
From: Lowery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=37AC86189BD14AD3A9A53C84798BF083-ANLOWERY]
Sent: Mon 1/10/2022 3:27:46 PM (UTC-05:00)
To: Hall, James [REDACTED] Fox, Charles [REDACTED]
Subject: FW: [External] Time sensitive questions concerning Niagara's 2022 sailing season
Attachment: Sabatni Letter to Lowery concerning Niagara 2022 sailing season (12-8-21).pdf

From: Lowery, Andrea
Sent: Thursday, December 9, 2021 10:29 AM
To: Pollman, Howard <[REDACTED]>
Subject: FW: [External] Time sensitive questions concerning Niagara's 2022 sailing season

From: William Sabatini <[REDACTED]>
Sent: Wednesday, December 8, 2021 5:00 PM
To: Lowery, Andrea <[REDACTED]>
Subject: [External] Time sensitive questions concerning Niagara's 2022 sailing season

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Andrea,

Please see the attached letter.

Please confirm receipt of this email.

Best Regards,

William Sabatini
Executive Director
Fleet Captain
Flagship Niagara League
508-930-9519 Cell
[REDACTED]
www.sailfni.org

2015 Tall Ships® America Sail Training Program of the Year

Andrea,

There seems to be miscommunication that I need you to clarify concerning the 2022 sailing season of Niagara. I am contacting you directly to avoid any additional miscommunication in the chain of command. On October 26th, 2021 we submitted the management plan in accordance with the current management agreement, which is still in force and does not have an expiration date. Joe Lengieza (Deputy Director of the League and responsible for ports and trainees) and Rebecca Grimaldi (Director of Development/Tall Ships Erie Co-Chair) and I met with Jim Hall to discuss Tall Ships Erie on October 29th, 2021. This meeting was held in person in Jim's office to ensure clear communication. In this meeting he stated that there was no reason why we should not sign the contract with Tall Ships America and to start the planning process for Tall Ships Erie.

During this meeting, we discussed the management plan as well. Jim approved the management plan and gave us the go ahead to sign contracts for trainee programs on Niagara as stated in the management plan he had in his hands at that time. He also gave us the go ahead to sign port contracts for Niagara and take part in the Tall Ships Challenge and seemed excited about Niagara sailing as far as Duluth, MN.

- Later that same day, October 29th, 2021, Joe emailed Jim to confirm that he will be going forward with contract for ports and trainees. I responded to that email to add what was going on concerning Tall Ships Erie and copied Charlie Fox so that he would be aware of program activity.

- On November 4th, 2021, Rebecca Grimaldi sent an email to Howard Pollman and Jim Hall about a press release we were planning on sending out. Because it dealt with shipyard and the 2022 Niagara sailing season, we felt it was best to get approval from Howard and Jim. This email referenced Jim's approval of the management plan. Both Howard and Jim responded to this email that the press release looked good except for some logo changes that Howard wanted to make. The email communication between the three individuals clearly stated it was the League's intention to distribute the press release immediately to the media, and to our community and sailing partners to address frequent and urgent requests for information.

- On November 16th, 2021 the first Tall Ships Erie 2022 Committee meeting was held with Jim present. We discussed the event and Niagara's sailing in that meeting. Jim was engaged in the conversation and at no time indicated that Niagara may not be sailing next year.

- On November 17th, 2021, during a FNL executive committee meeting we discussed the management plan, and that Niagara will be returning to full operations in 2022. Jim was present at that meeting and said nothing to contradict that statement.

- On November 19th, 2021, Rebecca emailed Jim our annual appeal letter prior to mailing and asked if he had any questions about it. He did not reply thereby indicating he did not have any questions. This letter stated in part that Niagara will return to her normal sailing schedule sailing in all 5 Great Lakes as part of the Tall Ships Challenge 2022.

On December 4th, 2021, however, Jim sent an email to Captain Cusson in response to a volunteer newsletter article that Chris contributes to. In this email he states:

“Ahoy, Cap’n Chris!

I read through this latest *Scuttlebutt* volunteer newsletter before sending it out for general circulation & I’d like to request an edit before we send it out.

The following paragraph is copied from your “Captain’s Log” feature:

I am happy to share that it was recently announced by the Pennsylvania Historical & Museum Commission (PHMC) and the Flagship Niagara League (FNL) that *Niagara* will sail next summer and participate as part of the Great Lakes Tall Ship Challenge. *Niagara* will conduct its award-winning Sail Training Programs next summer and provide powerful and impactful experiences for trainees once again. Summer of 2022 will see *Niagara* return to sailing as the Flagship of Pennsylvania and as an ambassador of Pennsylvania and Erie as part of the Great Lakes Tall Ships Challenge Series of festivals. During the last Tall Ships Challenge in 2019, *Niagara* had over 80,000 people tour the ship during festivals and was able to share its story to hundreds of thousands of people who were visitors of the festivals. When in Erie, *Niagara* will be open for tours and will also conduct day sails to share the experience with visitors to Erie.

It would appear to a reader that the PHMC is implicitly committing to the Brig’s participation in the Tall Ships Challenge/Sail Training Program this coming summer. That commitment has been made only by the League on their own behalf.

I would much prefer that the message delivered here would be more along the lines of “discussions with PHMC on next year’s sailing schedule are expected to begin shortly ...” or words to that effect as – let’s face it – **this contractual associate agreement between PHMC & FNL needs to get sorted out & finalized before we’re going to declare (or imply) our joint participation in or sponsorship of any given event or undertaking involving the Brig and/or the contractual obligations between our two organizations.**

I don’t want to bog down a “positive message” about the Niagara getting back on the water in legalese but I am also quite consciously guarded when it comes to publicizing a narrative that “I” (in the sense of my representation of PHMC in this case) don’t think reflects the reality of current conditions. So – I would suggest either a rewording to reflect the current indefinite status of when, where, and under what circumstances the Brig Niagara will be sailing this year OR strike the paragraph altogether & choose a different approach to reflect what IS known about the Brig’s status upon return from ship yard (i.e., that it WILL be once again available for public visitation & interpretation).

I’m sorry to have to delay the distribution of what is already a “late” edition of *Scuttlebutt* but I also don’t want to send out what may be construed by anyone now or in the future that PHMC has acquiesced to what is described in the submitted paragraph copied above regarding the Brig participating in the Great Lakes Tall Ships Challenge and/or the FNL Sail Training Programs.

While those undertakings may indeed occur this summer, they will need to happen under a contractual agreement which has yet to be negotiated and approved by both PHMC & FNL.

Thanks for your understanding & again, I apologize for the further delay – regards, JIM”

Due to the in person meeting to ensure clear communication, two confirmation emails with Charlie copied, approval of the press release by Howard and Jim, a Tall Ships Erie meeting with 19 people present, executive committee meeting discussions, and an email concerning the annual appeal we believe that we had covered all the bases we needed to ensure that there was no misunderstanding concerning Niagara’s 2022 sailing season. As you can imagine, this email from Jim suggesting otherwise came as a surprise to us.

The planning for the 2022 season is well underway and cannot be put on hold. In a different conversation with Jim he stated that PHMC cannot discuss any contractual arrangement with FNL until the ship gets back because FNL would not get reimbursed for shipyard once those discussions started. The final milestone invoice will not be sent out until the end of December which means that payment would most likely not be received until sometime in March. Contrary to Jim’s assertion that FNL “walked away from the table” we have actively been trying to discuss our contractual relationship with PHMC since April of 2021. We don’t understand why having those discussions would not allow reimbursements to be made indeed, correspondence from PHMC’s legal team to our attorney makes no such claim, but rather simply states that negotiations will not begin until sometime after Niagara has returned from shipyard. Jim has offered to look into that multiple times but we have heard nothing.

The management agreement is still in force and part of that management agreement is for FNL to operate Niagara, which is what FNL intends to do in 2022. With what happened in the Spring of 2021 we would like to hear directly from you, so we know exactly what the future holds for Niagara and the Flagship Niagara League. If you could answer the following questions this will clarify our relationship:

- Does the Commission intend to stop providing funding to FNL for Niagara operation, maintenance, preservation, and protection as part of the Management Agreement in 2022?

- Does the Commission intend to terminate the Management Agreement with FNL?

- What are Commission’s intentions for the 2022 sailing season for Niagara?

- Does the Commission intend to allow either Niagara or the Erie Maritime Museum to participate in Tall Ships Erie 2022?

I am happy to discuss this with you over the phone, on a video call or I am willing to come to Harrisburg to discuss this with you in person. I request the courtesy of a reply by midday Friday December 10th, 2021 as I will be in Cleveland on Monday for the launch of the ship and will be in command for the transit from Cleveland to Erie on Tuesday and Wednesday.

Best Regards,

William Sabatini