



Minutes

... of The Provincetown Licensing Board Public Meeting on **Tuesday, November 13, 2018** at 5:15pm in the Auditorium, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson (FT), Chair; Shawn Byrne (SB); Zachary Luster (ZL); Robert F. Cameron (RC); Carol D. Santos (CS); Bernice Steisel (BS).

Staff Present: Aaron Hobart (AH), Licensing Agent.

Absent: Det. Meredith Lobur, Compliance Officer.

Meeting Agenda

Public Hearings

Special Liquor License

Petition from ***Felicia Vital*** for a ***Special Liquor License*** for an event on June 8, 2019 from 5:00pm to 11:00pm at the end of MacMillan Pier, Provincetown, MA. No rain date requested.

Felicia Vital presented; said they would be serving beer and wine and one signature drink and would provide the alcohol and hire a TIPS-trained bartender. AH noted it was a private function and Ms. Vital verified she'd be using the same liquor wholesaler as her mother who owns The Coffee Pot.

No public comments or letters.

ZL made a motion to approve as presented. CS seconded the motion and it passed, 5-0-0; ZL, CS, FT, SB, RC.

Special Liquor License

Petition from Robert Anderson, representing ***The Gallery Catering, LLC d.b.a. The Canteen*** for a ***Special Entertainment License*** at 225 Commercial St., Provincetown, MA on November 24 & 25, December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30 & 31 2018 from 11:00am to 10:00pm. No Rain Dates requested.

Robert Anderson presented; said this will be Canteen's 4th season with the Market and that the point of the license is to give the community a chance to gather in the spirit of the holiday season; that they would be looking to book live acts in the weeks to come and needed flexibility to clear people for entertainment purposes with short or little notice; currently have Santa coming in from the North Pole.

No public comments or letters.

ZL expressed his appreciation for the Market.

SB made a motion to approve as presented. FT seconded the motion and it passed, 5-0-0; SB, FT, ZL, RC, CS.

Change of Liquor License Class

Petition from Evan Evans, representing *The Provincetown Inn* for a **Change from Annual to Seasonal Liquor License** at 1 Commercial St., Provincetown, MA.

Evan Evans presented; said the Inn would be changing to a seasonal license and would be closing for the extended season on January 15, 2019.

No public comments or letters.

ZL made a motion to approve as presented. CS seconded the motion and it passed, 5-0-0; ZL, CS, FT, SB, RC.

Public Statements

None.

Other Business

Discussion about possible changes to the Licensing Board regulations

AH recommended the discussion be moved to January as he will then have had proper time to prepare, but suggested the board use the next couple of months to look through the regs to see if there is anything that might warrant change, deletion or discussion.

FT mentioned that the next meeting of the LB would be the big one, the annual liquor license renewal review and that it would run at least two hours and all members needed to be on hand.

Discussion of report submitted to Board re: West End Racing Club fundraiser.

ZL said he felt that something along the lines of a fine of \$100 was important to send a message RC said he agreed, spoke of a number of town officials who went down on their own time to sort it out and that putting a dollar figure on it wouldn't be practical but a \$100 fine would be a good measure. AH said it would be a \$100 fine per infraction and that it could be determined which one he should use, read aloud bylaw 307, Section G, #6, wherein it was applied for a submitted floor plan that had been received and which, it could be determined, had been circumvented beyond the agreement. AH said that if the board wants more teeth in the regulation, then it would have to introduce an amendment which could be discussed at the January meeting.

CS said it is important to note it was a fund-raiser and that it would be more difficult for them to come before the board again in the future; said she wasn't happy with what happened, but that there were good intentions and it was held as a fundraiser for the Town.

AH responded that the first year they misrepresented as a private party when notices had gone out all over Town and on Facebook and that this year they violated the area of service approval; said he was fine with what the board decided, but did want to cite that it was the second year of issues.

ZL made a motion to fine Sal's Place \$100.00 for violation of the license agreement. SB seconded the motion and it passed, 4-1-0; ZL, SB, FT, RC in favor; CS, opposed.

Amend/Transfer License

New License

Fortune Teller

1. ***Megan Marco*** – 286 Commercial St.
2. ***Shannon Mitchell*** – 286 Commercial St.

Peter Eli, wife Deborah Metlow and daughters Megan Marco and Shannon Mitchell presented; confirmed to FT that they all live in town.

AH noted the issue with West End Salon that resulted in Town Counsel advising that a waiver could be granted for those who are licensed Fortune Tellers but do not live in town due to the un-enforceable nature of the bylaw which had required they be year-round residents.

ZL made a motion to approve Megan Marco at 286 Commercial St. SB seconded the motion and it passed, 5-0-0; ZL, SB FT, RC, CS.

ZL made a motion to approve Shannon Mitchell at 286 Commercial St. CS seconded the motion and it passed, 5-0-0; ZL, CS, FT, SB, RC.

Renew License

Lodging

1. Crown & Anchor, Inc., Richard Murray, mgr., d.b.a. ***Victoria House***, 5 Standish St., Provincetown, MA 02657
2. Birchwood Holdings, Inc. , Howard Burchman, mgr., d.b.a. ***The Tucker Inn***, 12 Center St., Provincetown, MA 02657
3. Anchor Inn, LLC , Michael Zeppieri, mgr., d.b.a. ***Anchor Inn***, 175 Commercial St., Provincetown, MA 02657
4. Masthead, Inc. , John Ciluzzi, mgr., d.b.a. ***Masthead Resort & Cottages***, 31-41 Commercial St., Provincetown, MA 02657
5. ZZAZZ, Inc. , Gurli Lovinger, mgr., d.b.a. ***Lotus Guest House***, 434 Commercial St., Provincetown, MA 02657
6. Four Bays, Inc., Dale Scaturro, mgr., d.b.a. ***The Queen Vic Guest House***, 166 Commercial St., Provincetown, MA 02657
7. Prince Albert, LLC, Paul Schoefield, mgr., d.b.a. ***The Prince Albert Guest House***, 164 Commercial St., Provincetown, MA 02657
8. A&J Properties, Inc. , Adrian Padilla, mgr., d.b.a. ***The Sunset Inn***, 142 Bradford St., Provincetown, MA 02657

ZL made a motion to group all the Lodging license requests together. SB seconded the motion and it passed, 5-0-0; ZL, SB, FT, RC, CS.

ZL made a motion to approve the Lodging licenses as presented. SB seconded the motion and it passed, 5-0-0; ZL, SB, FT, RC, CS.

Fortune Teller

1. ***Deborah Metlow*** – 286 Commercial St.

ZL made a motion to approve Deborah Metlow at 286 Commercial St. CS seconded the motion and it passed, 5-0-0; ZL, CS, FT, SB, RC.

Correspondence

AH said a letter came in from 101 Commercial St., which referenced an engineer's report regarding the load a restaurant can hold. FT said he understood that the matter was in the hands of Ann Howard and the Building Department. AH responded that the issue of loads was a Zoning Board matter; that the Licensing Board was concerned with seating, and that they would be at the end of the approval path; said the common victualler's license is a rubber stamp, but that if there is a safety issue, Ms. Howard would address it as such and noted that she has been working with the property on a continuous basis. AH said it would eventually end up at Licensing.

Peter Eli returned and spoke on behalf of his wife who he said had heard mention of the three sisters who have previously held a Fortune Teller license and possibly at The Captain's Daughter, asked if they would be back in town. AH said he knew of a gentleman who had been there previously two years ago but wasn't there last year and that they would have to apply again; that he hadn't heard anything along that line, but suggested there are a lot of fortune tellers in town; referenced the Town Counsel's recommendation that requiring fortune tellers to reside in the town they are practicing in is unenforceable by the State.

AH said the 101 Commercial St. letter can be placed on the Dec. 11th agenda.

Minutes

SB made a motion to approve the minutes for October 23, 2018 and July 10, 2018 as presented. CS seconded the motion and it passed, 5-0-0; SB, CS, FT, ZL, RC.

Enforcement

None.

Code Compliance

AH said there were no complaints to report, which is typical for this time of year; and that the Anchor Inn has paid for last year, double fees for 2018, and are renewing.

Old business

None.

New Business

None.

Licensing Board Statements

FT reminded the board to be in attendance for the annual meeting that traditionally follows the Thanksgiving holiday for the purpose of renewals; referenced March as the counter-point meeting in a similar regard.

Licensing Agent Statements

AH said his statement had begun earlier with the fortune teller license requests that came before the board today; advised people doing readings under the radar but they should come in and get a waiver and get licensed; that while the license is \$80, the violation is at least \$100 and that they typically don't do inspections on these types of licenses.

FT referenced a woman with a card table doing readings outside of Town Hall, which AH said is not a busking activity and should be dealt with as such; said the fortune teller business goes even beyond the taxi business as a business wherein the practitioners traditionally rat each other out but that it was oddly quiet this year, remarked it's a competitive line of work and has, in the past, come with threats of bodily harm and police involvement.

ZL made a motion to adjourn at 5:53pm. SB seconded the motion and it passed, 5-0-0; ZL, SB, FT, RC, CS.

Respectfully Submitted,
Jody O'Neil