

# Minutes

of the Town of **Provincetown Licensing Board** Meeting and Work Session on Tuesday, May 10, 2005 in the Judge Welsh Hearing Room, 260 Commercial Street.

**Present:** Hunter O'Hanian (Chairman), Nick Robertson (Vice Chair and Clerk), John Foley, Irene Rabinowitz, Cassandra Benson and Elizabeth Hartsgrove (Licensing Agent)

**Excused:** Richard McMasters

## **Public Statements**

### **Special Licenses**

Cass Benson Stepped down

1. To hear a petition from Guy Wolf representing the **Provincetown Theater Company** for:

#### **Special Entertainment License**

A musical performance with Elaine Stritch, July 1<sup>st</sup> thru July 3<sup>rd</sup>, 2005 from 8PM to 11PM to be held in the Auditorium at Town Hall, 260 Commercial Street. No rain date requested.

*Represented by Guy Wolf. No one wrote or spoke in favor or against application.*

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

Cass Benson rejoined.

2. To hear a petition from Adam Weinstock representing **Creative Concept Productions** for:

#### **Special Entertainment License**

A comedy show to be held at Town Hall Auditorium on Sunday July 24<sup>th</sup>, 2005. Requested time of entertainment: 6:00 PM – 11:00 PM. No rain date requested.

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

**Motion to approve by Irene Rabinowitz Seconded by John Foley. Passed 5-0**

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

#### **Special Entertainment License**

A fundraising event, Provincetown Birdman, Saturday, June 4<sup>th</sup> 12:00 PM – 6:00 PM to be held at MacMillan Pier.

Rain date requested: Sunday June 5<sup>th</sup>.

*Represented by Mark Green. No one wrote or spoke in favor or against application.*

**Motion to approve by Nick Robertson Seconded by Nick Robertson. Passed 5-0**

Nick Robertson stepped down.

4. To hear a petition from Gabby Hanna, representing the **Provincetown International Film Festival** for:

#### **Special Entertainment License**

A film viewing scheduled June 13 thru June 20, 2005, from 9AM to 12 AM to be held at the Auditorium at Town Hall, 260 Commercial Street. No rain date requested.

*Represented by Gabby Hanna. No one wrote or spoke in favor or against application.*

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

Nick Robertson rejoined.

Hunter O'Hanian, Cass Benson, Nick Robertson, Irene Rabinowitz, and John Foley all disclosed that they are member of the PBG.

5. To hear a petition from Gabby Hanna, representing the **Provincetown Business Guild** for:

#### **Special All Alcohol License**

- Pier Dance on August 19<sup>th</sup>, 2005, 3PM – 7PM to be held at MacMillan Wharf.

**Motion to approve by Irene Rabinowitz Seconded by Cass Benson. Passed 5-0**

#### **Special Entertainment License**

- Concert on August 20<sup>th</sup>, 2005 8PM – 11:00 PM to be held at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.
- Concert on September 24<sup>th</sup>, 2005 8:30PM – 11PM to be held at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.
- Concert on December 3<sup>rd</sup>, 2005 8:30PM – 11PM to be held at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.

*Represented by Gabby Hanna. No one wrote or spoke in favor or against application.*

**Motion to approve by Nick Robertson Seconded by John Foley. Passed 5-0**

6. To hear a petition from Donald Murphy representing the *Blessing of the Fleet Inc.*, the **Annual Provincetown Portuguese Festival** for:

**Special Entertainment License**, at

- Fisherman's Wharf on Thursday June 23<sup>rd</sup>, 4PM-10:30PM
- MacMillan Pier on Thursday June 23<sup>rd</sup>, 4PM – 6PM
- Bas Relief on Thursday June 23<sup>rd</sup> from 6PM – 10:30PM
- Bas Relief on Friday June 24<sup>th</sup> from 12PM-4PM
- Ryder St. on Friday June 24<sup>th</sup> from 10AM-10PM
- Motta Field on Saturday June 25<sup>th</sup> from 9AM-12PM
- Macmillan Pier on Saturday June 25<sup>th</sup> from 12PM-2PM
- Ryder St on Saturday June 25<sup>th</sup> from 12PM-12AM
- Fisherman's Wharf on Saturday June 25<sup>th</sup> from 7:30PM-9:30PM
- Lopes Square on Sunday June 26<sup>th</sup> from 11AM-12PM
- MacMillan Pier on Sunday June 26<sup>th</sup> from 12PM-3PM

**Special All Alcohol License** at

- Fisherman's Wharf on Thursday June 23<sup>rd</sup> from 6PM-10:30PM
- Bas Relief on Thursday June 23<sup>rd</sup> from 6PM – 10:30PM
- MacMillan Pier on Sunday June 26<sup>th</sup> from 12PM-3PM

**Special Wine and Malt License** at

- Fisherman's Wharf on Thursday June 23<sup>rd</sup> from 4pm-6pm
- MacMillan Wharf on Thursday June 23<sup>rd</sup> from 4PM – 6PM
- Bas Relief on Friday June 24<sup>th</sup> from 12PM-9PM
- Bas Relief on Saturday June 25<sup>th</sup> from 11:30AM-7:30PM
- Fisherman's Wharf on Saturday June 25<sup>th</sup> from 7:30PM-9:30PM

*Represented by Donald Murphy, Paul Silva and Maureen Hurst. No one wrote or spoke in favor of application. Letter from James Flammer, 5/6/05, concerned if alcohol is at Motta Field.*

**Motion to approve by Nick Robertson Seconded by Cass Benson. Passed 5-0**

Cass Benson stepped down.

7. David Silva representing **Portuguese Festival Fund Raiser** for:

**Special Entertainment License**

For one Portuguese Guitar Player on Sunday, May 15<sup>th</sup>, from 1pm to 4pm at 15 Commercial St. No rain date requested.

*Represented by Donald Murphy, Paul Silva and Maureen Hurst. No one wrote or spoke in favor or against application.*

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

Cass Benson rejoined.

**New License**

**Taxi and Signage Size Deviation**

1. Richard Macara d.b.a. **Mercedes Cab Co.**, 35 Alden St.

*Represented by Raphael Richter. The Sign deviation is only ¾ an inch taller than allowed.*

**Motion to approve by Cass Benson Seconded by John Foley. Passed 5-0**

**Transient Vendor**

1. Michael Donovan d.b.a. **Cock and Bull**, 293 Commercial St.

*The Cock and Bull has been in existence for at least 10 years, and been considered a year round business. However the license was not renewed since 2002. Therefore it falls into the category of a new business, and due to it not being open all year, it is now considered a Transient Vendor.*

*The Licensing Board would like to talk to the owner Michael Donovan, instead of an employee sent in his place, at the next meeting, May 24<sup>th</sup>.*

**Motion to approve, with the license expiring on May 24, 2005, by Irene Rabinowitz Seconded by John Foley. Passed 5-0**

**Taxi Operator**

1. ~~Lindsey Nickerson, Provincetown~~
2. Astranada Gamsey, Truro

Motion to approve by Nick Robertson Seconded by John Foley. Passed 5-0

3. Pamela Volmes, Wellfleet

Motion to approve by Nick Robertson Seconded by John Foley. Passed 5-0

4. Joe Meldalh, Truro

Motion to approve by Nick Robertson Seconded by Cass Benson. Passed 5-0

### Fortune Teller

- ~~1. Madalyn Aslan, **West End Salon**, 155 Commercial St.~~
2. Nan Milani, **Crystal Ball**, 234 Commercial St.

Motion to approve by Cass Benson Seconded by John Foley. Passed 5-0

### **Transfer License**

#### **Common Victualer, Lodging, Seasonal All Alcohol and Special All Alcohol License**

1. Transfer from ESF Inc., Ellen Freeman mgr d.b.a. **Esthers**, 186 Commercial Street, Provincetown, MA to Gusto Inc., John Yingling mgr, d.b.a. **Enzo**, 186 Commercial Street, Provincetown, MA and application for Special All Alcohol from May 19<sup>th</sup> to July 19<sup>th</sup>, 11AM – 1AM daily.

*Represented by John Yingling and Tom Conklin. No one wrote or spoke in favor or against application.*

Motion to approve by Nick Robertson Seconded by John Foley. Passed 5-0

#### **Common Victualer with Seasonal All Alcohol**

1. From WSD Enterprises, David Schermacher mgr d.b.a. **P-Town Parties**, 175 Bradford Street Ext, Provincetown, MA to Highland Creamery Inc., Lori Romano mgr, d.b.a. **Highland Creamery**, 175 Bradford Street Ext., Provincetown, MA

*Represented by Lori Romano and David Schermacher. No one wrote or spoke in favor or against application.*

Motion to approve by John Foley Seconded by Cass Benson. Passed 5-0

### Parking Lot

- ~~1. From Gael Poltraak d.b.a. **Kibbe Cooke House Parking**, 466 Commercial St. to John Beauchamp d.b.a. **Kibbe Cooke House Parking**, 466 Commercial St.~~

### **Discussion**

1. Backstreet Hotel, Inc., James Franklin Foss mgr d.b.a. **Gifford House Inn and Dance Club**, 9-11 Carver St.

*Represented by Atty. Jamie Veara, James Foss and Greg Daniels.*

*The Licensing Board would like to know who has control over the restaurant portion of the inn? Is there potential assignment of the licenses to the restaurant? Who pays the meals tax? Is the alcohol sold to the restaurant to then be sold to the customers?*

*Atty. Jamie Veara stated that there is no assignment of the license to the restaurant. Some of the employees who work in the restaurant are employees of the restaurant and some are employees of the Gifford House. The Gifford House pays for the meal tax and all bills. No alcohol is sold to the restaurant; the Gifford House does all the ordering of all supplies, food and alcohol. Atty. Veara went on to explain that restaurant employees who are on the restaurant's payroll, using the Gifford House's Alcohol License, are pouring wine and malt beverages to the restaurant patrons. The Licensing Board requested to see the contract between the Inn and the restaurant. Atty. Veara agreed to supply the board with that document, yet blacking out the financial information. The Gifford House Inn will come back for another discussion, on June 14<sup>th</sup>, and at that time they will review the contract between the Gifford House and the Thai Food Restaurant.*

### **Renewal License**

#### **Innholder**

1. John E Still d.b.a. **Cape Colony Inn**, 280 Bradford St.

Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 5-0

2. WAC, INC., William A. Gordon mgr d.b.a. **Best Western Tides Beachfront**, 837 Commercial St.

Motion to approve by John Foley Seconded by Nick Robertson. Passed 5-0

#### **Common Victualer with Entertainment**

1. Pepe's Wharf Inc., Astrid Berg mgr d.b.a. **Pepe's Wharf**, 371-373 Commercial St.
2. Summer Coastline, Inc., Susan Webster mgr d.b.a. **Pied Piper Bar**, 193A Commercial St.

Motion to approve by Irene Rabinowitz Seconded by John Foley. Passed 5-0

#### **Common Victualer**

1. C&J at the Surf, Inc, David C Condon mgr d.b.a. **C&J at the Surf II**, 315A Commercial St.
2. Cape Mex, LLC, Michael Sullivan mgr d.b.a. **Big Daddy's Burritos**, 205-209 Commercial St.

Motion to approve by Cass Benson Seconded by Nick Robertson. Passed 5-0

### **Lodging**

1. Gary A. Palochko d.b.a. **Revere Guest House**, 14 Court St.
2. Land's End Inn at Gull Hill, Inc., Michael MacIntyre mgr d.b.a. **Land's End Inn at Gull Hill**, 22 Commercial St.
3. Dale Chin d.b.a. **Clarendon House**, 118 Bradford St.
4. Robert Mondoux d.b.a. **Burch House**, 116 Bradford St.

**Motion to approve by John Foley Seconded by Nick Robertson. Passed 5-0**

### **Art Gallery**

1. Peter Clemons d.b.a. **Backshore Gallery**, 394 Commercial St.
2. Marla Rice d.b.a. **Rice/Polak Gallery**, 430 Commercial St.

**Motion to approve by John Foley Seconded by Cass Benson. Passed 5-0**

### **Transient Vendor**

1. Lindsay Alloway d.b.a. **Luxories**, 359 Commercial St.

**Motion to approve by John Foley Seconded by Irene Rabinowitz. Passed 5-0**

### **Parking Lot**

1. Father Dahl d.b.a. **St. Peter the Apostle Church**, 11 Prince St.

**Motion to approve by John Foley Seconded by Cass Benson. Passed 5-0**

### **Taxi Operator**

1. James Putnam, Provincetown
2. Daniel Bruton, Provincetown

**Motion to approve by Nick Robertson Seconded by Irene Rabinowitz. Passed 5-0**

### **Correspondence**

- Letter, 04/27/05 – Clem & Ursie's reconfiguring seats.

### **Minutes – April 26, 2005**

**Motion to approve as amended by Nick Robertson Seconded by John Foley. Passed 3-0-2**

### **Licensing Board Statements**

### **Licensing Agent Statements**

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

**Motion to adjourn by Nick Robertson at 6:55 P.M.**