Provincetown Public Pier Corporation (PPPC)
Provincetown Harbormasters Office
Meeting Minutes of Thursday, March 30th, 2017

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

Additional Attendees: Luis Ribas (LR), Katie Ward – Provincetown Banner

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

(KA) asked for any public statements.

Public Statements:

No public statements

Special Agenda:

Motion made to move Special Agenda item regarding the Warrant Article 19 out of order.

(GB) Motion ***2nd Motion (HH)***

Roll Call Vote: Yes – (HH), (CV), (GB), (SF), (KA)

Motion Passes.

(SF) began discussion regarding Article 19 included in the meeting packet and the commentary section.
(GB) stated she likes the overall point of the information but wishes to shorten it and not revisit certain questions and stated the bottom line is the request of the Town of Provincetown to fully fund the maintenance budget due to the significance of the pier to the town in an abbreviated manner. She stated that she feels the most critical points are regarding Article 20 being what has been accomplished with consideration to the obstacles faced due to storms and the Town of Provincetown.
(SF) replied that he does not want to state that the Pier is asking for the Town of Provincetown to fully fund the maintenance budget because we should be responsible for funding our maintenance budget and what we are asking from the town is some guidance as to whether they prefer to contribute to the funds or for us to maintain the pier from the revenues from the pier. In this context he believes the voters will vote for funding the budget and if they prefer to vote otherwise, the pier will fund maintenance from the pier revenue which will involve increasing the operating revenues of the pier and this is likely to have an effect on the fishing tenants as well as the other tenants of the pier.

(GB) agrees and wants to keep it simple.
(SF) stated that if do not have the opportunity to bring up Article 20 should we choose to take the Town Manager's advice and not bring it up or we post pone it, at least we have a chance to make public the information that we had an agreement with the Selectmen and this is basically what the agreement stated and we have adapted due processes to do so and that's how we arrived at the maintenance budget amount and we then went to the Selectmen so then we went back to the Selectmen and they denied the request for funding and they said no and that if the pier wants the funds, to go to town meeting and ask for the funding. He concluded that by going to voters, we would be asking for guidance as to how to fund the maintenance being one of the two methods mentioned above.
(KA) agrees but also stated that a discussion should take place in the near future regarding raising the rates on the pier to the tenants. He stated that in comparison to the adjacent pier our rates are very low presently.
(GB) believes in what (SF) is saying and wishes to shorten.
(CV) posed the fact that we have $50,000 and Bourne Engineering suggested needing $75,000-$100,000 to properly fund the repairs and we are only requesting the minimum amount and therefore only minimally funding what Bourne Engineering suggested.
(RM) replied that we are in fact asking for the minimum being $23,000 from the Selectmen and (KA) stated that the Selectmen still denied the allowance of $23,000 by reducing the rent.
(RM) stated that subject of concern is the lighting for the two fixed piers and this would be what the $23,000 would be used for.
(CV) asked that if the $23,000 is merely for the lighting, what funds are available for repairs due to the most recent damaged sustained in the most recent storm on the floating docks and asked for the cost of these repairs?
Discussion ensued between (RM) and (LR) regarding the estimates of costs between pier staff or contractors performing the work and stated that the costs need to be considered at a higher amount as he believes that the costs should not be based on the normal wages of Pier staff.
(RM) replied that this is the basis of the cost of the work if performed by Pier staff.
(CV) asked if overtime would be involved and (RM) replied that he has instructed (LR) not to accrue overtime. (LR) then stated that due to weather conditions and other factors, overtime is always part of the job to finish the job and if there will be no overtime he prefers to know now.
(CV) asked if the lighting would be an in house fix or contracted.
(RM) replied that this would be in house and contract for electrical reasons.
(GB) suggested getting a quote from a contractor to have on hand to present to the Town of Provincetown.
(HH) and (KA) replied that by using in house for the repairs are another effort on behalf of the pier to reduce costs and if done by a contractor, the costs would be higher.
(GB) agrees and thinks the voters should know that every effort has been made to keep costs lower by doing in house repairs thus the prices are not inflated. She thinks this information should be quantified so the voters are aware.
(CV) stated that as the lighting and the $23,000 request is only going to repair the lights in one area and two areas need repair, that the $23,000 is a minimal request and believes it should be a higher dollar request.
(SF) asked if the pilings or the lights are more important as a use for the $23,000 and stated he feels the pilings are of more importance.
Members agreed.

(SF) stated that the question regarding the dock damage due to the last storm and how it will be funded is answered by being paid by the maintenance reserve by a motion to the Board of Selectmen to transfer the funds from the maintenance budget to the maintenance reserve to which (KA) stated the Town Manager said he would commit the funds for this as well as the piling repairs.
(SF) asked that a budget be created by (RS) for both projects to be presented to the Town Manager and if for any reason this does not get approved then the maintenance reserve should be used as this is due to storm damage.

Motion made for the Pier Business Manager to prepare budgets for the special maintenance projects resulting from recent storms as well as any other funds needed from the Town Manager's emergency reserve and be presented to the Town Manager.

Motion (SF) ***2ND Motion (HH)***

Roll Call Vote- Yes (KA), (CV), (GB), (SF), (HH)

Motion Carries.

(SF) discussed Article 20 and that he proposes this is in a manner in which the point of the issue is that when should the Town of Provincetown receive the return from the operation of the pier; as a rent payment prior or before any profits from pier operations or the economic surplus from the successful operations of the pier and feels it should be after.
He continued by pointing out the business model that is unrealistic even though it has been successful. Additionally he directed attention to the economic impact the pier has on the Town of Provincetown as a whole.
(GB) agrees with (SF) and simplifying it between the net number or the gross number.
(SF) pointed out that the town is asking the pier to cut back on operations and maintenance or extract the funds from the tenants.
(GB) agrees that the town should receive the money after the fact as to not handicap the pier from performing the necessary duties and maintenance.
(SF) stated he is not attempting to have disagreements with the Board of Selectmen as they have reduced the rent in the past and have assisted in other instances and allowed progress with the pier operations.
(KA) stated that following he and (CV) had a discussion with the Town Manager prior the same day of this meeting, he feels Article 20 for the pier is a mistake and is non-binding and will only create animosity with the Board of Selectmen and believes it better to present each year.
(SF) stated he is only making these points with respect to the feelings on the matter of (CV) and personally believes it should be postponed.
(GB) discussed outlining the points made above regarding the $23,000 and the two line items being coming forward for added funding; discounts to the fishing fleet rates and rent and Article 19 makes this clear and allow the voters to decide in order to keep the pier and fishing fleet in a healthy position.
(CV) added that he likes Article 20 is because he agrees with all that has been discussed by other PPPC Board members but it all they have stated has been attempted previously. He went further

by stating that if we back away from Article 20 due to text messages and emails from Tom Donegan and Cheryl Andrews as well as the Town Manager, he feels is ridiculous. He stated he sent an email to some of the members of the Board of Selectmen and stated they do not want the PPPC to place this Article forward and he feels they do not want to face the voters when this does pass and they vote to not pass the article, it places the "blame" back at the Board of Selectmen as it is non- binding and if the voters vote in favor it provides motivation to proceed forward. He continued that we always comply with their requests and provide what has been termed "too much information" as well as "not enough information". It has been an issue when the budgets fail to match. We paid $52,000 to have it audited so how much more does the Pier have to do and the issue was on the town's side. He continued that after receiving "back room' emails and conversations not to move forward with it. He believes the article is not a confrontational article but rather signifies that the Pier is doing its job and if we have to "back down" from this article, he strongly disagrees.
(KA) believes the point of the Pier can be made with Article 19 without Article 20.
(CV) replied that Article 19 provides a fix for one year and without Article 20, we will be in the same position next year.
(HH) agrees and said he believes the rent should be abolished and the voters will tire of the Pier coming forth every year for more funding and the voters will agree with Article 20 rather than this being an issue every year.
(GB) asked if Article 19 can be amended to which (KA) said it cannot be amended except on the floor at town meeting.
(GB) asked if we were to make that amendment on the floor, maybe we should do so to state that if to prevent this being repeated each year, the Town of Provincetown should receive dividends at the conclusion of the year following the funding of the maintenance reserve and the fishing tenants fees have been discounted. Her concern is that Article 20 is written in a negative manner and an amendment to Article 19 would alleviate this situation and create one amended Article rather than having a separate article being Article 20.
(SF) stated he shares the frustration of (CV) and (HH) and feels it's a trivial amount of money and that by amending Article 19 on the floor is taking the logical and level headed approach and due to a positive relationship with the Town Manager and his willingness to support the Pier and its success. He stated he would prefer to take the Town Manager's advice. He furthered his statement by saying he agrees with (GB) on the subject of allowing the voters to grow tired of this being an annual issue. He continued by stating that if we can succeed with Article 19 and if not we will be visiting this again each year and we can make it clear that Article 19 would resolve the issue of dealing with this each year and forcing the voters to deal with it time and over again. He stated that we are getting signals that Article 20 could cause negative issues with the Board of Selectmen.
(CV) stated that the $23,000 merely minimally funds it and the $118,000 fully funds the problem. He further stated that the Town Manager stated that his way of getting a cause approved is by presenting an issue repeatedly but feels we have a Board of Selectmen with one in particular who prefers to dissolve the PPPC Board and if we continually present this issue it will appear to the voters that the Pier is not operating as a successful business. He feels the annual appeal for funding will give the voters a negative view of the Pier operations and by re-visiting the problem will annoy the voters. He stated that Article 20 would prevent this.
(KA) asked how Article 20 would prevent this if the Board of Selectmen fail to approve and
(CV) replied that if that happens and it passes at town meeting and we have to return next year

with the funding request, it lies on the failure of the Board of Selectmen to allow a final resolution to the subject.
(KA) replied that it is just as easy for the Board of Selectmen to refuse the rent reduction to which (CV) stated that is fine regardless, it is still the Pier's obligation to try and still in the position of not having the funds but if we fail to try we will not know for sure.
(GB) asked about the amendment of Art 19 on the floor and it providing sufficient cover for the Pier's goal.
(GB) stated that the amendment on the floor of Article 19 that any form of rent payment follows the full funding of the discount to the fisherman and the maintenance reserve.
(KA) replied that this may be ruled out of order as it would fail to follow the original motion which is for $23,000.
(SF) stated that we would have to argue prior to voting for the $23,000
(GB) stated she would prefer this for the fact of knowing otherwise with respect to Carlos's point that it would be a repeating issue.
(CV) stated used the example of the paving project and if it were done in separate increments and the issue was repeatedly presented to the voters they would probably prefer doing the entire project all at once and in comparison we are doing just that and "doing one block of pavement at a time". He continued as to why would we allow this to be piece mealed to keep the Pier going.
(GB) discussed that placing Aticle20 prior to Article 19 would make more sense and then we could only present Article 19 but then realized its non-binding.
(SF) stated the Selectmen agreed a year ago that they would reduce the rent but just seem to hit a hiatus and that is not to say they will not do it and not to say we cannot continue to make the arguments that they should do it.
(KA) brought up the issue that a new selectman will be coming in the future and this may change the course of things.
(SF) asked Katie Ward if she would be willing to sit with him and write an article for The Banner on the subject at hand to which she agreed.
(CV) asked if this is a non-binding article, why this discussion was taking place? He sated the $4.3 million from FEMA and (KA) mentioned that money is not guaranteed. He continued on by asking why we pay rent when other public entities do not and why the parking lots bring in revenue but fail to pay rent to the Town of Provincetown?
(KA) stated Cheryl Andrews called him and stated that to bring Article 20 to the floor was a bad idea as it would cause animosity with the Board of Selectmen and David Gardner also agrees thus seems to agree.
(GB) asked if the voters have any sense of the negative relationship between the Pier and Board of Selectmen to which (CV) reminded the room of a speaker stating to the Board of Selectmen, "please stop picking at the Pier"!
(SF) stated the resolution is in our power by doubling the tenant rates.
(KA) replied that this would simply be a negative resolution for the fishing fleet and the PPPC.
(CV) stated in question as to who would we prefer to make angry; the fishermen or the Board of Selectmen and if you can answer that to yourself then you have the answer as to the course of action to take.
(KA) disagrees with doubling the rates.
(SF) then suggested other avenues to raise funds such as charging the ferries embarkation fees.
(GB) discussed the point of (HH) that the Pier is being placed in the position of angering one group or another and how to get this across to the voters.

(SF) stated the idea of putting in an Article at town meeting that asks the town meeting to fund the discount to the fishing industry each year and not ask the selectmen by lowering the rent and ask for the town to provide the funds since the Board of Selectmen refuses to do so.
Discussion ensued regarding the fishing tenant rates.
(CV) restated his support for Article 20 and stated Dr. Andrews and the Town Manager have been a huge help and stated his gratitude and he strongly believes in his position. He stated there are absolute repairs needed and there should be no backing down from making the repairs possible financially.
(KA) asked if the Board would like to go forward with Article 20 or table it.
(HH) stated he wishes to go forward with it.
(SF) stated he prefers to table it
(KA) prefers to table it
(GB) stated she wants to leave it active for now but if their argument on Article 19 is not effective then move forward with Article 20.
(KA) suggested all of the PPPC Board members go make a plea at the town meeting for Article 19 with the points of Article 20 then Article 20 may not be necessary.
(GB) suggested placing this on May's ballot.
Discussion ensued as to if the voters were truly aware of the issue.
(CV) stated if Article 20 is not included he will leave the Pier Corp. and this Article is more important than what Tom Donegan says or Dr. Andrews, whom has failed to appear at any PPPC Board meetings.
(GB) asked if any of the fishing tenants would be willing to speak as to the hardship a rate increase would cause the fleet.
(CV) stated he and the Board knows that the $23,000 will pass to which (KA) replied that the Board is looking into the future regarding revenue from cruise ships to which (GB) replied that she strongly believes in making a proper presentation.
(GB) stated to (HH) that he should make the presentation to which (HH) agreed.
Discussion ensued.

Motion made to have Herbie Hintze make the presentation at town meeting.

Motion: (HH) ***2ND Motion (CV)***

Roll Call Vote – Yes (GB), (KA), (SF), (HH), (CV)

Motion passes.

(RM) discussed if Article 20 passes and next year and that another article will be presented for $200,000 for a CIP for repairs to pilings, should the Board of Selectmen abate the rent. This will be a difficult discussion as the Pier was just provided $100,000 in rent funds.
(CV) brought up the subject of Capital Improvements and Maintenance to which (RM) replied that the difference in the two is what has been previously discussed with the Board of Selectmen to differentiate the two.
(RM) replied in the discussions have arrived at the point to where the Board of Selectmen are beginning to realize that $200,000 a year for the following four years beginning in 2019 and is already starting to appear on their CIP's.

(HH) stated that the asking of the CIP is the Town Manager's job and not that of the Pier.
(KA) stated he agrees with all points made but does not want to create hostility with the Board of Selectmen so a presentation needs to be made in a proper manner.

Motion made to approve Minutes of PPPC Meeting of March 23rd, 2017 as written.

Motion (GB) ***2nd Motion (HH)***

Roll Call Vote-Yes- (CV), (SF), (KA), (GB), (HH)

Motion to approve PPPC Meeting Minutes of March 23rd, 2017 passes.

<u>Pier Manager's Report</u>

(RM) began by discussing the review of the seasonal employees to include returning employees and new employees and scheduling.
(RM) discussed the needed repairs for three finger piers. He continued with the attachment that included and pointed out the most necessary piling repairs and discussed with Board members. He further stated the analysis of the difference in pilings as specified by the engineers. (RM) continued with ways to extend the life span of pilings with piling wrap and pointed out the option of oak pilings with the wrap and by reviewing the analysis will aid in making a cost worthy decision.
Discussion ensued regarding the benefits of the wraps on pilings.
(LR) discussed the need for additional cleets to properly provide dockage for vessels.
(KA) asked if the cleets would be reasonably installed and questions were raised and discussed as to the functionality.
(LR) stated that there are 165 total pilings that need repair/ replacement.
(CV) asked questions regarding the cost analysis of (RS)
(RS) explained the methods he used to create the report.
(CV) posed the question of wrapping the Greenheart and (RM) replied it is not necessary and further detailed the reasons as to why.
Discussion ensued regarding the pilings in our possession and their usage.
(CV) asked questions regarding the Winkler bid to which (RM) replied that due to unexpected issues additional repairs were needed with gravel and the bid may have actually been underbid due to labor costs.
Discussion ensued as to being reimbursed for the additional costs by Bourne Engineering due to the sand issue.
(CV) discussed his wish to have more information on the bid and an audit of the information.
(RS) explained what the spreadsheet represented and further explained the bids and budgeting numbers.

Motion made for a working group sub-committee to be (CV) AND (GB) for construction projects.

Motion (KA) ***2nd Motion (HH)***

Roll Call – Yes (GB), (KA), (SF), (HH), (CV)

Motion passes.

<u>Director's Statements</u>

(CV) stated that if we have the pilings in Truro should we sell them and if not we need to use to which (RM) replied they will be used at the East end of the Tee when funds are available for installation.
(CV) stated his thanks for support for his support of Article 20.
(GB) discussed having voters who support the pier to have speak at the annual town hall meeting regarding the Pier articles and all Board members approved of the idea.

Motion made to adjourn PPPC Meeting of March 30th, 2017.

Motion (GB) 2nd Motion (HH)

Roll Call – Yes (CV), (SF), (KA), (HH), (GB)

Chair, Kerry Adams adjourned the PPPC Meeting of March 30th, 2017 at 6:50 pm

Respectfully submitted,

Jarrod Koskey
PPPC Administrative Assistant

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Kerry Adams, Chair