



**Provincetown Public Pier Corporation (PPPC)  
Judge Welsh Room - Town Hall  
Meeting Minutes of Thursday, April 25, 2013**

**Members Present:** Lee Ash (LA), Ginny Binder (GB),  
And Rich Wood (RW)  
**Members Absent:** Carlos Verde (CV) excused; Scott Fraser (SF) conferenced in  
**Other Attendees:** Rex McKinsey (RM), Pier Manager/Harbormaster,  
Joe Huckemeyer (JH) representative of Capt. Johns Boats  
Connie Boulos, Administrative Asst.

Chair Lee Ash called the Public Meeting to order at 5:03 P.M.

## ***AGENDA***

### ***Public Statements***

No public statements.

### ***Special Agenda***

#### **Fishermen's Memorial Presentation**

RM mentioned this will be discussed at the next meeting.

#### **Bob Avila – Capt. John's Boats**

JH represents the ferry portion of the business that was sold from the Capt John's Boats. He was present to discuss his new business in regards to operation and cost. RM had discussed a ferry fee structure with S Tavares and Phil Tarvers a couple years ago. These individuals wanted to operate from the Pier, and RM created a rate for the ferry and whale watching services that can be used by various businesses such as this. The route for JH's portion would be from Plymouth's Town Pier to Provincetown's Pier.

CV and RM had discussed using the rate of \$75 per passenger and \$1000 landing fee to access the transportation dock. There was also a charge of \$9000 to use the west floats, but, because in this business module he would not be docking on those floats, he would not be charged this fee. CV and RM believe both the \$75 per person and \$1000 landing fee would be appropriate. This would be called, at this time, a pilot project.

JH was asked to introduce his business to the Pier Corp. This would be a higher speed ferry service from Plymouth. The service would run at 1 trip per day but would increase to 2 per day during the busy summer time. This would be strictly passenger ferry, no whale watching. The two boats would hold 159 passengers and 100 passengers.

GB was interested in the times of when they would be arriving and departing. JH said as the season grows, two would be going and coming back on the same day. JH also mentioned because it is a pilot program, he wanted to make sure it is viable before firming up times.

LA asked if the ferry would be in town for 8 hours, and JH said yes. GB asked JH if he reached out to adjacent towns before Provincetown because of congestion with cars. JH has not gone further than the initial plan with the PPPC. RM will coordinate with the other ferries to avoid congestion at the Pier. RM believes this can fall under the arc of the 2020 celebration. Plymouth is going through a major infrastructure and this could facilitate helping with both towns.

GB wanted to leverage this service based on the history of Plymouth and Provincetown. She believes Providence is the next best area to tap for ferry services however.

RW asked JH where he would sell tickets, and JH said on board the ferry. RW asked JH if he talked about fees with RM and if he is comfortable with his proposed business plan. JH responded with yes and said that the payment schedule to the Pier Corp would be upfront.

SF wanted to propose a way to increase revenues and maintenance reserves for the Pier Corp. He proposed possibly putting a \$1 head tax on passengers landing and departing on the pier. JH is not concerned it will affect the headcount, but, as time goes on, it would depend how successful his business has become. SF said it is best to set the fee structure based on our costs. The surcharge could be collected from the passengers and not paid out by the operator. JH believes the \$1 would not make a difference to the consumer.

*A motion was made to approve the 2013 Plymouth Sea Tours pilot program with the fees of \$75 per passenger and, collected upfront, a \$1000 landing dock fee.*

**Motion:** Rich Wood                      **2<sup>nd</sup>:** Ginny Binder

**Vote:**

**Yes:** 3                      **No:** 0                      **Abstain:** 0

***Motion passes.***

## **Auditors Report**

LA started off this segment by mentioning the Board of Selectmen (BOS) and PPPC had an interesting discussion Monday night. LA hopes in this upcoming Monday's BOS meeting, BOS will highlight things in the report with questions to the PPPC. LA wants to make sure the Pier Corp is prepared for this meeting. GB is concerned this audit is prejudicial because it was written by a former police officer. RW and LA both said that the Pier had not discussed if the report is prejudicial. LA said the DA recommended this audit because of the Kinkor/ Clifford allegations, and, to cover the town, the Town Manager (TM) hired the consultant to put the mooring issue to rest. LA is surprised the report does not cover the Kinkor issue.

GB said that this is not our problem because she does not believe the mooring field was part of Mr. Clifford's purchase & sales agreement. LA checked with the Barnstable Registry of Deeds and could not find anything concerning the mooring field. GB believes the requirement to provide evidence to prove ownership of moorings should be on Kinkor and Clifford. GB will be at the BOS meeting on Monday.

SF believes the audit is not about the Kinkor allegations but was used as a political vehicle to discredit the PPPC Harbormaster's function. Kinkor and Clifford have not shown any evidence they own the missing moorings. GB believes there are two reasons to dismiss the audit: the audit was written by the perspective of law enforcement and the audit starts with the tumultuous issue of Kinkor and Clifford. The document does not show if RM has succeeded or failed in his position.

RW agrees with SF. However, there were four things RW looked at in the audit report: harbor enforcement, standard operating procedure of training, inventory of assets, and abandoned moorings. RW said there is nothing in this audit he finds shocking or impressive. RW has mentioned in the past he is not completely satisfied with pier management, but, the Town Manager, based on her experience with the PPPC combined position and the audit report, can now terminate the agreement within ninety days for convenience. RW believes this as well as separating the Pier Manager/Harbormaster position will be mentioned at the BOS meeting on Monday. RM does not believe this will be the case, but RW had spoken to her recently and believes will occur. RM said pulling apart the Pier Manager and Harbormaster position in a workable way would be done in the fall. RM is hoping to have a civil conversation with the BOS to achieve some progress. RM said, pertaining to the audit, that he has not been given full credit for positive things he has done, such as the FAQ section on the town website and facilitating a mooring program.

SF agrees with RW that suggesting maybe giving back the Harbormaster position to the Town is a legitimate discussion. However, SF is upset how this audit has been managed and manipulated into the current situation with the Pier Corp. SF believes the town did not conduct this situation in a professional manner and the Town has not treated PPPC fairly. SF wants to construct these arguments to the BOS on Monday, and asked the board if it would embarrass the PPPC in any way. LA and GB agreed the argument from SF should be framed by him to the BOS in a professional manner. RW agrees with SF about having a logical business discussion concerning the separation of the Pier Manager/HM position. RW does not believe SF should lead off to the

BOS on Monday in that vein. He would prefer LA to lead off and put SF's argument in her own words. LA believes this dialogue should be said right at the beginning of the BOS meeting. PPPC believes it is not in BOS's time and effort to go through the report in a very descriptive, line by line manner. SF wants to have an honest discussion, not a political discussion, with the BOS about this audit.

PPPC feel insulted about this report. The Pier Corp believes if the town wants to run the Pier in a certain way, they should take it over. LA said the Police Chief and the Town Manager have not gone about this situation in a professional way. LA wants the outcome of the meeting to be a conversation about the continuation of the amendment agreement for marine services. LA does not want to be responsible for marine services and a different Harbormaster. SF agrees with LA and says that if they want to terminate the contract they can do so, and the PPPC would focus on running the pier.

SF said the Town Manager is making a decision on who supervises the Harbormaster and how to organize in-town government. SF said there are two separate issues and the BOS should not let the TM make these decisions without reviewing them.

RM said the outcome we want to show the BOS is that the PPPC will address this position through the existing contract in the fall. Staffing issues and renegotiation is important, but showing how to increase revenue for maintenance reserves will have to be part of the conversation as well. RM believes he may be overextended but is concerned about appointing a Harbormaster without marine experience or natural resources. RM said this could be detrimental and upsetting to the current tenants. The PPPC should have no expectations to have Pier Manager maintain beaches and be liaisons on other boards.

SF believes the audit is not analysis but a political instrument. SF believes RM has been insulted in the press because of the audit. SF wants RM and PPPC to address the insults more forcefully. SF said the board put RM in place and the board is responsible for his conduct. When the press insults RM, they insult the PPPC. SF does not mind if the BOS does takes apart the audit item by item to prove that RM should not be relieved of his duties.

RW said that if we do look at the audit item by item, it will be detrimental to RM. RW said that the TM has made her decision about splitting apart the position of Pier Manager/HM. RW agrees with RM that it should be reviewed in the fall and it may be helpful to split the position. RW said by pulling out the performance reviews, history, and situations at the pier, it will seem the HM and PPPC has not done their management duties either.

LA said the PPPC addressed a supervision issue this past fall by asking the TM to play a more active role. LA said more projects could have been done with the pier. However, LA is not afraid of getting into the particulars of the report. LA said the BOS needs to hear that the Pier has been somewhat deceived since the beginning of the MPO program. LA and GB finds report insulting and biased. The audit does not achieve objective it was intended to do. GB and LA question the independence of the auditor and the lack of shocking information. LA said in 1996 and 1997 a police investigation was done of the Clifford moorings and there is no documentation at the police department.

SF does not believe personnel issues would be discussed because it is not in the report. SF said it is best to tell the BOS the Pier Corp is only here to discuss what is in the report. The audit has an issue with inventory, moorings, purchase orders, and abandoned moorings. SF said the inventory issue brings up the boats, but the boats are the town's property and inventory. This speaks to the town's ability to manage their inventory, not the PPPC. SF said the rest of our inventory is listed on our balance sheet with a net asset value of \$586. SF said there is not a lot of risk lost with this amount because we trust our workers. SF said the PPPC and the auditors are happy with how the Pier manages its inventory. RM clarified further that the boats and the trailers are on the DPW inventory.

GB said that we can offer the BOS to go through the audit even though it is not worth their time or hours. The PPPC has a process in place to go through evaluation of staff. The PPPC was appointed to manage the Pier and GB thinks that SF should introduce this audit to the BOS.

LA said the PPPC wants to move on to the pro forma for this fall and address HM services under the terms of the agreement we have in place. If we do need to renegotiate, it needs to be done in a constructive, rational way. LA said the town does not have a job description for HM under the town's budget. The town, not the Pier Corp, has to create the job and decide what department it reports to with the necessary approvals.

SF said the PPPC wants a reasonable process. SF believes the first step as a group is to rescind the vote to have the TM supervise the HM. That will allow the TM to come to the PPPC for information and work with the PPPC. LA said that would be impossible to do at this juncture. RW agrees with LA because of the personnel change on the PPPC. LA wants to slow the process down and get through the summer with the current program in place. LA wants to constructively, in a reasonable manner of time, renegotiate the amendment on marine management services and start talking about the pro forma. LA said by appointing a new HM, it may undo the current marine management services.

GB agrees with SF that having the TM as RM's boss is counterproductive and creating a rift. GB said we need to do our own analysis and objectives for the best way to proceed. GB agrees that it is not the time to change this decision. SF said it would be beneficial if the PPPC group could have the BOS hold off on any management change until the fall.

LA agrees with SF that the audit is a political instrument not a piece of objective analysis. LA believes everybody should be comfortable expressing their opinion. GB said the Pier Corp should have organized talking points with a united front. GB believes SF introduction to the BOS is brilliant because SF is looking at the audit from a business perspective. GB said the main point with the BOS should be that the PPPC has a process in place and to follow protocol, the agreement should be looked at again in the fall.

RM is fine with addressing this to the BOS and is in agreement that the current structure of the position has become overwhelming. This still has to be addressed, and can be addressed through the tools we have in place, such as negotiation. SF is fine with delegating duties to Scott Chovanec.

LA said the PPPC is making assumptions. LA said this discussion is about the processed issue. LA does not want to see personnel issues be brought before the actual process of the issues. RM said he feels there is a disconnect with how the tenants feel and who the TM manager will appoint as Harbormaster. RW said that he does not believe Scott Chovanec wants to be a HM because he enjoys being a police officer. RW said he feels that the Town Manager may look for a more qualified candidate after the season ends.

SF said it is not her decision and the TM is engineering the decision so she does not look foolish. LA said the PPPC has been as transparent and honest as possible with this and many other issues. RW asked if we should present the PPPC's summary of the audit to the BOS. RW also suggested the Pier Corp may want to discuss the audits influence between the management agreement and the Town.

LA does not want to go through the audit report item by item without letting the BOS know how it was perceived by the PPPC. RW agrees with LA and wants to let the Town know the PPPC will work on the issues in the audit. LA does not agree with that. LA said it will tell the BOS that the PPPC agrees with some of the issues. LA does not want the BOS to believe the PPPC feels the report has merit. RW believes it does have merit because of the lack of enforcement and administration of moorings. RW said, however, this situation could have been handled in a more upfront, professional fashion.

LA is concerned that there are too many side discussions with the TM. GB and LA believe it can be deceptive. RM said the comments in the paper are an unprofessional way of managing a group of tasks that need to be done.

RW said the PPPC should go into the BOS meeting in a calm, structural way. SF does not want to respond to generalities in the meeting. SF said the PPPC has not refuted the audit and if the group does not publicly, the audit would be worthy of consideration. SF said PPPC should go through the audit point by point to show the audit has not proven his case. LA said it is best to introduce the report by explaining our reactions. LA said it is important to have the BOS know the Pier Corp has gone through the report. This will show that the PPPC is prepared for the BOS's questions.

LA asked if there were any other issues to discuss, and RM mentioned the Harbor Committee has recommended and will pay \$20,000 for dredging of the northeast corner of the fairway, near Salvador's float. AGM is bringing piles on Monday.

RW said on Monday at 9:30 at the Nauset High School, Susan Linquist from WOMR will record the show 'This Place Matters'. She is involved with community development that has developed grants for fishermen. The show will discuss the \$250,000 funds for the floating dock repairs and wave attenuation. RM wants RW to talk about ballot question #2 there as well. LA said she will go with RW to the show. RW also talked with Beth O'Rourke (BO) at PTV to do a half an hour show about the article. BO would run the show three or four times until the election. RM can do this show Wednesday.

LA will have an opener for the BOS meeting and will be careful not to speak for everybody. RW believes that is important. RM wants the board to prepare for a tough meeting, but drive towards a goal of rational and appropriate negotiations.

*A motion was made to adjourn at this time.*

**Motion:** Scott Fraser            **2<sup>nd</sup>:** Rich Wood

**Vote:**

**Yes:** 3            **No:** 0            **Abstain:** 0

*Motion passes.*

Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Connie Boulos  
PPPC Administrative Asst.

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Lee Ash, Chair