

# Minutes

of the Town of **Provincetown Licensing Board** Public Meeting on Tuesday June 13, 2006, at 5:00pm in the Caucus Hall, Town Hall, 260 Commercial Street.

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

**Excused:** John Foley (Vice Chair)

## ***Public Statements***

### ***Public Hearing***

#### **Revising the Provincetown Licensing Rules & Regulations**

### **3.0 ALCOHOLIC BEVERAGES LICENSES**

#### **3.01 General Provisions**

u) Licensees shall not permit opened alcoholic beverages to be brought onto the licensed premise by patrons or employees. (add) **A partially consumed bottle of wine purchased at any MGL. c. 138 §12 licensed "restaurant" or "hotel", properly re-sealed at that particular establishment and then brought to separate licensed premise and remained properly sealed is allowed.**

v) Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with (add) **open** alcoholic beverages. (add) **Every holder of a "restaurant" or "hotel" type license issued under M.G.L. c. 138, § 12 may allow a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal. The "restaurant" or "hotel" type license holder or its employees must:**

- 1. Securely reseal the bottle of wine;**
- 2. Place the resealed bottle in a one-time-use tamper-proof transparent bag that insures that the patron cannot gain access to the bottle while in transit after the bag is sealed;**
- 3. Securely seal the bag;**
- 4. Issue to the patron a receipt that prominently displays the date of the purchase, as well as both the purchase of the meal and the purchase of the bottle of wine;**
- 5. Affix the receipt to the sealed bag; and**
- 6. Allow only 1 bottle of wine per patron to be carried out.**

**A "meal" is defined as the purchase by 1 person of a diversified selection of food which ordinarily is classified as an "entree" or "main course" which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking.**

*Letter from Astrid Berg against proposed changes. No one wrote or spoke in favor.*

**Motion to approve with amendments, below, by Hunter O'Hanian. Seconded by Cass Benson. Approved 5-0**

**Amendments:**

**u) ... (add) Annual or Seasonal "restaurant" or (add) Annual or Seasonal "hotel", properly re-sealed at that particular establishment and then brought to separate licensed premise and remained properly sealed is allowed. (add) In the Town of Provincetown, this section applies to Innholders/Lodging and/or Common Victualer Alcohol License holders.**

v) Every holder of an **(add) Annual or Seasonal "restaurant" or (add) Annual or Seasonal "hotel" type license issued under M.G.L. c. 138, § 12**

### ***Special License***

- 1. Adam Weinstock representing *Creative Concept Productions* for:**

## **Special Entertainment**

Two events:

- A comedy show to be held at Town Hall Auditorium on Sunday July 16<sup>th</sup>, 2006. Requested time of entertainment: 12:00 PM – 11:00 PM. No rain date requested.
- A Concert to be held at Town Hall Auditorium on August 22<sup>nd</sup> – 23<sup>rd</sup>, 2006. Requested time of entertainment: 12:00 PM – 11:00 PM. No rain date requested.

*Represented by Bill Hamlin. No one spoke or wrote in favor or against application.*

**Motion to approve by Hunter O'Hanian. Seconded by Todd Wagar. Approved 5-0**

## **New License**

### **Seasonal Wine & Malt Package Store**

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

**Application withdrawn without prejudice.**

2. Thanassi, Arthur Kuliopulos d.b.a. ***Wine Celler/Thanassi Gallery***, 234 Commercial St.

**Application withdrawn without prejudice.**

### **Fortune Teller**

1. Sherry Frank, ***Provincetown Psychic***, 299 Commercial St.

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

2. Lisa Miller, ***Provincetown Psychic***, 299 Commercial St.

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

### **Taxi Operator**

1. Michael LaPlante, Provincetown

**Motion to approve by Richard McMasters. Seconded by Hunter O'Hanian. Approved 5-0**

- ~~2. Katarzyna Kopec, Provincetown~~

3. Kathleen Kadair, Provincetown

An Email from Chief Meyer requesting a 6 month license.

**Motion to approve license for 6 months by Todd Wagar. Seconded by Richard McMasters. Approved 4-1-0**

4. Jules Glatzel, Provincetown

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

### **Taxi and Pedicab Operator**

1. Morgan Wheeler, Provincetown

**Motion to approve by Hunter O'Hanian. Seconded by Richard McMasters. Approved 5-0**

### **Pedicab Operator**

1. Ty Rilleau, Provincetown

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

2. Paulius Juodisius, Provincetown

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

3. Rolandas Vaikenas, Provincetown

**Motion to approve by Hunter O'Hanian. Seconded by Cass Benson. Approved 5-0**

4. Lucia Tebelakova, Provincetown

**Motion to approve by Hunter O'Hanian. Seconded by Todd Wagar. Approved 5-0**

5. Aruuos Strolia, Provincetown

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

6. Andrienne Snow, Provincetown

**Moved to next meeting.**

7. Mircea Steriu, Provincetown

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

8. Ionut Halasanu, Provincetown

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

### **Pedicab**

1. Randy MacDonald and Bruce Van Allen d.b.a. ***PTown Pedicab***, 377 Commercial St. – Vehicle #4

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

### **Parking Lot**

1. Charles Silva d.b.a. ***Silva Parking Lot***, 70-74 Shank Painter Rd.

*Represented by Charles Silva. No one wrote or spoke in favor or against application.*

**Motion to approve by Richard McMasters. Seconded by Hunter O'Hanian. Approved 5-0**

## ***Amend License***

### **Seasonal to Annual All Alcohol Package Store**

1. Gullcrest, Inc., Charles Silva mgr d.b.a. ***Pennies Wine & Spirits***, 68 Shank Painter Rd.

**Tabled to July 25<sup>th</sup> meeting, requested by Atty. Chris Snow.**

### **Common Victualer**

1. MM Snacks, Inc., Marinka Bliss, mgr d.b.a. ***Burger Queen***, 331 Commercial St. to amend the hours of operations from 11:00AM – 11:00PM, to 11:00AM – 2:00AM.

*Represented by Marinka Bliss. No one spoke in favor or against application.*

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

2. Clem & Joe, Inc., Clem Silva, mgr d.b.a. ***Clem & Ursie's Restaurant & Market***, 85 Shank Painter Rd. to amend the Common Victualer hours of operations from 11:00AM – 1:00AM, to 7:00AM – 1:00AM.

*Represented by Deb Silva. No one spoke in favor or against application.*

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

### **Art Gallery**

1. Amend Location of Business: Michael Wilson d.b.a. ***Oz Gallery***, from 398 Commercial St. to 234 Commercial St.

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

## ***Discussion***

### **Transient Vendor**

1. Michael Donovan d.b.a. ***Cock & Bull Leather***, 291 Commercial St.

Represented by Mick Donovan. The Licensing Board requested Mr. Donovan to discuss reasons why his establishment has been operating since January without a license. Mr. Donovan stated that he has been dealing with complications regarding his lease, and that he is really bad with paperwork. The Licensing Board suggested that he begin the renewal process in October, which would alleviate these problems in the future. Hunter O'Hanian states that he will not approve Mr. Donovan's license if this situation is repeated.

2. Linda Unish d.b.a. ***INDO***, 291 Commercial St.

*No show.*

## ***Renewal License***

Richard McMasters stepped down.

### **Lodging**

1. Crayne Hurst d.b.a. ***Hurst House***, 384 Commercial St.

**Motion to approve by Cass Benson. Seconded by Todd Wagar. Approved 4-0**

### **Taxi Cab**

1. Mercedes Cab Co, Richard Macara d.b.a. ***Mercedes Cab Co***, 35A Alden St.: 1966 Red Mercedes Sedan. VIN# 10801212017357.

2. Mercedes Cab Co, Richard Macara d.b.a. ***Mercedes Cab Co***, 35A Alden St.: 1983 Blue Mercedes Sedan. VIN# WDBAB23AXDB394887

3. Tom Collins d.b.a. ***Queen Cab Co***, 9A Conwell St.: 1996 Brown Dodge Caravan. VIN#2B4GP44R7TR800859.

**Motion to approve by Hunter O'Hanian. Seconded by Cass Benson. Approved 4-0**

### **Taxicab Operator**

1. Gail Gibbs, Provincetown

*Email from Chief Meyer stating no issues with application.*

**Motion to approve by Todd Wagar. Seconded by Cass Benson. Approved 4-0**

Richard McMasters rejoined.

2. Julie Bachelder, Provincetown

3. Daniel Bruton, Provincetown

**Motion to approve #2 & 3 by Richard McMasters. Seconded by Todd Wagar. Approved 5-0**

### **Art Gallery**

1. Anne DeWaniero d.b.a. ***Annie Dew Original Art***, 385 Commercial St.

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

### **Transient Vendor**

1. Richard Medveskas d.b.a. **Simply Silver**, 258 Commercial St.

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

2. Michael Donovan d.b.a. **Cock & Bull Leather**, 293 Commercial St.

**Motion to approve by Todd Wagar. Seconded by Cass Benson. Approved 4-1-0**

3. Linda Unish d.b.a. **INDO**, 291 Commercial St.

No Action taken. The Licensing Board requests the Licensing Agent to send a notice to Ms. Unish that she is in violation due to operating without an active license. And until she or a representative comes to a regularly scheduled Board meeting to discuss why the establishment is operating – the Licensing Agent will issue non-criminal citations for violation of Licensing Board Rules & Regulations 1.02.

**Motion for notice and citations to be issued by the Licensing Agent, by Hunter O'Hanian. Seconded by Richard McMasters. Approved 5-0**

### **Pedicab Operator**

1. Julius Juodibus, Provincetown
2. Peter Zabojhin, Provincetown
3. Lucan Colquhoun, Provincetown
4. Gavin Thomas, Provincetown

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

### **Peddler**

1. Joan Borraccino d.b.a. **Vava Productions**, 31 Nickerson St.

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

### **Code Compliance**

Email from Todd Wagar regarding possible Liquor Violation at the Art House at 214 Commercial St.  
*No violation found by the Licensing Agent.*

### **Correspondence**

None

### **Minutes – May 9<sup>th</sup>, 23<sup>rd</sup> and June 1<sup>st</sup>, 2006**

**Motion to approve May 9<sup>th</sup> minutes as amended by Nick Robertson. Seconded by Todd Wagar. Approved 4-0-1**

**Motion to approve May 23<sup>rd</sup> minutes as amended by Nick Robertson. Seconded by Cass Benson. Approved 4-0-1**

### **Licensing Board Statements**

Cass Benson – Good Job Nick at a well-run meeting.

### **Licensing Agent Statements**

None

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

**Motion to adjourn at 6:42 by Hunter O'Hanian.**