

**Provincetown Public Pier Corporation (PPPC)  
 Judge Welsh Hearing Room  
 Meeting Minutes of Thursday November 29, 2007**

**Members present:** Lee Ash, Len Clingham, and George Hitchcock.

**Members absent:** Kerry Adams and Phil Tarvers

**Staff:** Rex McKinsey (arrived 4:30 p.m.)

The meeting was called to order at 4:10 pm by the chair.

## Public Hearing

November 29, 2007

Pursuant to Chapter 13 of the Acts of 2000, the Provincetown Public Pier Corporation will conduct a public hearing Thursday, November 29, 2007 at 4 PM in the Judge Welsh Room of Town Hall at 260 Commercial Street, Provincetown, MA 02657 to consider the following changes to MacMillan Pier event rates. Strikethroughs are deleted, underlines added.

Pier Events		
-	<del>High Season</del>	<del>Shoulder Season</del>
<del>Profit</del>	<del>\$5000 per day</del>	<del>\$2500 per day</del>
<del>Non-Profit</del>	<del>\$1000 per day</del>	<del>\$500 per day</del>

Pier Events			
	July 4 <sup>th</sup> Week	Other High Season	Shoulder Season
Large Events	\$5000	\$5000	\$5000
Pavilion Events	\$1000	\$1000	\$1000

Rate Classification	Current	Proposed
Trapsheds space	\$5000	\$5000
Non-commercial Transient	\$2 per foot/night	\$3 per foot/night

At their meeting on October 26, the Directors discussed changing the rate structure for events on the pier to allow for pavilion events, artist trapsheds rates and rates for large yachts. As the board cannot adopt rates higher than advertised, the rates for events and trapsheds are advertised at the highest rate. The board may adopt these rates, lower rates or take no action at the hearing. Comments thereon may be submitted in writing to the Provincetown Public Pier Corporation, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 or in person at the hearing.

The Pier Corporation had received one letter of support and no one in the audience had any comments – thus the following motion was made:

A motion was made to approve the rate structure as proposed by staff.

### Staff Recommended Event Rate Structure

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## Pier Events

	July 4 <sup>th</sup> Week	Other High Season	Shoulder Season
Large Events	\$5000	\$2500	\$1000
Pavilion Events	\$1000	\$500	\$250

**Motion:** George Hitchcock    **Second:** Lee Ash

**Y:** 3    **N:** 0

### **Motion Passes**

### ***Public Statements***

Jeff Johnson, captain of a fishing vessel, and float owner 7W, said that he's been down here for over 30 years and "you guys keep jamming the rates up to me." He went on by saying that he thinks the Pier Corp. fails to realize that that's my float. "If you guys want insurance why don't you get it?" When he started it was very little for his float space and now it's \$400.

### ***Review Minutes***

A motion was made to approve the minutes of November 8<sup>th</sup>, 2007 as written

**Motion:** Lee Ash    **Second:** George Hitchcock

**Y:** 3    **N:** 0

### **Motion Passes**

### ***Float Owners' Petition***

Attorney Edward Patten began a lengthy soliloquy in which he said would shed light on the historical developments that brought us to this place. The chair, Len Clingham, interrupted and asked him to state who he was representing. At first he refused and when Mr. Clingham insisted, Candace Nagle was identified as his client. Mr. Patten said that he may represent all the float owners in the future.

Mr. Patten said that he had been the attorney for the Float Association when License 4915 was negotiated. At that point in time there was no discussion about public or private and, in addition to that, economic times were very different. The float license fee was 50% of what it is now and some of them made profits from this; thus subletting was a non-issue. A few restrictions were placed on lease holders, i.e., no booze cruises, no airplanes, etc. There was no exclusion of recreational boating.

Attorney Patten said he was not going to dwell on declines in fishing stocks, etc. He urged the Corporation to recognize that the DEP in one of the sections of the lease talks about the improvement of private enterprise. He concluded by saying that the Corporation now has the ability to resolve whether there is a right to rent float spaces to non-commercial vessels.

Rex McKinsey arrived at this point from his mandatory training course - almost 4:30 p.m. Mr. Patten said that the resolution is certainly a dialogue that should be open; it's certainly within the scope of the Corporation's power to resolve this issue.

Candace Nagle said that the float owners have been invited to go before the BoS – but if we can't find our way here - she's inclined to go before the BoS especially if you don't feel you have the authority to change the current rules.

Candace continued by saying that we're running businesses and depending on your timetable – what are we supposed to do about advertising and renting? - You have this snail's pace of making decisions!

Vaughn Cabral, owner of float space 2W – asked, “Why aren't we notified as abutters of everything that's going on? I had no idea on what's going on with the courtesy float. We rent from the Pier Corp. – and why as abutters - aren't we notified? We're talking about making money from our floats.

C. Milliken – Dolphin fleet – said that we're tenants of the pier not really abutters and were grandfathered with a 99 year license. We're only talking about meeting notifications of only 11 letters. Mr. Patten said that the group just wants to be notified of anything that would affect them. Mr. Patten says that you're not required to do it – but it would be nice to do.

Candace N. said that at the Pier Corp. meeting on Sept 13th – a sub-tenant application of hers came before the Board and if she had known about it she would have come to the meeting; something has to be done for us to conduct a business. Since she was a no-show at that meeting, there was no decision made.

Jeff Johnson (7W) said that Rex did send him a letter informing him about this meeting. He also read about \$39K generated from the ferry – so what happened to it? Answer: the Town keeps it. Jeff then asked, “So what are you doing to raise money other than jacking my fee up every year?”

Rex said, “We're renting out events for the pavilion, etc.” He continued by saying that by the time the Pier Corp. got to the table – most of the restrictions were in place - we can get into events - we can sell ice and these tenants were already in place. With fishing restrictions the way they are today, we can't even build a building to bring in extra income.

Candace N. complained that you don't have the signage on the pier and it hurts our businesses.

Vaughn C. felt the expansion of the courtesy float will affect his business and if he wants to get a whale watch boat it will make the turning room very difficult. Vaughn continued saying that last summer a boat was tied to the courtesy float for 2 days. He went to the Harbormaster's office and asked about it and was told that “we can't police everything.”

John Salvador said that he has concerns as well – and he didn't think the floats are being maintained as well.

Rex said that the Pier Corp. inherited the courtesy float and it's about 20 yrs old. We already knew it needed maintenance and we wanted to do it as inexpensively as possible since we're waiting for a grant. When a repair is mandated he gets it done! John Salvador has a float space and when he asked for repairs to it, he was also asked how he intended to pay for it.

Candace, once again, threatened to meet with the BoS per their invitation. Suddenly Candace asked for a hand vote from the float owners who felt their concerns were satisfied at today's meeting. Len C. said there would be no vote taking at the meeting and if they wanted to do that they could hold their own meeting.

Milliken of the Dolphin Fleet said that he had two boats drag moorings and it will cost him \$50K to make appropriate repairs. In the past he's tied up to Barry Clifford's and you guys lost over \$40K by my doing this. He's just asking you to put your heads together and try to find a solution.

George H. asked staff to give us an estimate to have mailings about meetings every two weeks to the float owners. The meeting on the petition ended on that note with thank-yous all around. Candace seizing the opportunity to have the last word said, “Will the Pier Corp take the direction of the BoS so if the BoS mandates something – you would take it seriously?”

A motion was made to support the 604B grant application.

**Motion:** George Hitchcock    **Second:** Lee Ash

**Y:** 3    **N:** 0

**Motion Passes**

Len thanked Pru Sowers, the reporter, and Kevin Mullaney, the photographer, for attending the meeting.

**Adjournment happened at 5:40 p.m.**

Respectfully submitted

*Evelyn Gaudiano*

E. Rogers Gaudiano

Approved by \_\_\_\_\_ 2007

**Len Clingham, Chair**