

## Minutes

of the Town of **Provincetown Licensing Board** Meeting Tuesday, April 22, 2003 in the Judge Welsh Room, 260 Commercial Street.

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

CONVENED: 5:10 P.M.

ADJOURNED: 8:31 P.M.

## Public Hearing

To hear the merit of revising the Provincetown Licensing Rules & Regulations as described below.

# LICENSING RULES AND REGULATIONS

## 1.0 GENERAL RULES FOR ALL BUSINESSES

### 1.04 Availability of Rules and Regulations

- a) All licensees shall be provided with a copy of the Rules and Regulations of the Licensing Board (add)**at the time of application.**

### 1.12 Responsibilities of License Holder

- d) Applicants are responsible for providing either a Worker's Comp Certificate of Liability Insurance with the Town of Provincetown Licensing Board named as the certificate holder, or a Worker's Comp Insurance Affidavit. In addition, the applicant is responsible for completing and submitting all required forms (such as, but not limited to, application, new license or renewal affidavit, tax affidavit, business hours of operation, floor plans, fire alarm test reports) prior to being scheduled for an inspection (add)**or to Licensing Board. Until the application is complete, the application shall not be advertised or presented to the Licensing Board.**

(Insert a new h, as follows:)

- h) **Be generally familiar with the applicable Rules and Regulations of the Licensing Board.**

(Move from 3.0 to 1.12)

- i) **Number approved by the Department of Regulatory Management. Every room licensed for public occupancy shall be conspicuously posted at each entrance, clearly visible to patrons as they enter, with a statement of occupancy as determined by the Department of Regulatory Management. The statement must be clearly printed on permanent stock with white letters and numbers, no less than 3 inches high, printed on dark contrasting background. Handwritten statements or statements on paper or cardboard are not permitted. The statement shall be permanently affixed and secured and maintained in a clearly visible state. The statement shall contain the language "MAXIMUM OCCUPANCY OF THIS ROOM IS \_\_\_\_\_ PERSONS" and where applicable, "SEATING CAPACITY OF THIS ROOM IS \_\_\_\_\_" and also where applicable, "THEATER CAPACITY OF THIS ROOM IS \_\_\_\_\_".**
- j) **No licensee may exceed the approved number of occupancy or seats posted on the license. The seating capacity and occupancy are set by the Department of Regulatory Management or Board of Health or the Licensing Board. The occupancy, and if applicable, the seating capacity and, if applicable, the theater occupancy shall be posted on the license.**
- k) **The occupancy and capacities set for the premises by the Department of Community Development and the Board of Health shall constitute the actual capacity of the premises and the amount approved by the Licensing Board and stated on the license shall not exceed this capacity.**

(Insert a new 1.13 as follows:)

### 1.13 **Requirement for appearance/attendance at Licensing Board hearing by applicant or legal designee**

- a) **New License**
- b) **Amendment of License**
- c) **Transfer of License**

d) Upon specific invitation of the Licensing Board

**3.0 ALCOHOLIC BEVERAGES LICENSES**

**3.01 General Provisions**

- r) Licensees shall not permit opened alcoholic beverages to be brought onto the licensed premises by patrons or employees (add) **nor allow any alcohol to be brought in any area that is open to the public.**

(Insert a new v and y as follows:)

- v) **All establishment that serve alcohol, it is strongly suggested that all employees that serve get "Tips" training.**
- y) **For All establishments who are required to provide food must conspicuously post a menu of items offered and their prices.**

**3.05 Additional Provisions For Private or Public Club Licenses**

- c) No Discrimination

No private club licensee shall make any distinction, discrimination or restriction on account of race, color, (add) **religion, national origin, sexual orientation, gender or ancestry.**

**4.00 ENTERTAINMENT LICENSES**

**4.01 General Provisions**

(Insert a new g as follows:)

- g) **An Entertainment License, which allows for 'Live Entertainment' shall be deemed to allow an auction, which will be completed, within two days, to benefit non-profit organizations.**

**5.00 COMMON VICTUALERS LICENSES**

**5.02 Alcoholic Beverages/~~Brown Bagging~~**

~~Patrons are not permitted to bring alcoholic beverages on the premise for their own consumption.~~

Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain foods.

**6.00 INNHOLDER LICENSES**

**6.01 Definition**

Innholder shall mean a building or group of buildings with a minimum of twenty separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests (add) **as described in M.G.L. Chapter 140 Section 2 (dwelling definition), and M.G.L. Chapter 138, Section 12 (alcohol service).**

**8.00 TAXICAB REGULATIONS**

**8.01 TAXICAB OWNERS**

- q) Taxicab owners shall notify the Licensing Board when drivers leave the company. (add) **Failure to do so shall incur a \$50.00 fine violation.**

- r) TAXI RATES: To/from  
Herring Cove Beach or the Visitor Center, (add) **to anywhere in Provincetown,** is \$4.00 per person.
- s) To/from the Airport or Race Point Beach, (add) **to anywhere in Provincetown,** is \$5.00 per person.  
All other fares in Provincetown are \$3.00. Children  
(under 12 years of age) - \$1.00 off when accompanied by an adult.  
\$2.00 surcharge per fare from 1:00 a.m. to 6:00 a.m.  
\$5.00 surcharge per bicycle.  
\$60.00 hourly rate in Provincetown

- u) The Licensing Agent or Licensing Board is authorized (add) **after approval of the applicant by the Police Department,** to issue and a temporary vehicle swap after a vehicle inspection by the designated officer. **Temporary license may be valid for not more than ten (10) days (add) for no longer than till the next regularly scheduled meeting.**

**8.02 TAXICAB OPERATORS**

(Insert a new g as follows:)

- g) The Licensing Agent or Licensing Board is authorized (add) **after approval of the applicant by the Police Department,** to issue and a temporary vehicle swap after a vehicle inspection by the designated officer. **Temporary license may be valid for not more than ten (10) days (add) for no longer than till the next regularly scheduled meeting.**

(Rename 9.0 to 10.0 and add as follows)

## **10.0 MISCELLANEOUS LICENSES**

### **10.02 Outdoor Artist or Sidewalk Artist**

~~The Provincetown Board of Selectmen voted to establish a license category for outdoor artist.  
(7/24/86)~~

### **10.04 Retail Sales Licenses**

(Insert b1-2 as follows:)

- b) Types of Retail Sales Licenses
1. **Corporate Retail Certificate of Inspection**
  2. **Yearround Retail Certificate of Inspection**
  3. Transient Vendor License, (add) **a retail business that is neither a corporation nor open yearround**
  4. Art Gallery License, (add) **a transient vendor that only sells the owners original art work.**
  5. Class 1 and II Automobile Sales, (add) **The retail purchase or sales of used automobiles.**
  6. Junk Yard License, (add) **a commercial Junk Yard for receiving and re-selling junk.**

### **10.05 Other Licenses Issued by the Licensing Board**

- a) Common Carrier License, (add) **mass transit vehicles carrying more than eight passengers (e.g. the Provincetown Trolley)**
- b) Float Space License, (add) **to attach their Float to MacMillan Pier.**
- c) Fortune Teller License, (add) **to tell fortunes for entertainment purposes only.**
- d) Parking Lot License, (add) **for private parking lots.**
- e) Seafood Off-Loading License, (add) **to provide offloading services to any fishing boat and assist getting the catch to market.**
- f) Stable License, (add) **for both riding and boarding of horses.**

Motion to table all till May 13, 2003 Licensing Board meeting by Diana Robertson seconded Keith Brickel Tabled 4-0

## **Public Statements**

## **New Licenses**

### **Special Entertainment and Liquor Licenses**

To hear a petition from Donald Murphy representing the ***Blessing of the Fleet Inc.***, for:

1. A **Special Entertainment License** for Big Band Concert at the Bas Relief on Thursday, June 26<sup>th</sup> from 7 PM till 11 PM and June 27<sup>th</sup> from 12noon to 9PM, Live Bands and entertainment on Ryder Street on Friday, June 27<sup>th</sup> from Noon till 9 AM, Live entertainment on Ryder street on Saturday, June 28<sup>th</sup> from 12noon am till 1AM, Portuguese dancers on Ryder street on Saturday, June 28<sup>th</sup> from 2 PM till 4 PM, Live bands/block party on Ryder street on Saturday, June 28<sup>th</sup> (in town hall if it rains) from 4 PM till midnight, Portuguese dancers on MacMillan Pier on Saturday, June 28<sup>th</sup> from 1PM till 2 PM, and live bands on Macmillan pier on Sunday, June 29<sup>th</sup> from noon till 3 PM.
2. A **Special Liquor License** for the Bas Relief on Thursday, June 26<sup>th</sup> from 7 PM till 11:30 PM, Bas Relief and Ryder Street on Friday June 27th from 5 PM till 9 PM, and Bas Relief and Ryder Street on Saturday June 28<sup>th</sup> from 11:30 AM till 7:30 PM.

Represented by Don Murphy. No one wrote or spoke against. No one wrote in favor. Steve Melamed spoke in favor, and Gabriel Brooke spoke in favor but suggested noise level to be more controlled after 9pm. TIPS trained bartenders suggested by Licensing Board Chairman.

Amended hours suggested as following:

1. A **Special Entertainment License** for Big Band Concert at the Bas Relief on Thursday, June 26<sup>th</sup> from **6 PM** till **10 PM** and June 27<sup>th</sup> from 12noon to 9PM, Live Bands and entertainment on Ryder Street on Friday, June 27<sup>th</sup> from Noon till **10 PM**, Live entertainment on Ryder street on Saturday, June 28<sup>th</sup> from 12noon am till

- 12AM**, Portuguese dancers on Ryder street on Saturday, June 28<sup>th</sup> from 2 PM till 4 PM, Live bands/block party on Ryder street on Saturday, June 28<sup>th</sup> (in town hall if it rains) from 4 PM till midnight, Portuguese dancers on MacMillan Pier on Saturday, June 28<sup>th</sup> from 1PM till 2 PM, and live bands on Macmillan pier on Sunday, June 29<sup>th</sup> from noon till 3 PM.
2. A **Special Liquor License** for the Bas Relief on Thursday, June 26<sup>th</sup> from 6 PM till 10 PM, Bas Relief and Ryder Street on Friday June 27<sup>th</sup> from 5 PM till 9 PM, and Bas Relief and Ryder Street on Saturday June 28<sup>th</sup> from 11:30 AM till 7:30 PM.

**Motion to approve as #1 amended by Jean Bock seconded Diana Robertson Approved 5-0**  
**Motion to approve as #2 amended by Jean Bock seconded John Foley Approved 5-0**

### **Special Entertainment**

1. To hear a petition from Brian Robertson representing the **Junior Prom for Provincetown High School** Saturday, May 10<sup>th</sup> 8:00 PM – 11:00 PM to be held at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.

**Motion to approve by Keith Brickel seconded Jean Bock Approved 5-0**

2. To hear a petition from Curt Rogers representing Gay Men's Domestic Violence Project for a fundraising event, **Provincetown Birdman**, Saturday, June 8<sup>th</sup> 11:00 AM – 1:30 PM to be held at MacMillan Pier. No rain date requested.

Represented by Mark Green. No one wrote in favor or against. No one spoke against. Steve Melamed, Greg Daniels and Pat Fitzpatrick spoke in favor.

**Motion to approve by Diana Robertson seconded John Foley Approved 5-0**

3. To hear a petition from Jim Pipilas for a **Ribbon Cutting Ceremony** Friday May 2<sup>nd</sup> 2:30 PM – 6:30 PM to be held at Old Ann Page Way. No rain date requested.

**Motion to approve by Jean Bock seconded John Foley Approved 5-0**

### **Art Gallery**

1. Steven Underwood d.b.a. **Blu Day**, 372 Commercial St.

**Motion to approve by John Foley seconded Jean Bock Approved 5-0**

### **Fortune Teller**

1. ~~Ann S. Demetro, Provincetown Psychic, Provincetown~~  
2. Alison Maggs, Mystik Moon, Provincetown

**Motion to approve by Diana Robertson seconded Jean Bock Approved 5-0**

Jean Bock Stepped Down

### **Common Victuller with Entertainment**

1. Eve Reilly d.b.a. **Jackson's Restaurant**, 463 Commercial St.

Represented by Eve Reilly and Clay Bourne. Lorraine Najar spoke in favor.

**Motion to approve by John Foley seconded Diana Robertson Approved 4-0**

Jean Bock returned

### **Taxi Operator**

1. Ryan Hartman-Neal, Provincetown, Cape Cab

**Motion to approve by John Foley seconded Jean Bock Approved 5-0**

### **Peddler**

1. Joan Borraccino d.b.a. Vava Productions, 5 Brown Street  
Lorraine Najar spoke in favor.

**Motion to approve by John Foley seconded Jean Bock Approved 5-0**

### **Transfer License**

#### **Common Victualler with Entertainment and Annual Common Victualler All Alcohol License**

1. To hear a petition to transfer the Common Victualler, Entertainment and Common Victualler Annual All Alcohol Liquor License from Another Honebets, Inc., Stephen D. Melamed mgr d.b.a. **Steve's Alibi**, 291 Commercial St. to CKP Entertainment Group, Inc, Richard Corsino mgr d.b.a. **The Alibi**, 291 Commercial St.

**Motion to approve by John Foley seconded Jean Bock Approved 5-0**

#### **Seasonal Common Victualler All Alcohol License**

1. To hear a petition to transfer the Common Victualler Seasonal All Alcohol Liquor License from Najar, Inc., Lorraine Najar mgr d.b.a. **Lorraine's** 463 Commercial St, to Eva Reilly d.b.a. **Jackson's Restaurant**, 463 Commercial St.

Represented by Eve Reilly and Clay Bourne. Lorraine Najar and Steve Melamed spoke in favor.

Motion to approve by John Foley seconded Keith Brickel Approved 5-0

## ***Amend License***

### **Special Entertainment and Special Liquor License**

To hear a petition from David Mazochi representing David Flower Productions, Inc. to amend:

1. A **special entertainment license** for Wharf dance to be held on Wednesday July 2<sup>nd</sup>, 2003 4pm –9:00pm at the end of Fisherman's Wharf to a dance held at Ryder Street.
2. A **special liquor license**, Wine and Malt only for a Wharf dance to be held on Wednesday July 2<sup>nd</sup>, 2003 4pm – 9:00pm, at the end of Fisherman's Wharf to a dance held at Ryder Street.

Represented by Atty. Robin Reed, David Mazochi and Kiki Herald. No one wrote in favor or against. Speaking in favor: Howard Burchman, Steve Melamed, Pat Fitzpatrick, Bill Meadows, David Morgan, and Chief Meyer. Speaking against: Dick Silva, Mark Chinapolis, Nelson Vitale, Fred Maldoon, Greg Daniels, and David LaSale. Candy Collins spoke neither for nor against, but warning the LB for future profit organizations opening Pandora's box of competition. The Licensing Board felt that the file was incomplete due to lack of approvals for use of street from the Town Manager and the Board of Selectmen. Plus, they felt that all safety issues had not been looked at, and wanted Warren Alexander to sign off approval before file complete.

**Motion to table till May 13 by Jean Bock, Seconded by Diana Robertson Tabled 5-0**

John Foley left meeting

## ***Renewal License***

Keith Brickel stepped down

### **Lodging**

1. The Carriage House, LLC, David G. McFarlane mgr d.b.a. ***The Carriage House***, 9 Central Street
2. Dale Chin d.b.a. ***Clarendon House***, 118 Bradford Street
3. Land's End at Gull Hill, Inc, Ronald Morgan mgr d.b.a. ***Land's End Inn at Gull Hill***, 22 Commercial St.
4. On the Beach Again, Inc., Heather Welsh mgr, d.b.a. ***Anchor Inn***, 175 Commercial St.
5. James Mack and Paul Gizaro d.b.a. ***Snug Cottage***, 178 Commercial St.
6. Paul Gumbleton d.b.a. ***The Center Street Inn***, 17 Center St.

**Motion to approve all by Diane Robertson Seconded by Jean Bock Passed 3-0**

### **Common Victualer**

1. Café Heaven, Inc. Alan Cullinane mgr d.b.a. ***Cafe Heaven***, 199 Commercial St.
2. Mark Janoplis d.b.a. ***John's Foot Long Hot Dog Stand***, 309 Commercial Street
3. Aliperti, Inc. Donna M. Aliperti mgr d.b.a. ***Front Street Restaurant***, 230 Commercial St.
4. Cafe Edwige, Inc. Nancyann Meads mgr d.b.a. ***Café Edwige***, 333 Commercial St.
5. Big Daddy's Burritos, Inc. Genna Liddick mgr d.b.a. ***Big Daddy's Burritos***, 205 Commercial St.
6. Mark Birnbaum d.b.a. ***MoJo's***, 5d Ryder Street
- ~~7. Twisted Sister Inc, Patricia McGuire mgr d.b.a. ***Twisted Sister***, 293 Commercial St.~~
8. Glaceteria, Inc Steve Schnitzer mgr d.b.a. ***Ben & Jerry's***, 258 Commercial St.
9. P-Town Fortune Cookie, Inc. David Ha mgr d.b.a. ***P-Town Fortune Cookie***, 205-9 Commercial St.

**Motion to approve all by Jean Bock Seconded by Diane Robertson Passed 4-0**

### **Common Victualler with Entertainment**

1. Atlantic Ocean, Inc., April Cabral Pitzner mgr d.b.a. ***Grand Central Café***, 5 Masonic Place
2. Summer Coastline, Inc. Susan Webster mgr d.b.a. ***Pied Piper Bar***, 193A Commercial St.
3. Steamboat Wharf of Provincetown, Inc. John Yingling mgr d.b.a. ***Bubala's by the Bay***, 183 Commercial St.

**Motion to approve all by Jean Bock Seconded by Diane Robertson Passed 4-0**

### **Outdoor Artist**

1. William E Smith d.b.a. ***Let's Face It Portraits***, 286 Commercial St.

**Motion to approve by Jean Bock Seconded by Keith Brickel Passed 4-0**

### **Fortune Teller**

1. Lawrence Grab, Mystik Moon, Provincetown
2. Marc Grab, Mystik Moon, Provincetown

**Motion to approve both by Diane Robertson Seconded by Keith Brickel Passed 4-0**

### **Class I and II**

1. Rod's Service Station, Inc, Mark S. Silva mgr d.b.a. ***Rod's Service Station***, 42 Conwell St.

**Motion to approve by Diane Robertson Seconded by Keith Brickel Passed 3-0-1**

### **Parking Lot**

1. Gael Poltrack d.b.a. **Kibbe Cook House Parking**, 466 Commercial St.
2. Rosemary & Gordon Ferreira d.b.a. **Jesse Burr Parking Lot**, 10 Prince St.
3. Irene Joseph d.b.a. **Godinho's Parking Lot**, 35 Standish St.
4. John Yingling d.b.a. **170 Commercial Street Realty Trust**, 170 Commercial St.
5. Rod's Service Station, Inc, Mark S. Silva mgr d.b.a. **Rod's Service Station**, 42 Conwell St.

**Motion to approve all by Keith Brickel Seconded by Diane Robertson Passed 4-0**

**Innholder**

1. Gordon Family Partnership, William Gordon mgr d.b.a. **Best Western Chateau**, 105 Bradford
2. John E Still d.b.a. **Cape Colony Inn**, 280 Bradford St.

**Motion to approve all by Jean Bock Seconded by Diane Robertson Passed 4-0**

**Innholder with Entertainment**

1. Draper-Rigg, Inc., Carlton Draper mgr d.b.a. **The Commons**, 386 Commercial St.

**Motion to approve by Keith Brickel Seconded by Jean Bock Passed 4-0**

**Transient Vendor**

1. Mary Ellen Otto & Robert Otto d.b.a. **Eclectiques**, 368 Commercial Street
2. Marla Rice and Richard Polak d.b.a. **Rice/Polak Gallery**, 430 Commercial St.
3. John Donahue d.b.a. **The Cargo Hold**, 1 Commercial St.

**Motion to approve all by Diane Robertson Seconded by Keith Brickel Passed 4-0**

***Correspondence***

1. Public Safety Meeting – 4/22/03

***Minutes – March 25, 2003 and April 1, 2003***

**Motion to approve March 25<sup>th</sup> as amended by Diana Robertson Seconded by Keith Brickel 4-0**

**Motion to approve April 1<sup>st</sup> as amended by Diana Robertson Seconded by Keith Brickel 4-0**

***Licensing Board Statements***

***Licensing Agent Statements***

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

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

**Motion to adjourn 08:31 P.M.**

**Licensing Board Approval:**

\_\_\_\_\_  
Hunter O'Hanian, Chairman

\_\_\_\_\_  
Keith Brickel (Vice-Chair)

\_\_\_\_\_  
Diana Robertson (Clerk)

\_\_\_\_\_  
John Foley

\_\_\_\_\_  
Mitchell Baker

\_\_\_\_\_  
Jean Bock