



***Provincetown Public Pier Corporation (PPPC)
Provincetown Town Hall, Judge Welsh Room
Meeting Minutes of Thursday, March 9th, 2017***

Members Present: Kerry Adams (KA), Herbie Hintze (HH), Carlos Verde (CV)
Scott Frasier (SF) Present via telephone conference.

Not Present: Excused Absences: Ginny Binder (GB), Ray Sturdy (RS)

Other Attendees: Rex McKinsey (RM), Jarrod Koskey (JK), Ray Sturdy III (RS)

Additional Attendees: Fernando Lomba (FL)

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

Public Statements:

None

Special Agenda:

(KA) introduced the special agenda regarding F/V Pamet and Fernando Lomba with respect to outstanding dockage fees remaining unpaid for the 2016 season.

(FL) discussed his reason for not paying the unpaid fee being the condition of the pilings in his area of the pier for seven years. He stated that he had discussed the issue for seven years and brought up a past newspaper article stating the condition of the pier and the importance of having it repaired. He continued by stating though some areas have been repaired, his has not as well as his electric service not operating since November of 2016 and wished to know why this is the case. He further discussed the condition of the pier had caused damage to his vessel. He asked if one of the Board members would look at his vessel and (KA) replied that he had.

(KA) then asked (FL) if he had previously asked the Harbormaster to be relocated to an alternate space to which (FL) replied that he said he had mentioned it four years prior and (RM) approved but (FL) stated that other vessels had been assigned to the spaces in the interim.

(KA) asked (FL) if he had anything further and (FL) stated he did not.

(FL) then restated his question directed to (RM) as to why his area was not one of the areas repaired as of yet.

(RM) referred to a tracking tool document used for the change out schedule of pilings and we are presently on a track to change out twenty pilings a year. He pointed out that from 2010 – 2014, this was on track but in 2015 no piles were able to be replaced due to work on Cavallo following a major storm and in 2016 work on the composite pilings on the end of the pier had to be completed. He discussed that (FL) area is not the only area not completed to date but the repairs are being done so in order of those that were deemed in most distress. He continued that there has been communication with the Town of Provincetown to get the highest priorities addressed and he discussed the need to continue with the repairs and try to increase the number of pilings completed each year.

(KA) asked the question as to why the pilings were not repaired to the full length of the pier to Mr. Lomba's area. (RM) replied that this was due to other pilings that were in worse condition. (FL) asked if there were other pilings in worse condition and (RM) replied that yes, this was and is the case.

(FL) stated that the pilings that were replaced 3-4 years previously were done so incorrectly and this is why there are 177 pilings in distress.

(KA) replied to (FL) that not paying the dockage fees is not the answer to the issue but stated that his pilings could be replaced by or in May of 2107.

(FL) stated he believes the pier employees do not like him and this is why his pilings were not replaced.

(CV) referred to the diagram of those pilings replaced and not replaced.

(FL) claimed that due to the pilings not being placed 6 ft deep is the cause of the issues with the pilings replaced by a pier employee 7 years ago.

(CV) asked (FL) if (RM) had ever offered an alternate space as discussed in the PPPC meeting of January 12th, 2017 to which (FL) replied he had not, though a letter sent to Mr. Lomba via regular and certified mail on January 24th, 2017.

Discussion ensued between (FL) AND (RM) as to their interactions regarding the replacement of the pilings in question.

(SF) stated that there were two separate issues in question. The first being, the maintenance plan (piling replacement) and that he and the Board agreed that the first time Mr. Lomba brought this issue to the attention of the Board was due to a letter to the Town Manager. He continued by pointing out the second issue being the payment of the dockage fees and that there is a policy clearly stating that the condition of the pier has no relation to Mr. Lomba's non-payment and is not acceptable for merely this reason. He asked (FL) if he is aware of the policy and payment. (FL) stated he is not aware of the policy and that is an issue for only his attorney as he doesn't understand those details.

(SF) directed Mr. Lomba to the letter dated, December 1st, 2016 regarding the policy for non-payment sent to Mr. Lomba, which he (FL) had in possession and that as of present, if he fails to pay the previous year's fees and finance charges he would not have a space available for 2017.

(FL) replied he would not pay his fees and he would contact his attorney due to discrimination for being Portuguese. He continued on by discussing a vessel that had tied to him in the last storm as being another point of dissatisfaction.

(CV) stated this issue needs to be settled and asked (FL) if he would be willing to relocate to the area of the ice machine on the pier and (FL) stated he would be accepting of the resolution of relocating to F/V Teri M's space and the pilings be replaced in his present space and then relocate back, once the work was done and would pay the past due dockage.

(FL) asked (RM) to make sure the pilings used in his area were the smoothest of the available pilings.

(FL) brought up the issue of the electrical issue again and (RM) said he would look into that as he was unaware of this as it was not brought to this attention.

(SF) asked when Mr. Lomba would pay his past due fees and (FL) replied he would pay the following day.

(RM) stated that once the bill was paid he would be relocated.

(FL) stated he would pay the original invoice but not the finance charges. Discussion ensued regarding the payment of the finance charges.

(SF) stated to (FL) that if he has issues with unresolved problems on the pier that he is to come to the PPPC Board but it is not acceptable to withhold payment.

Discussion ensued between (SF) and (FL) regarding the proper way to follow thru with issues on the pier that go unresolved for a period of seven years as stated by (FL).

(KA) stated that the pilings would be replaced by or during May of 2017.

(CV) stated that (FL) could move to the Teri M space and re-locate to his permanent space when the repairs are complete and the electrical issue would be looked at.

(FL) stated he would pay the past due bill and departed the meeting at 5:36 pm.

Review of Minutes of PPPC Meeting of February 16, 2017

Motion made to approve minutes:

Motion: (HH) 2nd(CV)

YES – (HH), (KA), (SF)

Abstain due to absence of last meeting- (CV)

Motion to accept minutes of February 16, 2017as written approved.

Pier Managers Report:

(RM) discussed a recent fender pile that was damaged recently and that Mark Pearson from Pearson pilings visited the pier to survey the damage as well as Eric Larson from DPW, Luis Ribas and himself and it is Mr. Pearson's finding that it has not compromised the integrity of the piling and that the damage was a simple repair.

(SF) discussed the issue of repair under the black rubber and taking care of any issues that may be under the exposed exterior.

(RM) reiterated the findings of the manufacturer.

(RM) discussed an issue regarding two anchors that were brought up from the mooring field by a diver and she is claiming ownership whereas, the Harbor Regulations state that any mooring abandoned in Provincetown Harbor belongs to the Town of Provincetown, however the person in question disagrees and has claimed this as salvage and this in an ongoing and forming issue.

(CV) discussed the need to file in order to salvage and asked if she had filed and (RM) stated she had not according to a state office contact and he has yet to discover if this has had an effect on the eel grass meadows as the precise location is as of yet unknown as to where in the mooring field they were located.

(RM) discussed the bills for almost \$10,000.00 that she is expecting the pier to pay due to not being allowed to remove from the pier. He continued that the Town Manager is aware and this is an ongoing issue. He further discussed images captured on camera.

(RM) discussed an offer and request from the VFW for a photo of soldiers from 1917 prior to their departure for service from Provincetown to WWI duties.

(CV) asked if there would be a plaque to accompany the photo to which (RM) replied there would be along with a card listing the names of all the soldiers.

Motion made to allow the VFW Memorial:

Motion- (CV)

2nd Motion – (HH)

Yes: (HH), (KA), (CV), (SF)

Motion passes.

New Business:

(RM) discussed the public hearing notice regarding taxi permit rates and cruise ship port charges. (CV) questioned UBER and their services on the pier. (RM) replied that the state would handle that.

Discussion ensued regarding Livery and Taxi service and the true definitions.

(CV) asked about the trolleys and (RM) replied that the trolley is under contract.

(SF) posed the question as to the basis of the port charges to which (RM) and (KA) replied it is based on the present market and previous reports as shown in reports produced by (RS)

(RM) mentioned an update on information to the Town Manager for the Board of Selectmen regarding the cruise ship schedule.

(SF) congratulated (RM), (KA) and (RS) on a well done job on the cruise ship agenda.

Directors Statements:

(CV) stated his condolences for all those who knew Eddie Ritter following his passing.

(KA) extended his gratitude to the family of Mr. Ritter for donating the Dory.

Motion made to have a wreath placed on the Dory for Eddie Ritter:

Motion: (CV)

2ND Motion (HH)

YES: (SF), (KA), (CV), (HH)

Motion Passes.

Motion made to adjourn meeting at 6:00 pm.

Motion – (SF)

2nd Motion (HH)

Roll Call – (SF), (HH), (KA), (CV)

Chair, Kerry Adams adjourned the meeting at 6:00 pm

Respectfully submitted,

Jarrold Koskey

PPPC Administrative Assistant

Kerry Adams, Chair

