



# Minutes

Of the Provincetown Licensing Board Public Meeting at 5:15 p.m. on **Tuesday, May 27, 2014** in the Auditorium, Town Hall, 260 Commercial Street.

**Members Present:** Kristin Hatch, AJ Petras, Frank Thompson, Anthony De Jacimo,

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

## Meeting Agenda

### ***Public Hearings***

AJ Petras to Chair meeting.

### **Special Entertainment License & Noise By-Law Waiver** – *continued from 5/13*

Petition from **Lynn d'Angona**, representing **Provincetown Cares** for a **Special Entertainment License & Noise By-Law Waiver** on May 25, 2014 at 698 Commercial St. No rain date requested.

**Withdrawn by licensee**

### **Special Entertainment License** – *continued from 5/13*

Petition from Adam & Marian Peck, representing **A Gallery** for a **Special Entertainment License** (for Unamplified Acoustic Music) on June 6, 20 & 27; July 4, 11, 18, & 25; August 1, 8, 15, 22 & 29; September 5 & 12, 2014 from 7 pm to 10 pm at 192 Commercial St. No Rain Dates Requested.

Adam and Marian Peck representing A Gallery

Discussion regarding music to be played at art openings. Original music to be played. Art in music. Unamplified music with artist solo shows.

Originally doing readings on Wednesday but have withdrawn that part of the application as it is unamplified.

Discussion regarding feedback from neighbors for previous readings. Licensee says no problems in past.

Peak time will be most likely 30 people. Largest event was 50 people

**Motion to Approve by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

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

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 27, 2014 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Erin Atwood, representing **Provincetown Business Guild** for a **Special Entertainment License & Special Liquor Licenses** at 10 Carver St. on August 17, 2014 from 2-5 p.m., and a **Special Entertainment License and Special Liquor Licenses** at 7 Winthrop St. on August 19, 2014 from 3-5 p.m. and a **Special Liquor License** at Town Hall on August 20, 2014. No Rain Dates Requested.

**Motion to Continue by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

**Special Liquor License**

The Provincetown Licensing Board will hold a Public Hearing at 5:15 p.m. on Tuesday, May 27, 2014 in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from Erin Atwood, representing **Provincetown Business Guild** for **Special Liquor Licenses** at 184 Bradford St., 7 Cook St., 8 Dyer St., 140 Bradford St., and 142 Bradford St. on August 22, 2014 from 2-5pm No rain dates requested.

**Motion to Continue by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

**Special Liquor License**

Petition from Jef Hall-Flavin representing **Provincetown Tennessee Williams Theater Festival, Inc.** for a **Special Wine & Malt License** for an event on May 31, 2014 from 6pm until 10:30pm in the Town Hall Auditorium. No rain date requested.

Jef Hall-Flavin representing Tennessee Williams Theater Festival

Annual dinner where we announce the works that will be performed in September

Full sit down dinner with Far-land Provisions as caterer

We have a detail for the event.

We have a seating plan.

Discussion regarding past events

**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0**

**Special Liquor License**

Petition from John Braden representing **WOMR** for a **Special Wine & Malt License** for an event on July 11, 2014 from 7pm until 11pm in the Town Hall Auditorium. No rain date requested.

John Braden and Tony Pasqual represent WOMR

2 bands playing at Town Hall with liquor sales at event

Have done liquor in town hall recently. Event two nights ago

Kristin: same set up?

John: Yes

Discussion regarding liquor vendors/suppliers

**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0**

**Special Liquor and Entertainment Licenses**

Petition from Jared Earley representing **Provincetown Film Society, Inc.** for **Special Liquor and Entertainment Licenses** for events at 183 Commercial St., on June 22, 2014 from 8:30pm until 12:45am and at 24 Pearl St., on June 22, 2014 from 8:30pm until 12:45am. No rain date requested.

**Withdrawn by licensee**

**Special Liquor and Special Entertainment Licenses**

Petition from Rebecca Glucklich, representing **GLAD**, for a **Special Entertainment and Liquor Licenses** for an event on July 26, 2014 from 4 to 7 p.m. at the Pilgrim Monument, Provincetown, MA. No rain date requested.

Rebecca Glucklich representing GLAD's 33<sup>rd</sup> annual Summer Party  
400 to 450 people for silent auction.

Event catered by Above and Beyond from Boston

Discussion regarding attendee under 21.

Discussion regarding ID'ing at the bar.

Discussion regarding Police Detail

No detail hired at this time

Kristin: I'd feel better with a Police Detail.

**Motion to Approve by Kristin Hatch with friendly amendment for a police detail to be on hand.  
Second by Anthony DeJacimo. Approved 4-0**

**New All Alcohol Innholder's License**

Petition from Stanley Sikorski representing **Lands End Inn** for an **Annual All Alcohol Innholder's License**, at 22 Commercial St., Provincetown, MA.

Thomas Orlandi and Stanley Sikorski representing Lands End Inn

Stanley – discusses discovery that previous practice of selling liquor to rooms is illegal. Visited by the ABCC. Reception for guests every day that is legal and free to guests.

Looking to sell premium alcohol.

Will not server to non-guests. Will not change the configuration of the Inn.

Thomas Orlandi: the position of the ABCC is that the giving of alcohol is the same as a sale and illegal without license. There will be no bar. It will be for guests only and not for the public. The focus is on beer and wine but all alcohol requested.

Discussion about employment of year round workers. Alcohol servers will go to a TiPS program.

Stanley: we don't pour for anyone. We sell and serve food. We won't change that.

Discussion re: TiPS training.

Thomas Orlandi: thanks to Aaron for his help

Discussion re: Zoning Board Decision

AJ: does anyone monitor for underage consumption?

Stanley: rare that we have anyone under 40, but all employees are trained to make sure no children drink on the premises.

Discussion re: events that occur at the Inn and the conflict of licensing that if it's a public event

Discussion re: zoning restrictions

Mary Jo Avellar speaks in favor of license. Speaks to history of filing floor plans and the need to go to zoning before licensing. I served the whole property when I owned the Red Inn. Good business people who have made a bit investment.

Laura Shabott speaks in favor of the licensing of the Inn. Gives great care to his business.

2 letters in opposition read into the record.

Discussion re: switch to all alcohol from beer and wine.

Stanley: always been all alcohol. Said he had no problem but when he found out they could get Cognac (for instance) he had an issue. This type of sale is a rare occurrence. I had only one request last year for this type of liquor. Useful service in the winter so guests don't have to go out in the cold. Not advertised.

Discussion re: distributor. A licensed distributor must be used for purchase.

Thomas Orlandi: this has been going on for years, and without incident. This practice was in place for years before ABCC came.

Kristin: discussion regarding past history of liquor at the Inns in Town of Provincetown

Licensing Agent summarizes chapter 138 sec. 1 and chapter 140 sec 6 of MA General Law into the record.

Discussion of zoning restrictions and whether they are enforceable.

Kristin: zoning restrictions should be ignored. It will allow you to have events.

Discussion about removing the word "registered" from the zoning restrictions.

Discussion re: difference between guest house or innholder license in the town of Provincetown

Discussion re: entertainment license and events with guitarists

**Motion to Approve by Kristin Hatch with friendly amendments 1) sale of alcohol to guests of the Inn. Second by Frank Thompson**

Anthony DeJacimo: discusses concerns over all alcohol portion of the license. Would feel better if it was wine and malt.

Stanley discusses previous year's without incident.

Discussion re: how service of alcohol would occur. We have never given or sold liquor. Only wine & beer. Discussion about purchase of liquor from a wholesaler

Discussion with Town Planner Gloria McPherson re: removal of zoning stipulation to remove the zoning decisions mention of "registered" guests.

Kristin: will be have problems with zoning? With the licensee have problems with zoning?

Gloria: two separate entities with zoning enforced by building commissioner. You can give a license as you deem appropriate and zoning did the same. At the time the zoning board didn't find the wine and malt versus all alcohol to be a big distinction. That condition will be enforced by zoning. The sale would happen to a guest.

Kristin: I feel good about removing the word "registered" and then zoning can concern themselves with their condition. Sale to the guest.

AJ: I think you run a well managed, class organization and that you would respect the license well. I have a slight issue with all alcohol but it may be making a mountain out of a mole hill.

**Approved 3-1.**

**Special Entertainment Licenses**

Petition from Rasa Schiffenhaus representing **Backstreet** for **Special Entertainment License** for an event at 133 Bradford St., on June 7, 2014 from 5pm until 10pm. No rain date requested.

Rasa Schiffenhaus and Ronald Deen representing Backstreet.

Actual event from 5 to 8 for Scott Allegretti's 5 year anniversary.

Invitation only event. 100 to 150 people. Wants soft music playing outside. Music will stop at 8:30

**Motion to Approve by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

***Other Business***

***Amend License***

***Special License***

***New License***

**Retail**

1. Pop + Dutch, LLC, Sean Gardner, mgr., d.b.a. **Pop + Dutch**, 147 Commercial St. Provincetown, MA 02657  
Sean Gardner and Rebecca Orchant representing Pop + Dutch  
Food and small scale grocery in west end.  
Roasting meats in-house for sandwiches. Doing as much in-house as possible.  
Sean previously ran similar business in Brooklyn  
Hoping to stay open to almost New Year's
2. Provincetown Pet Resort, LLC, Thomas Walter, mbr., d.b.a. **Provincetown Pet Resort**, 79 Shank Painter Rd. Provincetown, MA 02657  
Thomas Walter represents Provincetown Pet Resort  
Formerly KC Animal Resort  
We eliminated Vet's office for retail in the front and expanded back to move daycare upstairs  
Hoping to open mid-June depending on construction  
Single source protein pet food to limit pet allergy

Items you would have to drive 30 minutes for otherwise  
Will be working with CASAS and the Police Department

**Taxi Cab**

1. **Cape Cab:** Reg#LV7347, VIN#1GAHG39JV1086981, Grey Chevy Expovan;  
Laura Shabott representing Cape Cab  
Raphael at the Board of Selectmen's meeting  
**Motion to Approve by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

**Taxi Operator**

1. Tessa Bry – driving for Mercedes Cab – *continued from 5/13*  
Tessa Bry represents herself. Driving since 14 in North Dakota  
Living in Provincetown for 10 years  
Discussion regarding displaying of licenses  
Discussion of knowing where cabs can and can't be parked  
Discussion of understanding the new rates  
Tessa: Producing Rent and Hamlet this summer in Town of Provincetown  
**Motion to Approve by Kristin Hatch. Second by Frank Thompson. Approved 4-0**
2. Tenzin Gyadatsang – driving for Junior's Taxi  
Tenzin Gyadatsang representing herself  
14 in town and 11 diving.  
Also works at Himalayan Handicrafts  
**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0**
3. Paulette Cortes – driving for Junior's Taxi  
Paulette Cortes represents herself  
Driving for 23 years. Had previous taxi license here in Town of Provincetown  
Works at Underglass Framing  
**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0**
4. Thomas Frisbie – driving for Junior's Taxi  
Thomas Frisbie representing himself  
Driven for cab companies in the past  
**Motion to Approve by Kristin Hatch. Second by Frank Thompson. Approved 4-0**
5. Robb Yates – driving for Black & White Taxi  
Robb Yates represents himself  
Driving for 30 years. Pedicab for 6 years.  
Repeat licensee  
**Motion to Approve by Kristin Hatch. Second by Anthony DeJacimo . Approved 4-0**
6. Richard Ballentine – driving for Black & White Taxi  
**Motion to continue by Kristin Hatch. Second by Frank Thompson. Approved 4-0**
7. Kevin Davenport – driving for Black & White Taxi  
**Motion to continue by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

8. David Wennerberg – driving for Black & White Taxi  
**withdrawn**

### **Pedicab Operators**

1. Adam Dalicandro – riding for Ptown Pedicab
2. Matthew James – riding for Ptown Pedicab  
Matthew James represents himself.  
**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson.  
Approved 4-0**
3. Albert Nukov – riding for B&E Company  
Albert Nukov representing himself  
No pedicab experience. Has time to work pedicab  
Knows the streets  
**Motion to Approve by Kristin Hatch. Second by Anthony DeJacimo. Approved 4-0**
4. Ivaylo Ivanov – riding for B&E Company  
Ivaylo Ivanov representing himself  
Getting familiar with the streets. Smart phone with Google Maps  
**Motion to Approve by Kristin Hatch. Second by Anthony DeJacimo. Approved 4-0**

### **Outdoor Artist**

1. Michael Gredler, 27 Center St. Provincetown, MA 02657 – *continued from 5/13*

### ***Public Statements***

Laura Shabott representing Mercedes Cab

Concerned about saturation in town with cabs because of the increase in the number of companies  
Represents Raphael Richter asking to consider the capping of the number of cab companies or  
number of taxis in Town

The need for taxi people to come before the board could be changed

### ***Renewal License***

#### **Lodging**

**Motion to take items 1-4 as a group by Kristin Hatch. Second by Frank Thompson.  
Approved 4-0**

AJ: I have a relationship in that the Elephant Walk is part of my Condo Complex and will abstain

1. EH OP CO, LLC, Kevin O'Shea, mgr., d.b.a. **Fairbanks Inn**, 90 Bradford St., Provincetown, MA 02657
2. EH OP CO, LLC, Kevin O'Shea, mgr., d.b.a. **Fairbanks Inn**, 92 Bradford St., Provincetown, MA 02657
3. Mooncusser, LLC, Russell Wilkins, mgr., d.b.a. **Elephant Walk Inn**, 156 Bradford St. Provincetown, MA 02657
4. Howard Weiner, mgr., d.b.a. **Howard's End Guest House**, 5 Winslow St., Provincetown, MA 02657

**Motion to approve as a group by Kristin Hatch. Second by Frank Thompson. Approved 3-0-1**

**Common Victualer**

1. Provincetown Cinema Company, Inc., Ben DeRuyter, mgr., d.b.a. **Blondie's Burgers**, 212-214 Commercial St. Provincetown, MA 02657
2. Best Buns, Inc., Irvin Morgan, mgr., d.b.a. **Burger Queen**, 331 Commercial St. Provincetown, MA 02657

**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0**

**Art Gallery**

**Motion to take items 1-6 as a group by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

1. Marla Rice, d.b.a. **Rice Polak Gallery**, 430 Commercial St. Provincetown, MA 02657
2. Steve Bowersock, mgr., d.b.a. **Bowersock Gallery**, 373 Commercial St. Provincetown, MA 02657
3. HN Gallery, Inc., Hilda Neily, mgr., d.b.a. **Hilda Neily Gallery**, 364 Commercial St. Provincetown MA 02657
4. Brian Galloway, mgr., d.b.a. **William Scott Gallery**, 439 Commercial St. Provincetown, MA 02657
5. White Sands Beach Club, Maria Kuliopulos, mgr., d.b.a. **Thanassi Gallery**, 234 Commercial St. Provincetown, MA 002657
6. Kyle Ringquist, mgr., d.b.a. **Kyle Ringquist Gallery**, 349 Commercial St. Provincetown, MA 02657

**Motion to approve as a group (with #6 pending inspection ) by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

**Parking Lot**

1. Rev. Hugh McCullough, d.b.a. **St. Peter's the Apostle Church Parking**, 11 Prince St. Provincetown, MA 02657

**Motion to Approve Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

**Taxi Cab**

**Motion to take items 1-3 as a group by Frank Thompson. Second by Anthony DeJacimo. Approved 4-0**

1. **Cape Cab**: Reg#TA27216, VIN#1GNDM19W7XB170607, Gray Chevy Astrovan; Reg#TA27219, VIN#1GNEL19W3YB119923, Grey Chevy Astrovan;
2. **Mercedes Cab**: Reg#TA27217, VIN#WDBAB93C1FF033697, Blue Mercedes Station wagon;
3. **Funk Bus**: Reg#LV67312, VIN#FDSE37F8WHB52765, Red/Orange Ford Cutvan; Reg#LV65679, VIN#1FDSE37FOWHA71887, Red Ford #350 Van;

**Motion to approve as a group by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

**Pedicab**

1. B&E Pedicabs, LLC, Max Cliggot-Perlt, mgr., d.b.a. **B&E Pedicabs**, 2 Creek Round Hill Rd., Provincetown, MA 02657. Reg. #200 Black (formerly Yellow). Reg. #201, Green.

**Motion to Approve by Anthony DeJacimo. Second by Frank Thompson.**

**Approved 4-0**

**Taxi Operator**

**Motion to take items 1-10 as a group by Frank Thompson. Second by Anthony DeJacimo.**

**Approved 4-0**

1. Sabrina Hash – driving for Junior’s Taxi
2. Selene Burke – driving for Junior’s Taxi
3. Mary Jo Dorman – driving for Junior’s Taxi
4. Justine Ives – driving for Cape Cab Company
5. Cathleen Crissafuli – driving for Cape Cab Company
6. Richard Fishman – driving for Cape Cab Company
7. Michael Costa – driving for Cape Cab Company
8. Everard Cleary – driving for Ptown Taxi Service
9. Kevin Lindsay – driving for Ptown Taxi Service
10. Christopher Bennett – driving for Ptown Taxi Service

**Motion to approve as a group by Anthony DeJacimo. Second by Fank Thompson. Approved 4-0**

**Pedicab Operator**

**Motion to take items 1-6 as a group by Anthony DeJacimo. Second by Frank Thompson.**

**Approved 4-0**

1. Max Cliggot-Perlt – riding for B&E Pedicab
2. Zhana Valeska – riding for Ptown Pedicab
3. Plamea Panayotova – riding for Ptown Pedicab
4. Mihail Nedelcher – riding for Ptown Pedicab
5. Vladimir Ivanov – riding for Ptown Pedicab
6. Boris Stefanov – riding for B&E Company

**Motion to Approve as group by Frank Thompson. Second by Anthony DeJacimo.**

**Approved 4-0**

***Correspondence***

***Minutes***

**Motion to Approve Minutes of March 25, 2014 as corrected by Kristin Hatch. Second by Frank Thompson. Approved 4-0**

**Motion to Approve Minutes of April 10, 2014 by Anthony DeJacimo. Second by Frank Thompson. Approved 4-0.**

**Motion to Approve the Minutes of April 22, 2014 Athony DeJacimo. Frank Thompson. Approved 4-0**

**Enforcement**

Det Alves: Licensing and Liquor Inspections increased recently. Everyone compliant ABCC in town last weekend with no violations. A lot of places were hit.

Training for liquor service training to make your job safer. Open forum to ask questions on June 17<sup>th</sup>.



Board thanks Police Department and Det Alves for work with liquor in town

### **Code Compliance**

Update on Crown & Anchor ABCC Hearing – Warning issued

Letter to be written by Kristin

### **Old Business**

- Consideration of changes to the Licensing Regulations regarding the way Taxi and Pedicab Licenses are handled and/or signed.

Kristin: waste of time to have to see the drivers in a meeting

AJ: there is a formality to having to come in the first time. That it's a responsibility. We have never turned anyone down.

Kristin: we could see the problem applications

Discussion re: when temps are issued and the elimination of that process.

Discussion re: regulations do not mention licensing for approval of licenses. Mentions police and licensing agent.

AJ: Change to the Process and not regulations so that the Licensing Agent can approve/sign license after approval from Police Department. Files to be presented at the meeting for review.

Licensing Agent: I would ask you to come in to review troubling CORI's before signing

Motion to approve the change in process as stated above for taxi operator licenses by Kristin Hatch. Second by Anthony DeJacimo. Approved 4-0

Motion to approve change in process for pedicab license to allow the Licensing Agent to approve licenses without

- Vote on population estimate number for ABCC

**Motion to Approve by Kristin Hatch. Frank Thompson. Approved 4-0**

### **New Business**

#### ***Licensing Board Statements***

Frank: Discusses renter's certificates and the process to attain one.

AJ: will not be at the next meeting and may not be able to continue with the board. This board is a great challenge and very rewarding. Good people to work with. Asks for board participation.

#### ***Licensing Agent Statements***

TiPS Training on June 11<sup>th</sup> and Security training on June 17<sup>th</sup>. Call to inquire.

Discusses need for ABCC training on MA General Law for both the Licensing Board and the Zoning Board.

**Motion to Adjourn by Kristin Hatch. Second by Frank Thompson. Approved 4-0 7:27 p.m.**