



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room - Town Hall
Meeting Minutes of Thursday, March 27, 2014**

Members Present: Kerry Adams (KA), Carlos Verde (CV), Scott Fraser (SF) and Herbie Hintze (HH).

Members Absent: Ginny Binder (excused).

Other Attendees: Rex McKinsey (RM), Harbormaster and Ellen C. Battaglini, Administrative Assistant.

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

AGENDA

Public Hearing to consider changes to Chapter 1 of the Harbor Regulations and Appendix B for rates

Chair Kerry Adams read a statement regarding the requirement for the Pier Corp. to hold a Public Hearing in order to change rates, regulations and leases or permits, and which must be advertised for two weeks before an open meeting is held to consider them. The approved changes must be advertised a week after the public meeting in order to be valid. (By-law changes at Town Meeting are different). The format of a Public Hearing is to announce the Hearing, take public comment and read any correspondence received. The public portion of the hearing is then closed. Discussion then moves to the Board or the Chair calls for staff reports prior to that discussion. The Board may elect to vote, accepting or declining the regulations as printed, continue the hearing to a future date or make modifications to the regulations. However, fee amounts that have been advertised cannot be increased at a hearing. Fees can be approved for a lower amount and then the final amount can be advertised.

Public Statements

Rich Wood, owner of the charter boat Beth Ann, made a presentation related to the proposed \$.50 per passenger fee for excursion and charter boats. His research showed that floating dock fees for charter boats have increased more than 80% over the last three years, which has caused several charter boats to leave the floating docks. His research also revealed that the tenants in Provincetown pay 43% more than commercial dockage tenants in Orleans or Wellfleet and that the new proposed fee would only generate about \$1500 per year. He suggested that the Board pursue other sources of revenue for the Pier, including renting out 10W to transient vessels, collecting on accounts that are in arrears and renting out all of the floating docks in the coming season. He reminded the Board that three slips remained vacant in 2013.

Steve Milliken, owner of the Dolphin Fleet excursion boats, gave a presentation on the proposed \$.50 per passenger fee for charter and excursion boats. He presented research what he pays to the Pier Corp. and the Town and what he pays to maintain his float spaces. He felt that his business is being singled out for the fee increases. His business brings in tourists who then contribute to the economy of the Town. He questioned the legality of the Pier Corp. to add this fee.

CV: He thanked the public for coming to the hearing. He was not in favor of raising the rates. He thinks the Town should contribute to the maintenance of the Pier and that the tenants should not be required to do it or have their fees raised in order to do it. The maintenance reserve of the Pier Corp. is very low and he doesn't think the proposed fee increases are the way to raise funds. The Board of Selectmen has prolonged the issue by waiting another year to re-negotiate the management contract. He added that he thinks that the Pier needs more staff to maintain the structure.

SF: He thanked Mr. Wood and Mr. Milliken for their presentations. There is a gap between what the Pier Corp. believes it will cost to maintain the Pier in a good condition and how much revenue is being generated. An adequate amount of money has not been set aside and what money had been set aside was spent on repairing damage from one storm. The biggest expenses for the Pier are for personnel and maintenance costs. He doesn't think that staff is being overpaid and those costs are rising because of health care increases. The maintenance expenses cannot be cut further because the Pier is being kept in an adequate condition, but the Pier Corp. is not saving enough for rainy days. If the operating costs cannot be trimmed further, then revenues must be raised. Either the Pier is a Town asset, such as the Library and Town Hall, and part of the Town's infrastructure and maintained by taxpayers or the Pier is an asset that is used by a group of people engaged in commercial enterprises to make profits and paid for by them. The Pier Corp. has been losing money for several years and cannot sustain those losses going forward. His opinion is that the \$.50 per passenger is an assessment not against the excursion and charter boat owners, but against their customers. The money that tenants pay goes to the Pier Corp. This fee increase is not being done through the Department of Revenue, Chapter 55 of the Acts of 2003, but under the Acts of 2000 that created the Pier Corp. Those Acts made it clear that the Pier Corp. was charged with maintaining the Pier and preventing its deterioration. It is mandated to run it in a business-like way and had the authority to set rates to that end. This has been tested and resolved in Court in 2006. It would be a waste of time and money to test this again in Court. He wants to seek a solution that is good for the community.

HH: He thanked the public for attending. He agreed with SF and in his opinion, the Town should start contributing to the maintenance of the Pier.

KA: He stated that the Public Hearing will be continued so others who were not present could contribute to the discussion.

CV: He suggested a hearing in June for those who are not yet in Town.

SF: He believes the issue should be moved along and not delayed. The BOS has postponed the issue of the management contract.

CZM Coastal Resilience Grant/Green armor:

RM stated that this grant will hopefully pay for the dredging that needs to be done in regard to the wave attenuators and the maintenance dredging around the floating docks. The sand will be used to do a pilot project of beach nourishment. The grant program is looking for projects that use green infrastructure. The grant has to do with beach berm or dune building using native vegetation, bio-engineering with natural fiber blankets and other biodegradable materials, plantings and re-vegetation. This is a continuation of what RM, Brian Carlson and the Harbor Committee were working on last month with the Cape Cod Commission, part of the \$10 million announced by Deval Patrick to be used for coastal resilience. RM requested that the Board write a letter of support.

A motion was made to write a letter of support for CZM Resilience Grant.

Motion: Carlos Verde

2nd: Scott Fraser

Vote:

Yes: 4

No: 0

Absent: 1

Motion passes.

Review of Minutes

A motion was made to approve the minutes of the Public Meeting on 02/27/14 as written.

Motion: Herbie Hintze

2nd: Scott Fraser

Vote:

Yes: 4

No: 0

Absent: 1

Motion passes.

Directors' Statements

CV: He would like staff to bring a report about what docks and what trap sheds are available for rent.

HH: He wanted to know if there had been a resolution regarding installing speed bumps on the Pier. CV thought that it was a matter of insurance and impeding emergency vehicles. RM will look into it.

SF: If the Pier has slips available, they should be advertised to commercial fishing boats. If no commercial fishermen come forward, they should be rented to recreational vessels.

KA: He thanked the public for coming to the Public Hearing. He reiterated that he has asked RM about adding signage regarding speed on the Pier and has asked him to get in touch with the Chief about speed enforcement. He suggested crosswalks be painted and signage stating that vehicles must stop for pedestrians in the crosswalks be added.

Working Group Reports

Personnel Sub-Committee – Replace former Chair:

The departure of Lee Ash has left a vacancy on the Personnel Sub-Committee. KA volunteered to fill the vacancy.

Pier Manager's Report

Docks and Slips not rented last year – RM stated that a couple of slips were not filled because those docks were the ones that had completely broken off from the south fingers. He wasn't totally confident that those sections would stay together for the full season. 10W, since it was also mentioned, never achieved its full revenue potential. He thinks it should be used on a transient basis in view of the proposed raise in the transient rate, as opposed to renting it out on an excursion basis. CV suggested renting it out on an hourly basis to cater to boaters who want to dock for short periods of time and have lunch or shop in Town. He suggested \$25 an hour. RM would like that issue on the agenda for the next meeting.

Jim King said that he had a letter proposing the same idea that he was going to submit to the Board, however in his opinion, \$25 an hour was too expensive.

Listed Priorities in Order of Importance - RM reviewed the listed order of priorities in order of importance.

New Business

Barry Clifford has raised issues regarding his mooring field again this year. RM anticipates that it will take up some time in terms of document requests.

KA thanked Luis Ribas and staff for keeping the floating docks in a usable condition.

CV inquired about adjustments to the security camera system. RM said it is installed and functioning and has already been helpful in several cases. He is planning to purchase more cameras in the next fiscal year and re-position some existing cameras.

Meeting adjourned at 6:20 P.M.

Respectfully submitted,
Ellen C. Battaglini,
PPPC Administrative Coordinator

Kerry Adams, Chair