



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room
Meeting Minutes of Thursday, January 28, 2016**

Members Present: Kerry Adams (KA), Carlos Verde (CV) and Herbie Hintze (HH).
Members Absent: Ginny Binder (GB) (via telephone) and Scott Fraser (SF) (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. He announced that Ginny Binder and Scott Fraser would be participating remotely pursuant to 940CMR 29.10(2) due to geographical distances.

AGENDA

Public Statements:

Laura Ludwig, of the Center for Coastal Studies, appeared to request permission to hold an event on MacMillan Pier on July 29th in celebration of CCS' 40th anniversary. The celebration will be part of CCS' annual Whale Week activities. CCS would like to hold some activities either in the Pavilion or at the CCS excursion float. The Board questioned Ms. Ludwig. She will keep the Board posted about the plans.

RM will check to make sure the date is open.

Special Agenda Items:

None.

Review of Minutes

A motion was made to approve the minutes of the January 14, 2016 Public Meeting as written.

Motion: Herbie Hintze

2nd: Carlos Verde

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes

SF: Yes.

Yes: 5 No: 0 Abstain: 0

Motion passes.

Pier Manager's Report

RM said that he and KA had updated the Harbormaster/Pier Manager job description because of the Port Security Plan.

A motion was made to approve the revised job description for the Harbormaster/Pier Manager.

Motion: Carlos Verde **2nd:** Herbie Hintze

RM reviewed the changes.

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes

Yes: 4 No: 0 Abstain: 0

Motion passes.

A motion was made to send the revised job description for the Harbormaster/Pier Manager to the Town Manager for consideration by the Board of Selectmen.

Motion: Carlos Verde **2nd:** Herbie Hintze

CV commented about Selectmen Bobby Anthony's statement at the last Joint Meeting with the BOS regarding Rex's job.

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes

SF: Yes.

Yes: 5 No: 0 Abstain: 0

Motion passes.

RM has heard back from the Advisory Board of the Division of Marine Fisheries in regard to the letter requesting the imposition of recreational catch limits for squid fishers. The Advisory Board will hear the request at a meeting on February 11th. Dan McKiernan, of DMF, said that RM would not have to be there, but that the Advisory Board will most likely vote to hold a public hearing on the issue.

The Town Manager has requested a meeting with RM and KA next Tuesday to review the Appendix B three-year rolling budget. RM will be bringing the Facility Maintenance Plan to that meeting.

The Finance Director had copied RM on an email he sent to the Town Manager regarding concerns about the Pier's cash flow based on projections from last year. RM doesn't see it as dire this year, however it may be by next year.

RM spoke with the engineers and the piling work is about to go out to bid. The first bid will be to acquire the materials and the second bid will be for the installation of the pilings. The goal is to replace the 62 piles on the outside of the 'T' with composite piles, with additional piles to install in other areas at a later date.

Luis Ribas has started to build the 3-30' sections that will become dinghy dock extensions. SF asked about the FEMA grant money and expenditure of Pier funds on composite pilings. RM said that the money was from last year's Town Meeting warrant item giving the Pier \$335,000, a portion of which can be used to fund the repair of the floating docks. The Department of Public Works had suggested that the greater initial expense of composite pilings would be labor- and money-saving in the long run. The last thing he heard from FEMA was a recommendation that the pilings be installed in April, so as not to affect the spawning period for a type of flounder and that it had to be accomplished by vibratory hammer to avoid turbidity.

RM reviewed the Priorities List. The mooring database is on hold, as insurance certificates for certain boats may be required this season and some rates may be raised. The Harbor Committee is waiting for the BOS to set up a hearing on those issues.

The Conservation Commission has approved the Notice of Intent for the reconstruction of the floating docks and the installation of the wave attenuator and is waiting for a revised Special Order of Conditions to approve. The original Special Order of Conditions for the construction of the new Pier has been updated and revised for the current project. The Department of Environmental Protection's Chapter 91 licensing process is progressing. Notices will be sent out to abutters for a public comment period to begin on February 10th. Site plans will be sent out with a cover letter explaining the project.

RM said he had a conference call with the auditor scheduled for tomorrow to discuss some issues. He will talk with SF after the call. The Board briefly discussed the auditor's bill.

Negotiations for the ferry service contracts will be considered at the next meeting. RM briefly reviewed the status of the preparations for the 2020 celebrations.

RM said that he was waiting for the insurance settlement for the crane barge in order to move ahead with procuring new engines for the HM boats.

The pavilion vendors' pilot project is ready for implementation. Ellen Battaglini has gotten the ZBA Special Permit renewed in order to proceed with developing an RFP for vendors.

Putting signs on the 'T', which will be a DPW project, has been put on the priority list.

Directors' Statements:

KA: He thanked Selectmen Cheryl Andrews and Raphael Richter for their comments and understanding of the rent abatement issue at the Joint Meeting with the BOS on Monday. He was surprised by some comments made by Selectmen Anthony. The Board's letter to the BOS was not, nor was it meant to be, intimidating, only factual. The income that is received by the Pier is not sufficient enough to maintain the facility and enable the payment of rent to the Town. The Board is asking the Town to waive or abate the rent. The Pier has succeeded in continuing to operate despite paying rent every year. If market rates are not charged for commercial dockage, there aren't a lot of options available in order to raise revenue. The Board does not want to raise dockage rates and the solution would be to request that the Town abate the rent in order to make more money accessible for maintenance. He also suggested that the Town allow the Pier to collect the ferry embarkation fees that the Town now collects. The Pier has invested a large amount of money repairing and maintaining the transportation float, a project that should have been undertaken and paid for by the Town.

HH: He agreed with KA's statement. As far as the rent abatement goes, he doesn't understand why, if the Pier only manages the facility, rent has to be paid to the Town. He thought the situation was comparable to asking the Fire Department or the Police Department to pay rent for its facilities.

SF: It's important for the public to recognize that the reason the rent abatement was put into the original lease was in order to enable the Pier Corp. to subsidize the commercial fishing industry. In return for that, the BOS, at its discretion, can abate the rent. For about 10 years, the subsidy was provided to the fishing industry without the Pier Corp. receiving any compensation from the Town. The Pier Corp. was expected to maintain the Pier in good working order, to handle hundreds of thousands of tourists annually and to be a vital piece of the Town's economic infrastructure on its own, without financial help from the Town. He was dismayed that it took the Pier Corp. two years to negotiate a Memorandum of Understanding with the BOS, which stated that the rent would be abated in FY17, and now, six months later, it was trying to renege on the agreement. He agreed with KA statements and with the letter that was submitted to the BOS.

GB: She was very upset by the results of the BOS meeting. The Pier Corp. has fulfilled its obligation to subsidize the fishing industry for the last 12 years, to the detriment of Pier maintenance. Now that the Pier Corp. is suffering from financial deficiencies in the maintenance reserve and an inability to meet the needs of the Pier's tenants, it is inexcusable for the BOS to

suggest that the rent should not be abated as agreed. The purpose of the letter to the BOS was to explain where the Pier Corp. had been financially and where it needed to go.

CV: He agrees with the other Directors' statements. He was disturbed by the accusation that the Pier Corp. was "stacking the room" because four fishermen had shown up to listen to the meeting. He argued that currently the Pier Corp. has the equivalent of only \$2500 per month, or \$31,000 per year, for maintenance costs, which is inadequate for the facility. The extra money from the Town's abatement of the rent would allow for an adequate maintenance budget. The BOS always has the option of dissolving the Pier Corp. if it doesn't think that it is maintaining the Pier properly.

SF will draft a letter to the Pier's tenants to explain the financial implications of the Town's refusal to abate the rent, and how the Pier Corp. may be forced to raise their dockage rates, and ask for their support and their help in resolving the situation, emphasizing that the Pier Corp. does not want to raise the commercial fishing dockage rates. The letter would convey the information directly rather than having them hear what is happening and why through gossip. And that the Pier Corp. will need to schedule a Public Hearing on rate increases. GB suggested inviting the BOS to attend that Hearing. Rate increase hearings are very difficult and the BOS should be involved in the process, not just the Pier Corp.

A motion was made to draft a letter to the Pier's commercial fishing tenants to explain the financial implications of the BOS' decision not to abate the rent and ask for their help in resolving the issue and subsequently to schedule a Public Hearing on raising commercial fishing dockage fees and invite the BOS to attend.

Motion: Scott Fraser

2nd: Ginny Binder

RM reviewed the rate increases and stated that there are over 100 jobs associated with the commercial fishing fleet on MacMillan Pier that are not transient, but are for people who live on the Outer Cape and that, in many cases, span generations.

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes

SF: Yes.

Yes: 5

No: 0

Abstain: 0

Motion passes.

RM will draft a letter to the tenants and send it to the Board for review.

Working Group Reports

None.

New Business

Annual Report: RM reviewed the PPPC Annual Report and the Harbormaster's Report that he had drafted.

A motion was made to approve the PPPC Annual Report as written.

Motion: Carlos Verde

2nd: Herbie Hintze

Roll Call Vote:

GB: Yes.

CV: Yes.

HH: Yes.

KA: Yes

SF: Yes.

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

Motion passes.

Public Hearing discussion: RM will put together a Public Hearing notice regarding the rate increases. The commercial fishing dockage fees are the only fees that are not at market rate. He suggested that the Board proceed to raise those rates to market level and then wait to hear from the BOS as to whether it wants to provide a subsidy and abate the rent. The increase can be applied to invoices after the decision is made. CV said that he and GB, as the rates sub-committee, will meet to discuss the increases. GB would like to involve fishers in that discussion. The Board discussed the rate increase. KA said that the Board will continue to discuss the issue when the draft letter has been written

The meeting was adjourned at 6:15 P.M.

Respectfully submitted,

Ellen C. Battaglini,
PPPC Administrative Assistant

Kerry Adams, Chair