



**Provincetown Public Pier Corporation (PPPC)
Provincetown Town Hall /Judge Welsh Room
Meeting Minutes of Thursday, March 23rd, 2017**

Members Present: Kerry Adams (KA), Herbie Hintze (HH), Scott Frasier (SF), Carlos Verde
Ginny Binder (GB): *Present via telephone conference.*
Other Attendees: Rex McKinsey (RM), Jarrod Koskey (JK), Ray Sturdy III (RS)

Additional Attendees: Gordon Siegel (GS), Luis Ribas (LR), Jorge Diaz (JD)

Chair Kerry Adams called the meeting to order at 5:00 P.M.

(KA) asked for any public statements.

Public Statements:

(GS) introduced himself with interest to speak on the subject of Article 17 being his article on the agenda for this year's annual town meeting regarding the community center and the vote of the Board of Selectmen on March 13th, 2017. He stated that the vote is in violation of the 2011 town meeting 2/3 majority vote, to sell the community center building which has never been amended by a town meeting. He continued on by stating that by that according to town charter, any contract entered into with town authority for a period of more than ten years, except provided by law or a 500 vote majority of those present and voting at a town meeting. He summarized by stating that a ninety-nine year lease cannot be entered into without a town meeting and asking for such. Mr. Siegel further stated that in July of 2016, the Town Manager put out an RFP, the cover letter stated that if he (Town Manager) could not get housing with the community center as it was issued he would issue a new RFP combining it with the VFW Center for housing. He continued his public statement by stating that in September of 2016, with no prior approval an addendum was made to the RFP to allow the leases if the proposed "met the goals and interest of the Board of Selectmen". Mr. Siegel further stated that the Board of Selectmen voted 5-0-0 in favor of using the community center for workforce housing and Mr. Yingling and Mr. Donegan both voted yes and the building was always intended to be used for this goal according to the Provincetown handbook and is listed as the top goal of the Board of Selectmen for 2017 regarding community housing. He continued by stating that, two months after the addendum was released, town council voted the opinion about the town manager's decision to lease and not sell. He continued with his statement and said that Mr. Panagore said, first the subject needs to go back to town meeting, ask them, an RFP can be done contingent upon a new town vote but a lease cannot be entered into more than ten years without asking voters but "if this really needs to be done, a lease for ninety-nine years can be done and called a sale. In continuation, he said that if you google the words "lease and the word sale, we all know they do not mean the same thing".

(GS) continued on, that he has no financial interest or financial gain to either proposal. The creative comment to the RFP was submitted by our chair of plans committee and as of March 23rd of this year, non-profit status was not received although when the agreement was signed they testified that they were of non-profit status. The panel would lose the proposal unless the

center were sold for \$600,000.00 cash to be used for workforce housing, own, prepared and managed by a well- funded team who currently have years of experience. The Chief of Police from Chatham included a letter of recommendation in the proposal that they submitted. He further continued regarding the subject and the housing crisis and asked for support in voting yes at Town Hall Meeting on April 3rd, 2017 on Article 17.

Public statements continued with Jorge Diaz (JD) making a statement regarding the state of the condition of the pier pilings and the electrical box.

(RM) stated that he is aware of the situation of the pilings and this is a similar situation as presented in the previous meeting when Fernando Lomba of F/V Pamet, presented a similar discussion and this is a continuing conversation with the Board of Selectmen and a capital plan may be in place and will begin to be implemented during the course of the upcoming 2017 season and then will return to Town Meeting next year to proceed with the five year capital plan of \$200,000 per year. He continued that the issues are being addressed as well as presently possible, with the means that are available.

(JD) added his concern of the vessels going under the pier and having to tie to a ladder.

(KA) asked if (JD) was tied to the front of the pier by the electrical box when southern winds occur?

(RM) stated that if (JD) was not comfortable with his space during a storm that the area out on the end of the TEE with the composite pilings could be made available to dock during periods when weather caused concern.

(JD) asked about a potential time frame of the repairs to be completed which (RM) replied that it should be between the end of this Summer and the Fall of 2017. (RM) continued that the hope is that approximately 40-60 pilings can be completed along with other projects with an outlay of approximately \$200,000 and that the Pier and the Town of Provincetown need to continue working together.

(SF) asked if Luis Ribas and other Pier staff could temporarily repair the most damaged areas and simultaneously allow the normal process to continue.

(RM) replied that this is being worked on and that there are a number of other vessels with the same problem. He continued that there are pilings on hand and piling wrap has been ordered.

(SF) asked if (RM) could present a map of the pier in a future meeting that included an indication of the pilings that need replacement or repair to which (RM) stated this had been presented in the previous meeting. (SF) further continued on the idea of a revised map to include the location of the vessels along with an approximated date for completion of repair for each area.

(RM) replied that he would be happy to do so if he had the information to provide.

(SF) stated that there is a maintenance budget that starts in July.

(RM) stated that the piling wrap was ordered and had a delivery date of March 30th. Work is being worked on in spreadsheet form to quantify each of the different pilings and their performance.

(SF) replied and questioned if a document could be provided that commits the Pier Corps to specific dates and areas for completion.

(RM) stated that four of the pilings were committed for Fernando Lomba's area to be completed by May and the four remaining pilings are on schedule for the space where F/V Magellan is located and that would use the eight available presently.

(CV) asked about the composite pilings to which (RM) stated there are twenty of these available but he preferred not to commit to using composite pilings in the manner to which would involve

mixing composite pilings and wood pilings in the same areas which the engineers stated is not feasible due to deflection.

(CV) asked why did we have the extra twenty composite pilings and (RM) replied that they were ordered knowing they would be need the extra material for the TEE area and the funds were available.

(CV) asked if the goal was to place composite pilings around the entire pier to which (RM) replied that this would not be the correct fix due to the fingers being built in 1988 but the surveyer's say that they are in good shape but the question being, do we want to place a 25 year old fender pile on the structure or fender piles that would last the longevity of the structures they would be on.

(CV) stated his concern that we have vessels in jeopardy of being damaged and we have twenty pilings available that we could be using rather than using older pilings and wrapping those in piling wrap.

(SF) restated his request for the map/ document committing areas and time frames for repair to (RM).

(KA) asked (LR) if he had information he would like to add to the discussion.

(LR) introduced himself and stated that he had asked (JD) to present his case to the Board and he wished to defend himself and reputation as a result of the previous meeting when he believed his quality of work was brought into question by Fernando Lomba. He stated that since 2008 or 2009 that he had replaced pilings on the finger piers and 2015 was the final year he did so and the repairs to Mr. Lomba's area was not done due to a lack of pilings. He added that the replacements were made in order of those needed most due to condition. He continued that in 2015, the pilings in Mr. Lomba's area were damaged and he advised the Captain of F/V Pamet how to take precautions to prevent damage to the vessel and it is his feeling that the pier provides a location to tie up and the tenants should report necessary repairs but precautions on behalf of the Captains and/ or vessel owners to take needed precautions to alleviate potential damage to their vessels until the repairs can be completed. He further stated that the electrical issues are a different subject and the damages are due to abuse of the power boxes and amperage by tenants thus overloading the boxes and also by no reports being received by tenants and that there is a system in place in the Harbormasters Office for reports and these reports to be handled and fixed. Mr. Ribas continued that he has advised tenants of the dangers of overloading the electrical boxes.

(HH) asked if the Captains need instructions on use of the electrical boxes to which (LR) replied that some do.

(SF) asked if the proper electrical equipment for Marine purposes are in place and (LR) replied yes, but tenants are using the incorrect cords.

(SF) stated it sounds as if the pier is under equipped.

(LR) restated that this is the case if you consider how the tenants are using the outlets. He further stated that there are approximately 60 pilings that need attention as soon as possible in his opinion and in addition to other needed repairs on the floating docks, timely repairs are needed.

(SF) asked if mooring blocks could be used in the fairway to help alleviate the problems at hand for a temporary solution.

(LR) replied that there is not enough space and he wanted to simply express the immediate attention needed for the repairs and this was his purpose of his attendance to the meeting.

He concluded that it is his feeling that wood pilings wrapped in plastic are the best option for the pier vs. composite pilings and additional cleets are needed on the pier as well.

Special Agenda:

(RM) discussed the draft of the letter to the Town of Provincetown regarding Article 5 being the conceptual design work of the feasibility of locating the National Marine Sanctuary Visitor Center in Provincetown.

Motion made to support Article 5

Motion:(GB) 2ND: Motion (HH)

Roll call: YES, (CV), (SF), (HH), (GB), (KA)

Motion carries

(RM) continued with the Long Point Dike Improvement Project (ATM CIP Article 8-7) and both Harbor Committee and Shellfish Committee are voting to indefinitely post-pon.

(RM) proceeded with Article 23 being the General Bylaw Amendment: Chapter 13, section 13-4-2 Personal Watercraft in Provincetown Harbor involving jet skis

(GB) asked if there was any opposition to this. (RM) replied there was not.

(KA) asked if there is support and (RM) replied that the Harbor Committee recommended to the Board of Selectmen and that this is a bylaw but also there is a harbor regulation and after the hearing there was no comment and the Board of Selectmen changed the Harbor Regulation and now the General Bylaw needs to be changed to comport with that.

(GB) asked if time should be taken to wait for the Harbor Plan to be designated.

(RM) replied no, as the issue had not been presented in the 1999 Harbor Plan and did not become an issue until 2001 or 2002.

(GB) asked about the 2012 plan and (RM) replied it was silent as the corridor was established and was working according to plan.

Discussion ensued as to if this would happen this season or not, to which (RM) replied it would happen this season if it passed Town Meeting.

(SF) asked if the Pier had a financial interest in this matter to which (RM) replied that it is about the day trippers coming into Provincetown and they do spend money in town for the day.

(SF) asked about having the Harbor Committee handle this.

Motion made to recommend Article 23

Motion: (KA) 2ND Motion: (CV)

Roll Call Vote:

Abstain: (HH), (SF)

Yes: (CV), (KA), (GB)

Motion Passes

(RM) continued with special agenda items with discussion of Article 19 and Article 20. Article 19 being the full funding of Pier maintenance and to see if the Town of Provincetown will, pursuant to the Memorandum of Understanding between the Selectmen and Pier Corp and as suggested in the Comprehensive Survey of MacMillan Pier by Bourne Engineering funded by STM 16 Article 12, raise and appropriate or transfer from available funds the sum of \$23,000 to fully fund the fiscal year 2018 pier maintenance account under the direction of the Town Manager and PPPC; or take any action relative thereto. Article 20 being reducing the Pier Corp rent to \$1.

(SF) discussed his position that the Board of Selectmen refused the lowered rent and they also do not support the raising of fishing tenant rates and if the Pier wanted the funds, that the PPPC go to the voters about who is going to pay for the necessary funds. He feels that posing the question to the voters that the Board of Selectmen is forcing the PPPC to ask the voters to pay for the maintenance fund.

(CV) stated his concern that this situation will be repeated next year. He is in favor of the article but is worried that it is another temporary solution.

(SF) suggested posing it to the Town of Provincetown in the manner that if the voters choose to pay for the maintenance of the pier, this Article allows them to do this and if not, the pier will have to fully fund the maintenance therefore raising the fishing tenant rates and present this issue as simple as it is. He would like to get the tax payers involved in the conversation on this subject. Discussion ensued regarding the above.

(GB) agreed with (SF) and expressed that this is an opportunity to present this in a manner in which we appeal to tax payers that this is about local infrastructure and it being supported and we don't understand the confrontational atmosphere between the Board of Selectmen and the Pier and the importance of the pier to the Town of Provincetown.

(SF) commented that he would only like to add that the Board of Selectmen to receive the funds by reducing the rent or take their contribution from the Pier only after the Pier had done its job to maintain the pier and the Board of Selectmen said to go to the tax payers for the funds.

(HH) stated that it needs to be made clear that specification needs to be made that the fisherman would have to pay double the present rates should the funds not be allocated to compensate the \$23,000.00.

(CV) added that we need to show specifically how the \$23,000 is being spent which will work in favor of the pier.

Discussion ensued how the lack of the \$23,000 would adversely affect the pier and therefore the Town of Provincetown as a whole.

(CV) stated that if Article 20 passes it will nullify Article 19.

(RM) replied that we simply want to make sure the maintenance is funded.

(SF) stated that the best deal is that we pay no rent and if there is money remaining at the end of the year, the Pier pays the town back with the surplus.

(RM) replied that the surplus would be a dividend then that becomes free cash that is certified for the following year to be spent.

(GB) suggested postponing Article 20 to which (HH) disagreed with postponing Article 20. Discussion ensued regarding postponing vs. finding out how Article 19 is received.

Motion made to approve Article 19 & 20 as written.

Motion: (CV) 2nd Motion (SF)

Roll call:

Abstain: (KA) (not in favor of Article 20)

Yes: (SF), (HH), (CV), (GB)

Motion passes.

(CV) stated his objection to how the Board of Selectmen seems to refuse to work with the PPPC.

Due to time constraints and another scheduled board meeting, the meeting will be continued until March 30th, 2017 at 5 pm and to be held at Harbormaster's Office.

Motion to adjourn meeting at 6:25 pm

Motion: (HH) 2ND Motion: (KA)

Roll Call: (SF) Yes, (KA) Yes, (CV) Yes, (HH) Yes

(GB) Not present via telephone at this time due to an appointment.

PPPC Meeting adjourned at 6:25 pm and to be continued on March 30th, 2017 at 5 pm.

Chair, Kerry Adams adjourned the meeting at 6:25 p.m.

Respectfully submitted,

Jarrold Koskey
PPPC Administrative Assistant

Kerry Adams, Chair

