Minutes of the Town of **Provincetown Licensing Board** Public Meeting on Tuesday May 9, 2006, at 5:00pm in the Judge Welsh Hearing Room, 260 Commercial Street.

Present: Nick Robertson (Chairman), John Foley (Vice Chair), Richard McMasters (Clerk), Cassandra Benson, and Elizabeth Gallerizzo Hartsgrove (Licensing Agent)
Excused: Hunter O'Hanian and Todd Wagar

Public Statements

- Tom Boland representing Farland Provisions wanted the Licensing Board to consider general effect seasonal business have on year-round business in setting quotas. Summer money is what allows him to stay open year round.
- Nathan Butera representing Perry's was concerned that he'd lose the advantage of being the store to stop at on the way home in the West End, and any new package stores could affect his ability to stay open year round.
- Penny Silva representing Pennies said that the Licensing Board and other Boards need to think more in line with the Economic Development Council and help build/support the year round economy.
- Raphael Richter thought that competition is healthy and that having empty store fronts during the busiest time can actually be more detrimental to the economic health of town.
- Tom Collins representing Queen Cab is not against competition but agrees with the previous speakers about dilution of monies.

Special License

1. Donald Murphy representing the Blessing of the Fleet Inc., the **Annual Provincetown Portuguese Festival** for:

Special Entertainment License, at

- Town Hall Auditorium on June 10th, 7:30 PM – 10PM.
- Bas Relief on June 22nd, 6PM – 10:30PM.
- Bas Relief on June 23rd, 12PM – 9PM.
- Ryder St/Town Hall Auditorium on June 23rd, 3PM – 10:30PM
- Ryder St/Town Hall Auditorium on June 24th, 12:30PM – 12AM
- Fisherman's Wharf on June 24th, 7:30PM – 9:30PM.
- MacMillan Pier on June 25th, 12PM – 3PM.

Special All Alcohol License at

- Bas Relief on June 22nd from 6PM – 10:30PM

Special Wine and Malt License at

- Bas Relief on June 22nd from 6PM – 10:30PM.
- Bas Relief on June 23rd from 12PM – 3PM and 5PM – 9PM.
- Bas Relief on June 24th from 11:30AM – 7:30PM
- Fisherman's Wharf on June 24th from 7:30PM – 9:30PM
- MacMillan Pier on June 25th from 12PM – 3PM.

Represented by Donald Murphy. No one wrote or spoke in favor or against application.
Motion to approve, with a condition that the use of Pier agreement be submitted to the Licensing Agent, by Richard McMasters. Seconded by Cass Benson. Approved 4-0

2. Ellen Burbank mgr d.b.a. ***Pilgrim Monument & Provincetown Museum***, High Pole Hill for:

Special Wine & Malt Beverage License

- May 19th from 5PM – 8PM.
- ~~June 23rd~~ September 9th from 5PM – 7PM.
- ~~August 10th~~ August 20th from 12PM – 8PM.

Special All Alcohol License

- October 14th from 5PM – 7PM.

Represented by Ellen Burbank. No one wrote or spoke in favor or against application.
Motion to approve by John Foley. Seconded by Richard McMasters. Approved 4-0

3. Peter Grosso representing ***Provincetown Lions Club*** for:

Special Parking Lot License

On May 27th-28th, July 4th, August 17th and September 2nd-3rd at

- Veteran's Memorial Elem. School and
- St. Peter's Church

Represented by Peter Grosso. No one wrote or spoke in favor or against application.

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

New License

Seasonal Wine & Malt Package Store

1. Combo Inc., Guillermo Yingling mgr d.b.a. ***Glass Half Full***, 191 Commercial St.

Motion to Table agenda item to Friday May 12th at 12noon, by Nick Robertson. Seconded by John Foley. Tabled 4-0

Richard McMasters stepped down.

Lodging

1. Rainer Horn d.b.a. ***Carpe Diem Guesthouse***, 14 Johnson St.

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

Richard McMasters rejoined.

Taxi Operator

1. Dexter Wright, Provincetown

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

2. John D. Merigo, Provincetown

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

3. Leif Hamnquist, Provincetown – Appealing Chief Meyer's decision.

Chief Meyer denied Leif Hamnquist's application due to undisclosed record. According to Mr. Hamnquist, violations occurring 18 months prior to his application is what the Chief is basing the denial on. The Licensing Board felt that since Mr. Hamnquist was denied approval from the Chief the prior year and has had no violations within 18 months time – the denial from Chief Meyer needed more explaination for the board to deny Mr. Hamnquist's application. Raphael Richter spoke in favor of Leif Hamnquist, stating that he was a very valuable member of the community, a year-round resident born and raised in Provincetown. Tom Collins spoke in favor of approving the appeal of Chief Meyer's decision based on the fact that descriptive guidelines need to be in place to give the Licensing Board better understanding why a license would be denied two years in a row, though violations be held against an applicant were 18 months old, or possibly dismissed in court.

The Licensing Board agreed that in order to make a more accurate decision on a denial of a license, recommended from the Chief, more details as to why they would support the Chief's decision is necessary.

Motions to approve the appeal of Chief Meyer's denial of application, based on #3 of the PPD's Licensing Policy, and grant the Taxi Operators license, by Cass Benson. Seconded by Richard McMasters. Approved 4-0

~~4. Jake Azer, Provincetown~~

5. ~~Laura Shabott, Provincetown~~

Amend License

Seasonal All Alcohol & Common Victualer

1. Scruples, Inc., Johnny Pak, mgr d.b.a. ***Burger Mary's***, 149 Commercial St. to amend the D.B.A. to ***Thai Lounge & Bistro & Monkey Bar***.

Represented by Austin Knight. No one wrote or spoke in favor against application.

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

Cass Benson stepped down.

Common Victualer

1. Amend Hours of Operation from10AM-1AM to 10AM – 2AM: Subfleet, Inc., Tom Roberts, mgr d.b.a. ***Subway***, 293 Commercial St.

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

Cass Benson rejoined.

Corporation Retail

1. Amend Hours of Operation from 5AM – 12AM to 12AM – 12AM: Cumberland Farms, Inc, Rick Boyle mgr d.b.a. ***Cumberland Farms***, 100 Shank Painter Rd.

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

Cass Benson stepped down.

Renewal License

Common Victualer

1. MM Snacks, Inc, Marinka Bliss mgr d.b.a. ***Burger Queen***, 331 Commercial St.
2. Cape Mex, LLC, Michael Sullivan mgr d.b.a. ***Big Daddy's Burritos***, 205-209 Commercial St.

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

Cass Benson rejoined. Richard McMasters stepped down.

Lodging

1. George and Wincie Terrat d.b.a. ***The Garden at 6 Atwood Ave***, 6 Atwood Ave.
2. Lovinger Nominee Trust, Gurci Lovinger mgr d.b.a. ***Lotus Guest House***, 296 Commercial St.

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

Richard McMasters rejoined. Cass Benson stepped down.

Transient Vendor

1. Lindsay Alloway d.b.a. ***LUXORIES***, 359 Commercial St.
2. Marla Rice d.b.a. ***Rice/Polak Gallery***, 430 Commercial St.

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

Parking Lot

1. St. Peter the Apostle Church, Father Dahl mgr d.b.a. ***St. Peter the Apostle Church***, 11 Prince St.
2. Charles Silva d.b.a. ***Silva's Parking Lot***, 57 Shank Painter Rd.

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

Fortune Teller

1. Alison "Desire" Maggs d.b.a. ***Mystik Moon***, 244 Commercial St.
2. Flora Stevens d.b.a. ***Provincetown Psychic Readings***, 299 Commercial St.

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

Outdoor Artist

1. William Smith d.b.a. ***Let's Face It Portraits***, 286 Commercial St.

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

Taxi Operator

~~1. David Garrison, Provincetown~~

Pedicab Operator

1. Bruce Van Allen, Provincetown
2. Randy McDonald, Provincetown
3. Charlie Hamilton, Provincetown

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

Cass Benson rejoined.

Correspondence

- Raphael Richter, representing the Mercedes Cab Co, requests a variance of the sign height requirement. He cannot find any sign that is aesthetically pleasing within the regulated 12-inch height. He has found signs at 14 inches tall.

Motion to approve variance by Richard McMasters. Seconded by John Foley. Approved 3-0-1

Minutes – April 25 and May 3rd, 2006

- **Motion to approve April 25th minutes by Nick Robertson. Seconded by John Foley. Approved 4-0**
- **Motion to approve May 3rd minutes by Nick Robertson. Seconded by John Foley. Approved 4-0**

Licensing Board Statements

The Licensing Board expressed great concern with Chief Meyer. The lack of communication between the taxi companies and the PD needs to be improved to enhance the business aspect and service the taxi companies provide to the community. The Taxi companies and their drivers depend on the Chief to sign off as quickly as possible. Designating signoffs or background checks to other officers might expedite the PD signoff for the vehicles and drivers. Also, guidelines for Operator approval and the appeal process need to be more specific to eliminate future problems.

Licensing Agent Statements

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

Motion to adjourn at 6:41 by John Foley.