



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room
Meeting Minutes of Thursday, October 27, 2016**

Members Present: Kerry Adams (KA) (arrived at 4:45 P.M.), Ginny Binder (GB), Herbie Hintze (HH), Carlos Verde (CV) and Scott Fraser (SF)

Members Absent: None

Other Attendees: Rex McKinsey (RM), Harbormaster, Jarrod Koskey, Administrative Assistant & Ray Sturdy III (Pier Business Manager)

Additional Attendees: Peter O' Conner (FEMA Coordinator) & Ann Wood (The Banner)

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

(KA) made introductions of the board members as well as Ann Wood, (RM), (JK),(RS) and Peter O'Conner.

Public Statements:

(KA) Opened up meeting with asking Peter O'Conner, (PO) to introduce himself.

He (PO) introduced himself and stated he has been working diligently on this project since April of 2016 when he was called upon to do so and since that time progress has been achieved. He made point of the printed memo included in the meeting packet summarizing the process of funds being received from FEMA. He detailed the *process (1. Issuance of Obligation Letter, 2.Contract, 3. Issuance of funds)* and how FEMA processes such with the data received by the Town of Provincetown and processing/ review to include insurance coverage, environmental impacts, historical impacts, etc. Upon concluding that payment is approved they issue an "obligation letter" *(A grant contract with a condition annexed, and a penalty for nonfulfillment. In a larger sense, it is an acknowledgment of a duty to pay a certain sum or do certain things).* Upon issuance of this document the process proceeds to the final steps ending in payment. (PO) announced the two smaller claims being approved due to no further need to review. Finalization includes the funds being dispersed to the state of Massachusetts who then sends to the Town of Provincetown and finally to the Provincetown Pier Corps.

(RM) stated the total amount of payment is \$93,970.00 which equals the 75% portion due for the two claims.

(PO) mentioned the close out process of maintaining all receipts, etc. in the event of an audit.

(KA) posed the question of in the event of an audit and if all work agreed upon to be completed is not done, can FEMA demand the funds to be returned and (PO) replied that they can, they do and they certainly check up to be certain the work to be done is done.

(RM) advised that as soon as all necessary documents are signed, the turnaround time for the funds to be transferred to the Town of Provincetown then to the Provincetown Pier Corps will take approximately 45 days.

(SF) asked if interest would be paid for the 3 year period from claim to payment.

(RM) replied it would not but 1 ½ years would be and this is due to Hurricane Sandy and resources being diverted for 18 months.

(PO) then advised that he did look further into the length of the claims process and found it is quite normal for the entire process with FEMA and that he did meet in September of 2016 with the Deputy Director of FEMA and he re-confirmed the time frame is normal and to be expected.

(GB) questioned about the progress of the larger claims.

(PO) replied that yes and that FEMA will conduct their own environmental review for the purpose of the Environmental Corps Permit requirement. They are conducting a very extensive review as the results are important in the final judgement. He then stated that in August of 2016 they were advised of a new federal regulation that may not allow that and that they would have to conduct their own review however they “pressed hard” and authorization was given to reply on only the existing environmental review.

(GB) asked how long of a time period that entails?

(PO) replied that the site visit in September of 2016 took place and the Army Corps of Engineer Review happened thus leading the environmental review, indicated that a 6-8 month time frame was and is to be expected for the permit from the Army Corps. The Army Corps permit then heads to FEMA for the review process and FEMA then makes a final review to whether the project is valid.

(GB) asked when the funds for the other claims may be seen and if it would be this year or next year and (RM) replied that if the Army Corps .permit is completed in the next 6 months that it may take up to 2 years to fully complete the process. He further stated that what we do need is a dollar amount due to “improvements” being made however they will not pay for “improvements” to the design and that the special town meeting warrant article is for 75% reimbursement for the \$4,900,000.00 improvements but the Board of Selectmen preferred more precise numbers so it will be necessary to go back to a town meeting to adjust the numbers so the town meeting is aware of “ exactly what we are getting into”.

(GB) asked if there were any way for the process to not be linear at which (PO) replied that yes, and the packet received in mid- October was received from FEMA and the Town of Provincetown with very specific questions and they did reply in great detail. Meanwhile, the process is moving along while the environmental permitting is happening...so yes, the process is progressing.

(KA) asked (PO) what would occur if hypothetically a large storm hits elsewhere causing major damage outside of this area; would the attention and resources of FEMA slow down or hinder the project and timeframe.

(SF) stated that he would believe that FEMA would compare necessity

(PO) replied to this question by saying that it is possible but does not believe that funds would be diverted and that following all the work placed into this project, then discover the funds allocated elsewhere. He was assured the funds would remain available.

(GB) posed the question as to if there would be a cost increase due to time frame from start to finish.

(RM) replied that when you apply for reimbursement, you also provide receipts for the actual amount spent. (GB) asked if this amount was at current rate or at time the money was spent.

(RM) answered that reimbursement would be 75% of funds spent for when we expended it.

(KA) asked (PO) if this is correct and (PO) could not confirm if this is true or if reimbursement would be at rate of time of expenditure or at current rate so there is question as to this matter.

(RM) related he was advised at a FEMA meeting that it is at time of when expended but would follow up and confirm this question as (PO) could not do so at the time of the meeting.

(SF) extended his gratitude and thanks to (PO) for his hard work and attention to this matter but would he care to comment on why the Federal government process is so complicated that a consultant is required and why the government is “so inefficient”? (PO) replied that the reason is this is public money and the process may seem complicated so that money is not provided on bad claims or projects. (SF) again thanked (PO) for his efforts and contribution to this effort.

(CV) also extended his gratitude and thanked (PO) for his efforts and work and posed the question regarding the floating docks (fingers) and waiting for funds to repair as he has concern of the potential of a possible future storm destroying the docks as at this time, they are merely temporarily repaired and not as structurally sound as they could be to withstand a damaging storm. (CV) asked that if this were to happen would we be required to submit a new claim?

(RM) stated that he shares the same concern as (CV) and we would have to look at securing this area as well as possible to minimize the potential of future damage and they should examine how to address this until the area is properly (permanently) repaired.

(CV) expressed his concern of funds being spent “band-aiding” if the project to permanently make the repairs takes 3-5 years and is there any potential way to quicken up this process for the sake of the tenants.

(PO) stated this is a very valid concern and that during his last meeting in September with the deputy director of the region he was told this is potentially possible once the Army Corps permit is issued which would take approximately six months. He added that the cost of the wave attenuator will be included in this project and the cost benefit is in process now. Once the Army Corps permit and cost benefit analysis review is completed FEMA will issue an obligation letter to allow contracts within months. (PO) also expressed his feeling that having the deputy director’s attention on this has been very beneficial and he is certain the funds will be provided soon.

(GB) also mentioned her concern of the vulnerability due to the damage seen already and any new impact of future potential storms.

(KA) expressed his appreciation and gratitude to (PO) for his diligence and attention to this matter.

(RM) stated that we are less vulnerable from the West due to the type of docks already installed and that yes, for a time “wheels on this were spinning but the process is now moving along”

Review of Minutes:

A motion was made by (KA) to approve the minutes of the October 13, 2016 Public Meeting as written.

Motion: Kerry Adams

2nd: Herbie Hintze, Ginny Binder

Yes: 5

No: 0

Abstain: 0

Motion passes.

Pier Manager's Report:

(RM) opened up conversation by mentioning that this is budget season and would like to cover the 295 budget and that according to the Town of Provincetown's 10 year fiscal plan, a 1% increase is for scheduled for the consumer price increase in first document. He also made mention of the Capital Project Request sheet which is a five year program that would fund \$200,000.00 a year beginning in FY2019 for four years. The plan would expend the \$200,000.00 remaining from the STM 2016 Article 12 but only after we receive FEMA funds to our capital reserve. This would allow the equalization of costs and project management over the five year time span. This annual appropriation would be mirrored to the DPW sidewalk and roads repairs articles each year He noted that the Town Manager has approved this once the FEMA funds are coming in.

(RM) then discussed the engineering report that identifies the annual maintenance cost of \$53,400 and an additional \$92,250 to be spread over five years which equals \$23,065.00 each year. Additionally the FY2018 PPPC maintenance budget has been increased to \$76,465.00 and the lease has been reduced to \$70,000.00 per year to allow a \$50,000.00 capital contribution for the year

(GB) stated she would like time to review and discuss this information at the next scheduled meeting. (KA) and (CV) agreed with (GB) on this.

(CV) expressed his concern for the immediate time verses 2019 and years out

(RM) replied to this concern by informing that the Town Manager felt this was the ideal plan for the budget and we should have the first \$200,000.00 in the next budget cycle.

(CV) and (RM) mentioned to have this issue placed on the agenda for the next meeting for further discussion and (CV) stated that the plan should be more aggressive.

(KA) asked all members to have ready any questions on this prepared for the next meeting.

(KA) introduced the topic of the breakwater.

(RM) stated there are two projects involved. The first is the Herring Cove Ecosystem Study. This study involves work starting this Winter at Herring Cove and involves having a pod of equipment being placed on the floor of the ocean to study sediment compaction and how much velocity it requires or occurs for the movement of sand. The purpose is to discover the amount of sand that leaves and if this is a natural process or man-made. In this first project sediment grabs are also gathered to study exactly what is found in the sand composition. (RM) stated that it has been found that sand with algae in it and eel grass have very similar and positive effects on the food web. He stated that taking an ecological approach means having a more thorough study.

(RM) then discussed the Army Corps project to restore more water flow to the marsh area located behind the breakwater. This would involve a bridge and handrails for the purpose of safety, improvement of plant and sea life and general wellness of the natural ecosystem. (CV) raised the idea of a ladder being included in the project for the purpose of access and safety for rescue and fire personnel when there are incidents of pedestrians being injured and need assistance. (RM) related that the Army Corps denied the idea of stairs or ladders as the breakwater is not and was not intended as a pedestrian walkway (KA) expressed his belief that this topic would be a wise topic for fire/ rescue to bring to the town (RM) stated this would be a subject to pose in a public hearing. (SF) brought up the idea of a “lift bridge” being included for the purpose of the fishing fleet to be able to use the area as a hurricane shelter. (KA) stated these topics would be subjects to be discussed at town level.

Director’s Statements:

(HH) opened up discussion regarding bike racks and wished to clarify that the racks on the pier would merely be relocated on the pier but not removed thus this would not be cause for racks to be placed in Lopes Square.

(RM) confirmed exactly the same fact that (HH) mentioned and also clarified that the topic of additional Trap Sheds would also not cause the removal of racks from the pier, strictly having them spread out on the pier.

(CV) expressed his gratitude and pleasure in witnessing the pier staff and fishermen working so well together in the incident of a fishing vessel taking on water.

(KA and RM) thanked the staff by name and stated what a great job they had done in saving the vessel along with the fisherman.

New Business:

(CV) raised the issue of parking on the pier as discussed in previous meeting on October 13th and the incident with the squidders. He would like to have stricter enforcement of the rules already in place and the issuance of parking tags.

(RM) stated that vehicles are required to have hang tags but as it is the end of the season and as a courtesy the pier has allowed night parking for tenants since there are spaces available but enforcement during business hours was strong by staff. He related that the vehicle involved in the recent incident was known to the staff on duty at the time. (RM) also stated that tags presently are required from May 15th – October 15th but would like to see hang tags all year.

(CV) stated that if this is a rule then it should be enforced

(SF) stated he would like to see pier parking available only for commercial purposes by tenants and direct parking to public parking otherwise.

(RM) stated that many of the tenants are not Provincetown residents and do not have stickers and (SF) replied that this is a great opportunity for the town to make revenue on parking.

(RM) stated that this is fine and if (SF) would like to make a motion to please do so.
(CV) stated he does not park on the pier at night and questioned if a motion should be made to make it official.

(SF) Made a motion to make commercial parking on the pier for commercial purposes only at all hours and a parking permit must be displayed for a period of twelve months then to be reviewed beginning April 1, 2017

Motion: (SF) 2ND: (CV)
Yes: 5 No: 0

Motion passes to begin April 1st, 2017

(GB) expressed her concern that this is something that needs to be outlined clearly and have a notification be made to all tenants thru the Winter so it does not become a surprise to them come 2017 season.

(CV) agrees with (GB) and also stated the rule is clear and set and no courtesy parking will be allowed after April 1, 2017.

(SF) assigned the task of creating a notification to (RS)

(KA) stated he agrees with tighter rule for no hang tag parking but is ok with extending the courtesy. He is open to starting this April 1, 2017. (KA) also made mention for everyone to read the charter and be ready to discuss at next scheduled meeting.

(CV) asked about Stallwagon as he missed the meeting and (RM) stated he also missed the meeting but progress is being made and is moving forward. He will re-email the notes to all members as (CV) did not receive the first sent email.

(Kerry Adams) made motion to adjourn meeting at 6:22 pm

Motion: (Kerry Adams) 2nd Motion (Carlos Verde) (Herbie Hintze)

YES:5 NO:0

The meeting was adjourned at 6:22 P.M.

Respectfully submitted,

Jarrold Koskey
PPPC Administrative Assistant

Kerry Adams, Chair
