

**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Hearing Room
Meeting Minutes of
Monday December 28, 2006**

Present: Len Clingham (Chair), George Hitchcock (Vice Chair), Kerry Adams, Lee Ash and Phil Tarvers

Other Attendees: Rex McKinsey (Harbormaster), John Davidson (Administrative Assistant)

Meeting called to order @ 4:07 by Len Clingham, Chair

Public Statements

Keith Amato here as a hopeful candidate of the Harbor committee and as an interested citizen.

Review Minutes

A motion was made to accept the minutes of 11/16/06.

Motion: George Hitchcock **Second:** Kerry Adams **Y:** 4 **N:** 0

Motion Passes

A motion was made to accept the minutes of 12/11/06.

Motion: Kerry Adams **Second:** George Hitchcock **Y:** 3 **N:** 0
A:1

Motion Passes

Directors Statements

George Hitchcock: Contacted by a local restaurant owner who asked how does one go about getting a restaurant built on the pier. To be discussed later.

Phil Tarvers: Apologized for his absence from the prior meeting.

Kerry Adams: Reserve for comments later.

Lee Ash: Kudos to staff for preparing a nice report for the BoS meeting

Len Clingham: Thanks to staff as well for putting together the presentation for the BoS and that the selectmen's response were most pleasing. Went to Boston (DEP) with Rex and will leave the rest for later discussion.

Review Minutes (Missed one)

A motion was made to accept the minutes of 10/28/06.

Motion: Phil Tarvers **Second:** Lee Ash **Y:** 4 **N:** 0

Motion Passes

Pier Manager Report

Harbor Guide Update Overview: Part of VSB Grant request.

A general discussion followed. Cost details need to be worked out as well as charging vendors/business to be listed.

Lee Ash: Doesn't want to pay for advertising for other companies

Kerry Adams: What would the cost be to add one panel to the map and offer spaces to harbor front business to advertise?

George Hitchcock: Rather than add a panel we could change the existing format.

Rex McKinsey: Looking for input from directors Will be writing a grant request from the VSB to produce the guide and would like it voted upon at the next meeting. This is to be handed out to boaters and other at the pier.

Meeting with Historic Ports Initiative (Kitchen and candy).

Explained the package to board. Additional money for our existing ferry companies to expand service into shoulder season.

Phil Tarver: Back to harbor guide. Why not leave it with the Tourism Board.

Len Clingham: Agrees with Phil that the guide should be left with the tourism board.

Rex will do financial research on the guide and report back in two weeks.

New Business

None

Discussion of Retail on the Pier

Rex McKinsey: Presented staff findings

- Potential conflicts between Lease and Town By-laws
- Chapter 91 and it's affect on the programs
-

Spoke with Doug Taylor in regards to the by-laws mentioned in the discussion and his response was that we are not required to seek any special permits.

PPPC Lease- allows for Pier Corp to set rates (after a public hearing) for any uses of the pier as stated in Sec. 1(c)(iii) regarding setting rates, issuing existing permits and licenses, etc. Additionally, Section 25(a) states that:

‘ . . . Tenant shall have the right, *without Landlord's consent* to (i) sublease a portion of the space on MacMillan Pier to retail vendors, and (ii) sanction and license special events on the MacMillan Pier which have a duration of one year or less. . . .’ (*Emphasis added*)

Len Clingham: Presented an overview of the legal issues that the PPPC must work within. Lease Agreement w/ Town, Town Owns PPPC. Enabling legislation gives us a lot of latitude. Both have restrictions. Main issues with ch91 license restrictions. Explained reason for trip to Boston. Helpful points from meeting was the DEP's willingness to be flexible.

In regards to the town are we subject to town's by-laws or other town boards. Current BoS say yes. Our ch91 will

need to be amended in technical ways to enable us to move forward in the retail area.

Lee Ash: As we approach things in the future, given the changes in the town's leadership that is coming, we need to present ourselves as an allied force. In regards to current proposals being brought before us that we not meet with anybody until after the ad is placed and we wait for all ideas to come forward before meeting with anybody. Any information provided by anybody, counsel town staff, make sure that it is all in writing.

Phil Tarvers: Because this is town property is there not a procedure that has to be followed for leasing town property.

Rex McKinsey: Explained that our lease allows us to follow through on this on our own.

Phil Tarvers: Are there guide lines for bidding for the use of town property?

George Hitchcock: Run our own pier outside town by-laws. Propose to town how we want to act rather than react.

Rex McKinsey: Response to bidding ? by Phil Tarvers... Do we pick the highest bidder or what we want to see on the pier?

Phil Tarvers: Because it's town property do we not need to bid out for use of town property?

Len Clingham: Our lease allows us to do what we want.

Rex McKinsey: Our enabling legislation dictates how we operate in regards to public hearings

Lee Ash: Pushcarts were never voted against. The biggest obstacle was pedestrian traffic. There is no ordinance that says we can't use pushcarts. Every time we talked about this in the past we looked at the existing booths for a guide. Rather than a bidding process a criteria based decision process should be used. Maybe even a lottery.

Phil Tarvers: Are we going to allow additional things to the booths that are already there? What about the pilot projects, are they going to be coming to an end?

George Hitchcock: We had a policy in the beginning that anything sold in a booth has to pertain to the float owners business and wants to go back to that policy.

Phil Tarvers: Feels that we can't control what people will sell.

Rex McKinsey: In regards to buildings and other improvements we would have to go to bid or we can do it ourselves.

George Hitchcock: Don't believe that staff has the time or experience to build sheds. They have too much else to do.

Phil Tarvers: Can the buildings be staggered?

George Hitchcock: Like a village.

Rex McKinsey: Having others build it would have to go out to bid. Zigzagging would reduce width of walkway, would make electrical service installation more expensive.

Kerry Adams: It's incumbent on us as a board that we set the guidelines and parameters of what we want. Set parameters and be firm. Include in the retail lease arrangements.

Lee Ash: Pushcarts are still viable, their mobile, can be where ever we want them. Envisioning sheds to be pre-fabricated. Feels that we should not include any ideas in the ad. Fixed prices in advance a lottery, length of lease would be limited.

George Hitchcock: Need a master plan, if pushcarts we allowed there would be hundreds of them already.

A general discussion on pushcarts ensued.

Kerry Adams: From the Wydah Museum to head of pier how many buildings can we put in?

Rex McKinsey: 10 in addition.

Kerry Adams: Why do it piece meal?

Rex McKinsey: Cost, traffic study

Phil Tarvers: Candace Nagle met with the person from HYA. One of us should talk with the people in Hyannis to see how they are doing and check out the entire scenario.

Len Clingham: Requested Phil Tarvers to check this out.

Lee Ash: Was in Hyannis and poked about. Did not get an impression that they were well trafficked.

Phil Tarvers: Would like to review the information and take up again next meeting.

Len Clingham: Agrees. This is just the beginning of the discussion. Existing booths would go back to their existing float owners and their purpose. All retail would be done from the PPPC's booths and regulated.

George Hitchcock: Wants to revisit a master plan for the pier. Specifically asked Lori if she had equipment.

Len Clingham: Rex McKinsey to provide master plan for facilities/planning and have it at the next meeting.

Kerry Adams: In general the master plan should also include what kind of business/direction that we want to go.

Phil Tarvers: Is there a possibility that we are doing this backwards. Most piers have a food and cocktail facility. They would be a larger tenant and increase people and cash flow. Thus bring retail customers onto the pier.

Lee Ash: Would like to rework the ad before it gets placed. What about a carousel?

Len Clingham: Lee's offer to rework ad is accepted.

Len Clingham: Recapped list of activities:

Lee Ash to rewrite ad

Phil Tarvers to visit and investigate HYA

Rex McKinsey master building plan

George Hitchcock: Everyone is to do their homework and come back next meeting with some policy ideas.

Kerry Adams: Suggest that if we had a venue on the pier we should go to the local charities and get them to do something.

Lee Ash: Offer to draft a marketing letter for events.

Phil Tarvers: Should there be a public hearing for uses of the pier?

Rex McKinsey: Goal is to be above board in regards to zoning by getting letter from Doug Taylor and BoS.

Len Clingham: Feels that that is premature. Would like to hold off on this.

George Hitchcock: Wants a lawyer to define what we can do in regards to by-laws and zoning.

A motion was made to adjourned the meeting @ 6:00.

Motion: George Hitchcock

Second: Lee Ash

Y: 5

N: 0

Motion Passes

Minutes Respectively
Submitted by

John Davidson
PPPC Administrative Assistant

Len Clingham, Chair

Date