

TOWN OF PROVINCETOWN

HARBOR COMMITTEE

MEETING MINUTES OF DECEMBER 4, 2000

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Meeting Held in Town Hall

Members Present: Joyce Guide (Chair), Rex McKinsey, Sheila LaMontagne, Carla Anderson, Mel Cote (Alternate)

Members Absent: Al Davis

Others Present: Mr. Bergman (Town Manager), David Guertin (DPW Director), Susan Whittaker (Pier Project Resident Engineer), Mark Latour (Assistant Town Manager), David Ditacchio (Marine Superintendent), Joe Vinagre (Seafood Off-Loading Space Lessee), Rachel Crosby (Recording Secretary)

REGULAR MEETING

CALL TO ORDER: Chair Joyce Guide called the meeting to order @ 4:00 P.M.

PUBLIC STATEMENTS

None

APPROVE MINUTES

November 14, 2000 – postponed.

DISCUSSION – SEAFOOD OFF-LOADING

David Guertin reviewed a recent meeting of concerned parties on the MacMillan Pier Construction Project, referring to Pier Construction Phasing plans provided by AGM Marine, the Project's general contractor. It will take two to three weeks to determine if AGM's plans are contractually compliant. Mr. Guertin said that the seafood off-loading lease space could be halved in size as the construction proceeds. The question is whether the existing tenant wants to work with the Town and stay on the Pier during the construction transition period. If so, primary reconfiguration of the off-loading area, relocation of facilities, etc. will be the responsibility of AGM. Otherwise, the Town could go out to bid to seek a new tenant for the space.

Carla Anderson asked if the space in question is known as Space #2 and if there are other fishermen who are off-loading without a lease at other areas on the Pier. Mr. Ditacchio clarified that it was Space #2 that was being leased and that there were fishermen using areas on the Pier to offload without a lease. Mr. Ditacchio emphasized that during construction there will be only one off-loading space and that will be the leased space.

Joe Vinagre asked about access for vehicles near Space #2 during construction. David Guertin said that half the width of the existing Pier will need to be demolished in each phase.

Mr. Bergman said that the Town hoped to be able to maintain as many of the Pier services as possible during Pier reconstruction. He explained that after the current lease expiration date of October 31, the Town would have normally put the lease out to bid. However, staff did not feel that a written lease for a fixed space location was advisable. Staff instead has proposed establishing a much more flexible arrangement and Town Counsel has prepared a revocable-at-will license. Mr. Bergman briefly reviewed the history of space leases on the Pier, emphasizing that the Town has attempted to maintain a competitive climate for these leases. Mr. Bergman said the inclination was to offer the proposed revocable license to the current lessee, with the caveat that a strategy was needed to deal with the possibility that another party would also want to bid or compete for the license. Mr. Bergman said that they needed to find the point on the construction calendar when they would be able to provide space for other off-loaders.

Joyce Guide reviewed the Harbor Committee's questions about the Pier Construction and said that the Committee

had contemplated creating and issuing interim Harbor Regulations for the construction period. Joyce Guide confirmed that the Pier will be closed to casual vehicular traffic during construction. Commercial, contractor and official traffic will still be allowed. David Guertin commented that Float Space #2 and the Dinghy Dock will also be eventually dramatically impacted.

Joyce Guide read from a section of the previous Off-Loading Lease, which covered the possibility for changes in circumstances and/or termination of the lease due to construction. Joe Vinagre said he did not think he would be able to provide the current level of service to vessels during construction. Mr. Vinagre said that there may be slower periods for the local fishermen, such as the period between January to May, but fishing boats from other towns usually come to Provincetown during those times.

David Ditacchio reviewed the potential reduction in space available for lease. He said it was “doable” with one tenant. David Guertin confirmed there would be only one space available for lease. Mr. Ditacchio said that non-leased off-loading areas would continue to be allowed on Finger Pier #1, but there are only two boats currently off-loading directly.

Carla Anderson referred to Section 1-8-7 of the Harbor Regulations which covers non-leased off-loading from Provincetown-based vessels and said that Regulations need to be modified to restrict non-lease off-loading to only one area and to limit the size of the truck(s) used for such off-loading. Mr. Ditacchio confirmed that restricting such off-loading would not put any fishermen out of business. Mr. Ditacchio discussed the complexities involved in moving vessels around during Pier construction to allow them to continue to fish and off-load. Mr. McKinsey suggested making the Regulations flexible and responsive to the needs of the Marine Superintendent and the Resident Engineer.

Mr. Bergman reviewed the history behind Section 1-8-7, stating that there used to be a movable “transient” area for off-loading. Joyce Guide confirmed that the Town does not currently charge non-lease off-loaders any fee. Carla Anderson suggested deleting Section 1-8-7 and, instead, using Section 1-8-6 to allow the necessary flexibility.

Mr. Ditacchio said he would not allow transient (non Provincetown) boats to off-load during construction. David Guertin confirmed that there will be limited access and that a trailer-truck used by the license holder will effectively block the entrance to Finger Pier #1. Mr. Ditacchio said he would call New Bedford fishermen to tell them that the Pier will not have dockage for them during construction.

Mr. Bergman emphasized that there could be a challenge to awarding the revocable-at-will license to the current lessee. David Guertin confirmed that Mr. Vinagre has been a good tenant and has shown willingness to be flexible during the construction period. Mr. McKinsey suggested writing a regulation to freeze the off-loading status quo during construction.

David Guertin said that because the leased space footprint will be decreasing, the license fee will have to decrease accordingly, though the dollars/square foot will remain approximately the same. The fee will, in fact, probably vary from month-to-month, depending on the space available. Mr. Bergman said the Board of Selectmen will need to vote to approve the proposed license.

In response to a question from Sheila LaMontagne, Mr. Ditacchio said that it could happen that a Provincetown boat loaded with fish would not have a place to off-load on the Pier, though this would be a temporary condition.

Carla Anderson moved to modify the last sentence of Section 1-8-7 of the Harbor Regulations as follows: “This off-loading may take place at an area adjacent to their float space or at an area designated by the Harbormaster.”, Mel Cote seconded and it was so voted, 5-0.

Rex McKinsey moved to recommend to the Board of Selectmen a Revocable-at-Will License Agreement, as proposed by Town Staff, as the best way of dealing with the Pier seafood off-loading situation during the Pier construction period, Sheila LaMontagne seconded, and it was so voted, 5-0.

OLD BUSINESS

- Rex McKinsey reminded the Committee that they needed to develop a list of potential improvements that could be implemented with the increased revenues from the new Pier and increased mooring fees. As an example, Rex McKinsey suggested installing floating docks in the West End Parking Lot Ramp area. Joyce Guide mentioned that the Committee needs to update the Harbor Plan with priorities each year and suggested that this would be a way to communicate potential projects to the Board of Selectmen.

The Committee discussed how they were going to proceed at the upcoming Public Hearing with the Board of Selectmen, agreeing that a prepared statement should be read at some point, including a list of potential improvements. Sheila LaMontagne suggested not raising the issue of increased fees or how the monies would be spent until someone speaks in opposition. Carla Anderson will prepare a list of improvements to be ready for reading at the Hearing.

NEW BUSINESS

- Groundbreaking Ceremony for the Pier Project will be on Monday, December 11th at 11:00 A.M., with a reception to follow at the Surf Club.

MEMBER REPORTS

- None

The next meeting is scheduled for Tuesday, December 12, 2000 at 4:00 P.M.

ADJOURNMENT

Rex McKinsey moved to adjourn at 5:35 P.M. and it was so voted unanimously.

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These minutes were approved by a vote of the Harbor Committee members at their meeting on \_\_\_\_\_,  
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Respectfully Submitted:

\_\_\_\_\_  
Harbor Committee Signature

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Title

*Rachel T. Crosby,*  
On-call secretary