



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room
Meeting Minutes of Thursday, October 22, 2015**

Members Present: Kerry Adams (KA), Carlos Verde (CV), Ginny Binder (GB) and Herbie Hintze.

Members Absent: Scott Fraser (via telephone).

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

Chair Kerry Adams called the Public Meeting to order at 5:02 P.M.

AGENDA

Public Statements:

Assistant Harbormaster Luis Ribas appeared to inform the Board that the Harbormaster's patrol boat was currently unsafe to perform Harbormaster duties, such as rescues. He requested that the Board place an article on next year's Annual Town Meeting warrant to purchase two new engines for the boat. He related incidents wherein the boat's engines malfunctioned. He claimed that the patrol boat was underpowered, as was the Pier's crane barge. He also suggested that the dinghy dock become seasonal and that all vessels on that dock be taken out of the water in the fall.

Special Agenda Items:

Aquaculture Research Grant: Rex reviewed the aquaculture research grant for which the Shellfish Constable, Steve Wisbauer, is applying. He explained that the grant is a Saltonstall-Kennedy grant administered through the National Oceanic and Atmospheric Administration. If the application were approved, the money would be used for the research and development phase of a multi-use structure to be built out on the 'T'. The structure would have several components, including for retail sales, Pier maintenance work and education and would also contain an upweller system. He requested that a Director review the grant application before submission.

A motion was made to approve the submission of the Saltonstall-Kennedy grant program application for the research, planning and development of an aquaculture support facility on the 'T'.

Motion: Ginny Binder

2nd: Herbie Hintze

The motion was discussed.

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 continue to approve the minutes of the September 24, 2015 Public Meeting.

Motion: Herbie Hintze

2nd: Carlos Verde

Roll Call Vote:

CV: Yes.

HH: Yes.

SF: Yes.

KA: Yes.

Yes: 5 No: 0 Abstain: 0

Motion passes.

Directors' Statements:

GB: She disclosed that she has been hired by Brad Rose to re-develop Rose Wharf. As a precaution, she has filed papers with the Town Clerk regarding the appearance of a conflict of interest. She is excited to be involved in a project that will contribute to the revitalization of the waterfront.

SF: None.

CV: None.

KA: None.

Working Group Reports

SF spoke with the auditor this week and the audit process is nearing completion. There is one last piece of business involving the valuation of the Pier employees' pension liability costs. The options available to deal with the issue include having the Town's actuary break out the pension liability costs for the Pier employees or reaching an agreement about a number to be paid by the Pier Corp. to the Town annually for the pension liabilities. According to a memo written by Town Finance Director Dan Hoort, the total for the PPPC OPEB payment for FY2016 would be \$25,875. The number that had been put into the Pier budget for these liabilities was \$25,000.

A motion was made to approve the valuation formula and review period provided by the Town Finance Director in his memo dated October 21, 2015.

Motion: Scott Fraser ***2nd:*** Ginny Binder

The motion was briefly discussed.

Roll Call Vote:

CV: Yes.

HH: Yes.

SF: Yes.

KA: Yes.

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

Motion passes.

Pier Manager's Report

FEMA update: RM said that the process was continuing for the both the 2013 and 2015 storm damage applications. The project worksheet for the 2015 storms was done and he has reviewed it. The FEMA official handling the Pier's application said that it would now be sent off for review by various other governmental departments. The 2013 application was stopped at the FEMA Environmental and Historic Preservation Review desk because of a request for the Pier's Army Corps of Engineers permit. He has sent information regarding the ACE tolling agreement and other documents related to the permit. KA requested that the FEMA issue be placed on all future PPPC agendas in order to monitor the progress of the applications.

Physical plant update: RM and Luis Ribas met with Department of Public Works Director and Deputy Director last week and provided them with binders regarding Pier maintenance, including Bourne Engineering reports and maps, in order to create an RFP for the replacement of the damaged fender piles. They discussed using composite pilings, which, while more expensive in the short term, will be cheaper in the long term. A part of the fender pile project will include composite pilings in order to test the material.

The loading station at the floating docks needed support after previous storms and 'h' piles were installed behind the existing pilings for structural support. RM passed out 'before' and 'after' pictures. He considers this aspect of the project to have been completed and the money that was approved at last year's spring Town Meeting will pay for the repair.

CVA grant: RM said that the maximum award annually is \$11,000 and the bulk of that is labor costs for the operation of the pumpout boat. The reimbursement is for 75% of expenses to run the pumpout boat. There is currently \$13,000 in the account. In the future, when the grant is submitted, a copy will go the Town's Finance Director and the equivalent of the labor costs will be transferred to the Pier's payroll account.

Embarkation fee: The amount collected to date is \$35,000. Most excursion tenants are either up to date or have September and October fees to file. A clause for the timely payment of excursion fees will be added to the excursion contracts next year.

Interim rules for the 'T': RM has started telling the New Bedford fishing fleet that they will not be able to tie up to the 'T' this winter because of the poor condition of the pilings and the possibility of those vessels causing further damage. Until the 'T' is stabilized with fender piles, large vessels will not be allowed to tie up on the outside of it also in order to avoid damaging the vessels themselves, which could potentially create a liability issue for the Pier Corp. Once the 'T' has been stabilized that policy will be revisited. The cost of repairing the broken pilings exceeded the revenue generated by transient dockage collected last winter. SF said that as a 'harbor of refuge', the Pier was not obligated to allow vessels to tie up at the Pier, but only to be able to anchor in the Harbor where they can be safe from storm conditions. However, he suggested that if the Pier Corp. wanted to continue as a 'harbor of refuge' for the safety of mariners and to accommodate large fishing vessels on the 'T' during winter storms, RM should figure out a rate for dockage during winter storms that would be commensurate with the cost of the potential damage that these vessels could do to the Pier. He proposed charging a higher rate for transient dockage during storm conditions. He doesn't want to continue to pay for Pier damage caused by large fishing vessels docking on the 'T' if those vessels are able to anchor in the Harbor. RM said that he had a list of rates that needed to be reviewed. The Board briefly discussed the issue and how to accommodate vessels during storms.

Mr. Ribas said that the New Bedford fishing vessels did not damage the pilings on the 'T', as the captains are careful when they dock their boats. If the pilings are in good shape, those boats can tie up to the 'T' and not damage the pilings. He said that it is the pilings that are rotten and are easily damaged by large vessels. It depends upon which way the wind is blowing during a storm whether the 'T' or large fishing vessels would be susceptible to damage. RM said that the issue is that the maintenance reserve had not been fully funded in the past and that only 20 pilings could be replaced annually instead of the 40 or 50 that should be.

Priorities: He reviewed a list of updated priorities. The engineers will be submitting the application to the ACE permit for the floating docks and wave attenuator and that will be followed by Conservation Commission and the Department of Environmental Protection review, public hearings for permits and other regulatory processes.

He left mooring software on the list because there may be a new insurance requirement for boats moored in the Harbor and the software has to be able to collect and track that data.

The next meeting with the Board of Selectmen will be for the discussion of the 295 budget, the breakdown of Harbormaster versus Pier management times and costs, an audit recap, the calendar financials and a report on the embarkation fee collection. The tentative date is November 9th, however he is trying to get it moved to the 23rd.

The grant vote for the redevelopment of the 'T' was taken tonight. GB and SF volunteered to read the NOAA application before submission.

SF asked about spot-checking the relevant vessels for embarkation fee compliance. He thought the Board should discuss the enforcement issue further and possibly share the information with the BOS. KA will put the subject on the next agenda.

The FEMA submissions have been added to the list. SF has reviewed the financial year-ends and audit and the OPEB vote was taken. The auditor is coming to the office to do some journal entries in Quickbooks tomorrow.

The ferry service contracts need to be re-negotiated.

The HM vessel with firefighting capabilities is on year three of the CIP and the BOS has been notified of that.

The letter to the Division of Marine Fisheries requesting a recreational limit for hook and line squid fishing was an idea that was suggested by DMF. The letter will be submitted in the next month or two.

The Pavilion vendors' pilot project is on the list. Ellen will be submitting an application for a Special Permit to allow the project to proceed. An RFP will be prepared for vendors for next year.

CV raised the issue of the condition of the HM boat engines. The Board discussed the issue. RM said that the dinghy dock extensions are taken out of the water for the winter. He added that most dinghies are out of the water by this time of the year and the permits expire on December 31st. The sense of the Board was that the expiration date should be changed.

CV asked if the vessel 'My Yot' that was in the Harbor would now be mooring in Provincetown Harbor. RM said he preferred that it be moored in Truro waters and if the insurance requirement proposed by the Harbor Committee is passed, the captain will have to get insurance or a bond for the vessel. He added that the HM office would not be facilitating the movement of the vessel into the Harbor.

The meeting was adjourned at 6:15 P.M

Respectfully submitted,

Ellen C. Battaglini,
PPPC Administrative Assistant

Kerry Adams, Chair