

Minutes

of the Town of **Provincetown Licensing Board** Meeting Thursday, March 23, 2004 in the Auditorium, Town Hall, 260 Commercial Street.

**Present:** Hunter O'Hanian (Chairman) Nick Robertson (Secretary, Acting Chair), John Foley, Irene Rabinowitz and Elizabeth Hartsgrove (Licensing Agent) **Excused:** Cassandra Benson **Absent:** **Others Present:**

### **Public Hearing**

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

## **LICENSING RULES AND REGULATIONS**

### **3.0 ALCOHOLIC BEVERAGES LICENSES**

#### **3.04 Additional Provisions for Package Store Licenses**

##### **b) (add) Sunday Sales Permit**

1. Stores may not open before noon.
2. Stores shall close at 11P.M.
3. No sales may be made after 11:30P.M. on a Sunday that immediately precedes a legal holiday.
4. Employees must be paid at a rate not less than one and one half (1½) times the employees regular rate.
5. No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours, or any other penalty.

### **6.00 INNHOLDER LICENSES**

#### **6.01 Definition**

Innholder shall mean a building or group of buildings with a minimum of twenty separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests. **(Add) For purposes of this Section 6.01, the term 'parcel' shall include contiguous lots of land held under common ownership.**

### **9.0 PEDICAB REGULATIONS**

#### **9.01 PEDICAB OWNERS**

- h) Hours of operation shall not exceed the hours of 6AM to 2AM daily **(add) Hours of Operation for applicants less than 18 years of age will not exceed 10PM.**

(Insert new w, as follows)

- w) Operating company will provide shift supervisor during evening hours and proof of radio contact upon request for juvenile manned shifts.

#### **9.02 PEDICAB OPERATORS**

- a. The applicant must be 18 years of age or older, or **(add) 16 years of age with parental/guardian permission.**
- b. The applicant must have a valid State driver's license **(add) and/or internationally approved drivers license,** and present a copy to the Licensing Agent upon filing application.

### **MISCELLANEOUS LICENSES**

#### **10.02 Outdoor Artist or Sidewalk Artist**

(Insert g as follows)

- g) Approval for any type of art that touches the human body will be applied through the Board of Health.

#### **10.05 Other Licenses Issued by the Licensing Board**

Omit

- ~~b) Float Space License~~
- ~~e) Seafood Off-Loading License~~

## **APPENDIX A**

### **LICENSE FEES**

## OTHER LICENSES

Omit <del>Float Space License</del> per float	<del>4,000.00</del>
Omit <del>Vessel rated by USCG greater than 50 passengers; fee per passenger</del>	<del>50.00</del>

## BUILDING INSPECTION FEES

Clubs, restaurants, inns (add) ( <u>All</u> food service establishments)	40.00
OMIT <del>Food vendors</del>	<del>40.00</del>
Omit <del>Massage parlors</del>	<del>25.00</del>

## OTHER FEES:

Registration of non-licensed business	Omit <del>25.00</del> (Add) <b>30.00</b>
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Patricia Pajaron, Provincetown Health Inspector spoke in favor of 10.02 g). No one spoke against revisions. Charles Silva wrote against revising 3.04 b). No one wrote in favor of revisions.

**Motion to approve all revisions by Nick Robertson Seconded by Irene Rabinowitz. Passed 4-0**

## Public Statements

### Special Licenses

1. To hear a petition from Debra Silva representing **Clem & Ursie's Restaurant & Market** for a **Special Entertainment License**

Art opening on Friday April 16<sup>th</sup> from 3PM-10PM to be held at 85-87 Shank Painter Rd. No rain date requested.

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

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

2. To hear a petition from Mark Green representing **Gay Men's Domestic Violence Project** for: **Special Entertainment**

Fundraising event, Provincetown Birdman on Sunday May 30<sup>th</sup> from 12:00 PM – 5:00 PM to be held at MacMillan Pier. No rain date requested.

**Motion to Tabled till April 13<sup>th</sup> meeting by Irene Rabinowitz Seconded by Nick Robertson. Tables 4-0**

3. To hear a petition from Pamela Rimington representing **Cape Cod Young People's Decade of Commitment**, for:

**Special Entertainment**

Seminar on Sunday, May 2, 2004 from 9 A.M. to 5 P.M. to be held in the Auditorium at Town Hall, 260 Commercial Street. No rain date requested.

*Represented by Mick Rudd. No one wrote or spoke in favor or against applicant.*

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

Irene Rabinowitz stepped down

4. To hear a petition from Teri Nezbeth representing **Helping Our Women** for: **Special Entertainment**

A Benefit Casino Night on Thursday, October 14<sup>th</sup> from 7:00 PM – 12:00 AM to be held at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.

*Represented by Teri Nezbeth. Mary Jo Avellar spoke in favor of applicant. No one spoke against, and no one wrote in favor or against applicant.*

**Motion to approve by John Foley Seconded by Nick Robertson. Passed 3-0**

Irene Rabinowitz rejoined.

### New License

**Seasonal All Alcohol, Common Victualer and Weekday Entertainment**

1. Pepe's Wharf, Inc., Astrid Berg mgr d.b.a. **Pepe's Wharf**, 371-373 Commercial Street

*Represented by Astrid Berg and Atty. Randall Nellon. Mary Jo Avellar, Mick Rudd and Bruce Van Allen spoke in favor of applicant. No one spoke against applicant. Ron Robin, Kenneth Manning and Nancy Ann Meads wrote in favor of applicant. Ted Chapin wrote against applicant.*

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

**Transient Vendor**

1. Joseph Marchesseault d.b.a. **Joey Mars Gallery**, 283F Commercial St.

**Motion to approve by Nick Robertson Seconded by John Foley. Passed 4-0**

2. Jack Magill d.b.a. **Aunt Fanny's Garage**, 237-241 Commercial St.  
**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

### Taxi Operator

1. Raphael Richter, Mercedes Cab, Provincetown  
**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

2. Anne Slifky, Queen Cab, Provincetown  
**Motion to approve by Nick Robertson Seconded by Irene Rabinowitz. Passed 4-0**

### **Transfer License**

#### Seasonal Wine & Malt and Common Victualer

1. Babysam, Inc., Alice M. Foley mgr d.b.a. **Little Fluke Café**, 401 ½ Commercial Street, to Devon Ruesch d.b.a. **Devon's**, 401 ½ Commercial Street.

**Tabled Till April 13<sup>th</sup> meeting due to no representation at meeting.**

#### Annual All Alcohol Package Store

1. Lebert's, Inc., Mario Lebert mgr d.b.a. **Perry's Liquor**, 1 Tremont Street, to Perry's Wine and Liquors, LLC, David Martin mgr, d.b.a. **Perry's Wine and Liquors**, 1 Tremont Street.

*Represented by Atty. Chris Snow, David Martin and Ronald Martin. No one spoke or wrote in favor or against applicant.*

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

### Lodging

1. Owen H. Hart & John Gordon d.b.a. **The Prince Albert Guest House**, 166 Commercial St. to Richard McMaster d.b.a. **The Prince Albert Guest House**, 166 Commercial St.

*Represented by Richard McMaster.*

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

2. Keith Brickel d.b.a. **Moffett House**, 296A Commercial St., to Russ Olevsky d.b.a. **Moffett House**, 296A Commercial St.

**Tabled Till April 13<sup>th</sup> meeting due to no representation at meeting.**

### **Amend License**

#### Transient Vendor

1. Change in Location: Mary Ellen Otto & Robert Otto d.b.a. **Eclectiques**, from 368 Commercial St. to 256 Commercial St.

*Represented by Mary Ellen Otto.*

**Motion to approve by Nick Robertson Seconded by John Foley. Passed 4-0**

### Lodging

1. Change in Corp. name: from Heather Welsh & Mollie Neal to 175 Inc., Beatrice Smith mgr d.b.a. **Anchor Inn**, 175 Commercial St.

*Represented by Beatrice Smith.*

**Motion to approve by Nick Robertson Seconded by John Foley. Passed 4-0**

### **Renewal License**

#### Common Victualer with Entertainment

1. Clambake, Inc., Mary Joy McNulty mgr, d.b.a. **Lobster Pot Restaurant**, 321 Commercial St.
2. WayDownTown, Inc., Geraldine Boccio mgr, d.b.a. **WayDownTown**, 267 Commercial St.
3. Spiritus Enterprises, Inc., John Yingling mgr, d.b.a. **Spiritus Pizza**, 190 Commercial St.
4. Old Colony Tap, Inc., Robert Enos mgr, d.b.a. **Old Colony Tap**, 323 Commercial St.

**Motion to approve 1 thru 4 by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

#### Common Victualer

1. The Mayflower Café, Inc, Michael Janoplis mgr, d.b.a. **The Mayflower Café**, 300 Commercial St.
2. Long and Short of It, Corp., J. Star Chicaderis mgr d.b.a. **Tofu A Go-Go**, 336 Commercial St.
3. Antonio A Ferreira d.b.a. **Provincetown Portuguese Bakery**, 299 Commercial St.

**Motion to approve 1 thru 3 by John Foley Seconded by Nick Robertson. Passed 4-0**

#### Transient Vendor

1. William Fitzpatrick and Russell Dwyer d.b.a. **West End Antiques**, 146 Commercial St.

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

### Parking Lot

1. Pat's Happy Park, Inc., Elena C. Hall mgr d.b.a. **Pat's Happy Park**, 397 Commercial St.  
**Motion to approve by Nick Robertson Seconded by Irene Rabinowitz. Passed 4-0**

### Lodging

1. ~~On the Beach Again, Inc., Peter L. Boyle II mgr, d.b.a. **Anchor Inn**, 175 Commercial St.~~

### Innholder

1. Provincetown Hospitality LLC, Elaine Quigley mgr, d.b.a. **Surfside Inn**, 543 Commercial St.  
**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 4-0**

### Innholder with Entertainment

1. The Boatslip, LLC, Richard F. Ferrell mgr, d.b.a. **Boatslip Beach Club**, 161 Commercial St.  
**Motion to approve by Nick Robertson Seconded by John Foley. Passed 4-0**

### Seasonal Alcohol

<b>Business</b>	<b>Address</b>	<b>Manager</b>	<b>Type of License</b>	<b>License Number</b>
Tip for Tops'N Restaurant, Inc. d.b.a. <b>Tip for Tops'N Restaurant</b>	31 Bradford Street	Gerald E. Carreiro	Wine and Malt Common Victualer	100400002
Sal's Place, Inc. d.b.a. <b>Sal's Place</b>	99 Commercial Street	Lora Papetsas	Wine and Malt Common Victualer	100400012
The Boatslip, LLC d.b.a. <b>The Boatslip Beachclub</b>	161 Commercial Street	Richard F. Ferrell	All Alcohol Innholder	100400016
Terri Vorelli d.b.a. <b>Vorelli's Restaurant</b>	226-228 Commercial Street	Terri Vorelli	All Alcohol Common Victualer	100400022
Aliperti Inc. d.b.a. <b>Front Street Restaurant</b>	230 Commercial Street	Donna M. Aliperti	All Alcohol Common Victualer	100400024
T-UNA-S, Inc. d.b.a. <b>Euro Island Grill</b>	256-258 Commercial Street	Theodore Tine	All Alcohol Common Victualer	100400026
The Mayflower Café, Inc. d.b.a. <b>Mayflower Café</b>	300 Commercial Street	Darin. Janopolis	All Alcohol Common Victualer	100400032
Old Colony Tap, Inc. d.b.a. <b>Old Colony Tap</b>	323 Commercial Street	Robert Enos	All Alcohol Common Victualer	100400035
Blasé, Inc. d.b.a. <b>Café Blasé</b>	328 Commercial Street	Brian D. Hart	All Alcohol Common Victualer	100400036
Café Edwige, Inc. d.b.a. <b>Café Edwige</b>	333 Commercial Street	Nancyann Meads	All Alcohol Common Victualer	100400037
Airedale, LLC. d.b.a. <b>Chester</b>	404 Commercial Street	John F. Guerra	All Alcohol Common Victualer	100400044
Summer Coastline, Inc. d.b.a. <b>The Pied Piper Bar</b>	193A Commercial Street	Susan Webster	All Alcohol Common Victualer	100400048
Gullcrest, Inc. d.b.a. <b>Pennies Market</b>	56 Shank Painter Road	Charles Silva	All Alcohol Package Store	100400067
La Vite e L'UVA, Inc d.b.a. <b>L'UVA Restaurant</b>	133 Bradford Street	Peter A. Garza-Zavaleta	All Alcohol Common Victualer	100400074
Family Tran, Inc. d.b.a. <b>Szechuan Restaurant</b>	179 Commercial Street	Bounvilay Tran	All Alcohol Common Victualer	100400078
Steamboat Wharf of Provincetown, Inc. d.b.a. <b>Bubala's By The Sea</b>	183 Commercial Street	John Yingling	All Alcohol Common Victualer	100400079
Café Heaven, Inc. d.b.a. <b>Café Heaven</b>	199 Commercial Street	Alan Cullinane	All Alcohol Common Victualer	100400081
Habomare Inc. d.b.a. <b>Jackson's Restaurant</b>	463 Commercial Street	Eve Reilly	All Alcohol Common Victualer	100400093
ESF, LTD. d.b.a. <b>Esther's</b>	186 Commercial Street	Ellen Freeman	All Alcohol Common Victualer	100400097

Pilgrim House, Inc. d.b.a. <b>Pilgrim House</b>	336 Commercial Street	Donald R. Edwards	All Alcohol Innholder	100400099
Scruples, Inc. d.b.a. <b>Burger Mary's</b>	149 Commercial Street	Johnny Pak	All Alcohol Common Victualer	100400101
Atlantic Ocean, Inc. d.b.a. <b>Grand Central</b>	5 Masonic Place	April Cabral Pitzner	All Alcohol Common Victualer	100400105
Babysam, Inc. d.b.a. <b>Little Fluke Café</b>	401½ Commercial St	Alice M. Foley	Wine and Malt Common Victualer	100400115
Clem & Joe, Inc. d.b.a. <b>Clem &amp; Ursie's Restaurant &amp; Seafood Market</b>	89 Shank Painter Road	Clem Silva	All Alcohol Common Victualer	100400119
Draper-Rigg, Inc. d.b.a. <b>The Commons</b>	386 Commercial Street	Carlton Draper	All Alcohol Innholder	100400124
Clambake, Inc. d.b.a. <b>Lobster Pot Restaurant</b>	321 Commercial Street	Mary Joy McNulty	All Alcohol Common Victualer	100400125
Richard Williams d.b.a. <b>Twomey's</b>	269 Commercial Street	Richard Williams	All Alcohol Common Victualer	100400127
WAC, INC. d.b.a. <b>Best Western Tides Beachfront</b>	837 Commercial Street	William A. Gordon	Wine & Malt Innholder	100400129
Provincetown Hospitality LLC. d.b.a. <b>Surfside Inn</b>	540-542 Commercial St.	Elaine Quigley	All Alcohol Innholder	100400131
WayDownTown Inc d.b.a. <b>WayDownTown</b>	267 Commercial Street	Geraldine Boccio	All Alcohol Common Victualer	100400132

**Motion to approve all but Szechuan Restaurant, Jackson's Restaurant, Little Fluke Café, and Twomey's, by Irene Rabinowitz Seconded by John Foley. Passed 4-0**

**Motion to approve Szechuan Restaurant by Irene Rabinowitz Seconded by Nick Robertson. Passed 4-0.**

**Motion to approve Jackson's Restaurant by Nick Robertson Seconded by John Foley. Passed 4-0**

**Motion to approve Little Fluke Café by Irene Rabinowitz Seconded by John Foley. Passed 4-0**

**Motion to approve Twomey's by Nick Robertson Seconded by John Foley. Passed 4-0**

## **Correspondence**

- Code Compliance Report – 3/23/04.

**Motion to Change Taxi License to include transportation of alcohol law and to notify all package store owners of the law for Taxi operators transporting and delivering alcohol, by Hunter O'Hanian Seconded by John Foley. Passed 4-0.**

- Letter from ABCC re: Gifford House Hearing – 3/15/04
- Letter from Jane Evans Raasch, Provincetown Health Agent, re: Szechuan Restaurant and Town Sewer Violations– 3/17/04.

**Hunter O'Hanian requesting Discussion with Szechuan Restaurant at April 13<sup>th</sup> meeting.**

## **Minutes – March 9, 2004**

**Minutes tabled till April 13<sup>th</sup> meeting.**

## **Licensing Board Statements**

Hunter O'Hanian – Notify Board of Selectmen of Keith Brickel's Resignation of the Licensing Board.

**Motion to elect Nick Robertson to Vice Chair Position by Hunter O'Hanian Seconded by John Foley. Passed 3-0-1**

## **Licensing Agent Statements**

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

**Motion to adjourn 6:45 P.M.**

**Licensing Board Approval:**

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Hunter O'Hanian, Chairman

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Nick Robertson (Clerk and Vice-Chair)

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John Foley

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Irene Rabinowitz

