



Minutes

Of the Provincetown Licensing Board Public Meeting on **Tuesday, January 12, 2016** at 5:15 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson, Michelle Foley, Barrett Alley

Staff Present: Aaron Hobart, Rich Alves

Meeting Agenda

Public Hearings

Transfer of Liquor and Common Victualer License

Petition from Siobhan Carew, representing ***Union Wharf Holdings, LLC*** for a ***Transfer of Liquor License and Common Victualer License*** at 99 Commercial St.

Siobhan Carew, Marshal Newman, Lora Papetsas and Christopher Snow representing Sal's Restaurant

Chis Snow: all protocols have been met. Has fine dining establishments in Boston. Understands TiPS training. Has had restaurants for several decades. Went to zoning and got unanimous approval, albeit contested. Appeal by solitary abutter who has opposed quite vigorously. Quotes chapter 40 regarding continuing with the use even when appeal in progress. Moving forward at the risk of the owner. Discussion about appeal period and what happens if ZBA decision overturned. We calculate minimal risk by moving forward. Rudimentary transfer of a license that has been in existence for a long time.

Looking to reopen May 1st.

Fran Gershwin representing the abutter at 101 Commercial St. From a procedural standpoint I want to be clear looking at the paperwork submitted. Listed as Annual not Seasonal. Town paperwork mentions on the Weekday and Sunday Entertainment.

Licensing Agent: there are no entertainment licenses at Sal's so there are no licenses to transfer.

Fran: Purchase and sale doesn't include the cost of the purchase of the residential units. It mentions the schedule 1.3 but that schedule is not in the application. Applicant also seeks to pledge the license as well as mortgage the property to fully understand the financial issues relating to the pledge of that license. The pledge agreement is not included in the agreement. Votes of the board of directors, pledge and appointment of the manager are not part of the application. No problem with Siobhan as manager but she is listed as manager on three other restaurants in the Boston area which are annually licensed.

Chris: All the other licensed establishments have managers. This will be the only location where Siobhan is going to manage.

Marcine Marcum speaks in favor of the application. She has as great reputation in Boston. A win/win situation for the town of Provincetown. Keeping it the size that it is with the quality to really have Sal's Place back again. I can't imagine anything more pleasant. Tourist want to eat well.

Clarence Walker speaks as member of the community in favor of the transfer. Former member of the Finance Committee. Important to keep these businesses running. Have attended Sal's for 37 years. Please weigh what has been presented against the facts. Apply the law.

Fred Long, speaks as an abutter. Ms. Gershwin has presented our concern that there be only Seasonal Service and no entertainment. We ask that the conditions be held to any new licensee. We have no objection if these two items are considered.

Helen Valentine speaks as direct abutter. It is noisy at times. Does this create a chain?

Licensing agent lets the speaker know of the formula business regulations in Provincetown.

Chris: There is no Sal's outside of Provincetown. This is a singular operation and not a chain.

Barrett: will you live in Provincetown?

Siobhan: I will live here while operating the restaurant. I haven't moved here yet.

Chris: The building and apartments above are seasonal in nature.

Barrett: I don't understand the objection of the abutters.

Fran: Application should be reviewed. That's all. You don't have an allocation. You don't have the details.

Marshall: the pledge agreement is there and the allocation is there in the application.

Discussion regarding the process for the submission of the application and how the ABCC investigator reviews the document and may or may not ask for clarification.

Clarence: further discusses the "delay tactics" from the abutter.

Chris: I have never seen a more thorough application. This is about the suitability of the applicant. No substantive comment has been made. The application discloses every aspect of the transaction to a fault. We invite the questions.

Frank: discusses the 60 plus letters sent in. Some relate to zoning issues that we won't discuss. We won't read them all but let's say they are all in favor.

Chris: these have all been open to the public.

Fran: everyone characterizes my comments as an objection. The board should be acting on a full application. Regardless of what has happened in the past.

Discussion regarding the application details.

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

Change to All Alcohol License

Petition from Peter Okun, representing **Broken Wheel Farm, LLC d.b.a. Purple Feather Café & Treatery** for a **Change from Annual Wine & Malt with Cordials to Annual All Alcohol License** at 334 Commercial St., Provincetown, MA.

Peter and Anne Okun representing Purple Feather

Discussion regarding the operation of business to this point. No issues as to our serving alcohol to the public.

Discussion regarding change to all alcohol. Increase in savory food sales which allows sale of alcohol with food. Would like to do more traditional spirits to serve with food. By offering a more complete listing of spirits we will appeal to a broader public.

Frank: Peter has been through many trials and tribulations but runs and exemplary business.

Motion to approve by Barrett Alley. Second by Frank Thompson. Approved 3-0.

Transfer of Stock, Change of Manager & Change of Officers

Petition from Robert Lymbertos, representing **Bler Inc., d.b.a. The Underground** for a **Transfer of Stock, Change of Manager, and Change in Officers** at 293 Commercial St. Unit F, Provincetown, MA 02657.

Robert Lymbertos and Alan Dinsfriend representing The Underground

Extending lease and moving to a new manager. I have all my certifications and serve safe. All employees are TiPS certified.

We run a strict business and have turned that property around in the last 5 years.

Discussion regarding experience with liquor. Worked in Boston in restaurants.

Rich: level of cooperation at the Underground is much improved. An example some other businesses could follow.

Discussion regarding changes to the establishment. Has most amount of cameras per square foot in Provincetown.

Discussion regarding the reason for the transfer.

Motion to Approve by Michelle Foley. Second by Frank Thompson. Approved 3-0

Amend License

Other Business

Discussion regarding yearly reporting due to the town and the ABCC – **possible votes taken**

Discussion of the reports to the town that will be done. Licensing Agent invites board member

Postponed to next meeting

New License

Public Statements

Renewal License

Common Victualer

1. Julesan, Inc., Julie Knapp, mgr., d.b.a. **Twisted Pizza**, 293 Commercial St., Provincetown, MA 02657

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

Discussion regarding the process to open a restaurant

Lodging

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

1. Eliot W. Denault, III, mgr., d.b.a. **7 Masonic Place**, 7 Masonic Place, Provincetown, MA 02657
2. Cook Street Hospitality, Inc., John Jay Wooldridge, mgr., d.b.a. **Inn at Cook Street**, 7 Cook St., Provincetown, MA 02657
3. Steve & B Company, Stephen Katsurinis, mgr., d.b.a. **8 Dyer Hotel**, 8 Dyer St., Provincetown, MA 02657
4. The Inn at 7 Central, Inc., Cory Conley, mgr., d.b.a. **The Inn at 7 Central**, 7 Central St., Provincetown, MA 02657
5. Edelwiss Holdings, LLC, Daniel Luethi, mgr., d.b.a. **Benchmark Inn**, 6 Dyer St., Provincetown, MA 02657
6. Birchwood Holdings, Inc., Howard Birchman, mgr., d.b.a. **The Tucker Inn**, 12 Center St., Provincetown, MA 02657
7. Beaconlight, Inc., Mark Phillips, mgr., d.b.a. **Beaconlight Guest House**, 12 Winthrop St., Provincetown, MA 02657
8. A&J Properties, Inc., Adrian Padilla, mgr., d.b.a. **Sunset Inn**, 142 Bradford St., Provincetown, MA 02657

Motion to Approve group 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. Universal Fine Objects, Inc. , Albert Merola, mgr., d.b.a. **Albert Merola Gallery**, 424 Commercial St., Provincetown, MA 02657
2. Jennifer A Ellingwood , mgr., d.b.a. **Sarah Jessica Fine Arts**, 342 Commercial St., Provincetown, MA 02657
3. Gary Marotta, mgr., d.b.a. **Gary Marotta Fine Art, G1**, 162 Commercial St., Provincetown, MA 02657

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

Taxi/Livery

1. **GoGo Ptown Transit**. REG#LV68918; VIN#1GMDX13E13D136429; 2003 Brown Pontiac Montana Van;

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

Discussion regarding the need for cab companies to come in to license as their licenses expired 12/31/15. Also need to provide worker's comp insurance if they have employees.

Correspondence
Minutes

Motion to Approve the minutes of 11/24/15 and 12/8/15 by Barrett Alley. Second by Michelle Foley. Approved 3-0

Enforcement

Rich: New Year's was fine even with 2 a.m. closing. Not everyone stayed open. No one that didn't put in request stayed open.

Per our conversation with Mr. Lymbertos. If you have a bar you really do need a camera system.

There is a high level of cooperation when a licensee can get us tape when investigating an incident. If you have one I can come in and learn how to use it so we don't take up your staff's time during the season.

Discussion of why cameras are needed.

Code Compliance

Licensing agent further emphasizes the need for taxi owners with employees to provide worker's compensation insurance.

Old business

New Business

Discussion regarding changes that will need to be made to Licensing Regulations that coincide with Health Regulations. Perhaps a work session in early February.

Discussion regarding Accela

Licensing Board Statements

Michelle: can we meet before a meeting like tonight where there is going to be a discussion like there was for Sal's

Discussion regarding posting requirements for work sessions

Discussion regarding future work sessions before meetings.

Discussion about the timeline regarding the ZBA appeal of Sal's zoning decision

Licensing Agent Statements

Motion to Adjourn by Michelle Foley. Second by Barrett Alley. Approved 3-0. 6:36 p.m.