

Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, April 24, 2007** at 5:00 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Present: Nick Robertson, Cass Benson, Liz Angelino, Todd Wagar, Richard McMaster

Public Hearings

1. Special Parking Lot License

Petition from Peter Grosso, representing *Provincetown Lions Club*, for a fundraiser at 26 Winslow St. and 27 Winslow St., Provincetown, MA to be held on May 26 and 27, July 4, August 16, and September 1 and 2, 2007 from 8AM – 11PM.

Introduction by Peter Grosso explaining annual fundraisers and what the money is used for.

Motion to approve by Richard McMaster. Seconded by Cass Benson. Approved 5-0.

2. Special Entertainment License

Petition from Don Murphy, representing Provincetown Portuguese Festival for an event to be held at The Red Inn, 15 Commercial St., Provincetown, MA on Sunday, May 6, 2007 from 12PM – 4PM.

Introduction by Maureen Hurst representing the Portuguese Festival. Letter from Donald F. Winter read into the record in favor of the event. Larry Grab speaks in favor of event.

Motion to approve by Cass Benson. Seconded by Richard McMaster. Approved 5-0.

3. Special Entertainment, Noise By-Law Waiver

Petition from Heather Peters and Jill Mucara, representing *Provincetown High School* for the Junior Prom to be held at Provincetown Town Hall Auditorium and Caucus Hall, 260 Commercial Street, Provincetown, MA on Saturday, May 12, 2007 from 8PM – 11:45PM.

Motion to approve by Liz Angelino. Seconded by Todd Wagar. Approved 5-0.

Todd Wagar steps down.

4. Special Entertainment, Special Wine & Malt, and Noise By-Law Waiver

Petition from David Mazochi representing *David Flowers Productions, Inc.*, for an event on MacMillan Pier, 16 MacMillan Wharf, Provincetown, MA to be held on Sunday, July 1, 2007 from 4PM - 9PM. Rain date July 2, 2007.

Introduction by David Mazochi. It is the 6th year he has done the Pier Dance. There will be 3 detail officers and medical staff on duty. Brandon Steele speaks in opposition of dance. Ronald Dean speaks in opposition of dance. Raphael Richter speaks in favor of dance. Chairman Nick Robertson addresses Mr. Steele and Mr. Dean, stating that other than the first year, there have been no complaints, no arrests, and no problems with this event, and he saw no reason to deny Mr. Mazochi's applications.

Motion to approve by Richard McMaster. Seconded by Cass Benson. Approved 4-0.

Todd Wagar returns.

5. Special Entertainment and Noise By-Law Waiver

Petition from Bart Weisman, representing the *Provincetown Jazz Festival*, for an event to be held at Provincetown Town Hall Auditorium, 260 Commercial Street, Provincetown, MA on Friday, August 10, and Saturday, August 11, 2007 from 8PM – 11PM.

Introduction by Bart Weisman. It is the only 3-day jazz event on the Cape.

Motion to approve by Todd Wagar. Seconded by Cass Benson. Approved 5-0.

6. New Annual All Alcohol General on Premises License

Petition from Mario Lebert, representing MELD, Inc., d.b.a. *Good Times* for a New Annual All Alcohol License at 293 Commercial St., Provincetown, MA, represented by Attorney Edward T. Patten.

Postponed until the meeting of May 22, 2007.

Revising the Licensing Board Rules & Regulations

1.12 Responsibilities of License Holder

d.) The Licensing Board requires all new applicants and amended license applications to come before the

board for approval.

- ~~d.)~~ e.) 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.
- ~~e.)~~ f.) The License holder is responsible for the proper management of the premises so that unlawful acts do not occur on the licensed premises.
- ~~f.)~~ g.) All seasonal licenses shall be picked up within two weeks of approval and all 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.
- ~~g.)~~ h.) No license is to be issued unless the fees as established by the Board of Selectmen and set forth in Appendix A, have been paid.

3.00 ALCOHOLIC BEVERAGES LICENSES

3.01 General Provisions

- c.) The hours of alcohol sales allowed at businesses licensed with pouring licenses are between 8:00 a.m. and 1:00 a.m. weekdays and between Noon and 1:00 a.m. Sundays. ~~except for New Year's Eve at which time a licensee may seek approval from the Licensing Board to serve alcohol between the hours of 8:00 a.m. and 2:00 a.m.~~ The Licensing Board will vote to extend pouring licenses until 2:00 a.m. on New Year's Eve at the final meeting in November. Licensees do not need to attend meeting unless they are requested by the Licensing Board and will not be contacted unless permission is not being granted due to numerous violations.

5.00 COMMON VICTUALERS LICENSES

5.05 Proposed Licensing Regulations Pertaining to the Licensing of Businesses with Food Service Permits Preamble

These following regulations are being promulgated to protect Provincetown's municipal sewer system as well as private onsite sewage systems. Due to the nature of grease and its potential for clogging sewer and septic lines with the result of businesses and residences being shut down, The Provincetown Licensing Board recognizes how crucial it is that the grease trap and pumping requirements addressed in 310 CMR Title 5, Section 15.351, Provincetown Sewer Regulations, Section 7 C, D, & G and Provincetown Board of Health Regulations Part VII, Article 1, Section 1 and Article 17 be strictly adhered to. While the failure of an onsite septic system only affects the business it serves, the clogging of a sewer line will affect all sewer users down gradient. Therefore, in support and cooperation with the Board of Health and the Water and Sewer Board the following regulations are being issued:

All business owners with a Food Service Permit and an external grease trap, whether connected to the municipal sewer or on a private septic system, are required to attend an educational class on Fats, Oils and Grease (FOG) offered free of charge by the Health Agent. Each attendant will receive a Certificate of Completion which will act as proof of attendance of this class. Owners will be required to present this proof of attendance prior to renewing an existing Business Permit for the following year. Should a new business be constructed or an existing business be sold, the new owner(s) will be required to attend this educational class prior to beginning operation.

All business owners with a Food Service Permit and an external grease trap, whether connected to the municipal sewer or on a private septic system, will be required each year to present proof of having conducted the required pumping (i.e. receipt from a licensed pumper) for the previous year prior to issuance of the Business License.

Pumping requirements are as follows:

1. For external grease traps with the required monitor – A minimum of twice a year or whenever the monitor determines that the level of grease in the grease trap is at 25% capacity; which ever comes first.
2. For external grease traps not yet fitted with the required monitor – A minimum of every 90 days or when the level of grease is at 25% capacity; whichever comes first.

Failure to comply with these regulations will result in denial of a Business License.

Failure to adhere to the above referenced regulations pertaining to proper maintenance and pumping of

external grease traps will result in the fines addressed in the Provincetown Sewer Regulations, Section 7 H being imposed.

Jane Evans thanks the Licensing Board and distributes the letter that she will be sending out to all business owners with food service.

8.00 TAXICAB REGULATIONS

8.01 TAXICAB OWNERS

- d) 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. ~~Already have had the taxi cab "Vehicle for Hire Inspection and Inspection Checklist" completed by the Police Department in advance of receiving a license each year, and submit a Vehicle Condition Check Off Form completed and supplied by the Police Department~~ The Vehicle Inspection Report must be signed by the Provincetown Police Department before submission of an application to the Licensing Agent upon filing an application.

9.00 PEDICAB REGULATIONS

9.01 PEDICAB OWNERS

- c. The applicant must ~~already have already~~ already had the pedicab ~~"Vehicle for Hire Inspection and Inspection Checklist" completed inspected by the Police Department~~ a licensed bicycle shop in advance of receiving a license each year, and submit a Vehicle Condition Check-Off Form completed and supplied by the Police Department licensed bicycle shop to the Licensing Agent upon filing an application.
- d. All licensed pedicabs must pass all items on the ~~"Vehicle for Hire" inspection checklist~~ Condition Check-Off Form. ~~There shall be periodic inspections and spot checks will occur during the license year.~~

9.02 PEDICAB OPERATORS

- c. A certificate of physical fitness issued by a practicing physician shall be mandatory to accompany all ~~accompany any~~ new applications for a pedicab operator's license. Please note that the licenses MUST be for consecutive years.

Raphael asks if the same rule could apply for pedicab operators as they do for taxicab operators. The Licensing Board feels that due to the size and power of the automobile, it is important to know that taxi operators are in good health, and that due to the physical demands of driving a pedicab, it is unlikely that an unhealthy person would want to do the job. Further discussion ensued. The Licensing Board decided to revisit the issue in the future.

10.05 Other Licenses Issued by the Licensing Board

- b) Fortune Teller License (Regulated by Mass. Gen. Law Ch. 140, Sec. 185I)

APPENDIX A

LICENSE FEES

LIQUOR LICENSES	Annual	Seasonal
All Alcoholic Beverages Pouring License	1,375.00 1,238.00	1,485.00 1,634.00
All Alcoholic Package Store	1,320.00 1,188.00	1,320.00 1,452.00
Wines & Malt Beverages Pouring License	1,210.00 1,089.00	1,320.00 1,452.00
Wines & Malt Package Store	1,155.00 1,040.00	1,155.00 1,270.00

OTHER LICENSES	
Auctioneer	50.00
Fortune Teller	55.00 50.00

SUNDAY ENTERTAINMENT LICENSES	
a) ANNUAL REGULAR HOURS: 1:00 P.M. TO MIDNIGHT	85.00 50.00
b) SPECIAL HOURS: MIDNIGHT TO 1:00 A.M.	175.00 100.00

c) INDIVIDUAL SUNDAYS – REGULAR HOURS	40.00 2.00
d) SPECIAL HOURS	20.00 5.00

ADDITIONAL FEES

<i>BUILDING INSPECTION FEES</i>	-
Lodging houses, camps, apartments, condos, motels, inns or any other dwelling that requires a Renter's Certificate for first 5 units	40.00
<i>OTHER FEES:</i>	-
Application for all types of licenses/Amendments/Transfers	30.00

Motion to accept changes by Liz Angelino. Seconded by Todd Wagar. Approved 5-0.

Public Statements

Mr. Dean addresses his issue with not being able to say more about his opposition to the Pier Dance. Chairman, Nick Robertson explains the public hearing procedures.

Amend License

Entertainment

1. Petition from Benjamin deRuyter, mgr. d.b.a. ***Provincetown Cinema Co., Inc.***, 212-214 Commercial St., Provincetown, MA to amend the current entertainment license.

Nick Robertson steps down.

Curt Richardson, show producer, speaks on behalf of Benjamin deRuyter regarding changing the current Entertainment License to include nudity for a show coming to the theater that will have brief nudity. The Licensing Board would like to investigate the procedures for changing entertainment licenses further before taking a vote on it. Table until May 8, 2007 meeting.

Nick Robertson returns.

Address Change

1. Mark Ferrari, mgr. d.b.a. ***Item***, 205-209 Commercial St., Provincetown, MA.

2. Mark Ferrari, mgr. d.b.a. ***Flip & Flop***, 206-208 Commercial St., Provincetown, MA.

Motion to approve by Richard McMaster. Seconded by Todd Wagar. Approved 5-0.

New License

Art Gallery

1. Lede Bao, mgr. d.b.a. ***Tao Water Gallery***, 352 Commercial St., Provincetown, MA.

Motion to approve by Cass Benson. Seconded by Richard McMaster. Approved 5-0.

Transient Vendor

1. Anna Avellar, mgr. d.b.a. ***Blanche's Attic***, 349 Commercial St., Provincetown, MA.

Motion to approve by Richard McMaster. Seconded by Todd Wagar. Approved 5-0.

Taxi Cab

1. Jody Conklin, mgr. d.b.a. **Jody's Taxi**, 180 Commercial St., Provincetown, MA 02657. 1999 Brown Ford Windstar, VIN #2FMZA5242XBA40635, Reg. #TA7129.

Motion to approve by Richard McMaster. Seconded by Cass Benson. Approved 5-0.

Taxi Operator

1. Ronald B. Morse

Motion to approve by Todd Wagar. Seconded by Richard McMaster. Approved 5-0.

Renewal License

Common Victualer

1. Maria's Café, Inc., Maria Silva, mgr. d.b.a. **Maria's Café**, 277A Commercial St., Provincetown, MA.

2. Surf Restaurant, Inc., Leonard Enos, mgr. d.b.a. **Blues**, 315A Commercial St., Provincetown, MA.

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

Motion to approve by Richard McMaster. Seconded by Cass Benson. Approved 5-0.

4. Blue Light Kitchens, Inc., Edward Polay, mgr. d.b.a. **Blue Light Kitchens**, 225 Commercial St., Provincetown, MA.

5. Glaceteria, Inc., Anthonie Edwards, mgr. d.b.a. **Ben & Jerry's**, 258 Commercial St., Provincetown, MA. Discussion ensued regarding Blue Light Kitchens and Ben & Jerry's being open prior to the approval of the Common Victualer License being renewed and approved by the Licensing Board.

Motion to renew with the condition that the licensing agent send a letter to the owners regarding being open without a valid license by Todd Wagar. Seconded by Richard McMaster. Approved 5-0.

Entertainment

1. James Mack, mgr. d.b.a. **The Unitarian Universalist Meeting House**, 236 Commercial St., Provincetown, MA 02657.

Motion to renew by Todd Wagar. Seconded by Cass Benson. Approved 5-0.

Richard McMaster steps down

Lodging

1. The Carriage House LLC, Ken Hassett, mgr. d.b.a. **The Carriage House**, 7 Central St., Provincetown, MA.

2. Bernabe P. Orpilla, mgr. d.b.a. **The Secret Garden Inn**, 300A Commercial St., Provincetown, MA.

3. Helen Valentine, mgr. d.b.a. **Valentine's Guest House**, 88 Commercial St., Provincetown, MA.

4. William Prentice, Jr., mgr. d.b.a. **1807 House**, 54 Commercial St., Provincetown, MA.

5. John Barnett, mgr. d.b.a. **Shiremax Inn**, 5 Tremont St., Provincetown, MA.

Motion to renew by Cass Benson. Seconded by Liz Angelino. Approved 4-0.

Innholder

1. Zoemax, Inc., William A. Gordon, mgr. d.b.a. Best Western Chateau, 105 Bradford St. Ext., Provincetown, MA.

Motion to renew by Liz Angelino. Seconded by Cass Benson. Approved 4-0.

Richard McMaster returns.

Taxi Operator

1. Thomas Lee Frisbie

2. Raphael Richter

3. Jennifer S. Rumpza

4. Astranada Gamsey

Motion to renew by Richard McMaster. Seconded by Todd Wagar. Approved 5-0.

Outdoor Artist

1. Maze Peters

Motion to renew by Richard McMaster. Seconded by Cass Benson. Approved 5-0.

Parking Lot

1. St. Peter the Apostle Church, d.b.a. ***St. Peter's Parking Lot***, 11 Prince St., Provincetown, MA.

Motion to renew by Richard McMaster. Seconded by Todd Wagar. Approved 5-0.

Peddler

1. Joan Borraccino

Motion to renew by Richard McMaster. Seconded by Cass Benson. Approved 5-0.

Fortune Teller

1. Lawrence A. Grab

2. Mark J. Grab

Motion to renew by Liz Angelino. Seconded by Richard McMaster. Approved 5-0.

Transient Vendor

1. Cynthia Gast, mgr. d.b.a. ***The Shell Shop***, 276R Commercial St., Provincetown, MA.

2. John Donahue, mgr. d.b.a. ***The Cargo Hold***, 1 Commercial St., Provincetown, MA.

Motion to renew by Todd Wagar. Seconded by Cass Benson. Approved 5-0.

Correspondence

Incident report involving the Squealing Pig. Police found no violation – no action taken.

Minutes – March 19, 2007 (Work Session)

Motion to approve by Nick Robertson. Seconded by Todd Wagar. Approved 5-0.

Minutes – March 27, 2007

Motion to approve by Nick Robertson. Seconded by Cass Benson. Approved 5-0.

Licensing Board Statements

Todd discusses working with the Economic Development Council regarding fees. Nick asks licensing agent to bring The Red Inn before the Board to discuss annual liquor license.

Licensing Agent Statements

Licensing agent discusses a proposal for a Cape Cod Tour bus. Cindy Ladd will come in to discuss at the next meeting.

Meeting adjourned at 7:00 PM.