



Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, September 11, 2012** at 5:15 p.m. in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

Present: AJ Petras, Frank Thompson, Kristin Hatch, Dallas Sowers, Scott Chovanec

Staff Present: Licensing Agent, Darlene Van Alstyne

Public Hearings

Revision the Licensing Board Rules & Regulations

The Provincetown Licensing Board will hold a Special Public Meeting at 5:15 p.m. on **Tuesday, September 11, 2012** in the Judge Welsh Room at Town Hall, 260 Commercial St., Provincetown, Massachusetts, to hear the merit of revising the Provincetown Licensing Rules & Regulations as described below:

LICENSING BOARD RULES AND REGULATIONS

1.12 Responsibilities of License Holder

No changes a.

b) The applicants will be responsible for obtaining any required Board approvals prior to applying for a license. An exception is made in the event that a ZBA appeal period is in effect, at which time an applicant may advertise for a hearing for a license provided that the date of the license hearing occurs after the ZBA appeal period is ended (20 days from the date of filing with the Town Clerk).

No changes c through 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.

No changes h and i.

3.00 ALCOHOLIC BEVERAGES LICENSES

3.01 General Provisions

No changes a and b.

c) Licensees, managers, and alcohol servers MUST be TIPS Certified.

No changes d through h.

- i) No licensee may exceed the approved number of occupancy or seats posted on the license. The seating capacity and occupancy are set by the Community Development Department or Board of Health ~~or the Licensing Board~~. The occupancy, and if applicable, the seating capacity and, if applicable, the theater occupancy shall be posted on the license.

No changes j through y.

3.07 Special Liquor Licenses

No changes a through d.

e) Special licenses for sale of beer and wine may be granted to for-profit and non-profit organizations.

f) Special icenses for the sale of all alcoholic beverages may only be granted to non-profit organizations ~~only~~.

No changes g1 through g5.

g) 6. A floor plan shall be submitted with application specifying proposed areas of service and consumption, seating, tables, entrances/exits, and entertainment (if applicable).

7. A security plan.

~~h) A Special Liquor license may not be granted at any time by the Licensing Board for service and consumption at Town Hall.~~

5.00 COMMON VICTUALERS LICENSES

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

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

7.00 BOARDING, LODGING, GUEST HOUSE OR TOURIST HOME LICENSES

7.01 Definition

Boarding, Lodging, Guest House or Tourist Home shall mean a dwelling with a ~~managing resident~~ resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, ~~rented~~ renting to more than two ~~three~~ and but fewer than twenty persons separate guest units.

8.00 TAXICAB/LIVERY REGULATIONS

8.01 TAXICAB/LIVERY OWNERS

No changes a through d.

e) The applicant must already have had the taxicab/livery "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 to the Licensing Agent upon filing an application.

No changes f through o.

p) The total Taxicab/Livery License fee is ~~\$71.50~~ \$72.00 plus the application fee of \$30.00.

No changes q and r.

s) TAXI/LIVERY RATES: (TO BE VISIBLY POSTED IN VEHICLES)

No changes s1.

s) 2. Flat Rates:

a) To or from Airport or Race Point Beach = flat rate of \$7 ~~\$7~~ \$8 per person.

b) To or from other National Seashore = flat rate of \$7 ~~\$7~~ \$8 per person.

No changes c.

- d) All other fares in Provincetown = flat rate of \$5 ~~\$6~~ per person.
- e) \$60.00 hourly rate in Provincetown. (Livery rates may vary.)
- f) Seniors (65 and older) rate \$5.

No changes s3 through s7 or t through y.

8.02 TAXICAB OPERATORS

- a) The applicant must provide a current photo (passport size) for placement on operator's license.
- b) The applicant must have a valid Massachusetts driver's license and present a copy to the Licensing Agent upon filing application ~~along with a copy of their Criminal Offender Record obtained from the CORI Department of the Commonwealth of Massachusetts. The applicant agrees to provide his/her consent to allow the Provincetown Police Department, the Licensing Board, and/or the Licensing Agent the right to review and discuss his/her CORI report, if deemed necessary by the Chief of Police. The Licensing Agent will submit the application to the Provincetown Police Chief, or his/her agent. To be eligible for a new license or the renewal of a license, the applicant must meet the following requirements.~~
- c) The applicant must obtain and provide a copy of his/her CORI report, which The Licensing Agent will submit, along with the application, to the Provincetown Police Chief, or his/her agent. The applicant agrees to provide his/her consent to allow the Provincetown Police Department, the Licensing Board, and/or the Licensing Agent the right to review and discuss his/her CORI report.

No changes d through g.

9.00 PEDICAB REGULATIONS

9.01 PEDICAB OWNERS

No changes a through j.

- k. ~~No placards, banners, or advertisements of any description will be permitted upon the outside of any pedicab without the approval of the Licensing Board and/or special permit from the Zoning Board of Appeals. ADVERTISING SIGNAGE:~~
 1. Signage on the rear shall be limited to one foot tall, cannot exceed the width of the vehicle and must not block the vehicle's license plate or cab information.
 2. Advertising may not be placed on a taxi in any manner that may obstruct the operator's field of vision or in any way impede the operation of the vehicle.
 3. The Provincetown Licensing Board and the Provincetown Police Department must approve any deviation allowed regarding size or placement of signage.

No changes l through p.

- q. PEDICAB RATES: (TO BE VISIBLY POSTED)

No changes r through t.

9.02 PEDICAB OPERATORS

No changes a through g.

- h. The Licensing Agent or Licensing Board is authorized ~~after approval of the applicant by the Police Department,~~ to issue a temporary operator's license once a completed application has been received. Temporary license may be valid for no longer than ~~the~~ the next regularly scheduled meeting.

10.02 Outdoor Artist or Sidewalk Artist

No changes a through f.

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

10.03 Non-Intoxicating Beverages

The Licensing Board will require a license for the retail sale of non-alcoholic beverages of any establishment not already licensed to sell food.

10.03 Retail Sales Licenses

No changes a.

- b) Types of Retail Sales Licenses

1. Corporate & Year-Round Retail/Transient Vendor License

APPENDIX A

LICENSE FEES

<i>OTHER LICENSES</i>		
Art Gallery (original works of art)		110.00
Class I & 11		110.00
Auctioneer		50.00
Common Carrier (transportation)	per vehicle	27.50 28.00
Common Victualer		55.00
Flea Market		550.00
Fortune Teller		50.00
Innholder		55.00
Lodging House		55.00
Peddler		27.50 28.00
Pedicab		44.00
Pedicab Operator		33.00
Parking Lots		38.50 39.00
Sidewalk Artist		11.00
Taxicab		71.50 72.00
Taxi operator		44.00
Transient Vendor/ <u>Retail Shops</u>		275.00 110.00
Vending Machine		27.50 28.00
Yard Sale		5.50

<i>WEEKDAY ENTERTAINMENT LICENSES</i>		
a. Coin-operated amusement devices	per device	110.00

b. Dancing by patrons	27.50 28.00
c. Live entertainment	110.00
d. Live theater	110.00
e. Movies	110.00

<i>LICENSES ISSUED BY BOARD OF HEALTH</i>	
Camps & Cabins	150.00
Renters Certification	120.00
Stable	50.00
Gart (Push/Mobile)	100.00

No changes to additional fees.

Irv Morgan states that most drivers let the customer pay what they want and discusses the need for the rates to be posted in one location for all cabs.

Motion to approve by AJ Petras. Seconded by Frank Thompson.

Discussion – posting pedicab rates: posted on the right side of vehicles “rates are negotiated with driver”

Motion to approve with modification by AJ Petras. Seconded by Frank Thompson. Approved 4-0.

Public Statements

Fred Long speaks regarding Sal’s Restaurant. Feels he has been negatively impacted by the service of all alcoholic beverages. Increased noise levels from patrons leaving the bar between 10:00 and 11:30 at night. Traffic due to liquor trucks.

Josephine DelDeo speaks regarding Sal’s Restaurant. Did not want all alcoholic beverages on the property in the neighborhood – does not feel it was necessary to have another liquor license in the residential area. Feels that they have suffered a hardship. Would like the board to rescind the all alcoholic beverage license.

Irvin Morgan speaks regarding Sal’s Restaurant. States that he has heard of no complaints and feels it is an amenity to the area. Businesses need to keep business models fresh and alive in order to succeed.

Sal DelDeo speaks regarding Sal’s Restaurant. Came up with the restriction because of love for the restaurant and neighborhood. Is very disappointed that Lora has not kept her word.

New License

Taxi Operator

1. Philbert Roderick – Pride Taxi

Motion to approve AJ Petras. Seconded by Frank Thompson. Approved 4-0.

Renewal License

Motion to take Class II and Parking Lot License together by AJ Petras. Seconded by Dallas Sowers. 4-0.

Class II

1. Rod’s Service Station, Inc., Mark Silva, mgr. d.b.a. ***Rod’s Service Station***, 42 Conwell St., Provincetown, MA.

Parking Lot

1. Rod's Service Station, Inc., Mark Silva, mgr. d.b.a. **Rod's Service Station**, 42 Conwell St., Provincetown, MA.

Motion to approve Rod's Service Station Class II and Parking Lot License by AJ Petras. Seconded by Dallas Sowers. Approved 4-0.

Correspondence – Notice from ABCC regarding Caterer's License. John LaCroix letter regarding yard sales read into the minutes.

Minutes – August 28, 2012

Motion to postpone to September 25, 2012 meeting. Seconded by Frank Thompson. Approved 4-0.

Enforcement – Incident reports: find out what was going on at WOMR – multiple noise complaints

Old business – Six-month review of Sal's Restaurant. Officer Alves conducted compliance check recently, no issues. Donna Robertson, Tony Zampella are present with Lora Papetsas, who states there have been no issues. Letter sent to west end neighbors for feedback. Biggest challenge – TIPS training has made a big difference, having management team in place, able to monitor successfully. Bar closes at 9:45 restaurant at 10pm. At least 2 managers on the floor at all times. 4th of July and Carnival were biggest issues – held employee meeting. Inventory and storage had to be worked on. Signs were placed on bar stating that food had to be served with alcohol. Possible reasons for noise could be employees leaving for the night. Deliveries have been brought to a minimum. Changes to refuse for trash pick up. Dallas Sowers does not feel it needs to be an on-going check in. AJ Petras suggests putting up sign to respect neighbors. Kristin Hatch states that she is going to Boston for ABCC appeal regarding Purple Feather tomorrow.

Licensing Board Statements – AJ states that he will be in town for the next meeting.

Licensing Agent Statements

Motion by AJ Petras to adjourn. Seconded by Frank Thompson. 4-0 Meeting adjourned 6:28