

Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, April 14, 2009** at 5:15 p.m. in the Yellow Room, Community Center, 44 Bradford Street.

Present: Cass Benson, Todd Wagar, Teri Nezbeth, George Young

Public Hearings

Informal discussion with Peter McHenry, representing Cuffy's regarding violation of Provincetown General By-Laws 8-2, 8-7 and 8-8 and Licensing Board Rules & Regulations 1.02 (a) and 1.12 (a).

Informal discussion with Kenneth Hassett, representing The Carriage House regarding possible violation of M.G.L. Chapter 138 and Licensing Board Rules & Regulations 3.01 (b).

Teri Nezbeth steps down

Special Entertainment/Special Liquor

1. Petition from Steve Bowersock, representing **Bowersock Gallery** for **Special Entertainment and Special Liquor Licenses** for events to be held at 373 Commercial St., Provincetown, MA on the following dates: May 2, 2009, 5 p.m. - 9 p.m. (A benefit for H.O.W.); May 22, 2009, 7 p.m. - 9 p.m.; June 19, 2009, 7 p.m. - 9 p.m.; July 3, 2009, 7 p.m. - 9 p.m.; July 31, 2009, 7 p.m. - 9 p.m.; August 21, 2009, 7 p.m. - 9 p.m.; September 4, 2009, 7 p.m. - 9 p.m.; September 18, 2009, 7 p.m. - 9 p.m.; October 10, 2009, 4 p.m. - 6 p.m.; November 27, 2009, 7 p.m. - 9 p.m. No rain dates requested.

Motion to approve by Todd Wagar. Seconded by George Young. Approved 3-0.

Special Entertainment

1. Petition for a **Special Entertainment License** from Teri Nezbeth, representing **Helping Our Women** for an event to be held at Bas Relief on Saturday, June 6, 2009 from 7 a.m. until 9 a.m. Rain date Sunday, June 7, 2009.

Motion to approve by George Young. Seconded by Todd Wagar. Approved 3-0.

Teri Nezbeth returns

Revising the Provincetown Licensing Rules & Regulations

1. Hear the merit of revising the Provincetown Licensing Rules & Regulations as described below. Discussion with the public. Several questions and comments regarding the need to change the dates of a seasonal liquor license. Business owners feel that the definitions of seasonal and annual as set by the State are adequate and should not be changed. Most agree that a bigger discount to annual liquor license holders and a bigger increase to seasonal liquor license holders would be fair.

LICENSING RULES AND REGULATIONS

1.12 Responsibilities of License Holder

- g) All ~~6-month seasonal~~ licenses shall be picked up within two weeks of approval and all ~~12-month annual~~ licenses shall be picked up within four weeks of approval, or the licenses will be void and the licensee will have to reapply; any fees already paid will be forfeited.
- i) The manager of record shall be a responsible, accessible person and the point of contact for the Licensing Board for the business they represent.

Motion to approve by Todd Wagar. Seconded by Cass Benson. Approved 3-0.

3.02 Additional Provisions Specific to ~~6-Month Seasonal~~ Liquor Licenses

- a) ~~6-Month Seasonal~~ On-Premises Liquor Licenses shall be effective from ~~May April~~ 1 to October 31 January 15.
- b) 6-Month Liquor License Holders may request a special permit from the Licensing Board to extend the dates of operation of their license by making application to the Board and receiving a favorable vote of the Board at a regular public meeting. No additional fee would be required, except the standard application fee.

Motion to table by Todd Wagar. Seconded by Cass Benson. Tabled 3-0.

3.03 Additional Provisions Specific to ~~12-Month Annual~~ Liquor Licenses

- a) All types of ~~12-Month Annual~~ Liquor License holders may close for a period of no more than thirty (30) days. Closure of a ~~12-month Annual~~ liquor licensed establishment, more than thirty (30) days, requires appearance from the manager named on the license at a public hearing for Licensing Board approval through a motion.
- b) All 12-month liquor license holders, except for private clubs, must be open for business for a minimum of two (2) days per week.

Motion to deny by Todd Wagar. Seconded by Cass Benson. Denied 0-3.

LIQUOR LICENSES	12 month Annual	6 month Seasonal
All Alcoholic Beverages Pouring License	995.00 1,238.00	1,990.00 1,634.00
All Alcoholic Package Store	995.00 1,188.00	1,990.00 1,452.00
Wines & Malt Beverages Pouring License	995.00 1,089.00	1,990.00 1,452.00
Wines & Malt Package Store	995.00 1,040.00	1,990.00 1,270.00

Motion to table by Todd Wagar. Seconded by Cass Benson. Tabled 3-0.

New License

Annual All Alcohol, Common Victualer, and Entertainment Licenses

1. Petition for a new **All Alcohol, Common Victualer, and Entertainment License** from Caluvesu, Inc., Susana Diaz, mgr. d.b.a. **Caribbean Corner Café**, 269 Commercial St., Provincetown, MA. Discussion with Susana Diaz regarding restaurant experience. Classes have been taken for TIPS training.
Motion to approve by George Young. Seconded by Todd Wagar. Approved 4-0.

Seasonal Wine & Malt, License

1. Petition for a new **Seasonal Wine & Malt License** from Michael Fennelly, representing **Wabi Dumplings P-Town**, 206 Commercial St., Provincetown, MA. Discussion with Michael Fennelly regarding experience in the restaurant business and with alcohol. Mr. Fennelly is currently the chef at Victor's and indicated that there will be at least one staff person outside at all times to ensure alcoholic beverages are not taken off the licensed premises.
Motion to approve by Teri Nezbeth. Seconded by Todd Wagar. Approved 4-0.

Outdoor Artist

1. Kelly Kelman & Luanne Lipkin
Motion to approve by Todd Wagar. Seconded by Teri Nezbeth. Approved 4-0.

2. Lisa Hull & Diane McDonald
Motion to approved by George Young. Seconded by Todd Wagar. Approved 4-0.

Art Gallery

1. Madeliene Abling, d.b.a. **Abling Gallery**, 355 Commercial St., Provincetown, MA.
Motion to approve by George Young. Seconded by Todd Wagar. Approved 4-0.

Taxi Operator

- 1. Sherri Agen

Motion to approve by George Young. Seconded by Teri Nezbeth. Approved 4-0.

2. Jesse Cartwright

Motion to approve by Teri Nezbeth. Seconded by Todd Wagar. Approved 4-0.

Amend License

Change Seasonal Wine & Malt License

1. Petition to ***Change the Seasonal Wine & Malt License to an All Alcohol License*** from Kross, Inc., Kenneth G. Ross, mgr. d.b.a. ***Ross' Grill***, 237-241 Commercial St., Provincetown, MA. Robin Reid representing Kenneth Ross. Mr. Ross has operated with a liquor license with no incidents since 2000.

Motion to approved by George Young. Seconded by Teri Nezbeth. Approved 4-0.

Renewal License

George Young steps down

Lodging

1. Gusto, Inc., Jennifer White, mgr. d.b.a. ***Enzo***, 186 Commercial St., Provincetown, MA.

2. Thomas Paolillo and Bernabe Orpilla d.b.a. ***Secret Garden Inn***, 300A Commercial St., Provincetown, MA.

3. ZZAZZ, Inc., Gurci Lovinger, mgr. d.b.a. ***Lotus Guest House***, 296 Commercial St., Provincetown, MA.

4. 5 Standish Realty Trust, William Svetz, mgr. d.b.a. ***Victoria House***, 5 Standish St., Provincetown, MA.

Motion to renew by Todd Wagar. Seconded by Teri Nezbeth. Approved 3-0.

George Young returns

Art Gallery

1. Francine D'Olimpio d.b.a. ***Kobalt Gallery***, 366 Commercial St., Provincetown, MA.

Motion to renew by Teri Nezbeth. Seconded by Todd Wagar. Approved 4-0.

Todd Wagar steps down

Weekday & Sunday Entertainment

1. Lower Cape Communications, Inc., David Myers, mgr. d.b.a. ***WOMR***, 494 Commercial St., Provincetown, MA.

Motion to renew by Teri Nezbeth. Seconded by George Young. Approved 3-0.

Todd Wagar returns

Common Victualer

1. Provincetown Portuguese Bakery, Inc., Tibor Bago, mgr. d.b.a. ***Provincetown Portuguese Bakery***, 299 Commercial St., Provincetown, MA.

2. P-Town Fortune Cookie, Inc., David Ha, mgr. d.b.a. ***Fortune Cookie***, 205-209 Commercial St., Provincetown, MA.

3. Glaceteria, Inc., Brian Hart, mgr. d.b.a. ***Ben & Jerry's***, 258 Commercial St., Provincetown, MA.

Motion to renew by George Young. Seconded by Todd Wagar. Approved 4-0.

Parking Lot

1. Mary Martinez d.b.a. ***Martinez Parking***, 26 Winthrop St., Provincetown, MA.

2. John Beauchamp d.b.a. ***Kibbe Cook House Parking***, 466 Commercial St., Provincetown, MA.

3. 170 Commercial Street, LLC, Gregg Russo, mgr. d.b.a. ***170 Commercial St. Parking Lot***, 170 Commercial St., Provincetown, MA.

Motion to renew by Todd Wagar. Seconded by Teri Nezbeth. Approved 4-0.

Transient Vendor

1. Francis J. Muldoon d.b.a. ***Shell Designs***, 307 Commercial St., Provincetown, MA.

2. Edel Byrne d.b.a. ***Glass Gazebo***, 174 Commercial St., Provincetown, MA.
Motion to renew by Todd Wagar. Seconded by Teri Nezbeth. Approved 4-0.

Outdoor Artist

1. Charles P. Duffy
Motion to renew by Todd Wagar. Seconded by George Young. Approved 3-0.

Taxi Operator

1. Dexter Wright
Motion to renew by Todd Wagar. Seconded by George Young. Approved 4-0.

Minutes – March 24, 2009

Motion to approve by Todd Wagar. Seconded by George Young. Approved 3-0.

Licensing Board Statements

Todd Wagar would like Town Counsel to answer the questions regarding enforcement.

Meeting adjourned at 7:30