



Minutes

The Provincetown Licensing Board will hold a Work Session at 3 p.m. and a Public Meeting at 5:15 p.m. on **Tuesday, April 10, 2014** in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

Work Session

Members Present: Kristin Hatch, Frank Thompson, AJ Petras, Anthony De Jacimo, Vida Hamnquist

Staff Present: Aaron Hobart

Gail, Raphael Richter, Everard Cleary, and Neil Hennigan representing the taxi company owners of Provincetown.

Kristin: discussion of regulations, fares, taxi clean up

Neil discusses clean-up issues for clientele. No clean-up fee in regs and no way to enforce charges. Warning issued to those who appear sick at time of pick-up and fees for clean-up discussed at that point. Car is off the road during the clean-up time maybe even two days.

Raphael: this happens at least a few times a year. We ask people to pay fee where accident happens before continuing fare. What other option do we have as a taxi company?

Kristin: I understand why you would want it in the regulations. \$200 seems to be the amount we are talking about.

AJ: I assume if it is in the regs you have recourse with the police department

Gail: What if they don't have the money?

AJ: Able to go to the police with an unpaid fare complaint

Kristin: you could then go to small claims court

Everard: You could then post it if it is in the regulations.

Gail: It should be on the fare sheet that is posted in the car.

Discussion regarding next step, who to discuss with further

AJ: Preferable then putting them out on Route 6.

Discussion about use of term "up to" when discussing fine of \$200 for clean-up

Discussion re: livery vehicle regulations

Discussion re: livery vs. taxi insurance rates

Raphael: issue here is marking of livery vehicles. Public doesn't understand the difference. There are communities that segregate the liveries and taxis.

Discussion about cost of doing business in Provincetown. Roof lights would be a compromise the board could consider.

Discussion re: advertising on both types of vehicles.

Discussion: re magnetic signs

Rapheal: a report needs to be done on the livery to consider changes to the regulations. I don't think change is necessary at this time.

Discussion re: fines for livery vehicles as taxi

Neil: Regulations don't work as is. Problem is taxi drivers are acting as liveries. It's a big problem. I will see liveries picking up flags. Regarding lettering you can tell a passenger what car to look out for. I'm all for removing all markings. Not that hard to remove lettering. Problem does come from the bigger company and their drivers looking for taxi fares. To customers liveries look like taxis.

Kristin: complaint we often hear is the livery/taxi issue. Liveries parking in taxi stands. Taken awhile to get enforcement

Gail: I can't park anywhere without getting chased

Everard: it is expensive to get a car lettered (\$800). I don't think they should have to remove them.

Ticket the driver for parking in a taxi stand as a livery.

Kristin: Difficult for police to enforce due to "detaining illegally" the drivers

Discussion re: police options when fining drivers.

Discussion of use of parking department for fining of drivers

Neil: consistent enforcement of rules is necessary

AJ: We should ask the parking department to enforce.

Neil: No warnings but just straight to issuing a ticket

AJ: Driver's would not be able to renew if they have outstanding tickets.

Kristin: discusses/summarizes previous discussion regarding liveries.

Kristin: discussion regarding leaving cars out as advertising. All owners indicated they do not participate, nor could they, in leaving out the cars for that reason.

Gail: Fines for stealing fares would be good and for removal of business cards.

Discussion about taxi rates

Raphael: discusses history of rates with previous licensing board. Not operating in a free market.

Kristin: you can charge less you just can't advertise you can't charge less

Raphael: reads into the record an email sent previously to the board with changes to regs suggested

Discussion about what cutting prices does. Confusion is created on special event weekends with groups expecting discounts

Gail: discounts should go to residents and not one week a year visitors

Neil: no issue with all companies charging the same rate. Rates are obscene and outrageous.

Kristin: what if rates were based on number of people

Raphael: I proposed that in 2011 and it was dismissed. I don't think the per person idea works.

Neil: \$10 rate from the airport is killing tips to the drivers

Raphael: drivers always complain that tips decrease when fares increase and historically its not true

Further discussion about the airport and fares

Neil: discusses rate increase suggestions

Raphael: discusses cost of running businesses including worker's comp. Fares have not increased in three years.

Kristin: discusses specific rate changes

Discussion about MacMillan Warf fares staying at \$8

Anthony discusses previous rate change in 2011. How to get the drivers to convey the rate increase properly to the passengers

Discussion about raising senior fares

Discussion regarding new signage for fares

Discussion re: hourly rate and waiting rate

Discussion re: delivery rates moving to \$14
Discussion regarding increase in revenue with increase in rates as proposed
Discussion regarding timeline of changes to take affect
Discussion regarding email submitted by Det. Rich Alves

Discussion regarding residency restrictions for taxi company owners
Discussion about expanding residency area to Eastham
Suggested wording: "residency within 20 miles for 1 year"
AJ: 20 miles could mean East Boston
Discussion regarding not requiring MA State driver's license for drivers.
Anthony: It is acceptable to insure a person without a MA State license?
Raphael: You can insure a person with an out-of-state license
Discussion regarding the switching from livery to taxi.

Meeting Agenda

Members Present: Kristin Hatch, Frank Thompson, AJ Petras, Anthony De Jacimo, Vida Hamnquist

Staff Present: Aaron Hobart

Public Hearings

Transfer of Seasonal Liquor and Common Victualer Licenses

Petition from Lorraine Najar of Najar's, Inc., d.b.a. ***Lorraine's Restaurant***, for a ***Transfer of Seasonal All Alcohol Restaurant License and Common Victualer License*** at 338 Commercial St., Provincetown.

Lorraine Najar representing Lorraine's Restaurant

Karoo Café space doing lunch and dinner.

Small seasonal restaurant

Discussion regarding Lorraine's experience with alcohol service including Lorraine's Restaurant previously at 133 Commercial St.

No liquor service on porch area

Discussion regarding menu and changes to organic and vegetarian as well as seafood

Looking forward to a health conscious menu

Going to do 6 or 7 salads

Correction for Wine & Malt license. Karoo has the wine & malt license.

Motion to Approve by AJ Petras. Second by Frank Thompson.

Disclosure from Vida that she is owner of a liquor license

Approved 3-0-2

Amendment to Innholder License

Petition from Nadine Lacostie, d.b.a. ***Seaglass Inn & Spa***, for a ***Change of Business Name***, at 105 Bradford St. Ext., Provincetown.

Sandy Marlock representing Seaglass Inn & Spa

Change from Chateau Provincetown

Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 5-0.

Amend License

New License

Art Gallery

1. Shirl Roccapriore, mgr., d.b.a. ***Oils by the Sea Gallery***, 437 Commercial St. Provincetown, MA 02657
Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0
2. Guy Barbarulo, Jr., mgr., d.b.a. ***Sixty Special Home Store***, 145 Commercial St. Provincetown, MA 02657
Motion to Continue by AJ Petras. Second by Vida Hamnquist. Approved 5-0
3. Carolyn Kramer, mgr., d.b.a. ***Jo Hay Open Studio***, 153 Commercial St. Provincetown, MA 02657
Carolyn Kramer representing Jo Hay Open Studio
Carolyn: TJ Walton's mom ill so Carolyn is opening in the space at 153 Commercial St.
Kristin: beautiful work by Jo
Carolyn: question regarding photographer who shoot gay men in beach setting. Are their limitation on what can be shown in a gallery.
Kristin: not to my knowledge
Kristin discusses openings and entertainment
Carolyn won't be having wine at the openings
Motion to Approve by Vida Hamnquist. Second by Anthony De Jacimo. Approved 5-0
4. Provincetown Center for Coastal Studies, Richard Delaney, mgr., d.b.a. ***S.E.A. Space***, 333R Commercial St. Provincetown, MA 02657
Catherine Macort representing SEA Space
Leasing space for a year or two to see how things go
Education about marine environment education and art installations. Art to educate about the marine environment
Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Retail

1. Triangle Tea, LLC, Lisa Feistel, mgr., d.b.a. ***Get Loose in Ptown***, 4 Standish St. Provincetown, MA 02657
Not in attendance. Licensing Agent will place this item on next agenda.

Food Service

1. Ingredients, Inc., Liz Lovati, mgr., d.b.a. ***Caribbean Café***, 293 Commercial St. Provincetown, MA 02657
Elizabeth Lovati representing Caribbean Café
Bringing Jamaican food to East End of Town. Closed our West End location.
Will also sell sandwiches
Kristin: best of luck
Liz: Soft opening tomorrow

Outdoor Artist

1. Michael Gredler, 27 Center St. Provincetown, MA 02657
Motion to continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Taxi Operator

1. Sigmund Mallard – driving for Black & White Taxi
Motion to continue by AJ Petras Second by Frank Thompson. Approved 5-0

2. Roger Green – driving for Pride Taxi
Roger: been here 45 years. Worked with fire and rescue squad.
Retired from working at police station
Motion to Approve by Anthony De Jacimo. Second by Frank Thompson. Approved 5-0

Det. Rich Alves enters the room.

3. John McQuade – driving for Junior's Taxi
Motion to continue by AJ Petras. Second by Frank Thompson. Approved 5-0
4. Stanley Cooper – driving for Black & White Taxi
Drove previously for Queen Cab
Kristin speaks about rules and regulations and difference between livery and taxi
Motion to Approve by AJ Petras. Second by Anthony DeJacimo. Approved 5-0

Fortune Teller

1. Lisa Miller, 234 Commercial St. Provincetown, MA 02657
Lisa Miller speaks about previous experience in Provincetown with fortune teller license
Motion Approve Anthony De Jacimo. Second by AJ Petras. Approved 5-0
Discussion about doing business (private session) during off-hours

Public Statements

Renewal License

Lodging

1. Birchwood Holdings, Inc., Howard Birchman, mgr., d.b.a. **The Tucker Inn**, 12 Center St. Provincetown, MA 02657
Motion to continue by AJ Petras. Second by Frank Thompson. Approved 5-0
2. Christopher Scales, mgr., d.b.a. **Chicago House**, 6 Winslow St. Provincetown, MA 02657
Motion to Approve by AJ Petras. Second by Anthony De Jacimo. Approved 5-0
3. Ranchwood, Inc., Thomas Masters, mgr., d.b.a. **Crew's Quarters**, 198 Commercial St. Provincetown, MA 02657
Anne Howard, building inspector discusses egress issues at the Crew's Quarters
Lack of permit for work previously finished. Egress ended on another property
No plans from owner have been submitted to remedy the situation
Cease and desist has been issued for habitation on 3rd floor
Kristin: how do we enforce that?
Anne: Enforcement is tough but not something that will go away.
Discussion regarding not approving license
Discussion about why egress issue was allowed for so many years
Anne: not exactly sure what transpired. Very familiar, historically speaking, with the limits of this property.
Frank: Discusses ladders used around town as egress
Anne: That is not a code compliant means of egress. Discusses cases of ladders used that are not now recognized as egress
AJ: any attempt to remedy?
Anne: No. No response from the owner regarding the cease in desist

Anthony: I'm with Kristin enforcement is huge. How to grant a license without use of the third floor.

Kristin: I'd like to continue and ask for a

Motion to continue by AJ Petras. Second by Frank Thompson. Approved 5-0. Licensing agent to notify owner to appear before the board at the next meeting.

Anthony: not fair to those who comply to the regulations

Frank. Is there room for the egress?

Anne: maybe something on the west side. That is for a registered design professional to decide. Perhaps an easement from a neighbor

AJ Petras: note to Det. Alves to monitor the cease and desist.

Art Gallery

Motion take as a group by AJ Petras. Second by Frank Thompson. Approved 5-0

1. Trevor Mikula, mgr., d.b.a. **Trevor Mikula Gallery**, 376 Commercial St. Provincetown, MA 02657
2. Cortile Gallery, LLC, Kerry Filiberto, mgr., d.b.a. **Cortile Gallery**, 230 Commercial St. Provincetown, MA 02657
3. Berta Walker, Inc., Berta Walker, mgr., d.b.a. **Berta Walker Gallery**, 208 Bradford (corrected) St. Provincetown, MA 02657
4. Linda Tennyson Loiselle, mgr., d.b.a. **Metamorphosis/Tennyson Gallery**, 344 Commercial St Provincetown, MA 02657

Motion to Approve group by AJ Petras. Second by Frank Thompson. Approved 5-0

Common Victualer

1. Maria's Café, Inc., Maria Silva, mgr., d.b.a. **Café Maria**, 277A Commercial St. Provincetown, MA 02657

Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 3-0-2

Fortune Teller

1. **Larwrence Grab**, Mystik Moon, 244 Commercial St. Provincetown, MA 02657

Motion to Approve by AJ Petras. Second by Anthony De Jacimo Approved 5-0

2. **Marc Grab**, Mystik Moon, 244 Commercial St. Provincetown, MA 02657

Motion to Approve by AJ Petras. Second by Anthony De Jacimo. Approved 5-0

Parking Lot

2. Cheri Smith, mgr., d.b.a. **Kitty's Realty Trust**, 67 Shank Painter Rd. Provincetown, MA 02657

Motion to Continue by AJ Petras. Second by Frank Thompson. Approved 5-0

Pedicab Operator

1. Melissa Yeaw – riding for Ptown Pedicab

Motion to Approve by Anthony DeJacimo. Second by Vida Hamnquist. Approved 5-0

2. Petko Tsakov – riding for Ptown Pedicab
Motion to Approve by Anthony DeJacimo. Second by AJ Petras. Approved 5-0

Taxi Operator

Motion to take as a group by Kristin Hatch. Second by Frank Thompson

1. David Brown – driving for Ptown Taxi Service
2. Jon Andre – driving for Cape Cab
3. Robert Fleming – driving for Mercedes Cab

Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 5-0

Correspondence

Minutes

Enforcement

Discussion re: Junior's Taxi having incorrect plates on cab and the fine that was issued
Discussion re: training session for security mid-June

Code Compliance

Discussion regarding warnings to the Shell Shop and Marc Jacobs warnings to be issued

Old business

Discussion re: who can/should go to Tips Training

New Business

Licensing Board Statements

Kristin: welcome to new members

Licensing Agent Statements

**Motion to Adjourn by AJ Petras. Second by Frank Thompson.
Approved 5-0. 6:15 p.m.**