



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room
Meeting Minutes of Thursday, January 14, 2016**

Members Present: Kerry Adams (KA), Carlos Verde (CV) and Herbie Hintze (HH).
Members Absent: Ginny Binder (GB) (via telephone) and Scott Fraser (SF) (via telephone).
Other Attendees: Dr. Cheryl Andrews, Board of Selectmen, Rex McKinsey (RM), Harbormaster, and Ellen C. Battaglini, Administrative Assistant.

Chair Kerry Adams called the Public Meeting to order at 5:00 P.M. He announced that Ginny Binder and Scott Fraser would be participating remotely pursuant to 940CMR 29.10(2) due to geographical distances.

AGENDA

Public Statements:

None.

Special Agenda Items:

Soup Kitchen presentation: Jim Keefe appeared on behalf of the Soup Kitchen in Provincetown (SKIP) to ask if the Pier could be rented for a fundraiser on Friday, September 9th. Sara and Kay Scott, co-chairs of the event, were present as well. Ms. Scott said that the fundraiser would be geared towards those residents who are not aware of SKIP and those supporters who only have the ability to participate in, or help out with, fundraisers in the summer months. She asked if the Pier Corp. would be willing to sponsor the event. It has a corporate sponsorship already and donations for buffet-type food and alcohol would be sought. They would like the event, if successful, to be held on an annual basis. The event is scheduled to be held in the late afternoon under a tent, with live music to be provided by a DJ. The Board discussed the idea.

A motion was made to sponsor the proposed fundraiser for the Soup Kitchen in Provincetown on September 9, 2016, to waive the Pier non-profit rental fee and to waive Harbor Regulation 1-3-10.

Motion: Carlos Verde

2nd: Herbie Hintze

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

SF: Yes.

KA: Yes.

Yes: 5 **No:** 0 **Abstain:** 0

Motion passes.

Review of Minutes

A motion was made to approve the minutes of the December 10, 2015 Public Meeting as written.

Motion: Herbie Hintze

2nd: Ginny Binder

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes.

Yes: 4 **No:** 0 **Abstain:** 0

Motion passes.

Pier Manager's Report

Annual Report draft: He stated that the Annual Report was not ready yet and he will be asking GB for help on it next week.

Trap shed RFP: He said that the trap shed RFP still needs work.

Update tickler: He did not have an update.

New Business

Discussion of letter to BOS re abatement of rent: RM reviewed SF's draft letter to the BOS regarding the Memorandum of Understanding and the rent abatement issue, specifically, whether it was agreed by both parties that the rent would be abated starting in FY17. The letter is a request and provides the data that would back up a rent abatement pursuant to section 3 of the lease and the MOU. The letter endeavors to codify a process to calculate the monetary value of the Pier Corp.'s subsidy to the commercial fishing fleet on an annual basis and allow the BOS to make the decision whether to abate the rent or not. The letter talks about how the subsidy is quantified, including a market survey, undertaken every three years, of regional commercial

fishing dockage fees. The original rates were set after a negotiation with the Town and ProFish and they increase annually by the Consumer Price Index percentage. The value of the subsidy is currently \$117,410 and the letter explains how that figure was determined. Included with the letter will be an Appendix A which will include the three-year rolling budget that shows the result of the rent being abated, including a significant increase in the maintenance line items and contributions to the capital reserve and reimbursing the Town for OPEB and retirement benefit contributions. The letter also describes what the consequences of not abating the rent, including having to raise rates on all tenants of the Pier. The dockage rates will increase by 50% for Provincetown and Truro fishers and 100% for other commercial fishers. Appendix B will illustrate where the money would go if all current dockage and embarkation fees were raised and if the proposed additional new \$.50 embarkation fee on ferry passengers and passengers embarking on the Whydah Museum facility were to be instituted. Contributions for OPEB, the payment of insurance and other fixed costs, a \$50,000 contribution to capital reserve and an increase in the maintenance reserve by about \$60,000 could still be made. The Pier should be able to start catching up to deferred maintenance and still make a capital reserve contribution. It would not, however, allow for any additional revenue for new asset acquisition. There are a number of maintenance issues coming up that are on a projected five-year plan that will not be covered, but at least the engineer's scheduled maintenance would be accomplished. He said that the letter will need more editing.

SF commented that Appendix A was put together based on the assumption that the rent would be abated. If the rent were not abated, costs will go up by \$120,000 and additional revenue will have to increase by a similar amount, which necessitates the rate increases.

Cheryl Andrews commented on the draft letter. She addressed a process issue that she thought might have led to confusion on the part of some Selectmen. She reviewed the joint BOS meetings with the Pier Corp. wherein the MOU and the rent abatement were discussed, particularly the joint meeting in November. The Pier Corp. needed to be clear about its goals before the two Boards meet. In her opinion, the two Boards needed to have agreements regarding the 295 budget, the amount of the rent payment if there is one and the plans for the CIP. She said there was never an agreement about those particular issues memorialized at any of those joint meetings. She recommended that the Board watch the November joint meeting. She urged the Board to memorialize these issues in motions at budget meetings with the BOS in the future.

A motion was made to send the letter discussed to the BOS along with the attachments and other source material.

Motion: Herbie Hintze

2nd: Carlos Verde

The Board discussed the motion. SF suggested that the Board approve RM's calculation of the commercial fisher subsidy based on the market analysis. He also suggested that the Board approve as a tentative action, the pricing suggestions discussed. RM will generate a Public Hearing notice on the rates, but that will depend upon what happens at the next joint meeting with the BOS on January 25th. At the Pier Corp.'s regular meeting in February and then decide how to proceed.

HH withdrew his previous motion.

A motion was made to send the letter discussed to the BOS with Appendix A & B and other source material and direct staff to draw up a Public Hearing notice on rates.

Motion: Herbie Hintze

2nd: Carlos Verde

The Board discussed the motion. CV asked a question about the proposed rate increases on the excursion floats. RM said that the embarkation fee was increasing by \$.10 per passenger and that the fee currently charged to excursion float owners was already at market rate. It is only the commercial fisher dockage that will be increased to market rate. CV suggested that the rate increase may cause commercial fishers to leave MacMillan Pier.

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes.

SF: Yes.

Yes: 5 No: 0 Abstain: 0

Motion passes.

Directors' Statements:

HH: He mentioned that he had heard that wine is going to be served in the trap sheds. He is concerned that the Board did not discuss the issue and it would create huge problems on the Pier because of the large volume of late ferry passengers arriving on the weekend. He is concerned about people picking up wine and walking off the Pier with it. RM reviewed the idea involved in getting a Special Permit to serve food and alcohol at the trap sheds. He has heard from the trap shed artists that they would like to be part of the east end Friday evening 'gallery stroll' and be able to attract more art devotees to the Pier in order to promote themselves and their work. Just because the Pier has the Special Permit to allow that activity, it doesn't mean that these events will happen. He suggested holding the events before the late ferries arrive. The Board discussed the issue. GB will discuss with the Licensing Agent the licensing requirements for that activity, as she is on the Licensing Board. The issue will be tabled until the spring.

HH added that it was heartening to be able to drive out to Herring Cove and not see any hydraulic dredgers.

CV: He has been watching some of the local fishers unloading their pots and taking their boats out of the water and thought it had been a smooth transition into the winter. He asked RM to talk about any plans to prepare the Pier for winter storms.

GB: None.

SF: None.

KA: He said that he meets with RM every day at 1:00 P.M. and that any member of the public who has an issue or concern about the Pier or the Pier Corp. is welcome to stop by and discuss it with them at the Harbormaster's Office. He looks forward to hearing from any member of the public.

RM said that the Pier is ready for winter. The fingers are still attached to the Pier because that is what is holding it together. The floating dock and wave attenuation project was approved by the Conservation Commission last week. The engineers have submitted applications to the Army Corps of Engineers and to the Department of Environmental Protection for Chapter 91 purposes.

The crane barge is out of the water and on deck. He doesn't have any update on the purchase of new motors, as he hasn't heard from the insurance company yet, but should have more information at the next meeting. Marine 2 is still in the water. Luis is busy building docks at this time. He has been gathering quotes for the new floats. The existing docks will become extensions for the dinghy docks.

CV asked about the status of the pilings at the end of the 'T'. RM said that he has been working with DPW regarding the piling replacement project. The engineers are currently preparing the bid documents. He has asked them to develop an installation timeline that starts in April and is done by May. He said that Luis is in contact with the New Bedford fleet about the docking situation on the 'T'. CV suggested putting up signs on the 'T' indicating its temporary closure for certain wind conditions. He suggested fixing the yellow caution tape or removing it entirely, in addition to communicating with the Police Department that if an officer is patrolling the Pier at night and observes a boat docked on the 'T', he or she should try to contact someone onboard or contact an HM staff member.

Working Group Reports

None.

The meeting was adjourned at 6:10 P.M

Respectfully submitted,

Ellen C. Battaglini,
PPPC Administrative Assistant

Kerry Adams, Chair