



Provincetown Public Pier Corporation

Minutes

The Provincetown Public Pier Corporation meeting minutes of February 13, 2020

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

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

HC: David Flattery (DF) and Elise Cozzi (EC).

John DeMatteis (JD), Deputy Harbormaster also in attendance.

Public Statements

None

Minutes of January 23, 2020

SC: Motion to approve as presented.

HH: Seconded.

Voted: Unanimously.

Job Descriptions

Slight changes were made to the job descriptions since they had not been modified since 2005. They were shared with HR through Town Hall. They will be distributed to the town website, the Banner, Mass Maritime and a few other maritime job locations.

GB: The town did not have an HR Department before and it is now fortunate there's someone to facilitate this for the Pier Corp.

DB: In the past job descriptions were advertised through the Town Clerk's Office. Going through HR it makes for a broader audience.

CV: I see things like Assisting the Harbormaster and pier duties etc. The funding for this, is this going to be coming out of the pier side or the 295 side. If the funding doesn't come through for this and the Town Manager takes over the funding for this then the Pier Corp will be underfunded for the pier employees.

DB: The 295 Budget has been approved and the Assistant Harbormasters are under this budget as well as the supervision and the MSA.

GB: DB did a great job in looking at where cuts could be made through overstaffing of shifts and how more efficient the office could be staffed with him running the department with DG and the staff now in place. He made a compelling case to FinCom that the \$238,463.00 was a number the Pier Corp could live with. Also, in the 295 Budget is the Marine Coordinator position, which has nothing to do with the seasonal jobs. Also rolled into one on the agenda is the Seasonal Employment and advertising so when do we expect to see applications coming in?

DB: Job positions have been posted and applications are due by March 20th. The operations employees will be on board by the beginning of April due to work required on the pier and then we will bring in the Assistant Harbormasters to train them by May 1st. The first ferry arrives May 16th.

SF: Could we make sure we have crane operators that have been properly trained on Cavalo.

GB: The previous Harbormaster always maintained that the cranes operated in the water don't need to be licensed. However, she strongly believes that someone should be sent to crane operating school. It would be good if, when hiring someone, they have these credentials.

CV: The licenses required are a Hydraulics License and a Fork Lift License. These are the two licenses required and you definitely need it for the water.

GB: They offer courses for approximately \$820.00 There's no better safeguard for the Pier Corp than to have OSHA Certification on what is being done.

CV: If someone is willing on going through that process it could certainly be in their best interest to be better compensated by having the licenses.

DB: That would fall under the operations side that could offer a little bump in salary. The Cavalo is considered an operations asset and part of the Pier Corp equipment.

Clean Public Appearance

EC: Did Town Counsel look at this clean public appearance because it goes way beyond the spectrum. Someone might not like a certain hairdo, someone could be wearing a Burka and this is the 21st century. It should be clarified or stricken. What does clean public appearance mean, a white shirt, and what does good moral character mean.

DB: This was not added, this has been in since 2005. He will check with HR on this.

GB: These job descriptions were written years ago before political correctness. We are not trying to tell someone to cut their hair or change their appearance. All we are trying to do is define what they are supposed to be doing.

DB: Employees are required to wear uniforms. Clean public appearance means no ripped shirts or clothing, no t-shirts, no jeans. Hair and tattoos have not been a concern but clean public appearance is because there is an image to uphold. We are a public facility.

DG: He wonders if clean public appearance was put in because we are a municipality and the Assistant Harbormasters are involved in the law and personnel aspect of their job.

SF: Why not just ask what the standards are for the police department and just use what their standards are.

DB: He will look into what the requirements are.

DF: What is the hours wage?

DB: It depends on what position they are in and what year of employment they are in.

DF: How many positions are there?

DB: There are 8 to 10 where last year there were 12 to 15. The Pier Corp was tasked to make serious cutbacks. One way to cut back on spending was to readjust schedules. Not everyone needs to come into work at 7am. Shifts could be staggered and still have appropriate coverage.

DF: So, applicants are not guaranteed 40 hours a week. The salary is basically 17+/- an hour from May to September?

DB: The season usually runs from May to September but it's all different because they have college students that leave by September. We have employees that start in May and work to October.

DF: Would you say it is a part-time job?

GB: No, it is not a part-time job. It may not be 40 hours but we have been trying to trim the fat in a way that is most productive for the Pier Corp. It may be 32 to 40 hours a week and the jobs are seasonal.

DB: Some shifts may be over 40 hours during busier times such as 4th of July.

CV: The pier is a 24/7 operation. All of those shifts, night shifts, morning shifts and day shifts never close; there are 8 to 10 to 12 employees, some might get 40 hours and some might not.

DF: So, to summarize, the pier will be staffed from May to September with coverage 7 days a week 24 hours a day with 10 people making \$17.00 to \$18.00 per hour.

DB: We have done enough math and are trying to cut back to save the town money where we can. In summary, the pier is managed with four people in the office, then there are 12 to 14 people but if we can cut back we will. In the beginning there is heavy hire but people have a tendency to quit.

DF: To summarize it for the Harbor Committee, the pier will be staffed from May to September with 24/7 coverage with seasonal employees making between \$17.00 to \$18.00 per hour.

All said that sounds reasonable.

Draft MSA

GB: She met with the Town Manager and it was agreed the MSA should be signed now that there is an HR Department.

SF: Both versions were included in the packets for review. The Town Manager asked they basically use the same agreement as used before, however, there is language in certain paragraphs that require changes. Two drafts were prepared. There's the last 2005 agreement and the current agreement. Fundamentally, the dollars have changed. The duties of the Harbormaster are outlined and are basically what they were before, as well as staff assignment and the appointment and replacement of the Harbormaster. Now there is a Harbormaster and a Pier Manager so that language was changed to reflect that organizational reality. The Harbormaster will report under the accountability of the Town Manager. The Pier Manager piece was stricken. One line removed was the Harbormaster will provide operational support to the Shellfish Constable. He does not need Marine One, the town could provide an outboard for him if need be. Very little was changed in the remaining agreement.

CV: Motion to approve the draft agreement as presented.

HH: Seconded.

Voted: Unanimously.

EC: One change is Board of Selectmen to Select Board.

GB: Thank you to Don, Doug and Scott for putting this forward.

Discussion of possible article for Town Meeting

SF: There's just one. If you go back to October 15th when the Marine Coordinator reported to duty and because there was not town budget to fund this position, the Acting Town Manager wanted the Pier Corp to continue to pay that salary because the Pier Corp had the financial flexibility to do that, so, it was done. Between October 15th and June 30th the Pier Corp laid out approximately \$45,000.00 for the 9 month period that came out of this years 295 Marine Services Budget. Therefore, the Pier Corp is short \$45,000.00. He suggests the Pier Corp propose an article for the warrant to be reimbursed for the funds given the shortfall. If Town Meeting says no we will eat it and if they say yes we will say thank you.

CV: He is in favor of this but would like to emphasize more of the short fall of the budget because it does not matter what it paid or did not pay, it is what is needed to be paid instead. If the budget is \$204,000.00 and you subtract \$45,000.00 from it, the things that would need to be purchased will not happen because of the shortfall. It's best to say funds are required to pay for x, y and z and not ask to replace a salary.

SF: He feels it's best to just say it was needed to pay for an individual salary. The bottom line is the Acting Town Manager had no budget and did not want to terminate the appointment of the person so he created a position and couldn't fund it so he turned to the Pier Corp and asked us to fund it and we said sure.

CV: The taxpayers who will be voting on this would better understand more if there was a downfall in a budget as opposed to a personnel situation. We will have a shortfall in our budget that we cannot fulfill because we had to allocate it to something else.

SF: That is not entirely correct. Being a corporation, it is not that we couldn't do something else or we didn't do something else, it's just at the end of the year we would end up with a natural loss, \$45,000.00 greater than what it could have been. Because we had an expense that we shouldn't have had to incur but we did have to incur for very legitimate good reasons and for that reason we are asking the town for reimbursement.

CV: Why don't we put this before the Town Manager's Office and let them ask for the funds because ultimately it was not up to the Pier Corp to pay for that funding so that down fall of \$45,000.00 we incurred because of the Acting Town Manager's decision.

HH: He's been hearing all over town that an extra position was created and the Pier Corp is paying for it. He does not feel the Pier Corp should be tasked with the obligation of having to pay for it.

GB: Any article we put forth for town meeting should have the blessing of the FinCom and the Selectmen in order to get on the warrant. As CV says, explain to the Town Manager that one of the vestiges of the reorganization is that we were stuck paying for two salaries and if there is any way we can be reimbursed for that we would be very grateful and see where that goes. At the same time if we spent \$45,000.00 more than we attended and we were in a budget shortfall to begin with and we were able to achieve what we wanted to then it was money well spent.

SF: It's 5% of revenues.

DB: We are paying two salaries. It was \$204,000.00 minus the \$45,000.00 then less \$32,000.00.

GB: We could explain that we couldn't fund our maintenance reserve this year because we had this additional compensation that we were required to pay and if the town would be helpful to us by replenishing our maintenance reserve that would be helpful.

HH: Motion to direct GB and SF to meet with the Town Manager, FinCom and Selectmen to present the article to Town Meeting.

CV: Seconded. Voted: Unanimously.

Office Space

Staff and Pier Corp members discussed the tightness of office space once seasonal employees come on board. At the present time there are five fulltime positions that work out of the office. There's the Pier Coordinator, Harbormaster, Office Manager, Marine Coordinator and Shellfish Constable in addition to one part-time administrative assistant two days a week. Physically there's no room to place all staff.

One solution is to utilize a trap shed or a trailer. Ideally it would be great to add a second floor to the existing building but that would require permitting so that is not for this year.

The Shellfish Constable is at the work station where the seasonal staff would be to do their paperwork. The Marine Coordinator sits where the clerical personnel would be to service the public for mooring permits, etc. One suggestion was perhaps the Shellfish Constable could do some of his work from home. Basically, there's no space.

It had been suggested that the Marine Coordinator could work out of the DPW Building or Town Hall because of the work involved with that position such as conservation work, DPW work but there's no space in those areas either.

HH: He suggested looking into the former Library. There's only one person in there.

DF: There will be a debate on which part of the personnel is not working on the pier. He believes space could be found given places such as the High School etc. the question is who will be working off site. That is the argument.

CV: The problem with the former Library is the family that donated it to the town did so with the stipulation that it be used as a Library.

SF: We need to make sure we provide as much notice of the problem and a timetable for the solution as possible.

CV: On a regular day there will be five employees and then a flex of another three or four every four hours or so.

To be reviewed and discussed with an on-site meeting with the Town Manager.

Communication Plan

GB: She took it upon herself to consider how much information the public, the pier tenants, town government and visitors don't have on all the wonderful things that do take place on the pier given the fact the town is entering into this milestone year of the Mayflower. She would like to have a robust communication strategy on what the Pier Corp does down the pier, who they are and what the pier means to the town and how the commercial fishing industry and all of the businesses on the pier are really in the DNA of our community. Therefore, she suggests hiring a publishing consultant to promote and raise awareness of this. The Pier Corp are the proud stewards of this important facility and public awareness is important in a positive way.

SF: The publishing of an Annual Report in booklet form had been discussed about three years ago. It was lost in the communication process in both the operational side and the financial side and it was never followed through with. The other thing was we committed to using Roderick's Payroll Service on doing the bookkeeping entries into Quick Books on line, and that was because we had no financial manual and, at the time, we didn't have anyone in the office competent enough to teach it. Therefore, staff made mistakes on how they accounted for things and the way they moved things around inside the accounts trying to compensate for the fact they didn't understand on where something should go.

We also had an \$80,000.00 expense about five years ago to get all the audits.

Jamie Demetriou is now generating the paperwork and Roderick's is putting the entries in. What is coming next is the writing of the book. This is how the accounts should be managed. As soon as this is over then funds will be available to do what GB suggests.

HH: Suggested reaching out to other places to get matching funds such as Economic Development, Visitor's Services Board, Community Preservation.

GB: She likes the idea of matching funds. She will contact the local individual she has in mind to come up with different options for the printing of a booklet.

CV: Motion to have GB contact this local person to come up with a proposal of different options to present to the Pier Corp for review.

SF: Seconded. Voted: 3-0-1 (HH) abstained.

Discussion and confirmation regarding upcoming public hearing to be scheduled regarding housekeeping changes to Harbor Regulations

The proposed housekeeping changes are basic changes that would require publication twice in the local Banner. The earliest a public hearing could be held would be March 4th.

Office Manager Report

See attached

JD: the write-offs were from FY20 and not 19 and were boat expenses from ages ago.

Harbormaster Report

See attached

The new Town Manager said DB will be the Liaison to the Pier Corp, the Marine Coordinator will be the Liaison to the Harbor Committee and DG will be the Liaison between the two.

Pier Manager Report

See attached

Pile Replacement Project

DB: He would like to request postponing the Spring pile replacement project and adding it to next Fall project timeline to save on mobilization costs. In doing so they can replace more piles in this one project timeline.

GB: This makes perfect sense. There's no time to get pile replacements done right now.

DB: To spend \$90,000.00 to install 17 piles when we could wait until the Fall when there will be another \$210,000.00 come July 1st would make more sense. It would be better to wait until the fall when there will be more funds to spend on the project and get the contractor down here once. There are other repairs that need addressing as well.

CV: He feels if the funds are available then spend it to fix the pier. To sit on the funds for another year in a bank account does no justice.

DB: The price of pilings has gone up, driving them in the price has gone up and then mobilization. If we install 17 piles in May as opposed to waiting until September then 60 could be put in. There are 22 fiberglass or synthetic piles in storage that could utilize. If there's more opportunity for mobilization they could put that into the contract and more could be done such as the back of the T and the finger piers.

SF: While the Pier Corp understands the costs associated with installation and waiting until September, the question is, what is broken and what risk do they run by leaving it until September.

CV: It is the focus of the Pier Corp to maintain the pier to the best of our ability and to have \$200,000.00 sitting in a bank account does absolutely nothing for the cause. Unfortunately, this is the way the previous Town Manager proceeded to go through this process, just like we will probably be eating the \$45,000.00 that was misleading on something else. I do not want to hold back on repairing because I walked down the pier and you can pull and push some of the under-pilings. Now that some of the boat owners will be moving over from the floating docks to the fixed piers and they will have vessels there, I, for one, do not want the same situation that happened with the Searcher that got stuck under the pier.

DF: What percentage of mobilization is the project?

GB: It is usually about 20%.

DB: If we only replace 17 then others will be saying if you replace such and such now then why didn't you replace mine. If funds are taken out of reserve then there's no reimbursement.

SF: If we had a list of what pilings were absolutely snapped and broken and we did the job with the \$200,000.00 that was available, then tell us also what more could we do if we held off. If we replace those for \$200,000.00 and then replace others for

\$200,000.00, what are we getting for free by paying for mobilization only once instead of twice. What other infrastructure will get attended to that wouldn't get attended to because we have to wait for another increment of money.

DG: If he understands correctly, this is a delay of only 4 to 5 months and not a whole year.

SC: For example, if the electrical infrastructure is going to cost \$100,000.00 and you will save by consolidating the two piling projects then that would work.

CV: Greenheart on \$15,000.00 with the installation is about \$5,000.00 per piling. The mobilization is 3 piles for the Greenheart.

DB: It was \$8,000.00 the last time to add one.

SF: Has any progress been made with the engineers regarding cross bracing?

DB: It was looked into and if 20 pilings were done and they added the whalers it would be four.

GB: One thing mentioned previously with the Town Manager was one of the advantages of the wave Attenuator is it's helping the augmenting in the life of the pilings. We want to make sure we don't have things snapping. If it does feel safe and we can hold off until the fall and that buys us the \$30,000.00 in mobilization then she agrees but she wants to make sure everything is ship shape.

EC: How busy are the installers and can you stall them and tell them you'll pay them July 1st?

DB: They could come back to us and say they can't touch this until June and money will have been spent on drawings and money on the bid, say \$30,000.00 on the bid process and then they say they still can't come until September. The money is also allocated to the pier infrastructure and yes, it's for fender piles, but there are other things that could use a little bit of it this year. There's the Courtesy Float and other things if we push this fender pile project. He's waiting to get a price back from Winkler on Space 7W. Winkler will hopefully be able to do it because he's going to be able to work on 7W and extend that piece if everything goes forward. Winkler says he could swing the barge around very quickly and replace the four pilings. He's working on this option.

GB: The Courtesy Float is important so please keep up posted on that.

DB: Other work being done is new breakers are being installed next week and the main switch panel for the north fixed pier. The North fixed pier is all corroded and they have had some problems. The whole entire gear needs to be switched out but for safety considerations on the pier they have ordered some new breakers for approximately \$600.00 and then labor to put them.

CV: On the electrical issues have we sourced a different electrician? This was a motion that was passed by HH previously.

DB: We could once we have a larger project that we could put out to bid. The electrician currently used is the Town Electrician. He trusts he can have them there.

HH: He feels it's a serious problem and does not want the Pier Corp to be sued and he feels it's coming because we have someone that is unlicensed working on the pier.

DB: No, we have a licensed electrician with a journeyman. The licensed electrician is the senior individual and the journeyman is the younger individual. The licensed electrician is in the vehicle and on site at all times.

CV: He suggests, regardless of work permitted, as a town facility that it be requested that the Building Inspector give a final review. We are not looking for him to signoff on something but just give us the courtesy that a review be done.

DB: It's not a favoritism with contractors, it's just been what I was given and they have known the pier for the last 20 years.

HH: It's not favoritism, that is the last thing on my mind, I just don't want the Pier Corp to be stuck with a law suit. I don't want to see that happen.

SF: If we insist that Doug get another electrician and that guy can't show up for two months or won't come when we need them, then if we go with the town electrician and get it reviewed by the town in a timely fashion as opposed to six weeks from the time then we are probably better off. We just want to get it done.

GB: Perhaps we should have a list of people in place that we can choose from.

DB: We can make our own list. What we are talking about here are small maintenance things that need fixing. If a pipe breaks at the pier and we need plumbing work done we are told to call the Town Plumber.

GB: Maybe that is good for the Pier Corp by using who the town has approved of because it removes the liability for the Pier Corp.

CV: There is a process because every year they put out bids for electrical and plumbing etc. There is an application to become a township and this particular electrician was approved as the town electrician unless you are doing something on a larger scale project then that is where the bidding process comes in.

DB: He's asked other contractors and they are too busy to take on small projects.

Director Statements

SF: Dockage allocation-he outlined objectives and changes. The process should be fair and transparent and should be consistent with the Pier Corp mission and the cost of compliance should be low. There are more applications than there's space for. The problem may get bigger because the demand is greater than the supply.

Draft outline summary is attached.

One of the issues discussed is the process and most present space holders are not interested in the process, they are only interested in the outcome. There are some space holders that believe because they have been there since day one that they are entitled to their slip until the day they die. It doesn't really matter how many times out of the year they go fishing or how many fish they land or how many hours of the year they spend fishing vs. something else they are doing it's just that they were there from the beginning so they should be there until the end.

GB: This is something that needs to be corrected.

SF: The consensus of the group is that 90% of the people belong where they are and 10% don't. Question is how do we sort out the four slips with the 10%. In the market place you use the price mechanism on who wants to buy the product and who doesn't. However, we can't do that to support the industry. The easiest way may be to say it's clear to us in our Charter we must support the Commercial Fishing Industry. It's very easy to say who is a commercial fisherman and who is a weekend guy who used to be a commercial fisherman at some point in his life. It's fairly easy to say we also know that we have to give preference to Provincetown based vessels and Truro and this would not be subjective.

GB: Outreach in public awareness and communication should state this non-existent grandfathering.

CV: SF had the best answer in a previous discussion with some of the fishermen that is; the fishermen provide the paperwork in writing on grandfather rights and the Pier Corp will review it.

SF: In looking through the files from the first allocation about 20 of the 60 slips have been there since day one. Some of which fall into the 10% category because they are not fishing like they used to. How do you make tough decisions about the 10% that ought to get out of the way to let someone else who is trying to build a business in the industry on board.

GB: She commended SF for doing a great job in trying to come up with a mandate that is fair, objective and transparent.

SF: He believes the Pier Corp should keep working on the process and implement the new application form with the new form of data requested for this year. Also, he believes the Pier Corp needs an executive session because it is a contract. A Public Hearing would be required on price increases for the coming season. Revenue is required for next year or the Pier Corp will not break even.

CV: One idea that came out of the informal meeting was to allocate one slip to the Shellfish Committee. They will pay fair market rate for the location and then the shellfish industry could use that slip to unload. The Shellfish Committee would be the tenants and they would manage the slip. Perhaps a mooring or two could be located behind the breakwater where gear could be stored. Also, the Pier Corp are bound by helping the local fishing industry by description Provincetown and Truro based but there are others from Wellfleet, Orleans etc. If you are not within our parameters then this is where the sliding scale fee could come in.

DB: The Town Manager wants to work regionally to help with the subsidies with other towns.

CV: We are not the only harbor in the area. There are other opportunities for example; Wellfleet could apply for the Wellfleet Harbor, if you are from Orleans you have Rock Harbor and down the line. We are not the only harbor in the area.

CV: Liaison to the Harbor Committee

He attended the Harbor Committee meeting and everyone spoke to the agenda. A few things on the agenda for discussion was regarding insurance and the options for 1 and 2 ferries. One open item on the agenda was continued to the next meeting and then they changed the agenda. The continuing items were no longer open for discussion at the next meeting. He could only speak on the new items during public statements on the HC agenda.

DF: Here's the good news, following Town Procedure or State Procedure seeing they were going to make changes to the Harbor Regulations, part of the process is to have a

Public Hearing. The Harbor Committee is an Advisory Committee to the Select Board. Therefore, they were gathering information just like they did for the Harbor Plan was to get input to develop a recommendation to the Select Board. They are going to make a recommendation on all the information they gathered to the Select Board and at that time you will get an opportunity to speak because the Select Board will have a Public Hearing.

CV: When you speak to process and you have 15 or 20 people in attendance that want to speak on a topic and you continue to the next meeting and then half of those people show up to the next meeting and the topic in the continuation meeting has changed, you almost have to advertise that meeting again. The document shouldn't change. It should be carried over to the next meeting to be discussed.

No further business.

Adjournment

CV: Motion to adjourn.

SF: Seconded.

Voted: Unanimously.