



Provincetown Public Pier Corporation

Minutes

The Provincetown Public Pier Corporation Public Meeting of Thursday, February 11, 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: David Flattery, David Young.

RB gaveled the session in at 3:02pm.

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

Minutes of Work Session 3 Feb 2021 & Minutes of Public Hearing 4 Feb 2021
JS motion to approve the minutes of both meetings.; SF seconded. Passed 5-0.

Public Statements

David Flattery: I would like for the Board to reconsider the rate increases due to the Coronavirus. And that the Board wait until we can make such arguments in person.

David Young: I would also like to see a freeze on the rates and the changing of the definitions for at least two years, or at least until we get through this pandemic.

Harbor Regulation and Appendices review and Board discussion

Appendix A

JS motion to pass changes to Appendix A; CV seconded.

SF felt that we should respond and deliberate more on the public statements from the Public Hearing on February 4, 2021.

DB feels like we should go through the Articles first, in which there are still open issues.

JS withdrew his motion.

David Flattery made a point of order, as liaison to the Harbor Committee, feels that the Pier should hold off on proceeding. SF stated that a liaison he should at this meeting to listen, not talk, and that public comments are closed.

HH made a point of order—the person speaking does not have the authority to speak; and the person should be muted.

Article 1

1-1-7 “Provincetown-based Vessels”: SF: We only have a small handful of tenants who are Provincetown-based people. At the same time, the taxpayers of Provincetown have supported the Pier. Priority should go to tenants who are Provincetown-based. This won’t affect current tenants. The only change is for future contracts.

Article 3

1-3-6 “Processing...of shellfish prohibited on the Pier”: SF: A careful reading of the article states that it is to not be processed on the Pier itself, but it is okay to be done onboard vessels. JS agreed with SF’s comments on this article; noted that the tenants who are culling on their vessels at the Pier need to have State approval to do so. CV also agrees with SF and JS.

Article 7

1-7-24 “Vessel Proof of Insurance”: SF: We just want to make sure that the insurance companies being used are above board.

Article 9

1-9-5 “Fueling of Vessels”: SF: Change to “fourth slip” in Harbor Regulations instead of “second slip.”

HH motion to accept all Articles as written except 1-9-5; JS seconded. Passed 5-0.

SF to approve changing Article 1-9-5 to “fourth slip” from “second slip.” JS seconded. Passed 5-0.

SF: Responding to the concern that these increases are coming at a bad time, we acknowledge that these are coming at a difficult time. Regardless, we kept the Pier open and functional during the pandemic. Unfortunately, the natural decay of the Pier has continued. Maintenance of the Pier, much of which has already been deferred for years,

cannot stop. We are raising prices not because we want to, but because there are important projects coming up in the near term, and because maintenance has to continue.

HH: The pier comes first. We must maintain the pier, and if we have to raise prices to do so, then so be it.

JS: In agreement with SF and HH comments.

CV: As far as the staff and the staff's payroll, those have pretty much been the same for a number of years. People think we've added a lot of people to manage the Pier. We have three people: Harbormaster, Pier Manager, and Office Manager. Additionally, the summer people are essentially seasonal employees. As far as the rates, they've barely gone up through the years. I think that an increase of \$1,000 over a couple of years is really a drop in the bucket for the tenants.

Appendix A

East-Side Fixed Finger Pier Dockage: SF: We are going to charge \$65/ft. New Bedford charges \$85/year. At Sandwich, it's \$70/ft., and there is waitlist.

East-Side Floating Docks: SF: We are going to charge \$95/ft. New Bedford is \$90/ft seasonal. Sandwich is \$135/ft. seasonal. Hyannis Town is \$175-\$180/ft. seasonal. JS: Although the rate increases sound like a big jump, most of the tenants at the Pier have been enjoying well-below market rates, at the expense of the Provincetown taxpayers, for twenty years. CV: Concurs with SF. These rates weren't just created out of thin air; they are very competitive.

"Float Space License Fee, Large Vessel Passenger Surcharge, Float Space 10W Fee": RB: Recommends that we table large vessel passenger surcharge until next week until we get confirmation that we are right with this legally. JS: The letter we received in 2015 is nearly identical to our current situation. The case law cited is not appropriate to this situation. I don't feel that our Counsel needs to review the current letter when we've already been through this situation. SF: The Large Vessel surcharge hasn't changed since 2005. Recommends that we table this, out of an abundance of caution, until legal has reviewed it. HH concurs. CV: We should just vote on it.

SF: "Large Vessel Passenger Surcharge" should read "Large Vessel Surcharge."

"Beached Boat ID Permit Fee" and "Kayak Rack ID Permit Fee": RB: Should be tabled and submitted to the Select Board as a recommendation.

SF motion to table the "Beached Boat ID Permit Fee" and "Kayak Rack ID Permit Fee" pending a decision by the Harbor Committee regarding these rates, and table the "Large Vessel Passenger Surcharge" and "Passenger Embarkation Fee" sections until legal advice. JS objected to combining these items in one motion. HH seconded. Passed 4-1.

Directors' Statements

JS: Regarding the petition made by tenants to the Town Select Board, those who signed need to include their addresses. Most of them are not Provincetown residents and, therefore, not appealing to the proper authority.

HH made motion to adjourn at 4:58pm; CV seconded. Passed 5-0.

Respectfully Yours,
T. Jason Brown