

# Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, December 8, 2009** at 5:00 p.m. in the Yellow Room, Community Center, 44 Bradford Street.

**Present:** Todd Wagar, Liz Angelino, Jim Sheehan, Teri Nezbeth, George Young

## **5:00 pm Executive Session**

**Motion:** Move that the Licensing Board vote, pursuant to MGL C.39, §23B, Clause 3 to go into executive session for the purpose of discussion strategy with respect to litigation; and to convene in open session thereafter.

Liz Angelino - Yes    Todd Wagar - Yes    Jim Sheehan - Yes  
Teri Nezbeth - Yes    George Young - Yes                      Approved 5-0.

## **5:15 pm Public Hearings**

### **Revision the Licensing Board Rules & Regulations**

Hear the merit of revising the Provincetown Licensing Rules & Regulations as described below:

#### **LICENSING BOARD RULES AND REGULATIONS**

#### **8.00 TAXICAB/LIVERY REGULATIONS**

##### **8.01 TAXICAB/LIVERY OWNERS**

- e) All licensed taxicabs must pass all items on the Vehicle Inspection Report checklist. There shall be periodic inspections and spot checks will occur during the license year. The applicant must take *The Vehicle Inspection Report* issued by the Commonwealth of Massachusetts to the Provincetown Police Department to be matched against the Inspection Sticker each year. *The Vehicle Inspection Report* must be presented with all other paperwork upon filing application.

##### **8.02 TAXICAB OPERATORS**

- a) The applicant must have a valid Massachusetts driver's license and present a copy ~~to the Licensing Agent~~ upon filing an application with the Provincetown Police Chief. The Police Chief is hereby designated as the agent of the Licensing Board to review all records that may be available to him, or her, and make recommendations on suitability and character of the individual seeking a license. The Police Chief's favorable determination shall be a required part of obtaining an operator's license. If the Police Chief rejects an application based upon suitability and/or character, the applicant may request a hearing before the Police Chief to discuss his or her application. If, after a hearing if requested, the Police Chief does not favorably recommend an applicant, the Licensing Board shall not approve the application.

#### **9.0 PEDICAB REGULATIONS**

##### **9.01 PEDICAB OWNERS**

- c. The applicant must have already had the pedicab inspected by a licensed bicycle shop in advance of receiving a license each year and submit a *Vehicle Condition Check-Off Form* completed by the licensed bicycle shop to the ~~Licensing Agent~~ Provincetown Police Department upon filing an application.

##### **9.02 PEDICAB OPERATORS**

- b. The applicant must have a valid State driver's license and/or internationally approved driver's license, and present a copy ~~to the Licensing Agent~~ upon filing an application with the Provincetown Police

Chief. The Police Chief is hereby designated as the agent of the Licensing Board to review all records that may be available to him, or her, and make recommendations on suitability and character of the individual seeking a license. The Police Chief's favorable determination shall be a required part of obtaining an operator's license. If the Police Chief rejects an application based upon suitability and/or character, the applicant may request a hearing before the Police Chief to discuss his or her application. If the Police Chief does not favorably recommend an applicant, the Licensing Board shall not approve the application.

Katherine Rossmore, attorney for Mercedes Cab Co. speaks against the proposed changes to the regulations. Attorney Rossmore suggests that there be specific criteria as to why the Police Chief could deny a license. Raphael Richter of Mercedes Cab Co. speaks against the proposed changes and suggests a workshop with the cab companies – Mr. Richter also stated that he would be willing to pay for CORI reports for the Licensing Board to review. Also in opposition: Bruce Van Allen, Barbara Rushmore, Valerie Martin, John Sinaiko, and Amy Germain. Chief Jaran is in support of tabling for a future meeting.

**Motion to table until a future meeting to be determined at a later date by Teri Nezbeth. Seconded by George Young. Approved 5-0.**

### ***Amend License***

1. Petition from Julie Knapp representing ***Twisted Sisters***, 293 Commercial St. to amend the seating on the Common Victualer's License.

**Motion to approve by George Young. Seconded by Teri Nezbeth. Approved 5-0.**

### ***Special License***

1. Petition from Kelly Fattman, representing ***13 Relay/BBSC*** for a ***Special Entertainment and Special Malt License*** for an event to be held at Bas Relief on Sunday, May 2, 2010 from 8 a.m. until 8 p.m. (set up on Saturday, May 1, 2010) No rain date requested.

200 mile race from Boston to Provincetown. Bartenders are TIPS certified, and bracelets will be given out for 21+.

**Motion to approve by Liz Angelino. Seconded by Teri Nezbeth. Approved 5-0.**

## ***Renewal License***

### **Liquor**

<b>Business</b>	<b>Address</b>	<b>Manager</b>	<b>License Type</b>	<b>License No.</b>	<b>NYE 2 a.m.</b>
Clipper Ventures, Inc. d.b.a. <b>The Squealing Pig</b>	335 Commercial St.	Diarmuid O'Neill	All Alcohol CV	100400038	YES

**Motion to renew by Jim Sheehan. Seconded by Liz Angelino. Approved 5-0.**

### **Weekday & Sunday Entertainment**

1. Clipper Ventures, Inc., Diarmuid O'Neill, mgr., d.b.a. ***The Squealing Pig***, 335 Commercial St., Provincetown, MA.

**Motion to approved by Teri Nezbeth. Seconded by Liz Angelino. Approved 5-0.**

### **Lodging**

George Young steps down.

1. Inn at Cook Street, LLC, Lisa Feistel, mgr. d.b.a. ***Inn at Cook Street***, 7 Cook St., Provincetown, MA.
2. Rose & Crown, LLC, Ann MacDougall, mgr., d.b.a. ***Rose & Crown Guest House***, 158 Commercial St., Provincetown, MA.
3. Birchwood Holdings, Inc., Howard Burchman, mgr., d.b.a. ***The Tucker Inn***, 12 Center St., Provincetown, MA.
4. Ranchwood, Inc., Mark Braughtgam, mgr., d.b.a. ***The Ranch***, 198 Commercial St., Provincetown, MA.
5. Charles Mayo d.b.a. ***Cape Codder Guest House***, 570 Commercial St., Provincetown, MA.
6. A&J Properties, Inc., Adrian Padilla, mgr. d.b.a. ***Sunset Inn***, 142 Bradford St., Provincetown, MA.
7. Mickenberg & Fitzgerald, LLC, Alicia Mickenberg, mgr. d.b.a. ***The Fairbanks Inn***, 90-92 Bradford St., Provincetown, MA.

**Motion to renew by Jim Sheehan. Seconded by Teri Nezbeth. Approved 4-0.**

George Young returns.

### **Taxi Operator**

1. Robb Yates

**Motion to renew by George Young. Seconded by Liz Angelino. Approved 5-0.**

### **Licensing Board Statements**

Todd Wagar thanks the Licensing Board for their service and patience while learning the all procedures and would like to have a standard agenda for meetings that includes enforcement as well as old business and updates.

Meeting adjourned at 6:27.