



**Provincetown Public Pier Corporation (PPPC)  
Judge Welsh Room  
Meeting Minutes of Thursday, April 14, 2016**

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

**Members Absent:** 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 5:03 P.M. He announced that Scott Fraser would be participating remotely pursuant to 940CMR 29.10(2) due to geographical distance.

## ***AGENDA***

### ***Special Agenda Items:***

Meeting with Profish:

RM read a statement regarding the attendance of several commercial tenants of the Pier at the Board of Selectmen's meeting on Monday night. He addressed some of the concerns about the operation of the Pier and the policies of the Pier Corp. that were raised. He also clarified several misstatements that were made and explained the revised commercial dockage payment schedule and several operational issues that currently exist on the Pier.

KA apologized on behalf of the Board for the tardiness of the letter that was sent out to the commercial fishers this year. He said it was unfair and he would have liked for the letter to have gone out two months earlier and said that the Board would address that issue and work with the fishers concerning the dockage payment issue.

SF said that he had watched the BOS meeting on Monday night. He said that the Pier Corp. had obligations related to maintaining the condition and the operability of the Pier without relying on the taxpayers of the Town for a lot of the costs and that the Board's philosophy is that the business owners who operate on the Pier should be paying for the cost of maintaining the Pier. He explained why the new dockage payment policy was created. The Pier operates as a business and the policy is not inconsistent with that of other businesses. He proposed that late payment interest on delinquent accounts be suspended until October 15<sup>th</sup>, however the payment scheme as proposed should be retained. In exchange for that concession, he requested that the tenants form a small group to meet with the Board to discuss and work on policies and procedures of concern to them. He said that both the Board and the fishers have issues in common, including keeping costs low for the commercial fishing industry and keeping the Pier in good operating condition, and that both groups should be working together towards achieving those objectives.

Beau Gribbin, President of ProFish, responded to some of the remarks made by RM and SF and briefly reviewed the history of the relationship, including agreements between ProFish and the Town and the Pier Corp. He said that the relationship between the Pier Corp. and the commercial fishers has been harmonious for the past 10 years and they would like to keep it that way. He addressed the issue of dockage rate increases as they related to the agreements with the Town and the Pier Corp. and what effect it would have on some of the commercial fishers. He argued that notice of the change was inadequate and did not allow alternative arrangements by the fishers to be made. He urged the Board to rescind the policy in order to retain the harmonious relationship between the Pier Corp. and the commercial fleet.

The Board questioned Mr. Gribbin and discussed the issues he raised.

Cheryl Andrews commented on the ProFish agreement with the Town. She suggested that the Pier Corp. have copies of the agreements between ProFish and the Town.

GB stated that ProFish was a vital part of the negotiations with the funders to put together the money to rebuild the Pier in terms of what the needs of the commercial fishing fleet were. The original concept of creating the Pier was to protect the incomes of the small boat commercial fishers and minimize their cost of doing business on MacMillan Pier. The spirit of the agreements, if not enshrined in any document available this evening, was that the Pier Corp.'s obligation was to maintain the small boat fishing fleet businesses on the Pier at an affordable rate and that would allow the fishing industry to continue for a long period of time. The Pier Corp. does not want to run anyone out of business as the result of a rate structure. It is a business that needs to be mindful of its bottom line, but not to the detriment of the fishing tenants, and try to support the fishing fleet in any way it can.

The Board briefly discussed the funding for the Pier and the Pier's Chapter 91 license.

SF reiterated that the Board was willing to suspend penalty payments until October 15<sup>th</sup> provided that dockage bills get paid by that date.

Mr. Gribbin agreed to that proposition as long as any future dockage assignment in terms of priority would not be affected if a fisher did not pay by October 15<sup>th</sup>.

SF replied that the Board has a policy that if a fisher carries over a balance into a new year, dockage will not be available on April 1<sup>st</sup>. He reiterated that he would like to sit down and figure out a policy and procedure that works for both the Pier Corp. and the fishers.

***A motion was made to retain the request for payment by April 30<sup>th</sup>, and suspend any late payments associated with that for 2016, as long as all payments are made by the 15<sup>th</sup> of October, 2016.***

***Motion:*** Ginny Binder

***2nd:*** Carlos Verde

The Board discussed the motion. CV mentioned the notification aspect should be considered and any policy change should come with a substantial early notification. GB suggested discussing

what fair notification is when the roundtable formed by the Pier Corp. and Profish gets together. CV recommended that Pier Corp.'s minutes be made available to tenants after they are approved by the Board. Fishers should let the Harbormaster's Office know if they want to receive the minutes.

**Roll Call Vote:**

**GB:** Yes.

**CV:** Yes.

**HH:** Yes.

**KA:** Yes.

**SF:** Yes.

**Yes:** 5

**No:** 0

**Abstain:** 0

***Motion passes.***

***A motion was made to provide hard copies of Pier Corp.'s minutes at the Harbormaster's Office after their approval by the Board.***

***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.***

Robert Palheiro, a commercial fisher, expressed his concerns regarding the letter to the tenants and some issues he had with the operation of the Pier and its services. He mentioned slipping on the worn floating docks gangway due to the lack of cleats, the damaged condition of the floating docks due to their being left in the water throughout the year, the dearth of cleats to tie up his boat on the floating docks, the fact that hoses that can easily be damaged need to be utilized in order to avail themselves of fresh water, the shocks he has experienced from the jib cranes, which he said were not repaired by a licensed electrician, the intransigence of taxis waiting for ferry passengers when he was endeavoring to get his product off the Pier and to market quickly. He also commented that the commercial fishers have never been offered a trap shed to sell their product on the Pier. CV said that in order to obtain a trap shed, an application can be filled out at the Harbormaster's Office.

GB suggested holding a work session once a month with a sub-group composed of commercial fishers and Board members before regular Board meetings at 5:00 P.M. in order to address

concerns about the operation of the Pier. GB suggested that the fishers submit a list of the issues that they would like to discuss.

***A motion was made to schedule a working group meeting once a month at 4:30 P.M. composed of several commercial fishers with two Board members and that the items for discussion, initiated by the fishers, be distributed amongst the members of the work group.***

***Motion:*** Carlos Ginny Binder

***2nd:*** Carlos Verde

CV and GB volunteered to be in the sub-group.

Rich Wood, a charter boat captain, commented that the Board was agreeing to meet only with members of ProFish and he suggested expanding the group to include charter boat fishers and excursion float owners, as their concerns were similar. He also suggested sending out a letter of notification of the Board's motion regarding the revised dockage fee to which the Board had agreed. RM said a notification would be sent to those affected by the policy.

David Panagore, Town Manager, said that he was happy with the direction of the discussion. He said that the BOS has tasked him with forming a committee to resolve issues on at the Pier. He wants to participate in any forum that increases his understanding of how the Pier operates so that when the BOS asks for a report, he can provide one. Everyone needs to be treated with respect and the Board needs to do better.

Dr. Andrews, Selectman, agreed with Mr. Panagore. She said people only tend to appear at BOS meetings when they are upset about something. She would expect more notification of any changes that might affect someone's wallet. She suggested that the Board advertise and hold a public hearing to discuss any changes in policy affecting a tenant's business in order to get feedback before implementation.

Mr. Gribbin commented that in his mind progress has been made on this issue. He commented on Mr. Woods' suggestion to include other users of the Pier. He thanked the Board for the discussion and for its consideration in changing the policy after listening to the fishers' needs.

SF suggested putting a permanent item on the agenda for commercial fishers to discuss their issues. The Board agreed.

**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 asked for a vote to extend the ferry contracts for another year.

***A motion was made to extend the ferry contracts under the same terms with a CPI increase for one season.***

***Motion:*** Ginny Binder

***2nd:*** Carlos Verde

**Roll Call Vote:**

**GB:** Yes.

**CV:** Yes.

**HH:** Abstain.

**KA:** Yes.

**SF:** Yes.

**Yes:** 4

**No:** 0

**Abstain:** 1

***Motion passes.***

***A motion was made to charge an additional \$9878.86 fee to Captain John's boats to allow for whale watch trips on the Plymouth to Provincetown ferry.***

***Motion:*** Ginny Binder

***2nd:*** Kerry Adams

RM explained the additional charge. The Board briefly discussed the motion. The motion was withdrawn and the issue was tabled until the next meeting.

The meeting was adjourned at 6:30 P.M.

Respectfully submitted,

Ellen C. Battaglini,  
PPPC Administrative Assistant

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Kerry Adams, Chair