

# **Minutes** of the Town of **Provincetown Licensing Board** Special Public Meeting on Tuesday January 10, 2006, at 5:00pm in the Judge Welsh Hearing Room, 260 Commercial Street.

**Present:** Nick Robertson (Vice Chair and Clerk), John Foley, Cassandra Benson, Richard McMasters and Elizabeth Gallerizzo Hartsgrove (Licensing Agent)

**Excused:** Hunter O'Hanian (Chairman)

## **Public Statements**

### **Public Hearing**

1. To hear the merit of revising the Provincetown Licensing Rules & Regulations as described below.

## **LICENSING RULES AND REGULATIONS**

### **3.0 ALCOHOLIC BEVERAGES LICENSES**

#### **3.03 Additional Provisions Specific to ~~Special~~ Annual Liquor Licenses**

~~All special liquor licenses shall be advertised prior to the public meeting for the license, for at least fourteen days from the day of the first advertisement.~~ (Add) **All types of Annual Liquor License holders may close for a period of no more than thirty (30) consecutive days. Closure of an annual liquor licensed establishment, more than thirty (30) consecutive days, requires appearance from the manager named on the license at a public hearing for Licensing Board approval through a motion.**

(Add)

#### **3.07 Special Liquor Licenses**

- a) All applicants of a special license are responsible for the General Laws of Massachusetts pertaining to sale of Alcoholic Beverages: Massachusetts General Laws Chapter 138 and Provincetown Licensing Board's Rules and Regulations, Section Three (3).
- b) No person, corporation, partnership or association may be granted a special license for more than a total of 30 days per calendar year.
- c) No special license may be granted to any person, corporation, partnership or association while their application for an MGL. C.138, section 12 license is pending.
- d) No more than one license can be issued for a premise at one time. Therefore a special license cannot be issued for use in an existing or pending licensed premise.
- e) Special licenses for the sale of all alcohol beverages may be granted to Non-profit organizations only.
- f) **Application and Public Hearing Requirements**
  1. Applications must be submitted no less than 30 days prior to the public hearing.
  2. The applicant must notify abutters by certified mail and return receipt, and submit the return receipts to the Licensing Agent at time of hearing. (The Licensing Board cannot approve an application without the return receipts as proof of abutter notification.) In addition, the application must be advertised in a newspaper for 14 days prior to the hearing date
  3. Application as a non-profit organization must submit a copy of Form 501(3)(c).
  4. For Profit applicants who are donating a percentage of profits to a non-profit organization must submit with application the exact amount of percentage of the profit being donated and a letter from each non-profit organization's president confirming the donation agreement. In addition, the applicant must submit to the Licensing Agent a receipt of each donation after said event.
  5. The Police Department must certify approval of said application.
  6. A floor plan shall be submitted with application specifying proposed areas of service and consumption.
- g) A Special Liquor license may not be granted at any time by the Licensing Board for service and consumption at Town Hall.

### **4.00 ENTERTAINMENT LICENSES**

(Add)

#### **4.02 Special Entertainment Licenses**

- a) Applications must be submitted no less than 30 days prior to the public hearing.
- b) The applicant must notify abutters by certified mail and return receipt, and submit the return

receipts to the Licensing Agent at time of hearing. (The Licensing Board cannot approve an application without the return receipts as proof of abutter notification.)

- c) Application as a non-profit organization must submit a copy of Form 501(3)(c).
- d) For Profit applicants who are donating a percentage of profits to a non-profit organization must submit with application the exact amount of percentage of the profit being donated and a letter from each non-profit organization's president confirming the donation agreement. In addition, the applicant must submit to the Licensing Agent a receipt of donation after said event.
- e) The applicant shall further certify that the Police Department has been consulted with respect to the event and has approved said application.
- f) The Licensing Board does not have the authority to overturn or reverse a Zoning Board condition placed on an existing annual license holder's special permit 2460.
- g) No licensed entertainment shall be permitted in Town Hall after Midnight.

## 8.02 TAXICAB OPERATORS

(Add)

- g) Taxicab Operators, while on duty and operating a Taxicab, must visibly post in the vehicle both valid Massachusetts State Drivers license and valid Provincetown Taxi Operators license.

## APPENDIX A

### LICENSE FEES

| <b>LIQUOR LICENSES</b>                    | <b>Annual</b>                          | <b>Seasonal</b>                        |
|---|--|--|
| All Alcoholic Beverages Pouring License   | <del>4,250.00</del><br><b>1,375.00</b> | <del>4,350.00</del><br><b>1,485.00</b> |
| All Alcoholic Package Store               | <del>4,200.00</del><br><b>1,320.00</b> | <del>4,200.00</del><br><b>1,320.00</b> |
| Wines & Malt Beverages Pouring License    | <del>4,100.00</del><br><b>1,210.00</b> | <del>4,200.00</del><br><b>1,320.00</b> |
| Wines & Malt Package Store                | <del>4,050.00</del><br><b>1,155.00</b> | <del>4,050.00</del><br><b>1,155.00</b> |
| Druggist All Alcoholic Package Store      | <del>400.00</del> <b>440.00</b>        |  |
| Club (Non profit) All Alcoholic Beverages | <del>230.00</del> <b>253.00</b>        |  |

| <b>OTHER LICENSES</b>                       |                                 |
|---|---------------------------------|
| Art Gallery (original works of art)         | <del>400.00</del> <b>110.00</b> |
| Camps & Cabins (Board of Health license)    | <del>50.00</del> <b>100.00</b>  |
| Class I & 11                                | <del>400.00</del> <b>110.00</b> |
| Common Carrier (transportation) per vehicle | <del>25.00</del> <b>27.50</b>   |
| Common Victualer                            | <del>50.00</del> <b>55.00</b>   |
| Flea Market                                 | <del>500.00</del> <b>550.00</b> |
| Fortune Teller                              | <del>50.00</del> <b>55.00</b>   |
| Innholder                                   | <del>50.00</del> <b>55.00</b>   |
| Lodging House                               | <del>50.00</del> <b>55.00</b>   |
| Peddler                                     | <del>25.00</del> <b>27.50</b>   |
| Pedicab                                     | <del>40.00</del> <b>44.00</b>   |
| Pedicab Operator                            | <del>30.00</del> <b>33.00</b>   |
| Parking Lots                                | <del>35.00</del> <b>38.50</b>   |
| Sidewalk Artist                             | <del>40.00</del> <b>11.00</b>   |
| Stable                                      | <del>20.00</del> <b>22.00</b>   |
| Taxicab                                     | <del>65.00</del> <b>71.50</b>   |
| Taxi operator                               | <del>40.00</del> <b>44.00</b>   |
| Transient Vendor                            | <del>250.00</del> <b>275.00</b> |
| Vending Machine                             | <del>25.00</del> <b>27.50</b>   |
| Yard Sale                                   | <del>5.00</del> <b>5.50</b>     |

| <b>WEEKDAY ENTERTAINMENT LICENSES</b>         |                                 |
|---|---------------------------------|
| a. Coin-operated amusement devices per device | <del>400.00</del> <b>110.00</b> |
| b. Dancing by patrons                         | <del>25.00</del> <b>27.50</b>   |
| c. Live entertainment                         | <del>400.00</del> <b>110.00</b> |

|                 |               |
|-----------------|---------------|
| d. Live theater | 400.00 110.00 |
| e. Movies       | 400.00 110.00 |

**ADDITIONAL FEES**

|  |                                  |
|--|----------------------------------|
| <b><i>BUILDING INSPECTION FEES</i></b>   |                                  |
| Theater, entertainment areas   | 40.00-100.00                     |
| (Add) <b>Any reason for more than one inspection of the same establishment</b> | <b>Double the inspection fee</b> |

|   |                                      |
|---|--------------------------------------|
| <b><i>OTHER FEES:</i></b>                                       |                                      |
| (Add) <b>Operating an establishment without a valid license</b> | <b>Double the total cost of fees</b> |

Doug Taylor spoke in favor of the fee increase. Tom Collins spoke about a change to 8.02g since personal information is posted on MDL's. The Board agreed and proposed an amendment.

**Motion to approve all revisions with the following amendment:**

- ~~8.02g Taxicab Operators, while on duty and operating a Taxicab, must visibly post in the vehicle both valid Massachusetts State Drivers license and valid Provincetown Taxi Operators license. And upon request produce a valid Massachusetts State Drivers License at all times.~~

by John Foley. Seconded by Richard McMasters. Approved 4-0

Richard McMasters stepped down.

***Show Cause Hearing***

**Taxi Operator**

1. The Licensing Board will consider the suspension, modification or revocation of the Taxi Operator license of **Gail Gibbs** due to an alleged event occurring November 7<sup>th</sup>, 2005.

Vice Chair Robertson swore in Gail Gibbs, Chief Ted Meyer and Officer Joddrey. Ms. Gibbs stated that she was in violation, by 1) allowing a child sit in her lap while operating a vehicle, without a seatbelt, and 2) not having both her State and town licenses with her. She felt her better judgment lapsed when trying to please the child, and she stated that she did not want to loose her licenses so she did not bring them with her. She continued by mentioning that Officer Joddrey treated her in an un-fair and un-just manner. Profanity was used toward her, and her customers were appalled by the treatment the officer used toward her. Officer Joddrey explained to the board that Ms. Gibbs blatantly did not follow orders given to her by him. Therefore he felt the situation needed more vocal force than normal to control the situation.

**Motion to close hearing portion by John Foley. Seconded by Cass Benson. Hearing closed 3-0**

The Board was upset that the violations happened and how serious these violations are. A major part of Taxi Operator's job is to protect the public. Therefore a lapse in judgment could have caused severe harm to the passengers with this incident. And it is the responsibility of the driver to have identification on them at all times. The Board suggested to Ms. Gibbs that she get something to put her licenses in to prevent her from loosing them.

**Motion to approve license for only 6 months and bring Ms. Gibbs and Chief Meyer in for a review to renew license for the remainder of the year, by Nick Robertson. Seconded by John Foley. Passed 3-0**

Richard McMasters rejoined.

***Special License***

**Special Entertainment and Special Wine & Malt**

1. David Mazochi representing **David Flower Productions, Inc.**, one event to be held at the Provincetown Municipal Airport, 176 Race Point Rd, Provincetown, MA on Saturday July 1, 2006 from 8PM – 1AM.

Represented by Atty. Robin Reid and David Mazochi. No one wrote or spoke in favor or against the application.

**Motion to approve by Cass Benson. Seconded by John Foley. Approved 4-0**

Cass Benson stepped down

***New License***

**Auctioneer**

1. Terry Catalano, **Outer Cape Auctions**, 8 Pearl St.

**Motion to approve by John Foley. Seconded by Richard McMasters. Approved 3-0**

Cass Benson rejoined. Richard McMasters stepped down.

***Transfer License***

**Lodging**

1. From Zoe Realty Trust, Ann Maguire mgr d.b.a. **Inn at Cook Street**, 7 Cook St., to Doreen Birdsell and Lisa Feistel d.b.a. **Inn at Cook Street**, 7 Cook St.

**Motion to approve by Cass Benson. Seconded by John Foley. Approved 3-0**

## ***License Renewal***

### **Lodging**

1. Berabe Orpilla d.b.a. ***Secret Garden Inn***, 300A Commercial St.
2. Gary A. Palochko d.b.a. ***Revere Guest House***, 14 Court St.
3. Michael Stetto d.b.a. ***The Captain's House***, 350A Commercial St.
4. James Mack and Paul Gizaro d.b.a. ***Snug Cottage***, 178 Bradford St.
5. Michael Clifford d.b.a. ***The Elephant Walk***, 156 Bradford St.

**Motion to approve 1-4 by Cass Benson. Seconded by John Foley. Approved 3-0**

**Motion to approve #5 with condition that the establishment be re-inspected by Doug Taylor before Memorial Day, by Nick Robertson. Seconded by John Foley. Approved 3-0**

Richard McMasters rejoined.

### **Common Victualer**

1. Aliperti, Inc., Donna M. Aliperti mgr d.b.a. ***Front Street Restaurant***, 230 Commercial St.

**Motion to approve by John Foley. Seconded by Cass Benson. Approved 4-0**

### **Entertainment**

1. Provincetown Art Association and Museum, Inc., Robert Henry, Pres d.b.a. ***Provincetown Art Association and Museum***, 460 Commercial St.

**Motion to approve by Richard McMasters. Seconded by John Foley. Approved 4-0**

### **Parking Lot**

1. Lands End Marine Supply Inc, Craig Russell mgr d.b.a. ***Lands End Marine Supply***, 337 Commercial St.

**Motion to approve by John Foley. Seconded by Cass Benson. Approved 4-0**

### **Taxi Operator**

1. W. Tom Collins, Provincetown
2. Victor Ramos, Provincetown
3. Iver Tieger, Provincetown
4. Jody Conklin, Provincetown
5. ~~David Martin, Provincetown~~

**Motion to approve 1-2 & 4 by Cass Benson. Seconded by Richard McMasters. Approved 4-0**

**Motion to approve #3 by Cass Benson. Seconded by Richard McMasters. Approved 4-0**

Richard McMasters stepped down.

### **Taxi Cab**

1. W. Tom Collins d.b.a. ***Queen Cab Co***, 9A Conwell St. – VIN#2B4GP45R2VR110860, 1997 Dodge Caravan.
2. W. Tom Collins d.b.a. ***Queen Cab Co***, 9A Conwell St. – VIN#2B4GP25R3YR709520, 2000 Dodge Caravan.

**Motion to approve 1 & 2 by Cass Benson. Seconded by John Foley. Approved 3-0**

Richard McMasters rejoined.

3. Valerie Martin d.b.a. ***Cape Cab Co***, 10C Nelson Ave. – VIN#1FAFP58U9YG147954, 2000 Ford Taurus Wagon.
4. Valerie Martin d.b.a. ***Cape Cab Co***, 10C Nelson Ave. – VIN#1FALP57UXTA281372, 1996 Ford Taurus Wagon.

**Motion to approve 3 & 4 by Cass Benson. Seconded by John Foley. Approved 4-0**

## ***Code Compliance***

- Board of Health citation for selling tobacco products to a minor: Farland Provisions, 150 Bradford St, & Perry's Liquors, 1 Tremont St.

**No action taken.**

- The Licensing Board would like a "Courtesy" letter sent, by certified mail with return receipt, to all licensed establishments explaining the rules and regulations are for each establishment to know and follow.

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

## ***Correspondence***

Email from Hunter O'Hanian stepping down from Chairman position of the Licensing Board.

**Motion to approve Nick Robertson as Chairman by Cass Benson. Seconded by Richard McMasters. Approved 3-0-1**

**Motion to approve John Foley as Vice Chairman by Nick Robertson. Seconded by Richard McMasters. Approved 3-0-1**

**Motion to approve Richard McMasters as Clerk by John Foley. Seconded by Cass Benson. Approved 3-0-1**

## ***Minutes – December 27<sup>th</sup>, 2005***

**Motion to approve Minutes by Nick Robertson. Seconded by Cass Benson. Approved 4-0**

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

- *Richard McMasters will not be at the February 14<sup>th</sup> meeting.*

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

***Other Business – any other business, which shall properly come before the board.***

**Motion to adjourn at 7:09PM by John Foley.**