, this subcommittee began working with the Army Corp of Engineers, RIDEM, CRMC, and other state leadership teams to address remediation efforts needed. During 2023, the subcommittee was dissolved and oversight responsibilities were transferred to the Harbor Commission subcommittee for Gould Island.

Background: Throughout the 1990s the Harbor Management Commission exercised unusually wide-ranging responsibility. Most notably, it had effective, direct responsibility for overseeing the maintenance and repair of town-owned waterfront structures and facilities. From its general income, it created a substantial development fund to be used for these purposes. The arrangement ~~apparently successful was and~~ faced little objection so long as maintenance and other costs were low.

In the late 1990s, however, it became clear not only that a rapidly increasing burden of long-deferred maintenance was going to require extraordinary financial and administrative measures, but also that the commission faced severe constraints on its ability to increase its income. The commission's mooring fees were fixed by the 1988/90 ordinance; its proposals to apply for significant federal funds were turned down for policy reasons by two successive town councils; and lease agreements for its waterfront facilities had

1 been signed in 1995 and 1997 for ten-year periods. After extensive commission, town council, and public
2 debate, the town council--as an ad hoc solution to the immediate infrastructure crisis--amended the ordi-
3 nance to permit the annual fluctuation of mooring fees and, in addition, contributed to the harbor commis-
4 sion budget a substantial sum of money from the general funds.

5 During 2000 and 2001 the town and the commission looked for a permanent resolution to the commission's
6 administrative, jurisdictional, and financial uncertainty. In 2000 the commission asked the town to take
7 more direct administrative responsibility. The town council decided, with the commission's agreement,
8 that the chief of police, rather than a volunteer chair, should oversee and execute commission policy. The
9 commission decided to give up its direct management oversight of infrastructure maintenance and repair
10 with the intention of becoming advisory with respect to those matters. In 2002 it established an internal
11 budgeting process that now clearly divides both income and expenditure between harbor management and
12 infrastructure development. These broad changes have laid a solid basis for the commission's activities in
13 the future.

14 **Administration:** In 2023, an Executive Director ~~may be~~ was appointed by the town council to supervise
15 the harbor staff and report both to the commission and to the town administrator. The harbor staff consists
16 of a Harbormaster, a Harbor Clerk, and additional personnel as needed. The ~~Harbormaster~~ Harbor
17 Executive Director is nominated by the Town Administrator and appointed by the Town Council. The
18 Harbormaster is recommended by the Harbor Executive Director and appointed by the Town
19 Administrator. The Harbormaster reports to the Executive Director and under the Executive Director's
20 supervision, enforces the policy guidance of the harbor management ordinance and the commission. The
21 Harbor Clerk also reports to the Executive Director.

22 **Responsibilities:** Under the harbor management ordinance adopted in ~~2011~~, 2018, the harbor commission,
23 in addition to its responsibilities under GLRI Sec. 46-4-6.9, shall be advisory and assist in the planning for
24 the maintenance and repair of town-owned harbor facilities, such as docks, bulkheads, and boat ramps. It
25 is responsible for monitoring the condition of harbor infrastructure generally; for bringing necessary repair,
26 maintenance, and improvement projects to the attention of the town administrator; and for working with
27 the town authorities in developing multi-year plans and cost estimates for the repair and maintenance of
28 harbor facilities.

29 **Funding:** Funding for the harbor commission operating budget is currently provided by: 1) private and
30 commercial mooring fees, town-owned dockage, and outhaul fees; 2) beach permits; ~~3) leases of town-~~
31 ~~owned waterfront property,~~ 4) investment income; 5) fines; 6) occasional specific or non-specific grants or
32 subsidies from the town and other public and private funding sources. Presently the commission develops
33 and submits its budget recommendations to the town council for council approval. Under the 2011
34 ordinance, the executive director, with input from the commission, develops the harbor commission budget
35 and submits it to the town administrator for approval by the town council.

36
37 There are no public, commercial, not-for-profit, or other entities that exercise management authority of

1 any mooring areas in Jamestown.

2
3 **a. Conservation Commission**
4

5 The charge of the Jamestown Conservation Commission is to promote and develop the town's natural
6 resources, protect the watershed resources, and preserve natural aesthetic areas within the town. From
7 time to time its activities overlap those of the Harbor Management Commission and the Conservation
8 Commission normally delegates one of its members to attend the Harbor Management Commission's
9 monthly meeting and liaise between the two.
10

11 **E) GOALS FOR THE FUTURE**

12 Jamestown recognizes the economic, recreational, and aesthetic importance of the coastal resources under
13 its jurisdiction. Its 1988/90 harbor management ordinance served as a model for many other waterfront
14 municipalities throughout the state. Policies of the Jamestown comprehensive community plan relating
15 to coastal resources include encouraging town acquisition of unique, fragile, and scenic coastal areas;
16 encouraging land management that provides opportunities for public waterfront access; and protecting
17 water quality in the salt marshes and coastal waters of Jamestown.

18 The goals of the Harbor Commission are:

- 19 1) To regulate uses and activities within the waters of the town, as described herein; to
20 protect the coastal environment; to minimize user conflicts; to maximize the
21 efficient use of both the water space and town-owned waterfront consistent with the
22 other goals expressed herein; and to maintain and improve public access to the
23 waters of the town for the benefit of all user groups, including residents and non-
24 residents with or without boats, who seek to use town waters for passive and active
25 recreation.
- 26 2) To distribute equitably the burdens and benefits of harbor management and
27 development among commercial mooring operators, private mooring owners, other
28 groups or individuals with special interests in the water, the waterfront, and the
29 town.
- 30 3) To remain consistent with the authorities granted the town under Sec. 46-4-6.9 of
31 the General Laws of Rhode Island and with the goals, policies, and regulations of
32 the Jamestown Comprehensive Community Plan, the Jamestown Comprehensive
33 Harbor Management Plan, the Rhode Island Coastal Resources Management
34 Council, the Rhode Island Department of Environmental Management, and the
35 United States Army Corps of Engineers.
36
37

and return it to the Jamestown police station not later than 14 days from the date of the summons either by mailing or delivering the form and summons accompanied by a check or money order in the amount indicated by the schedule of fines on the form. The fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30) days.

(3) *Failure to answer.* An individual who fails to answer within thirty (30) days shall have waived the right to dispose of the summons without personal appearance and must appear before the district court on the date specified on the summons.

(k) *Enforcement.* The primary responsibility for enforcement of regulated activities, including the issuance of summonses for violations is delegated to the harbormaster and the Jamestown Police Department. Police officers and the harbormaster of the Town of Jamestown shall have the power and authority to enforce the rules and regulations of this article and of the General Laws of the State of Rhode Island.

Sec. 78-28. Harbor commission.

(a) *Authority, powers, and duties.* The harbor commission shall be the local advisory and regulatory body authorized by the town council to manage the coastal waters and harbor areas of the town through the implementation of the comprehensive harbor management plan and subsequent ordinances. The harbor commission shall enforce the provisions and ordinances of the harbor management plan as well as adopt additional policies, rules, and regulations for the implementation of the harbor management plan and such ordinances, subject to the approval of the town council and the Rhode Island Coastal Resources Management Council.

The harbor commission shall adopt rules of procedure and operation for its meetings and, among its powers and duties, is authorized to:

(1) Recommend to the town council the adoption of rules, regulations, fees, penalties and other amendments to the comprehensive harbor management plan and its subsequent ordinances that may be necessary to fulfill the goals and objectives of that plan and meet the requirements of its ordinances.

(2) Recommend additional authorities and duties for the harbor staff, herein detailed, with the approval of the executive director and the town council.

(3) Assist in the preparation of the annual budgets in accordance with the provisions of the town and this article to expend monies in the harbor funds.

(4) Sit as a board of appeals to hear any person aggrieved by any decision, act, or failure to act of the executive director or harbor staff in the enforcement and implementation of this article, with the exception of section 78-27 of this article ("regulated activities").

(5) Review and revise as necessary the comprehensive harbor management plan and its subsequent ordinances for the town council and the Rhode Island Coastal Resources Management Council approval. The comprehensive harbor management plan shall be reviewed and revised at least once every five years.

(6) Prepare the Harbor Commission's Asset Inventory List (Approved by the Commission on 02.12. 2014 and the Town Council on 04.07.2014). Monitor the condition of town-owned waterfront facilities generally and develop with the town engineer an annual and five year capital maintenance, replacement and improvement plan. The plans will include maintenance, repair, and improvement of town-owned waterfront structures, such as docks, bulkheads, and boat ramps. No budget will be approved without the capital improvement plan.

(b) *Composition.* The harbor commission shall consist of seven qualified electors and residents of the town, appointed by the town council, chosen from a list of interested parties maintained by the town administrator, after duly advertising the availability of these positions. To achieve diversity, preference may be given to representatives of each of the following groups:

- (1) The nonriparian recreational boating community; (two persons)
- (2) Riparian property residents (harbor waters);
- (3) Riparian property residents (coastal waters);
- (4) The commercial fishing industry;
- (5) The commercial mooring operators;
- (6) A non-boating resident.

The commission shall have, among its members, representatives of both East and West Harbors.

Ex-officio member: The executive director shall be an ex-officio, nonvoting member of the commission, and shall not count as part of the quorum.

Liaisons: The town council, the conservation commission, and the planning commission may each appoint one liaison to the harbor commission. Liaisons may sit with the commission, and may participate in all discussions, but may not vote and do not count as part of the quorum.

(c) *Terms.* Commission members shall be appointed for overlapping three-year terms so that approximately one-third of the membership terms will expire each year. In the event of a vacancy during a term, the town council shall appoint a new member from the same category of member, if feasible, to fill the remainder of the term.

(d) *Organization.* A chair and vice-chair of the commission shall be chosen annually from the membership by vote of the commission. The chair shall be responsible for calling and conducting all meetings of the commission. In the absence of the chair, the vice-chair shall assume those responsibilities. A quorum shall be defined as four voting members.

(e) *Finances; budget.* The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor operating and capital facilities budgets to be submitted to the town council for approval. All revenues from harbor operations, including but not limited to mooring, beach permits and outhaul fees and harbor management fines and penalties, shall be held in a harbor enterprise fund maintained by the town finance department. The harbor enterprise fund shall be maintained exclusively for the management and development of harbor programs and maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from the harbor management account, including additional staff support, must be authorized by the executive director with agreement of the commission and must be approved by the town administrator and the town council. Annual lease revenue from the properties at East Ferry, West Ferry, and Fort Wetherill shall be held in a separate capital improvement fund and may be used to fund any waterfront facilities, structures and assets owned by the Town, but not necessarily limited to those listed in the Harbor Commission Asset Inventory List. At the end of the fiscal year, unexpended harbor operating and capital budget appropriations shall be placed in a harbor and waterfront capital reserve account. The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor/waterfront capital facilities budget to be submitted to the town council for approval.

(f) *Compensation.* Commission members shall serve without pay, but may be compensated for expenses incurred in the performance of their duties.

Sec. 78-29. Administration.

(a) *Executive director.* An executive director may be appointed by the town council to supervise the harbor staff and to administer the provisions of this article and any additional regulations subsequently required for the implementation of the article.

(b) *Harbor administrative staff.* The harbor administrative staff shall consist of a harbormaster, a harbor clerk, and additional personnel as needed who are hired on approval of the town council by the town administrator.

The responsibilities of the harbor staff under the supervision of the executive director include the following:

(1) Administering and enforcing the provisions of the harbor management plan and its ordinances;

(2) Processing applications for the issuance of mooring permits and assigning placements of moorings in accordance with this article;

(3) Keeping proper records of all mooring application information, including the locations of moorings, mooring owners and vessel usage of moorings, types of vessels using moorings, etc;

(4) Preparing, keeping current, and making available a waiting list for mooring permits in accordance with the provisions of this article when the demand for available mooring permits is greater than the number of available mooring locations in any given year, and maintaining a waiting list with respect to outhauls on town property;

(5) Keeping current and making available waiting lists for dinghy dock space and outhauls on town property operated by commercial operators;

(6) Inspecting moorings and outhauls in accordance with the provisions of section 78-26 of this article;

(7) Monitoring moorings and out hauls in accordance with the provisions of subsections 78-26(h), (m), and (p) of this article.

(8) Carrying out all other powers and duties authorized to the harbormaster under various state and federal marine laws, including but not limited to marine sanitation device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-22, and future laws yet to be enacted.

(9) Any other duties specified by the harbor commission or executive director.

(c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch. 14, as amended, and all regulations promulgated by the Rhode Island Ethics Commission.

Sec. 78-30. Appeals.

In matters other than violations of Section 78-27, the harbor commission shall sit as the board of appeals to hear any person aggrieved by a decision of the executive director or the harbormaster. The aggrieved party shall file a written appeal with the harbor clerk within 30 days following the notice of the decision. Upon receipt of the appeal, the harbor clerk shall schedule a hearing at the next regularly scheduled commission meeting, with written notice given to the appellant of not less than 14 days.

The harbor commission may hear an appeal filed out of time provided the appellant demonstrates:

1) The matter from which the appeal is taken occurred within the past 180 days;
and

2) For just reasons, failure to timely file the appeal was due to mistake, inadvertence, excusable neglect; or

3) Would result in a substantial injustice to the appellant rights as provided for under this article.

Any party aggrieved by a decision of the harbor commission may make a final appeal to the town council. Notice of appeal shall be made in writing and filed with the