

Minutes

of the Town of **Provincetown Licensing Board** Meeting Tuesday, March 25, 2003 in the Auditorium, 260 Commercial Street.

Present: Hunter O'Hanian (Chairman), Keith Brickel (Vice Chairman), Diana Robertson (Secretary), Jean Bock, Mitchell Baker, Elizabeth Gallerizzo (Licensing Agent), **Excused:** John Foley (Alternate) **Absent** none, **Others**

Present: none

CONVENED: 5:01 P.M.

ADJOURNED: 7:50 P.M.

Public Hearing

To hear a petition to consider increasing license fees as indicated below:

MacMillan Pier Float Space Licenses issued pursuant to General By-laws §9-6	Current Fee	Proposed Fee
Base Annual Float Fee	\$4,000 per float	\$8,000 per float
Additional Fee: Boat with rated capacity greater than 50 passengers based on U.S. Coast Guard Certificate of Inspection	\$50 per passenger	\$75 per passenger

Float Owners Association (FOA) represented by Mark Finley, speaking against the fee increase proposed by the Town Manager. Float Owners Association includes all eleven spaces, which would be effected by the increase. Concerns of the FOA regard: timing of the fee increases being too close to beginning of the season; fee increases would eventually drive the small business away, which contribute more than income and jobs to Provincetown; assistance from the FOA should have been requested when drafting the proposal therefore a definite result would have been found and accepted by both parties before the hearing. Also speaking against the fee increase: Gabriel Brook, float owner and member of FOA; Sandy Silva, float owner; John Bishop, Captain of the Hindu; Peter Burrelli, representing the Center for Coastal Studies, float owner; Robert Cabral, float owner; Dick Bennett; Mick Rudd, member of Center for Coastal Studies; Jeff Johnson, float owner; Rick Holland, Vice Chairman of the Provincetown Finance Committee; Jim Craig; and Steve Milliken, float owner.

Speaking for the fee increase: Provincetown Public Pier Corporation (PPPC) representatives Joyce Guide (chair) and Robin Haueter. Both representatives explained, "The raising of rates to levels comparable with similar facilities in the region has been a given in the redevelopment of MacMillan Pier from the start. The 1999 Town Meeting approval of the pier project was based on the assumptions in the "MacMillan Pier Redevelopment and Business Plan" prepared by Byrne McKinney & Associates in 1997. That plan established that market rates would be essential to secure financing for the reconstruction and to repay the Town's debt for its share of the costs. While the new fees do represent a considerable increase for operators, they should not be entirely unexpected. The old fees, which have been unchanged since 1987, reflected the poor state of MacMillan Pier before reconstruction. From the initial planning process through the Town Meeting approval, market-based rates have been indicated as a key component in paying for the new pier."

Motion to deny by Mitchell Baker Seconded by Hunter O'Hanian 5-0

Annual All Alcohol Innholders License

Atty. E. James Veara representing Donald Winter and Richard DiFrummolo, abutters of **The Red Inn**, 15 Commercial St., to address the stay of the cease and desist order dated June 24, 2002, the Innholder All Alcohol License status and the ability of patrons to consume alcohol on the outside portions of the premises.

Abutters represented by Atty. E. James Veara, The Red Inn represented by Atty. Chris Snow. No one wrote in favor or against the stay of the cease and desist order.

Licensing Board took no action.

Public Statements

New License

Taxi Operator

1. Jacques Macara, Mercedes Cab Co, Provincetown

Motion to approve by Mitchell Baker Seconded by Jean Bock Passed 5-0

2. Nikolay Velchev, Mercedes Cab Co, Provincetown

Motion to approve by Diana Robertson Seconded by Mitchell Baker Passed 5-0

~~Transfer License~~

Common Victualler

1. MST Enterprises, Inc. Debra M. Travato mgr, d.b.a. **Kelsey's Diner** 73 Shank Painter Rd., to Hemley's Diner

Inc, Frederick Henley mgr d.b.a. **Town Diner**, 73 Shank Painter Rd.
Motion to approve by Diana Robertson Seconded by Mitchell Baker Passed 5-0

Amend License

Seasonal All Alcohol Innholder License

1. Provincetown Hospitality LLC, Elizabeth Jobin mgr, d.b.a. **Surfside Inn**, 543 Commercial St. to Provincetown Hospitality LLC, Elaine Quigley mgr, d.b.a. **Surfside Inn**, 543 Commercial St.

Motion to approve by Jean Bock Seconded by Keith Brickel Passed 5-0

Renewal License

Outdoor Artist

1. Charles P. Duffy d.b.a. **Duffy Did It**, 240 Commercial St.

Motion to approve by Keith Brickel Seconded by Jean Bock Passed 5-0

Lodging House

1. Carpe Diem, Inc., Rainer Horn mgr, d.b.a. **Carpe Diem Guesthouse**, 12 Johnson St.
2. William C.H. Prentice, Jr. d.b.a. **1807 House**, 54 Commercial St.

Motion to approve both by Jean Bock Seconded by Keith Brickel Passed 5-0

Transient Vendor

1. William Fitzpatrick and Russell Dwyer d.b.a. **West End Antiques**, 146 Commercial St.
2. Franscesca LaVecchia d.b.a. **Galleria Artemisia**, 167 Commercial St.

Motion to approve both by Mitchell Baker Seconded by Diana Robertson Passed 5-0

Innholder

1. Provincetown Hospitality LLC, Elaine Quigley mgr, d.b.a. **Surfside Inn**, 543 Commercial St.

Motion to approve by Diana Robertson Seconded by Jean Bock Passed 5-0

Innholder with Entertainment

1. Pilgrim House, Inc., Donald Edwards mgr d.b.a. **Pilgrim House**, 336 Commercial St.

Motion to approve by Keith Brickel Seconded by Jean Bock Passed 5-0

Common Victualer with Entertainment

1. Clambake, Inc. Mary Joy McNulty mgr. d.b.a. **Lobster Pot Restaurant**, 321 Commercial St.
2. Spiritus Enterprises, Inc. John Yingling mgr d.b.a. **Spiritus Pizza** 190 Commercial St.
3. Old Colony Tap, Inc. Robert Enos mgr d.b.a. **Old Colony Tap**, 323 Commercial St.
4. Richard Williams d.b.a. **Twomey's**, 269 Commercial St.

Motion to approve all by Jean Bock Seconded by Mitchell Baker Passed 5-0

2003 Seasonal License Renewals

Business	Address	Manager	Type of License	License Number
Top's'n Restaurant, Inc. d.b.a. Top's'n Restaurant	31 Bradford St.	Gerald E. Carreiro	Common Victualer Wine and Malt	100400002
Place Inc. d.b.a. Place	99 Commercial St.	Lora Papetsas	Common Victualer Wine and Malt	100400012
Flip Management Corporation d.b.a. The Flip	161 Commercial St.	John P. Simpson	Innholder All Alcohol	100400016
Vorelli d.b.a. Vorelli's Restaurant	226-228 Commercial St.	Terri Vorelli	Common Victualer All Alcohol	100400022
Aliperti Inc d.b.a. Front Restaurant	230 Commercial St.	Donna M. Aliperti	Common Victualer All Alcohol	100400024
Grill, Inc d.b.a. Euro Grill	256-258 Commercial St.	Theodore Tine	Common Victualer All Alcohol	100400026
Mayflower Café, Inc Mayflower Café	300 Commercial St.	Darin Janopolis	Common Victualer All Alcohol	100400032
Old Colony Tap Inc. Old Colony Tap	323 Commercial St.	Robert Enos	Common Victualer All Alcohol	100400035
Café Inc d.b.a. Café	328 Commercial St.	Brian D. Hart	Common Victualer All Alcohol	100400036

Edwige, Inc. d.b.a. Edwige	333 Commercial St.	Nancyann Meads	Common Victualer All Alcohol	100400037
le, LLC d.b.a. er	404 Commercial St.	John F. Guerra	Common Victualer All Alcohol	100400044
er Coastline, Inc The Pied Piper	193A Commercial St.	Susan Webster	Common Victualer All Alcohol	100400048
AKE Inc d.b.a The er Pot Restaurant	321 Commercial St.	Mary Joy McNulty	Common Victualer All Alcohol	100400052
st Inc d.b.a. es Wine and	68 Shank Painter Rd	Charles Silva	Package Store All Alcohol	100400067
e L'UVA Inc d.b.a. Restaurant	133 Bradford St	Peter A. Garza-Zavaleta	Common Victualer All Alcohol	100400074
Tran Inc d.b.a. uan Restaurant	179 Commercial St.	Bounvilay Tran	Common Victualer All Alcohol	100400078
boat Wharf of cetown Inc d.b.a. a's By The Bay	183 Commercial St.	John Yingling	Common Victualer All Alcohol	100400079
leaven Inc. d.b.a leaven	199 Commercial St.	Alan Cullinane	Common Victualer All Alcohol	100400081
ig Lobster Inc. Dancing Lobster Trattoria	371-373 Commercial St.	Nils J. Berg	Common Victualer All Alcohol	100400085
Inc. d.b.a. ne's	463 Commercial St.	Lorraine Najar	Common Victualer All Alcohol	100400093
td d.b.a Esther's	186 Commercial St.	Ellen S. Freeman	Common Victualer All Alcohol	100400097
i House Inc d.b.a. n House	336 Commercial St.	Donald R. Edwards	Innholder All Alcohol	100400099
es Inc d.b.a. r Mary's	149 Commercial St.	Johnny Pak	Common Victualer All Alcohol	100400101
c Ocean Inc d.b.a. Central	5 Masonic Place	April Cabral-Pitzner	Common Victualer All Alcohol	100400105
am Inc d.b.a. Little Café	401.5 Commercial St.	Alice M. Foley	Common Victualer Wine and Malt	100400115
& Joe Inc d.b.a. & Ursie'saurant and Market	89 Shank Painter Rd	Clement A. Silva	Common Victualer All Alcohol	100400119
-Rigg Inc d.b.a. ommons	386 Commercial St.	Carlton Draper	Innholder All Alcohol	100400124
d Williams d.b.a. ey's	269 Commercial St.	Richard Williams	Common Victualer All Alcohol	100400127
nc d.b.a. Bestrn Tides Beach	837 Commercial St.	William A. Gordon	Innholder Wine and Malt	100400129
Corporation d.b.a. r's	175 Bradford St. EXT.	Paul Cunliffe	Common Victualer All Alcohol	100400130
cetown Hospitality b.a. The Surfside	540 Commercial St.	Elizabeth Jobin	Innholder All Alcohol	100400131

Motion to approve all by Diana Robertson Seconded by Keith Brickel Passed 5-0

Correspondence

1. Public Safety Meeting – 3/14/03
2. Memo from Town Manager explaining Board of Selectmen's approval for Department of Community Development's proposal for fee increases. – 3/25/03

Motion to request discussion regarding #2 at next meeting by Hunter O'Hanian Seconded by Mitchell Baker Passed 5-0

Mitchell Baker excused from remainder of meeting.

Minutes – March 11, 2003

Motion to approve by Diana Robertson Seconded by Jean Bock Passed 4-0,

Licensing Board Statements

Licensing Agent Statements

Other Business – any other business, which shall properly come before the board.

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Motion to adjourn 07:50 P.M.

Licensing Board Approval:

Hunter O'Hanian, Chairman

Keith Brickel (Vice-Chair)

Diana Robertson (Clerk)

John Foley

Mitchell Baker

Jean Bock