

Joint public hearing w/ BOS 3/14/16  
Judge Welsh Meeting Room

Meeting convened at 6:00pm.

Members present: Susan Avellar, Laura Ludwig, Elise Cozzi, Victor Seltsam, David Flattery; John Santos (excused); Harbormaster Rex McKinsey (staff).

Harbormaster McKinsey described the hearing as a continuation of a negotiation that's been underway for a couple of years: insurance for vessels over 20' or over 25hp; kayak/small boat permits and fees; kayak storage space rate; and mooring permits and late fees.

Public hearing is being held to hear input from the town on any item on the proposed regulation changes.

#### Public Comments

Alex Brown: one of the town's major insurers is the Mass Lobstermen's Association. Not all boats are insurable. He is not going to pay for the liability required; not sure MLA even offers that level of insurance. Most companies would require a survey, minimum of \$300. Does not want to pass that cost on to small business owners.

Mooring locations should be charged by location – prime location = higher price. Urges BOS to keep the reality of location in mind when assigning fees.

Cheryl Andrews asked what the limit of his insurance coverage could be. Rider would have to be determined by insurance broker.

Noah Santos: appreciates the good intentions but the requirement would put him out of business; perhaps a concession could be made for livery vessels. He also thinks many vessels at the pier wouldn't be considered insurable.

Mooring fees should have been established last year, or even next year, since he already sent out his mooring contracts for 2016. There are no services that are obtained by the mooring fee, either. Last time the fees were raised was 2007, so an increase is expected but need more heads up.

Warren Goth: Question re 3-4-6-a and what naming the Town of Provincetown as 'additional insured' means. Harbormaster McKinsey responded that the Town would be notified if the policy were cancelled. Goth requested that the regs be voted on separately.

Selectman Richter stated that there are state-imposed insurance qualifications ("Commercial assigned risk pool") that may or may not have been considered in the creation of the insurance regulation. He recommended breaking out the items for separate votes and holding that regulation until that question is clarified.

Agrees insurance should be required in certain circumstances but would like to be sure to understand the cost implications.

Harbormaster McKinsey said historically we've never divided up the mooring fields by price, other than at one point tidal v. deep water were distinguished in the rental fields. The insurance issue will have to be investigated. Susan Avellar said that moorings historically have been placed near the access point for the user; e.g. HINDU was behind the CG pier from 1946 thru her sale in 1986.

Selectman Andrews asked about the question re cost impact of insurance being required. It's reasonable to expect insurance but wonders if there are some vessels that fall into the category of "uninsurable". Harbormaster said the vast majority of vessels at the pier are insured, only a couple are grandfathered, and would be if this regulation were passed. Ch 1-7-7 pertains to pier-based vessels. Cheryl wondered if a group policy could be obtained for commercial boats. Harbormaster clarified that it's not hull insurance, it's liability only.

Selectman Richter asked if there is a distinction between vessels held at the pier vs. on a mooring; Harbormaster explained that pier regulations went into effect around 5 years ago. Part of that insurance coverage is provided thanks to MLA being involved.

Selectman Anthony is not ready to vote on insurance at this time. Wonders where the levels of \$500,000 for liability came from, and whether it wouldn't be the boat owner's prerogative to have liability. He thinks the proposed reg needs more research before voting.

Selectman Yingling agrees to hold off on the insurance regulation; might be similar to car insurance but not sure yet. Glad that there are proposed mooring fee raises, and that the increase is focused more on the larger boats.

Selectman Donegan thinks postponing the insurance clause is appropriate, and recommends only postponing it for two weeks to continue the public process. He wonders whether the commercial vessel definition covers houseboats, charter boats, etc., or just fishing vessels. The regulation covers all boats, private and commercial, but how houseboats are categorized is another issue.

Selectman Richter asked that the liability levels be checked as to whether it might be too high; perhaps a lower level would suffice. He thinks the process may require more time than 2 weeks and recommends holding it until later.

Ideally the mooring permit renewal mailing would include insurance information; and if it can't be decided on this year then it will have to wait until 2017. The mailing could allude to upcoming insurance changes. A date for the next public hearing on insurance will be selected later.

Town Manager Panagore recommended closing the public hearing on all other issues in order to continue the public hearing for insurance issue separately. He prefers completing the current process ASAP and keeping the hearing process open to facilitate that.

Selectman Richter moved to continue the insurance regulation discussions at the BOS meeting on May 23rd. Selectman Yingling seconded. Discussion included not wanting to let another summer go by without imposing the regulation. Motion passed 3-2 (Cheryl/Tom opposed).

Selectman Richter moved to approve 3-2-3-b as proposed. Selectman Anthony seconded. Selectman Yingling had a question regarding how the regulation impacts a person w/ a boat year-round on the beach. Harbormaster explained that it wouldn't, if it's not in a public way. And the vessel would have a permit so the Harbormaster's office could get in touch with them. Vote: 5-0 approved.

Appendix B --

Instituting assigned kayak rack spaces w/ proposed \$100 fee. There are several kayak racks proposed. Seems like a high fee to some, but Harbormaster indicated that it is in line with other Cape towns.

Selectman Richter moved to accept the \$100 rack fee; Selectman Anthony 2nded and all were in favor (5-0).

Re the mooring fee increases – it's been about 9 years since fees have been raised so the preferred hike is the range printed in the hearing notice (promoted by BOS). The Harbor Committee's feeling was to have a uniform increase (20%) across the mooring categories (apart from the smaller boats) rather than slide it across the size range as the BOS proposed rates are. BOS feels that considering the economies of scale is important.

Selectman Donegan referred to comments made during the public comments, and asked about the services tied to the mooring fees and whether the location of the moorings makes a difference to the rates. The town puts as much effort into rental mooring fields as it does with private moorings. Currently, if a mooring renter has a problem, they call either the Town (for town moorings) or Flyer's (for private moorings). A private mooring owner can determine what services should be offered. He proposes we adopt this for now, but moving ahead taking a look at other possible approaches. Market rate fee depending on location, services offered, cost of revoked moorings being turned back to the town, access from shore, etc. The BOS would appreciate other alternatives being looked into for future mooring regulatory action.

Victor Seltsam commented on how many variables there are when discussing the issue. May want to look at other successful mooring fields to compare where we are. Town doesn't want to get into a position where it's competing w/ a private mooring provider.

Selectman Richter recommended looking at those variables giving enough time to solicit public input. Would a variable structure for mooring fees be appropriate? Where is the mooring and how much is it worth? How much does it cost the town (Harbormaster's office) to provide the mooring?

Selectman Yingling would prefer not to make the mooring fee structure more complicated. There is a lot of subjectivity regarding location.

Selectman Richter moved to approve the mooring permit late fee and mooring permit fees as proposed in the hearing notice. Selectman Anthony 2nded. Selectman Andrews suggested revising the motion to accept the proposed mooring fees EXCEPT for the rental mooring fee which would be lowered to the Harbor Committee's proposal (\$180). 5-0 in favor of the motion as revised.

Committee was thanked by the BOS and moved out into the hall. Laura moved to adjourn; David seconded and all were in favor. Meeting adjourned at 7:03pm.