



# Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, May 26, 2015** at 5:15 p.m. in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson, Michelle Foley, & Barrett Alley

**Staff Present:** Aaron Hobart, Rich Alves

## Meeting Agenda

### ***Public Hearings***

**Common Victualer License** – *continued from previous meeting*

Petition from Andrew Hood, representing **Mimere's Café** for a new **Common Victualer License** at 258 Commercial St, Provincetown.

Andrew Hood representing Mimere's Café.

Coffee shop with espresso, sandwiches, baked items, etc.

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Special Entertainment License & Noise By-law Waiver** – *continued from previous meeting*

Petition from Lynn D'Angona, representing **Provincetown Cares** for **Special Entertainment License and Noise By-law waiver** for an event to be held at 698 Commercial St. on May 24, 2015 from 9 a.m. to 12:30 p.m. No rain dates requested.

**Motion to Continue by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Special Liquor License** – *continued from previous meeting*

Petition from Lynn D'Angona, representing **Provincetown Cares** for **Special Liquor Licenses** for events to be held at Town Hall on October 16, 2015 from 7 p.m. to 12:00 a.m. and on October 17, 2015 from 2 p.m. to 7 p.m.

**Motion to Continue by Michelle Foley. Second by Barrett Alley. Approved 3-0**

### **New Liquor License and Common Victualer License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Frederick Latasa-Nicks, representing Strangers and Saints, Inc. d.b.a. **Strangers and Saints** for a **New Seasonal All-Alcohol Liquor and Common Victualer License** at 404 Commercial St., Provincetown, MA.

Frederick Latasa-Nicks, Steven Latasa-Nicks and Lester Murphy representing Strangers and Saints  
Steven passes out one-sheet to board members

Have lived in neighborhood part time for years. Now permanent residents.

Fred will be general manager.

Set up as a lounge. Old and new world wines, and artisan cocktails. Food ideas from local farmers.

Planning to open at 12:30 p.m. Will offer light dinner. Fred is a graduate of Culinary Institute of America and is a sommelier.

Formerly Ristorante Marissa.

Not handicap accessible at this time. Thinking about renovation in the fall. Looking to maybe relocate the bathrooms.

All staff will be TiPS certified and Food Safety certified

Planning on opening in August

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Motion to Approve the Pledge of the License by Michelle Foley. Second by Frank Thompson. Approved 2-1**

### **Special Liquor License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Barry Cook, representing **The AIDS Support Group of Cape Cod**, for a **Special Liquor License** for an event to be held on September 5, 2015 from 5 to 10 p.m. in the Town Hall Auditorium.

Barry Cook representing the AIDS Support Group of Cape Cod

For the Annual Auction. We serve wine at the event. Usually the event is from 6 to 9.

Discussion regarding TiPS Certified.

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

### **Special Entertainment License & Noise By-law Waiver**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Peter McHenry, representing **Seaglass Inn & Spa** for a **Special Entertainment License & Noise By-Law Waiver** from 4 pm to 10:30 pm on June 27, 2015 at 105 Bradford Street Ext. No rain date requested.

Peter McHenry representing the Seaglass Inn & Spa

A wedding reception will occur on the property. Entertainment will last until 10.

130 guests are registered.

Louis Lima speaks as an abutter. Property has always been a quiet place. In a residential area surrounded by homes. Neighbors feel it is unreasonable and disruptive. Smaller function last year was quite loud until quite late.

Discussion regarding Traffic issues and safety of the roads in the neighborhood

This is not a business on Commercial Street. This type of event is not needed. There are other events.

We seem to have noticed that some neighbors did not get the notice.

Quotes licensing board rules and regulations regarding Certified Letter Requirement

Discussion about change at Town Hall where no boards are now requiring the certified green cards

Stacey Open-Garvey speaks as an abutter.

This happened last summer. We'd like to keep it a quiet neighborhood. This is only going to get worse if this event.

Peter: we only plan to do weddings in the off-season. None planned for the rest of this year.

Have dropped out amounts to 130 from 200 last season. They will be staying at the Inn so that will lessen traffic

A letter from Dave Bedard is read into the record against the request.

Michelle: I understand your concern. I don't live by a resort but businesses change all the time so you can't expect a business to stay the same now. There are other venues that are in residential areas that do weddings. We could look at limiting the music to 9:30 p.m.

Louis: what we are saying is that this is an unreasonable burden on the neighborhood and a safety issues.

Jerome Crepo speaks against event. Assertion from owners was that this was going stay a quiet family oriented venue. There is concern about the new development going on there. If the noise was inside it would be a non-issue. Discusses safety issues.

Peter speaks about past noise complaints.

**Motion to Approve by Frank Thompson. Second by Michelle Foley. Motion fails 1-2**

**Special Liquor License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from David Schermacher, representing *Pilgrim Monument & Museum*, for **Special Liquor Licenses** for events to be held at 1 High Pole Hill on June 19, 2015 from 4 pm to 9 pm; July 7, 2015 from 4 pm to 9pm; and July 16 from 4 pm to 9 pm. No rain dates requested.

David Schermacher and Jon DeSouza representing Pilgrim Monument and Museum Discussion regarding events on the grounds of the monument. The "Summer Sunset Series"

Light refreshments and cash bar with some entertainment that fits in to our mission.

Not a dance party. Will have minimal access to the Museum

2 people on the grounds and 2 at the entrance. Publicized through print and web.

Further discussion about events.

Gives general estimate on attendance

Frank asks that minimal amount of amplification for event.

Jon: the music is not a dance party it is meant to be background music

**Motion to Approved by Barrett Alley. Second by Michelle Foley. Approved 3-0**

**Special Liquor License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Thomas Walter, representing *Provincetown Pet Resort* for a **Special Liquor License** on August 29, 2015 from 7 to 8:30 pm and on September 26, 2015 from 7 to 8:30 pm at 79 Shank Painter Rd., Provincetown, MA.

Thomas Walter representing Provincetown Pet Resort.

2<sup>nd</sup> season in operation. Two benefit events in conjunction with Pet Fest and Pet Appreciation Weekend. Discusses beneficiaries.

Wine and Whiskers is the name of the event.

50 to 75 people most likely with pets.

TiPS certified staff will be in place

Discussion about containment of alcohol. No one will be allowed in who is under 21.

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Alteration of Licensed Premises**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Linda Vital, representing Coffee Pot & More, Inc. d.b.a. **The Coffee Pot** for an **Alteration of Licensed Premises** at 315 Commercial St., Provincetown, MA.

Linda and Nelson Vital representing The Coffee Pot

Been in business for 26 year with liquor for 5 years which we'd like to extend to out outdoor tables. 12 seats outside.

We have a staff member out there at all times.

Discussion regarding barriers between service area and public.

All staff is TiPs trained.

Discussion about table service.

Discussion about service in glass

Licensing Agent discusses the difference between 20 and 35 gallon seating and the use of dishwashers in Provincetown

**Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 3-0.**

**New Liquor License and Common Victualer License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 26, 2015 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Nicole Uva, representing **Dolce Fare Niente, Inc.** d.b.a. Mistral Ristorante for a **New Seasonal All-Alcohol Liquor and Common Victualer Licenses** at 133 Bradford St., Provincetown, MA.

Nicole Uva and Lester J Murphy representing Mistral Ristorante

Location has been operated as a restaurant for years.

Discussion regarding seasonal hours

Nicole operates a restaurant with Liquor License in Fort Meyers FL

No changes proposed to the seating plan. There is a patio here but with a hostess stationed there.

Glass service is used also.

TiPS certified staff.

Dinner only to start. Discussion regarding other restaurants owned by the family.

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Amend License**

**Other Business**

Discussion regarding the Provincetown Regulations as they pertain to taxi fees

Discussion regarding whether a work session is needed regarding lowering of taxi fares

Discussion regarding the 'hand shake' agreement that there not be

**Michelle Foley motions to set up a work session with taxi owners invoiced. Second by Frank Thompson. Approved 2-1**

Discussion with possible Licensing Board Member Zachary Luster

Zachary Luster represents himself.

Grew up in town. Manager of Ciro & Sal's restaurant.

Spoke with the Attorney of the Day who assured me my only conflicts are my restaurant and my fiance's family restaurants

Discussion regarding open spots on the board and who appoints

**Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 3-0**

Board Reorganization – *possible vote*

**Motion to Approve Frank as Chair, Michelle as Vice-Chair by Barrett Alley. Second by Michelle Foley. Approved 3-0**

**Motion to Nominate Barrett Alley as Clerk by Michelle Foley. Second by Frank Thompson. Approved 3-0**

## ***New License***

### **Taxi License**

1. ***Junior's Taxi***: Reg #TA28024, VIN #1D4GP24R53B333451, 2003 Red Dodge Caravan, Van;  
**Motion to Continue by Barrett Alley. Second by Michelle Foley. Approved 3-0**
2. ***Mercedes Cab***: Reg #TA199D, VIN #WBDJH82J5YX042442, 2000 Black Mercedes E320 Station wagon;  
Michael Costa representing Mercedes Cab Company  
Barrett: what is your feeling on the work session.  
Michael: I think it's necessary and there is too much room for interpretation  
**Motion to Approve by Barrett Alley. Second by Michelle Foley. Approved 3-0**

### **Common Carrier**

1. ***Mayflower Trolley***: Reg#BU38788, VIN#3FCMF53G7TJA10260, 1996 Green/White Ford Molly Bus;  
**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

### **Art Gallery**

1. Gale Crossman Moore, mgr., d.b.a. ***Gale Crossman Moore Designs***, 174 Commercial St., Provincetown, MA 02657  
**Motion to Continue by Michelle Foley. Second by Barrett Alley. Approved 3-0**

### **Food Service**

1. Equality Food, LLC, Jeremy Gansin, mgr., d.b.a. ***Two Southern Sissies BBQ***, 205 Commercial St., Provincetown, MA 02657  
***Did not appear***
2. Sweet Waves, Inc., Jason Aube, mgr., d.b.a. ***Sweet Waves***, 293 Commercial St., Provincetown, MA 02657  
***Did not appear***

## ***Public Statements***

### ***Renewal License***

#### **Common Victualer**

**Motion to take as a group by Michelle Foley. Second by Barrett Alley. Approved 3-0**

1. Mark Birnbaum, mgr., d.b.a. ***Mojos***, 5 Ryder St. Ext., Provincetown, MA 02657
2. Glaceteria, Inc., Brian Hart, mgr., d.b.a. ***Ben & Jerry's***, 258 Commercial St., Provincetown, MA 02657  
**Motion to Approve by Michelle Foley. Second Barrett Alley. Approved 3-0**

**Taxi/Livery License**

**Motion to take as a group by Michelle Foley. Second by Barrett Alley. Approved 3-0**

1. **Cape Cab:** Reg #TA200D, VIN #1GNDM19W9XB151444, 1999 Green Chevrolet Astrovan;  
Reg #TA295C, VIN#1GBDM19W8YB106557, 2000 Blue Chevrolet Astrovan;  
Reg#TA171D, VIN#1GNDM19W7XB170607, 1999 Gray Chevrolet Astrovan;  
Reg#TA172D, VIN#1GNEL19W3YB119923, 2000 Gray Chevrolet Astrovan;  
Reg#TA758C, VIN#1GKDM19W4XB527951, 1999 White GMC Safari Van;  
Reg#LV61977, VIN#WBAHJ6321RGD24126, 1994 BMW 525I Station wagon;
2. **Mercedes Taxi:** Reg #TA170D, VIN #4JGAB54E0WAO48646, 1998 White Mercedes MLO320 SUV;  
Reg#TA760C, VIN#WDBAB93A5EF017449, 1984 Blue Mercedes 300TDT Station wagon;  
Reg#LV67335, VIN#WDBAB33A9CB008660, 1982 White Mercedes 300DT Sedan;  
Reg#LV63539, VIN#WBDAB93AXCN011942, 1982 Blue Mercedes 300TDT Station wagon;
3. **Funk Bus:** Reg#LV68901, VIN#1FDSE37FOWHA71887, 1998 Red Ford E350 Van;  
Reg#LV67312, VIN#1FDSE37F8WHB52765, 1998 Red/Orange Ford Cutvan Van;  
Reg#BU38787 VIN#1FDXE45F7YHB30676, 2000 Yellow/Black Ford Corbei Bus;  
Reg#LV61990 VIN#1FDSE37FXWHA71833, 1998 Black/White Ford E350 Van;
4. **Black & White Taxi:** Reg#TA174D, VIN#JTLZE4F3A1113069, 2010 Black Toyota Scion Sedan;  
Reg#TA770C, VIN#2B4GP45ROXR119480, 1999 White Dodge Caravan, Van;  
Discussion regarding inspection process.

**Motion to Approve group by Barrett Alley. Second by Michelle Foley. Approved 3-0**

**Weekday & Sunday Entertainment**

1. Wellfleet Harbor Seafood Co., Inc., MacGregor Hay, mgr., d.b.a. **Mac's Ptown Fish & Oyster**, 85 Shank Painter Rd., Provincetown, MA 02657

**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Art Gallery**

**Motion to take as a group by Michelle Foley. Second by Barrett Alley. Approved 3-0**

1. HN Gallery, Inc., Hilda Neily, mgr., d.b.a. **Hilda Neily Gallery**, 364 Commercial St., Provincetown, MA 02657
2. Shank Painter Co., Inc., Eva Nogiec, mgr., d.b.a. **Gallery Ehva**, 74 Shank Painter Rd., Provincetown, MA 02657
3. Trevor Mikula, mgr., d.b.a. **Trevor Mikula Gallery**, 359 Commercial St. Provincetown, MA 02657
4. Michael Carroll, mgr., d.b.a. **The Schoolhouse Gallery**, 494 Commercial St., Provincetown, MA 02657
5. Eileen Counihan, mgr., d.b.a. **First Light Gallery**, 397 Commercial St., Provincetown, MA 02657

**Motion to Approve group by Barrett Alley. Second by Michelle Foley. Approved 3-0**

**Parking**

1. St. Peter the Apostle Church, Father Dahl, mgr., **St. Peter's Parking Lot**, 11 Prince St., Provincetown, MA 02657  
**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Pedi Cab**

1. P-town Pedi Cab Inc., Bruce Van Allen, mgr., **P-Town Pedi Cab**, 377 Commercial St., Provincetown, MA 02657, Reg #101, Light Blue; Reg #102, Pink; Reg #103, Purple; Reg #104, Yellow; Reg #105, Blue; Reg #106, White; #107, Green; #108, Red;  
**Motion to Approve by Michelle Foley. Second by Barrett Alley. Approve 3-0**

***Correspondence***

Letter from taxi customer with grievance against Pride Taxi read into the record  
**Motion to invite Gail Gibbs to the next board meeting by Barrett Alley. Second by Michelle Foley. Approved 3-0**

***Minutes***

**Motion to Approve Minutes of May 12, 2015 by Michelle Foley. Second by Barrett Alley. Approved 3-0**

**Enforcement**

ABCC in town last weekend without issue  
Rich praises door security personnel  
Discussion regarding Women's Weekend and liquor in the street

**Code Compliance**

Discussion regarding Accela Software and its launch

**Old business**

Discussion regarding TiPS and Security training on June 16<sup>th</sup> and 17<sup>th</sup> respectively  
Discussion regarding one-day license procedures.  
Discussion regarding the Charity Pouring License

**New Business**

***Licensing Board Statements***

***Licensing Agent Statements***

Thanks to Caryn Lawrence for the TiPS training on May 20<sup>th</sup>.

**Motion to Adjourn by Michelle Foley. Second by Barrett Alley. Approved 3-0. 7:05 p.m.**