



**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Room - Town Hall
Meeting Minutes of Thursday, September 27, 2012**

Members present: Lee Ash, Rich Wood, Carlos Verde and Scott Fraser.

Members absent: Ginny Binder (excused).

Other Attendees: Rex McKinsey (Pier Manager/Harbormaster) and Ellen C. Battaglini (Administrative Assistant).

Chair Lee Ash called the Public Meeting to order at 5:01 P.M.

AGENDA

Public Statements

Nancy Swanson appeared to relate her experiences squid fishing on the Pier at night. She used to enjoy it with friends and other Townies, but many squid fishers have exhibited rude behavior, which detracts from the squid fishing experience. If you walk away from your fishing spot for a minute, you're liable to lose it. Now she only fishes during the day in order to avoid this behavior.

SF: Do Recreational fishers have any objection to catch limits?

NS: Thought it was a good idea. A five gallon bucket holds plenty of squid for feeding family or for bait.

RW: Squid is not easy to clean.

LA: More discussion after Public Statements. State regulates catch. Pier trying to regulate commercial fishing activity on Pier.

CV: On the Pier the other day and there were lots of vehicles parked with out-of-state license plates. Parking issue may be way to weed out people. If they are not a Town resident, they have to park in MPL. They can transport gear back and forth to Pier.

RM: Option raised before. They could come with 10 five gallon buckets and just keep putting only one in front of them, having transported the others to MPL when full.

CV: At least Town would get money. Too convenient to let them park on Pier. Maybe denying Pier parking would add just enough inconvenience to cut down on squid fishers and Town getting some money.

LA: Not sure what solution is.

Special Agenda Items

Letter from Division of Marine Fisheries and Town Counsel regarding squid regulations (continued from 9/13/12) -

LA: Who enforces parking regulations on Pier after 5:00 P.M.?

RM: Meter officers only work during day. Only MPOs at night.

LA: Suggested MPOs regulate five-gallon-bucket limit. Parking regulations should still be enforced at night.

RM: No parking department staff on Pier at night to enforce parking regulations. Could incorporate parking into fishing policy. Traditionally artists or fishers are not charged for parking during day. Only need to stay next to vehicle. Not a regulation, only tradition. Tags for parking are for general control.

SF: Suggested getting cameras on Pier to record who is involved in squid fishing. Suggested policy of signing a log at HM Office to get a permit to fish at night. Name, address and license plate number would be given by fishers who would then be issued a tag for one five gallon bucket. MPOs would enforce. Gather statistics and records of who is out there fishing for evidence and to support PPPC position.

RM: Security cameras are coming soon. Have to have a designated fishing area per Chapter 91 license.

SF: Pier usage permit to assure Pier is being used appropriately and assure commercial fishing is not being conducted without proper licensing.

RM: Five gallon limit per person, per car?

SF: Check for proper recreational or commercial license. If they don't have a commercial fishing license, they are recreational and restricted to one five gallon bucket.

CV: Could have a system similar to shell fishing in Harbor. Pay for license and Town people get a preferred rate. License is checked by Shellfish Constable. Need to make it more difficult for out-of-town squid fishers taking large quantities of fish off Pier for free. Tenants pay a lot of money to park on Pier and squid fishers are getting it for free.

LA: Could monitor by putting staff at end of Pier to regulate access instead of going the HM Office.

RM: Not enough staff to be able to do that. Could set a time after which fishing is not allowed, like 3:00 A.M. when it is time to re-set Pier for what happens next.

RW: 95% of locals probably off Pier by 1:00 A.M.

SF: Maybe Police Department wants to assist in structuring a solution. What kind of ID are we authorized to ask people for if using Town property? If vehicle brought on Pier at night, have to register with HM Office and will be asked why you are there. Restrict vehicles after a certain time of the night and take information from people who are fishing. Can implement without a lot of staff.

LA: Point of DMF letter is that they regulate catch amount. PPPC applied a temporary measure to get a handle on situation, but objective is to get commercial fishers to pay a fee to catch squid on Pier. Has nothing to do with catch.

SF: Health regulations rules re off-loading fish for consumption being followed?

RM: Board of Health rules apply.

SF: Commercial fishers have to follow rules re refrigeration.

RM: Commercial fishermen have market to enforce those regulations. If fish are not refrigerated properly, they drive a lower price.

SF: Right to enforce trespassing on tenant vessels. PPPC should be able to regulate quantity to separate commercial from recreational fishers in order to collect money for commercial fishing.

LA: Heard from people that there is no doubt commercial fishing is occurring with squid at night.

RM: No doubt commercial fishing is occurring on Pier.

RW: Concerned about protecting local fishers, and overnight visitors to Town, and safety of tenant property. Maybe limit the number of fishers per evening or number of parking spaces available.

RM: State regulates number of lobster pots in Harbor and Town sets limits for recreational shell fishing. He will investigate further on who sets what limits.

CV: Can control the parking and when Pier is closed for safety purposes. Make it harder by forcing people to unload and then go and pay for parking every night may discourage some fishers.

RM: Town Counsel indicates a 50% chance that Pier Corp. can control the resource by mandating catch limits against DMF. If the Pier Corp. loses and DMF gets a Court injunction, in the same position as now, but PPPC could prevail and protect the resource.

SF: Gather video evidence this year and plan for controls next year to make sure commercial fishers pay for use of Pier. Build a body of evidence.

LA: Should try and come up with a solution that does not involve legal action, such as the permit idea for after-hours visitors would be easy to implement.

MPO pilot program evaluation parameters –

LA: Came up with draft survey of five questions to solicit opinions of MPO pilot program as means of evaluation. Send to tenants and general public that uses Pier. Would like to have feedback before PPPC makes any formal recommendation to Board of Selectmen re continuing the program next year.

RW: Should send survey to all tenants, trapshed artists, event producers, ferry passengers and mooring holders.

RM: Will check out Banner rates for publication of survey as a display ad.

CV: Ferry passengers may not be paying attention to what is happening on Pier as they head towards Town. Need to have opinion of people who deal directly with MPOs.

RW: Send to mooring holders to get feedback from Harbor users.

CV: Send to businesses in Lopes Square.

RM: October 11th is Annual Meeting and October 22nd is Joint Meeting with BOS. Survey should be one page with brief description of program and then five or six questions.

LA: Questions on a scale of one to five?

RM: And with space to comment.

CV: Ask how you do use the facility.

RW: And how often.

LA: How would you rate your overall experience on Pier and how would you rate overall with the MPO pilot program and the staff assigned to patrol the Pier and Harbor to start.

SF: Focus on customers and tenants this year and put a suggestion box in the HM Office next year to solicit comments.

Brief discussion and slight revision of five questions on draft survey.

RW: Is PPD trying to get feedback and are we duplicating effort?

RM: Don't know. Did mention to BOS that PPPC has Public Hearing coming up and would discuss ways of evaluating program. BOS are hoping that PPPC would have recommendation at the Joint Meeting and wrap up the MPO program before going into budget season.

LA: Important to get feedback before making recommendation.

RW: Recommend keep moving forward with MPO program and make adjustments as needed. A lot of training of MPOs had to take place before up to speed on things. There were some problems in the beginning and less so next year hopefully.

LA: Could MPO program be part of negotiation with Town next year?

SF: What is RM's opinion of the MPOs?

RM: Continuing with the project in an effort to work out some issues that need to be addressed. In process of Public Hearing and staff assisting in preparations for Joint Meeting with the BOS, his views will become clear.

SF: Make same decision if you knew then what you know now?

RM: Some issues with HM Office being left unstaffed need to be fixed. Pier runs with HM Office always staffed in summer. Now there are periods that it's not staffed, including early in the morning. It's a scheduling issue.

SF: Public safety enhanced with MPOs on Pier?

RM: Yes.

SF: Did it enhance or smooth the flow of pedestrian and vehicular traffic?

RM: No. There is already a plan for that. Status quo was maintained.

RW: Things didn't go negative.

RM: Helped with pollution control.

SF: Oil around the Pier?

RM: Yes. A number of tenants flagrantly discharge bilges in middle of Pier and wait for HM staff to do something about it. Now Coast Guard is called when it happens and citations were written this year. It has helped the problem.

LA: Good to get ferry owners feedback.

RM: Indicate at the bottom of the survey where further or more comments could be made.

CV: MPO was supposed to help with enforcement at Pier and to free up money for maintenance so a question should deal with maintenance issues on the Pier.

RW: Like rating level of maintenance on Pier this year.

SF: Or about the state of facility. Has the standard maintained? Or has it deteriorated?

LA: Curious as to how much money PPPC has saved.

RM: Based his savings calculations on MPOs working identical shifts as previous HM staff. Didn't recall PPPC would pay for fall coverage of MPOs. PPD seasonal only run to September 8th.

RW: All discussions included needing MPOs into the fall. His understanding was that the vote to keep the MPOs into the fall would have Town paying their wages, not PPPC.

RM: Agreed.

RW: Who is paying the MPOs now?

RM: PPPC is paying. Chief didn't have it in budget because it is after PPD seasonals depart.

LA: How were the calculations made?

RM: Based on HM season, not PPD season.

RW: Will compare HM hours this summer v. last summer based on Excel spreadsheet sent out by Ellen. Figure out differential and come up with an approximation of savings.
LA: Need that information before next meeting.
RW: Should PPC coordinate with PPD re feedback before Joint Meeting with BOS?
LA: RM can communicate with Town Manager and PPD about that.
RM: Will send draft of survey before it goes out.

Review Minutes

A motion was made to approve the minutes of the Public Meeting on 09/13/12 as written.

Motion: Carlos Verde **2nd:** Scott Fraser

Vote:

Yes: 4 **No:** 0 **A:** 0

Motion Passes.

Directors' Statements

Scott Fraser: Thanks to Ellen for thorough minutes of his financial presentation.

Rich Wood: Good suggestions and thoughts in Scott's financial presentation at last meeting. Four or five suggestions that will need decisions by Board. Hopes that SF will remind the Board that decisions need to be made.

Carlos Verde: None.

Lee Ash: Had discussion with Shirl, trapshed artist, who is putting together a program about her life and experiences on the Pier this summer. Wants to share with the Board. Hopes to get evaluations from trapshed artists about program.

Pier Manager's Report

Mass. Bays Project Grant –BOS approved Mass. Bays Project grant application for \$20,000, with a \$6,000 local match coming from Harbor Access Gift Fund that could be offset by in-kind staff time, for comprehensive beach management and natural resources plan. Goal is to create a policy document that has implementation schedules built into it, vetted by scientists and public, which creates a plan to address management of all aspects of beach processes, including dredging, sediment transport, beach nourishment, bacteria and stormwater run-off. And to work on building up natural resources to better protect Town. Asking for a letter of support from Board.

A motion was made to have the Chair send a letter of support for the Town's grant application to Mass. Bays for money to fund a comprehensive beach management and natural resources plan.

Motion: Rich Wood **2nd:** Carlos Verde

Vote:

Yes: 4 **No:** 0 **A:** 0

Motion Passes.

Administrative Assistant Position – Ellen has been hired by the Department of Community Development. Good opportunity to review the Administrative Assistant position. Opening advertised until October 18th.

Mass. Department of Transportation – State-side meetings occurring to discuss future of transportation infrastructure on October 25th in Hyannis. Want feedback about designing the future of the State's transportation infrastructure. PPPC has a number of issues and will join with Chamber of Commerce, PBG and other entities to voice Town needs. Would welcome suggestions from Board.

New Business

Discussion of Life Rings on MacMillan Pier (BOS Request) – Paul Tasha mentioned need for life rings on Pier to BOS and New Station Commander of Coast Guard, Chief Harper, also suggested life rings along the Pier. RM thinks people would remove them for souvenirs. CV suggested alarming boxes to deter theft. Good idea and a public safety issue. RW agrees that something has to be done. He has suggested railings on the west side of the Pier. SF asked if inflatable rings available. RW will research life ring technology. Need to have a ring, throw rope and strobe. SF suggested contacting CG Station Commander for his knowledge of life ring technology.

Directors' Statements

Carlos Verde: Several boats broke moorings in recent storm when wind was not that strong. People need to check their gear. Suggested sending a letter to mooring holders about checking gear. Is PPPC still negotiating with the Hindu? RM replied that the new owners will send a proposal and had visited Pier recently.

Working Group Reports

CIP Maintenance Plan – RM reviewed. Made adjustments in numbers for equipment on page 2 of draft Maintenance Plan. Wanted to review before winter preparation. Ask SF if things in CIP were in regular maintenance budget. Things in plan that would be covered by annual budget for maintenance, such as boats.

SF suggests only one maintenance budget that fulfills PPPC responsibility for maintaining Pier. Can be a reserve for capital improvements for things like floating docks or unforeseeable storm damage. On-going maintenance to Pier itself is a maintenance budget. Suggested being conservative and when pilings are replaced, they are expensed. Is there anything in Plan that should be capitalized as an expense?

CV mentioned poor condition of the transportation dock.

SF says conversation with Town should establish if PPPC's job is to maintain existing infrastructure or expand infrastructure. Thinks figure for transportation dock is low.

LA asked about trapsheds costs in two separate years.

SF suggested a maintenance budget and a budget for capital items, such as trapsheds. Trapshed figure is capital item, not a maintenance issue. Capital budget would buy items that last more than a year and could have its own P&L. Each year should show depreciation and maintenance as an expense and rental revenue as income. Figure out if the expense is justified by how much revenue is generated. Enable examination and justification of initial expenditure. Should justify new capital expenditures. Recommend having a maintenance budget based on sustainable operations for maintaining what exists and a capital budget for adding physical facilities to what already exists. Should think about the \$50,000 put away every year as a capital budget, not a maintenance budget.

RM explained that Town is doing budgeting process differently. In past, annual budgets dealt with first and then capital improvement budgets are addressed as a five-year rolling projection by department heads. PPPC budget can be broken out in sections, such as annual maintenance line items, capital improvements and extraordinary expenses.

SF would recommend two documents. CIP Plan is what the PPPC needs to spend to fulfill the responsibility to maintain Pier. Also anticipate capital items, such as replacements of major components or additions to the Pier that should generate revenue for the Pier. Capital budget could be deferrable if money is not available. Floating docks ought to be in the capital budget, not maintenance budget. Can negotiate with Town about who will pay for capital improvements. Will Pier save money and build up an account or the Town can look at the capital budget and decide how to finance it. Pier is a Town asset and additions add value to Town property. PPPC is just property manager. Recommends sending CIP plan to the auditor to determine if there are any other items to be capitalized.

RM says he and RW and Luis will get together to refine CIP plan and review costs.

RW wants update on heat trace system and winter removal option for floating docks at a subsequent meeting.

Directors' Statements

Lee Ash: Very clear re situation at Captain Jack's that HM staff was not to do work for them. RM explained that Flyer's has taken over the project and asked for help to pick up the gangway so they can put the float back under it. That was a policy decision based on previous discussions and HM staff is not allowed to work for private entities. RM to check with the Town Manager to confirm.

Motion to adjourn @ 7:15 P.M.

Motion: Rich Wood **2nd:** Carlos Verde

Vote:

Yes: 4 **No:** 0

Motion Passes.

Respectfully submitted,
Ellen C. Battaglini
PPPC Administrative Assistant

Lee Ash, Chair