

Provincetown Public Pier Corporation

Judge Welsh Hearing Room

November 16, 2006

4:00 p.m.

Members attending: Kerry Adams, Lee Ash (arr. 4:05 p.m.),
Leonard Clingham, George Hitchcock,
and Phil Tarvers.

Members absent: none

Staff: Rex McKinsey

The meeting was called to order promptly at 4:00 p.m.

Agenda:

Annual Hearing for Public Comments:

No one was in attendance for this portion of the meeting.

Special Agenda Items

Discuss upcoming items for Board of Selectmen (BoS) joint meeting.

December 11th will be the date of the joint meeting.

Rex will present a recap of what has been done; a first quarter report and he may have the audit of last year's book. First quarter states what they did last summer. Rex said we also want to give them an idea on where we think we are going.

Rex continued, we also want to ask some questions on where they'd like us to go and give them suggestions on where we'd like to go. He will also present information on the Estuary Grant. He will get the information on this grant on November 30. Grants mean a revenue stream to us. Rex has a question for the BoS about boats on the beach and what the BoS wants to do about them. He also has thoughts about making the harbor a no-drag area. Bay scallops are starting to come back and if they get to a point where people come in and drag for them, this will put an end to their come back. Rex would like to know what kinds of questions any of you might have about the mooring regs and fees.

Lee said that two things occurred to her. There's an opportunity to talk about the design flaws of the pier and to continue the conversation that was started last time on the retail aspects of the pier. Those are two prominent things open for discussion.

Len Clingham wondered how we can include the pier in the streetscape being planned for Commercial Street and how we fit in with that. The secretary suggested any interested members in the streetscape could attend a presentation planned for 6:30p on Tuesday, November 28th at the FAWC.

Kerry Adams suggest that another valid topic for the meeting would be to make everyone aware of the

things that are going on down at the pier, i.e., improved lights, etc.

Rex will write something up for the group so that they could look into the wastewater project. Len also wanted information on the wave attenuator and an update on damage to the pier from the storm. (Rex said the damage was minimal.) He just lost a couple of pilings because of age. He's making it into an emergency request. When the floats from the Whydah came up on our pier, they also broke two pilings. They were put in about 5 years ago. Rex is getting a grant to change the pilings on the finger piers. The fixed finger piers are old and we're going after grants. After the storm happened Rex found broken fender piles. They wear down at the bottom of the pilings. They have since been cut up and disposed of by the DPW. The damage from bore worms is extensive and all the way through the core.

George H asked what criteria is needed to put these in. He suggested asking David Guertin to advise. There are between 150 and 200 of these pilings that are subject to bore worms.

Phil T. wants to see if this is a constant worry – and maybe when we install new pilings they should have copper around the mud lines. Len wondered if we can salvage the pilings that are there? Lee asked if we can save the bottom sections? Phil suggested that someone should look at the contract and see just what it says. The former pier that this one replaced was eaten away by worms and it was here for 30 years! The rest of the pilings under the pier are steel. George said, "Let's see who is responsible for it." Rex said you're looking at a lot of money per piling and it needs more investigation. Phil says he thinks the base should be put in concrete and because they are fender pilings, we are limited in what we can do.

Phil said, "We should be starting a testing program to see if this is what we bought." This is a very important issue. Lee says the BoS should be notified. George would like someone other than AGM to evaluate the problem since they were the company engaged to do the work.

Rex will try to get insurance coverage for the damage; he reported it to the Whydah. Lee wants to know if Rex had anything in writing regarding the gangway, etc.

Phil said – obviously the concrete from our pier – gave way. Should there be some specs that we should look at. What if a concrete gangway gave way while people were going on a whale watch? George assured the group that people can't sue a Town. Do we dictate to the float owners that these gangways have to be secured in a way that we find acceptable? Lee said that we should have a set of standards. Phil said if whale watch trips start at 1:00 p.m., at 12:45p all the people are going down to the boats at the same time and this would put a tremendous strain on any gangway.

Rex felt that if the corporation specifies standards - then if anything fails - it will be our fault. George suggested, "Instead of that why don't we get observations from the boat owners?" Kerry said, "If you do write a letter then you should suggest that they look into ways to secure the entrances." Len doesn't want to make this our problem but he feels the safe way is to put the onus on the boat owners.

Rex suggested starting the letter by saying this has happened and we'd like to know how your gangway is secured and how it is tested, etc.

Motion: Rex and John will collaborate and write a letter to the boat owners.

Motion: Kerry Adams Seconded: Lee Ash Vote: 5-0-0.

Discussion of Retail on the Pier

George said that in May they asked for an opinion of town counsel. George felt that this says we have to go under the same Chapter 91 license. When Lee was chair there were subtenants who had applied and we were trying to clarify to our tenants what people's responsibilities were. She doesn't want to recreate the wheel but just wants clarification. We'd get more information on a 10W but Phil thinks it's 100 percent wrong.

Commercial fishing has always been allowed. Len wants this on the agenda for the next meeting and asked Rex to send out the information as soon as he gets it from the lawyer; Phil wants spec 5 and 6 attached as well.

George would encourage us to start on a policy for businesses allowed on the pier. Sandy Silva came in with a list of things she might be interested in having for sale on the pier, i.e., ATM machines, bottled water, theater tickets, etc. We certainly have to have rules. Kerry asked if there might be something in chapter 91 to state what kinds of businesses can be allowed on the pier? Chris Snow rattled Kerry's cage at the town meeting about shaved ice for sale on the pier. George said the whole thing started by allowing people who had floats to sell related things on the pier i.e., caps, shirts, etc.

Lee asked, "Are we having a discussion on retail?" She continued stating that the other way to think about retail and what's allowed is in broader categories i.e., marine related businesses which might be a place to start. She would argue that there would be quite a few marine related services instead of us trying to recreate Commercial St.

Len said that if you start listing things you are always going to leave something out. He'd rather listen to proposals and make decisions on that. That's his way of looking at it..... he'd rather respond to each proposal. Phil asked, "How are we going to make money?" We charge \$500 a month if anyone wants to go into a booth that's already there. "Does anyone ever foresee that there may be a restaurant down there?" "Can the sewerage handle this? It would have to be analyzed after a proposal is presented." Lee asked, "So how do we develop ways to make money, especially if we give the booths over to our tenants." We can eliminate opportunities for the Pier Corp to make money or could we bring in more revenue? Kerry said there should be a fee for those people who are subletting. Kerry asked – as a landlord do we want to make space for a restaurant or an art gallery - or what? Do we become a landlord and put up buildings and try to rent them? Phil said - instead of having these booths – do we build the building and rent it – or what – do we have room for it – and is it permitted? Phil says it doesn't say anything about commercial based on 1989.

George wondered if we don't have to discuss the commercial? Phil said that if someone wants to rent out their booth, we've almost set a precedent. Are we ceding control to the booth owners as sub-renters? But the booth owners will be here at our door in April and there were no objections before. George still hammering away said, "When do we start working on our policies here?"

Lee kept dwelling on fairness. Bring in booths and rent tables on certain days from the pier for income. But something beyond that may be flexible. People could rent them on Saturdays; the proposal involved loads of conjecture. Len said one issue is that people have booths and what can they do with it and do we get into encouraging proposals? - all these are separate issues. Len says they are related issues. There's a lot more that can be done for the pier than we are doing and we may be short changing ourselves.

Phil said that one of the first areas of business would be in fish, lobsters, etc. He was all for it and would love to have fish that was brought in that very day. Not call it a fish market but a marketplace. Maybe we can entice someone else to do it. You can make a lot of money just filleting fish for an amount. Do we get a dealer to make us an offer? We would only need refrigeration and keep it out of the sun. George said it's more than just a small booth and what about the waste from cleaning the fish? Seagulls were suggested as a means of handling the waste!

Len suggested putting a notice in the paper asking for interested parties to respond to the pier corp and then you'd get an idea of interest. If we just say marketplace – Len said we have to make it more inclusive, i.e., seeking interesting ideas from anyone. If we can establish that there's some interest then we can pursue licenses needed, etc. Phil cautioned that the fishermen are terrible business people and for the good of the pier and the town, we should have a meeting with them and encourage them. We have a day boat fleet and that's the best kind to have to deal with.

A fellow from the audience suggested a rotating marketplace and perhaps the Banner could be talked into doing a bit of a story on this. Len's frustration is that we never do anything and an article in the paper appears. Phil suggested the possibility for a revenue stream from some kind of promoter to hold concerts, dances, etc. Would there be a place where the public can't go beyond? Len said it's a public space and we're looking for music for the pier. Is anyone out there interested in this? Our role is to look into possibilities..... Lee likes the word "rotating." Phil says we, as a board, have been charged with getting income from the pier. Len shares Phil's frustration. George would like to see it in a Boston paper and not only the local ones. There's never a good proposal to encompass income streams. Phil says that's where the money would be coming in. Kerry needs to find out what it will take to put a building on the pier. George said that any proposal over \$50K will have to get to town meeting, so to build a building ourselves might be impossible.

Rex said - regarding a restricted event - so if we can get a building out there and then we can rent to a promoter. Rex wants a rate structure for smaller events for weddings or reunions or whatever. Doing something that would include drinks, food, etc.; we just need to get people interested. Len says we have been discussing this since he's been on the board, harking back to his ad in the paper. Phil said, "We're not fighting your proposal, but if someone wanted to come in and have a lobster bake for ten Saturdays how would we respond?" There about seven or eight people on Cape Cod who would do this.

George says he would like to have events but what does that get us? Rex said that we got a lot of good will from allowing the pier to be used for charitable purposes. George said BUT how do we get paid? Kerry said why don't we get an article in the paper like Len suggested?

Motion: Instruct the staff to insert an ad in both the Provincetown Banner and the Cape Cod Times soliciting proposals for commercial ventures on MacMillan Pier, venues i.e., farmer's market, musicals, clam bakes, and we'd like proposals submitted by _____, 07.

Motion: Phil Tarvers Seconded: Kerry Adams Vote: 5-0-0.

(Before the ad is inserted, Rex will make a draft, send it out to everyone, and encourage their feedback.)

Pier Manager Report:

We only have \$300 from cruise ships. Len wants to know why we don't have more. Rex said that he is working with the town and Bill Schneider and Rex thinks it will be more valuable to pursue this

avenue. Phil said he heard that the Town complained to someone about sewerage dumping and then the cruise ships stopped coming. Another "story" was that restaurants refused to open early to accommodate them. Len said that people have to work together. The Town is very deficient in this area. Rex said he heard one of the cruise ships went out of business. In order to get them to come we have to give them free dockage and provide entertainment, etc. Rex projected that we need a 3 year relationship with cruise ships - and - after allowing them to dock for free, then we can start charging them.

Lee wanted to go over the budget and wants more detail about storm related damages. Explanations on what is left over from the last budget. M1 and M2 expenses – are these being reimbursed? She felt that M2 is a high number. She also wanted details on the pump out boat and the cost to have it emptied. Eventually the amount is refunded. Pier equipment purchases? i.e., pressure washer, scaffold, etc. Kerry asked – relative to vessels..... some owed money and some were written off - the bad debts amounts and he asked Rex, do you have a sense on what is outstanding in debts? Phil questioned transient non commercial. Did we not project the 10W to pay off the whole debt? There was a lot of technical financial talk. Phil then asked technical questions about the size of boats that the pier can accommodate.

New Business:

Phil wanted to know if there's any way we can lighten Rex's load so that he can spend a lot more time on this pier. If this pier is going to become financially viable to the Town – we need either a marketing person – or facility event coordinator. Someone who would be sitting here along with Rex and we'd like to think about it and Phil would like to see it on the agenda for the next meeting. Louise has been on for over 6 months and Rex has had a lot taken off his plate. Phil feels the pier needs a marketing director.

The group adjourned gleefully at 6:05 p.m. by a motion that was made, seconded and voted on unanimously.

Respectfully submitted,
Evelyn Gaudiano
E. Rogers Gaudiano

Approved by _____ **on** _____, 2006.
Leonard Clingham, Chair