



Provincetown Public Pier Corporation

Minutes

The Provincetown Public Pier Corporation Public Meeting of Tuesday January 23, 2020 in the Judge Welsh Meeting Room of Town Hall, 260 Commercial Street, Provincetown, MA 02657.

Members Present: Regina (Ginny) Binder (RB), Chair; Herbie Hintze (HH); Carlos Verde (CV); Scott Fraser (SF) by phone.

Other Attendees: Doug Boulanger (DB), Facilities Manager; Jamie Demetriou (JD), Office Manager; Don German (DG), Harbormaster.

HC: Susan Avellar.

Agenda (Discussion may ensue; votes may be taken)

Public Statements

SA: wanted to thank the Pier Corp for acknowledging Luis Ribas by naming the wave Attenuator after him. She couldn't think of a more appropriate person to dedicate it to.

Minutes of January 14, 2020 that required a roll call vote

GB: moved to approve as printed.

HH: seconded.

Voted: GB, I; HH, I; CV, I; and SF, I.

Special Agenda Items:

Discussion regarding next Stakeholder meeting and when

GB: suggested notifying and putting out as much information as possible to when it is and where and to mention it to the Shellfish Constable and to the fishermen and the aquaculture community. We want to look at the fishermen in terms of dock allocation and rates and the interest of the emerging aquaculture community.

DB: Agreed and said they are working on setting up a Stakeholders meeting to be announced that will be in the form of an open forum discussion.



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GB: The stakeholders meeting will be for dock allocation and rates for the fishing fleet and the tenants on the east side of MacMillan Pier. The interest in the stakeholders meeting is to get information.

SF: The process is for the allocation of dock space for the fishing industry that are tied to the fixed piers and the ones that are tied to the floating docks. It does not concern the people of the west side of the pier. It's primarily the tenants of the east side of the pier. One set of Stakeholders would be who would get space and how and what the priority would be based on the classes of tenants and the other would be the rates and the fees that we would be charging.

DB: Beau Gribbon did put together information Beau will forward to SF.

GB: stated she has been approached by town people who would like to be allocated dock space through commercial fishing albeit through aquaculture. she does not see that as being any less than being a commercial fisherman. She would like the Stakeholders session to include the commercial fishing fleet as it exists today and also members of the aquaculture community.

CV: He did go into the Harbor Master's office and took a look at a list of existing tenants and vessels. There is a tenant they have been chasing rent from and have been for a few years. There are a few spots that could be reallocated. There are a few vessels that are more on the recreational side that could be replaced with commercial vessels.

GB: The Blue Economy is all about the success of growing both in commercial and aquaculture from the economic engine point of view for a balanced economy.

CV: We need to make sure the applicants that do apply are a true commercial entity. It is up to the Pier Corp to do true diligence that they are true to the industry.

HH: If there are tenants that are not up to date on their fees then they should not be allowed to tie up for the upcoming season.

SF: That was a motion that was put in place five years ago. Therefore, if you didn't pay your dockage fee by 31 December 2019 they will not get dockage unless they pay their bill in full.

CV: stated current staff has been diligent in going through those that are in default and have been sending out bills.

GB: There are tenants in good standing and the tenants not in good standing are no longer tenants. Now that current staff are in place and competent, these issues will be resolved. In the past there was a lack of staffing.



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HH: Why not just send out a letter stating the tenant is in the arrears and can no longer be a tenant based on outstanding fees. Anyone who owes dockage as of 31 December 2019 will no longer be allowed to file an application.

DB: Now is the time to set the rules or bring them back up so that we are not using that grey area.

GB: There needs to be a level playing field and not have the same discussion that has gone on for years so as to confuse the tenants and staff.

CV: One thing that was discussed after the last meeting was about the definition of commercial fishing and part-time commercial and the rates that go along with the description. You either do it fulltime or not, say 80% or 90%.

SF: There are different types as follows:

Full-time commercial fishermen

Part-time commercial fishermen due to the nature of the licenses

Charter boats that operate only during the summer because of a short season

Other commercial-those not engaged in fishing but did diving, mooring inspection businesses that felt they should be put in over recreational.

HH: said he feels this is a discussion for the Stakeholders meeting.

SF: He feels it's something that needs discussion amongst the Pier Corp members first as a board to iron out. The board needs to categorize and differentiate between who has what type of business. The board needs to come up with rationale on who gets what space. The day will come when the board will have to choose between businesses because of the limited dock space.

CV: He agrees with SF that the board needs to have a discussion before having a Stakeholders session. The board needs to be prepared to answer questions and define on what the Pier Corp is looking to achieve. He feels a full-time fisherman would need a slip whereas a part-time fisherman could work off of a mooring and work off a floating dock. Charter boats depend on customers walking down to a slip and could fit into that of a full-time space. Some space could be allocated for this type of use. Recreational could be in the Marina across the way because they can accommodate internet etc.

GB: She agrees with CV and said it could be done through prioritizing such as large boat vessels, then small boat commercial vessels and then limited commercial fishermen. The



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Harbor definitions and rates need to be addressed and revised. It would be great to get the consensus through the Stakeholders session.

SF: The problem could be solved by having a policy that says the way to allocate dockage with existing tenants first is as long as they pay their bills by the date required, they will have their same space each year.

DB: He agrees the Pier Corp needs to talk and come up with ideas to present to the Stakeholders meeting.

CV: The other issue that handicaps in a way is if they were to charge fair market rate for these slips that would somewhat solve the problem itself. The problem is, there is the subsidization to the fishermen so we cannot charge fair market rates with a new facility because we need to support local fishermen.

GB: The Pier Corp are the stewards and need to make the right decisions in a positive way. In the past they did not have the right organizational parts and were dealing with dilapidated facilities.

DB: He suggested the Pier Corp come up with 3 or 4 points and set the Stakeholders meeting on February 12, 2020.

Draft housekeeping changes to Harbor Regulations

Board members discussed several sections they feel need addressing such as Annual dockage fees, transient dockage rate, commercial fishermen eligibility, federal and state licensures fee determined by lessee etc. The regulations have a lot of housekeeping corrections that will be reviewed and discussed at a later meeting.

Review of annual report for Town Meeting publication

GB: submitted the proposed report to be submitted to the Town Clerk. (attached)

PPPC Director Vacancy

SF: We could reach out to the Non-resident Tax-holders group notifying them there is a vacancy on the board to see if anyone is interested.

Harbormaster Report (See attached)

FEMA Discussion

DB: He stated to close out the floating dock project all invoices need to be finalized and paid and processed that is what they are in the middle of at present.



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GB: Monies are moving in a positive direction and thanked the team, DB, DG, JD and staff and all at the state and federal level who participated to make this project happen.

It was discussed to have a ribbon cutting in the spring to celebrate this wonderful project in honor of Luis Ribas.

CV: The funds forthcoming from FEMA are funds to be reimbursed to the Town of Provincetown who have been paying for the project all along on behalf of the PPPC.

GB: She wanted to thank the town for putting the funds out to get this project done.

SF: He said a thank you letter with pictures should be sent to David Panagore for all his efforts and instrumental input.

Office Manager Report (See attached)

GB: stated there should be a deadline in place from the contractors so the town isn't putting out funds they cannot recoup.

DB: The first initial extension was February 15th. He will check into making sure all is finalized before the date required.

Harbormaster Report

DG: The Harbor Committee hosted a public hearing to investigate the likelihood of insurance for vessels of certain classes and moorings. The hearing was delayed for further investigation and further details. The second part of their hearing was dealing with the wave mitigation situation and there were two proposals mentioned. One was to follow the protocol the Stakeholders meeting came up with in September and the second was to require all vessels of 50 gross ton or more entering the harbor or departing the harbor to go **bear steers** way from #3, the green marker at Long Point into the Harbor. There was considerable discussion and one situation mentioned was a couple on a 16 foot Boston Whaler that were swamped and they were traumatized. Later that evening the male subject experienced a defibrillation situation and was transported to CCH. After about two weeks of investigations and evaluations from his cardiologist it was decided it may have come from the trauma of them being hit by the wave from a vessel that might have been passing too close. The vessel that caused that problem was not following any protocol. They were not following the protocol approved by the Stakeholders nor were they following a protocol that was being followed by a recommendation that the Harbor Committee came up with of the **steerage way of #3 in**. The violation happened because someone didn't follow common sense procedures at sea by going too close to Long Point and cut in on the inside of #3 instead of going to the outside. Therefore, he is hoping the Harbor



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Committee will evaluate the two recommendations they are looking at from a standpoint as a result of the situation that happened to the boaters that was not because of the protocol the Stakeholders came up with it was because someone did not follow proper common sense in seamanship.

SA: The Harbor Committee met and had three regulations discussed. First one had to do with the removal of vessels off moorings; the second had to do with insurance and the last one was the wake proposal. The insurance will be a bit contentious and the wake situation as well. Bad habits are often hard to correct. Whether you are in a large vessel or a small vessel there are not many that follow the correct protocol about the #3 buoy and haven't for years. The Harbor Committee is more than likely going to review that as an element of safety. Whether it will be option one or option two safety is going to be the predominant factor in their choice.

CV: His concern from a personal standpoint, how do you patrol these situations. How do you stop going from a wake zone to a no wake zone and how does it become enforceable? Do we station someone out there and hand out tickets? We have fishing vessels that kick out wakes as well as larger pleasure boats and yachts that enter the harbor.

SA: One way to monitor it is to have a web cam.

SF: The issue of the wakes is a matter of state law. The vessel entering or departing the harbor is responsible for its wake. The Harbormaster is responsible for the enforcement of the regulations. There's no perfect solution but there should be language that says if you create damage in our harbor because of wakes we will come after you. There should be public awareness of the situation. Mariners have some personal responsibility. A sensible regulation of wakes is important.

SA: There is no quick solution at present and it will take time to educate people but it needs to be addressed. She as well as others have a working knowledge of the harbor and the point and does not position her boat right on the point because of this situation. Others are not well versed boaters, they are what is considered weekend boaters that are not aware of the wakes from other boaters. It might be a good idea to reach out to the boat rental businesses to make them aware of where to moor when at the point.

CV: You need to see both sides of the situation. There is no perfect fix but there is a middle ground and working through the problem he believes a solution could be reached.

SF: He believes the problem is caused by the bigger boats i.e. ferries or fishing boats or the larger pleasure yachts that enter the harbor. Don's or Doug's check list should mention that all tenants and passenger ferries must be made aware of their responsibility to protect small



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pleasure boaters at Long Point from their wakes. The Harbormaster's should deliver a letter to the marina's to be directed to boat owners making them aware of the wake regulations on entering and existing our harbor. The National Seashore could be contacted asking them to install a sign at Long Point making boaters aware of dangerous wakes.

GB: There are a number of avenues to get the information out to people such as putting pamphlets in guest houses etc.

DG: The Harbor Committee has a daunting decision to make and does not envy them for being put in this spot. One thing that was mentioned a few meetings ago was road traffic and parking being a problem.

He handed out a copy of the cruise ship schedule for the upcoming season.

Pier Manager Report (See attached)

Sub Committee Reports

CV: He asked if there has been any movement on the Courtesy Float reconstruction.

DB: yes, he is getting a quote from Winkler.

HH: Thanked the harbormaster for the wonderful email updates sent to the PPPC members.

GB: She has had two meetings with the newly appointed Town Manager and was quite pleased with her enthusiasm in working with the PPPC.

Adjournment at 5:59 p.m. Roll Call

GB: Motion to adjourn

HH: seconded

Voted: GB: I; HH: I; CV: I; SF: I