



Provincetown Public Pier Corporation

Minutes

The Provincetown Public Pier Corporation Public Meeting of Thursday, January 28, 2021, at 3:00pm via Teleconference.

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

Absent: None.

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

Members from the Public: Rich Wood, Noah Santos (NS), Sandy Silva (SS)

RB gaveled the session in at 3:04pm.

DB read the policy for Virtual Meetings in Provincetown Under the Executive Order Suspending Certain Provisions of the Open Meeting Law, signed March 12, 2020 by the Governor.

Agenda (Discussion may ensue, votes may be taken)

Review of Minutes

SF revised his Director's Statement on January 14, 2021.

HH made motion to approve 12/17/2020 meeting minutes made; JS seconded. Passed 5-0.

JS motion to approve 1/14/2021 meeting minutes (including SF revision of his Director's Statement) made; HH seconded. Passed 5-0.

Regarding the larger issue of money being spent over a certain amount by Board members, SF would like to have this issue made an agenda item for a future Board meeting.

Public Statements

Rich Wood: Shared a letter with the PPPC Board a few weeks ago; wants to make sure it was distributed to the Board. Although the vaccine is here, we are still in a terrible situation with regards to the pandemic, but although we put the Public Hearing on hold last year because of the pandemic, we aren't putting it on hold now.

Noah Santos: Feels that it is vital to have oysters growing and culled around the pier for the quality of the water around the pier. Courtesy Float: Timing being changed from 15 to 20 minutes; feels like that's adding more work to the Pier. Parking is being charged; feels like that is making more work for the PPPC and should just be added to the floating dock fees. The disembarkation fee seems asinine. The recreational boats are going to be charged less than they would at the Marina; doesn't make sense. The size of the vessel measurement requirements seems asinine; should just be a charge for a spot. NS will provide a fully-detailed list of his concerns to the Pier Corp prior to the February 4, 2021 Public Hearing.

JS feels that the culling of oysters in the Harbor Regulations could be clarified.

Special Agenda Items

Review Application of 1E

SS requesting the transfer of license of John Henrique to Noah Santos and Mike Winkler. DB has not yet received information on the new applicants, i.e., what the businesses are going to be, their intent, etc. SF states that, under Special Condition 7, this transfer is denied only under very specific circumstances. SS wasn't completely clear about what was needed from the PPPC. NS said that the new use will all be commercial use, more than likely a tow boat on part of it.

SF: SS has provided us with all of the information that she is required to provide us, and needs to provide us with no further information. If the potential purchasers wish to answer our questions, we would welcome that, but they are not obliged to do so. They do have to abide by the Chapter 1 terms. There are only two permitted uses: water transportation transfer, and the dockage of commercial fishing vessels. I believe that the Sea Tow is not in compliance with those two permitted uses (nor is the Center for Coastal Studies usage). We could, along with NS, and the Center, make an appeal to the DEP to have their uses permitted. NS argues that his tow boat is a commercial fishing vessel. Additionally, there is also a Special Condition that could / may necessitate, in the future, that tenants on these floating docks be transferred to other locations as needed or necessary.

HH: This isn't a contentious situation and we want to work with NS.

SS: Since we are meeting the special conditions, is the Pier Corp granting me the right to do this transfer? RB: I just want to get Board feedback prior to committing and/or voting on this transfer.

JS: I feel that SF summarized the situation well. I am ready to approve the transfer. In terms of what people do or don't do on the Pier, I feel that SF's intent wasn't to create difficulties for NS, but to give him a heads up that we will be making an effort to enforce the guidelines in the future.

CV: SS has been a customer of the Pier for many years. As far as NS, he has been a part of the Pier and the Community for a number of years. He knows the business and has experience having a Float, and understands the parameters of what can or can't be done. Mike Winkler has also worked with the Pier for a number of years, and I have no objection to him, either.

CV motion to approve the transfer of Sandy Silva's license to Noah Santos and Mike Winkler pursuant to confirmation that there are not outstanding taxes, fees, etc., for all parties involved; HH seconded. SF feels that we should have sort of certification that all of the taxes have been paid with the Town. Passed 5-0.

Discuss Process and Protocol for Upcoming Public Hearing

DB: Protocol and other supporting documents have been distributed to the Board. Need to select a follow-up date should the Public Hearing run over and need to have another meeting date. RB: The relevant paragraphs of the documents DB shared are under "Public Hearing on Proposed Regulations."

CV: Definitely feel we should focus on the Rates section.

JS: I interpret the meeting regulations as us having two paths: We can take public comment and then vote; or we can take public comments, then close the meeting, and then vote during a regular Board meeting. I have no preference either way; but there will be a lot of discussion around the rates.

RB: In favor of presenting what we have and voting for it during the session.

CV: I feel that we just lay out the information and make the decisions and vote during the hearing.

HH: Concerned that the fisherman are going to think that we will just vote however we want and their voices won't be heard. We should go into the hearing with an open mind and, if needed, carry the hearing on into another meeting.

SF: 100% in agreement with HH. If it takes longer, I have no problem with that. As a "public hearing," we should be listening, not telling. It's quite possible that we don't have things completely right in our Harbor Regulations. We shouldn't get into a debate; we are there to listen. We should be very careful, procedurally, that we do things carefully.

RB: Will probably go Article by Article, asking the public if they have any comments on that section, then moving on to the next section.

HH: Made a point of order regarding this discussion.

DB: There is an outline draft that needs to be looked at by the Board, and it has to be agreed upon by the Board.

SF: Concerned about the time constraints per speaker—it can't be limited to 1 minute.

DB: Discussed draft proposal of outline of the hearing (who speaks when, public time limits, etc.).

HH: Why is there a section in the beginning for public statements? Why are we creating more problems?

SF: We shouldn't be answering questions at the hearing, just taking comments. If their time limit is exceeded, then comments should be presented in writing and read into a subsequent meeting. We shouldn't take votes.

JS: I think that we are going to run into time constraints by having votes during the public hearing. I don't think we should respond to them. We should take our votes at another meeting. We have to have that in the outline set and distributed ahead of time.

RB: If we change anything, then we have to re-advertise the changes. SF: We don't have to do this.

CV: There are going to be a lot of heated discussions among the tenants that are coming. Time is definitely going to be a problem. The fishermen's inputs may be positive or may be negative, but all of the work that we have all done we stand by. This is going to be a better facility with the changes that we are implementing. Once we have the meeting, we should make a vote to approve the regulations. Why prolong the process?

DB: Would anybody in the Board be interested in going through a "dress rehearsal" (maybe next Tuesday afternoon). Board is all in favor.

Harbormaster Report

Information distributed prior to Board by email; not discussed live at this meeting.

Pier Manager Report

Information distributed prior to Board by email; not discussed live at this meeting.

Office Manager Report

Information distributed prior to Board by email; not discussed live at this meeting.

Directors' Statements

None.

SF made motion to adjourn at 5:01pm; HH seconded. Passed 4-0-1.

Respectfully Yours,
T. Jason Brown