

Minutes

of the Town of **Provincetown Licensing Board** Public Meeting on Tuesday, September 13th, 2005, at 5:00pm in the Judge Welsh Hearing Room, 260 Commercial Street.

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

Public Statements

- Charles Silva would like to the Licensing Board to reconsider the time and a half regulation for Sunday Package Store sales. *The Licensing Agent will research the topic and have more information on hand at the next meeting.*

Nick Robertson and John Foley stepped down.

Public Hearing

Fee Increase

Fee Type	Current Fee	Proposed Fee
Annual All Alcohol Package Store	\$1,200	\$1,500
Annual Wine and Malt Package Store	\$1,050	\$1,250
Club (All Alcohol or Wine and Malt)	\$230	\$1,000
Annual All Alcohol Common Vic	\$1,250	\$1,500
Annual All Alcohol Innholder	\$1,250	\$1,500
Annual Wine and Malt (CV/INN)	\$1,100	\$1,250
Seasonal All Alcohol Package Store	\$1,200	\$1,500
Seasonal Wine and Malt Package Store	\$1,050	\$1,250
Seasonal All Alcohol Common Vic	\$1,350	\$1,500
Seasonal All Alcohol Innholder	\$1,350	\$1,500
Seasonal Wine and Malt (CV/INN)	\$1,200	\$1,250
Druggist	\$400	\$450
Sunday Package Store Opening	\$0	\$500
Liquor Application	\$50	\$100
Auto Sales (Class II)	\$100	\$200
Common Carrier	\$25 per Vehicle	\$100 per vehicle
Common Victualer	\$50	\$100
Fortune Teller	\$50	\$100
Innholder	\$50	\$100
Lodging House	\$50	\$100
Parking Lot	\$35	\$100
Taxicab	\$65	\$100
Transfer/Amend License	\$30	\$100
Retail Corporation Application Fee	\$30	\$50

- *James Meads, representing the Knights of Columbus, is opposed of any increase for Club Liquor licenses.*
- *Charles Silva is against fee increases for package stores.*
- *Nancy Carter, owner of Teddy's Sea Market, is against fee increases for package store.*
- *Bob Martin, representing the VFW, against Club Liquor License increases. Yet wouldn't mind a gradual increase.*
- *Steve Roderick informed the Licensing Board that every other board and departments is proposing fee increases, however at the same time promoting economic development?*
- *Maurice Grumberg is against fee increases.*
- *Carol Turley, Teddy's Sea Market, against fee increases for Package Stores.*
- *Tom Boland wrote against fee increases.*

The Licensing Board stated that they were understood that fees have not been raised for Licenses between 6-22 years. However making up for lost time with such a dramatic increase is not good for business. They suggested a

small percentage of increase across the board for every license, rather than pick and choose. The Board also would have liked a representative from the Finance Committee, the Board of Selectmen, the Town Manager, or someone – to explain what the purpose is for increasing. Without such representation – they cannot vote in favor of a proposal the public is so against.

No motion was made.

Nick Robertson and John Foley rejoined.

Special Licenses

1. David Mazochi representing **David Flower Productions, Inc.**, for a **Noise By-Law Waiver, Special All Alcohol and Special Entertainment License** one dance event to be held at the Town's MacMillan Pier, Provincetown, MA on Sunday July 2, 2006 from 4PM – 9PM.

Represented by David Mazochi and Kiki Herold. No one spoke or wrote in favor or against application.

Motion to approve with same conditions posted the previous years, by John Foley. Seconded by Cass Benson. Approved 5-0

John Foley's employer sold the property to the next applicant, Mr. LaMantia.

New Licenses

Art Gallery

1. Raffaello LaMantia d.b.a. **Galleria Raffaello**, 423 Commercial St.
Represented by Patrick Chauncy. Letter from Raffaello LaMantia, dated September 13, 2005, stating reason why he is not attending Licensing Board Meeting.

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

Pedicab Operator

1. Jamie Grasso, Provincetown
Motion to approve by Richard McMasters. Seconded by Cass Benson. Approved 5-0

Richard McMasters stepped down.

Transfer License

Lodging

1. ~~From A. E. Stanton d.b.a. **Coat of Arms**, 7 Johnson St, to Thomas Shirk d.b.a. **White Porch Inn**, 7 Johnson St.~~

Renewal Licenses

Lodging

1. Michael Clifford d.b.a. **Elephant Walk Inn**, 156 Bradford St.
Memo from Doug Taylor explaining 2nd inspection – 9/13/05.
Motion to approve with condition that owner must obtain 2006 renewal of license prior to December 31, 2005, by Nick Robertson. Seconded by John Foley. Denied 1-2-1

Motion to approve with condition that establishment must suspend operation from October 7th thru October 9th, 2005, by Hunter O'Hanian. Seconded by Nick Robertson. Approved with Conditions 3-0-1

Richard McMasters rejoined.

Transient Vendor

1. Jack Magill d.b.a. **Aunt Fanny's Garage**, 237-241 Commercial St.
Motion to approve by Cass Benson. Seconded by Richard McMasters. Approved 4-0-1

Fortune Teller

1. Carolyn Miller, **Third Eye**, 237-241 Commercial St.
Motion to approve by John Foley. Seconded by Richard McMasters. Approved 4-0-1

Taxi Operator

1. Greg MacCuish, Provincetown
Motion to approve by Cass Benson. Seconded by John Foley. Approved 5-0

Discussion

Seasonal All Alcohol Common Victualer with Entertainment

1. April Cabral Pitzner d.b.a. **Grand Central Café**, 5 Masonic Pl.
Represented by Atty. Chris Snow. The Licensing Board would like to know the status of Grand Central. Is the establishment open or closed? Has the establishment been open this season?
Atty. Snow explained that the establishment's contracted chef did not commit to obligations therefore the restaurant

was unable to fill the position. However they have found a new chef, and the establishment will be inspected within the next two weeks, renew its licenses at the next meeting, and be open for business on a weekend basis.

Chairman O'Hanian explained 3 options to Atty. Snow.

1. Open for business.
2. Change location and amend the license to validate change in location.
3. Transfer the license to someone who will use it.

Atty. Chris Snow stated that his clients choose option #1 – they plan to open for business within 21 days.

Code Compliance Report

- **Motion to send letter to ENZO of 186 Commercial St. explaining the following:**

It has come to the attention of the Licensing Board that ENZO may not be in compliance with Zoning and licensing conditions of their licenses. (Enclose conditions, signed by owner on May 11, 2005.) Remind the establishment that their licenses are subject to uphold the conditions. And alleged or found violations could jeopardize their licenses.

Motion made by Richard McMasters. Seconded by Cass Benson. Passed 4-0-1.

Correspondence

- Letter to Board, dated August 26th, 2005, from Kimberly Peacock regarding a alleged refusal of entrance to the Atlantic House.

Licensing Board took no action.

- Letter from Irene Rabinowitz, dated September 9, 2005, resigning immediately from the Licensing Board.

Motion to sent letter of Thank you to Irene, by Richard McMasters. Seconded by John Foley. Passed 5-0

Minutes – August 9th and 23rd, 2005

- Motion to approve August 9th minutes by Nick Robertson, Seconded by Cass Benson. Approved. 5-0
- Motion to approve August 23rd minutes by Richard McMasters, Seconded by Cass Benson. Approved. 3-0-2

Licensing Board Statements

- The Licensing Board would like to request the Lobster Pot to come in and make a formal request to close for certain circumstances with employment.
- The Licensing Board would still like something in writing from Town Counsel in regard to enforcement of non-compliant businesses.

Licensing Agent Statements

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

Motion to adjourn by Cass Benson at 7:15 P.M.