

**Provincetown Public Pier Corporation (PPPC)
Judge Welsh Hearing Room
Meeting Minutes of Thursday March 27, 2008**

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

Excused Absence: None

Other Attendees: Rex McKinsey (Pier Manager/Harbor Master). John Davidson on vacation (PPPC Administrative Assistant)

The meeting was called to order at 4:05 pm by the chair.

Public Statements

None

Review Minutes

None

Special Agenda Items

Transfer of interest in Float Space 4W & 6W to Dolphin Fleet of Provincetown, Steve Milliken, Manager

His attorney, Steve Boris, represented Steve Milliken, owner of Dolphin Fleet. Jim Craig was in the audience representing 4W & 6W. Pursuant to Special Condition 7 of the Town's Chapter 91 License, public notice of the transfer request was duly advertised for two weeks. The principals have no felony convictions or owing back taxes. A set of conditions were prepared by staff in advance of the meeting and discussed with counsel for the requesting parties.

Discussion ensued

As this involved the consolidation of three spaces, several issues were brought up and addressed. They included; concerns for the Center for Coastal Studies, a monopoly of whale watch industry in Provincetown, job losses, concerns for having Dolphin Fleet vessels on moorings, the sub-tenant berths for Viking Princess and charter boats (6W), and the directors preference that the Town should have addressed the unintended consequences of the transfer language long ago.

Mr. Milliken and his attorney addressed a number of the issues raised. The Center for Coastal Studies would still have access to the data gathered during trips. They are still talking about future work together. Milliken characterized this as a merger more so than loss of jobs. He also expressed his desire to have all his boats on the dock instead of moorings. The Viking Princess and charter boat would be accommodated in some manner. The proponents pointed out that the Dolphin Fleet has been in existence since 1975 and Milliken intends to hand the business down to his son in the future.

Motion

Kerry Adams moved that the Provincetown Public Pier Corporation approve the transfer of Portuguese Princess Excursions, Inc., and Ranger V, Inc. to Dolphin Fleet of Provincetown, Inc., Steve Milliken, Manager with the following conditions for the three entities.

- a) *Stockholder agrees to comply with all terms and conditions of MA DEP License # 8621 regarding the operators docking facilities, more specifically special condition 5 regarding passengers for hire services;*
- b) *Stockholder will not acquire any other operators docking facilities during the term of License # 8621 or superceding license issued by MA DEP;*
- c) *Provincetown Public Pier Corporation and/or the Town of Provincetown will be provided a right of first refusal for any future transfer of the entities except a transfer of the businesses to an immediate family member*

to continue the businesses;

d) *These conditions are added to the annual license contract for each of the entities.*

George Hitchcock seconded, 5 in favor, none opposed. Motion carries.

Director's Statements

George Hitchcock reports that a fisher (Dutra) is looking for a place and way to run a fishers market. He has asked for the assistance of the board to work through the details and HAACP regulations. They are looking for a few afternoons a few days a week. Hitchcock and Tarver volunteer for the sub-committee. The chair asks for a report at the next meeting.

Kerry Adams spoke in favor of the fishers market as a great idea.

Phil Tarvers made a statement regarding his felony conviction explain the crime and the time he served paying his debt to society. He said that some feel he should not serve because of that and the fact that he is a Truro resident. Tarvers disclosed the reasons for the conviction and amount of time served. He stated that he had served his time and the law allows for a person that has paid his debt to society to return to that society as a law-abiding citizen, which he has. Tarvers said that he serves this board in part to give back to the community. He also stated that the enabling legislation allows non-residents to participate so a variety of experience can be utilized. Tarvers completed his statement by telling the other board members that he would resign if any of them had an issue with this.

The other four directors all spoke in favor of Tarvers continuing as a director. It was noted that when a vacancy had occurred on the board, the directors had wanted someone from the Lopes Square area. Tarvers had come well recommended from other business owners in the area. While they do not always agree, all directors expressed appreciation for Tarvers work.

Pier Manager Report

Courtesy Float Bid Report and progress report

- Sewer work 50% complete. Pumps and other materials ordered.
- Conservation Commission approved NOI with standard pier conditions as requested by staff.
- Bids openings were conducted for gangway (3), dock (1) and marine contractor services (2). Sub-committee recommends low bidders as most responsive. Low bids were under budget for the grant.

Motion

George Hitchcock moves to accept staff recommendation and proceed with procurement process. Kerry Adams seconds. 5-0 Motion passes.

- Bay State Ticket Booth was requested. The directors requested additional discussion at the next meeting. Some felt that the PPC in consideration for a small stipend from whoever might use it should provide the booth.
- Town meeting- Non-registered voters need prior approval. None requested.
- Update on damage to sewer line. Repairs to be made soon. DEP and contractors have completed site visits.
- New Fishers West End Parking Permit- a note about trailer storage and Harbor Brochure to be provided to Parking Department
- Year-end accounts receivable report presented. A discussion ensued regarding payment plans and pursuing of delinquents more aggressively.

Kerry Adams leave early at 5:30 PM.

New Business

Questions were raised regarding dead bird on the beach and a crane on the beach in the east end. Animals should be referred to the Police for Animal Control and the crane to Bldg. Dept.

Executive Session to Discuss Lease Negotiations, if needed

George Hitchcock moved to go into executive session to discuss lease negotiations and return to open meeting thereafter. Lee Ash seconded. Roll call vote: GH- yea, LA- yea, PT-yea.

Executive Session Minutes of March 27, 2008

Discussion ensued regarding the pending berthing agreement with Boston Harbor Cruises and the routes. The Gloucester route addendum will be considered when initial contract is completed. The directors wanted to execute the document in open session.

Phil Tarvers moves to go out of executive session. Lee Ash seconded. Motion passes 4-0

Open Meeting Resumes

On returning from executive session, George Hitchcock moved to execute the Boston Harbor Cruises berthing agreement. Tarvers seconded. Motion passes 4-0.

George Hitchcock moved to adjourn at 5:56 PM, Phil Tarvers seconded. Motion passes 4-0.

Respectfully submitted,

Rex McKinsey

Approved:

Leonard Clingham, Chairman
Provincetown public Pier Corporation