



# Minutes

Of the Provincetown Licensing Board Public Meeting at 5:15 p.m. on **Tuesday, August 26, 2014** in the Judge Welsh Room, Town Hall, 260 Commercial Street.

**Members Present:** Kristin Hatch, AJ Petras, Frank Thompson, Deborah Heller

**Staff Present:** Aaron Hobart, Rich Alves

## Meeting Agenda

### ***Public Hearings***

#### **Special Liquor Licenses** – *continued from 8/12*

Petition from Shawn Nightingale, representing **Shawn Nightingale Productions** for a **Special Liquor Licenses** at Town Hall from 11am to 2pm on September 27, 2014 and from 8pm to 12am on November 1, 2014.

Shawn Nightingale representing Shawn Nightingale Productions  
Sept 27<sup>th</sup> will be a wedding. Ceremony here at Town Hall.

Mimosa only at ceremony with reception at Red Inn

November 1<sup>st</sup> is the Beaux's Art Ball

Shawn: Can we do all alcohol at the November event?

Kristin: No, regs state beer and wine only.

95 people at the wedding.

Beaux's Art will be Farland for caterer, and for wedding as well.

Marcine Marcoux speaks in favor of Shawn Nightingale and his events

Marcy Feller speaks in favor

Clarence Walker speaks in favor

Kristin: security?

20 volunteers and will speak with Police Chief

**Motion to Approve by AJ Petras. Second by Frank Thompson. Approved 4-0.**

#### **Special Entertainment Licenses** – *continued from 8/12*

Petition from Jef Hall-Flavin, representing **Provincetown Tennessee Williams Theater Festival** for **Special Entertainment License** at 175 Bradford St. on September 25 & 26 from 3 p.m. to 5:30 p.m. and September 27 from 12 p.m. to 6:30 p.m. and September 28, 2014 from 2:30 p.m. to 5 p.m. No rain dates requested.

Jef Hall-Flavin representing Tennessee Williams Festival

5 performances. With limited audience. No live music and no alcohol

Creative use of unconventional spaces is part of the festival

1.2 million in tourism revenue generated by the festival  
175 Bradford is near Pricilla Alden and the Snug Cottage  
Marcy Feller speaks in favor as a member of the board of the Festival  
Discussion about adequate room in the isles between sets of rows

**Motion to Approve by Deborah Heller. Second by Frank Thompson. Approved 4-0.**

**Amendment of Common Victualler Licenses** – continued from 8/12

Petition from Nancyann Meads, representing **Café Edwidge** for an **Amendment to a Common Victualler License** at 333 Commercial St.

John DeSouza and Nancyann Meads representing Café Edwidge  
Looking for an increase in 12 seats contained within the existing area with no structural changes.  
5 additional food service seats at what is now the service bar with reconfiguration making up the other 7 seat increase.

Kristin: economic development gallons are only for year-round businesses?

John: reads from regulations regarding the increase in gallonage for a business.

Clarence Carter speaks in favor of increase in seating. Speaks as private citizen and not as member of the Finance Committee.

Marcine Marcoux speaks in favor of increase

Mike Canizales speaking as a private citizen in favor of the application. Speaks to going through the process the right way to add seats. Suggests penalty for those who get acceptance of additional seating after changing their floor plan to add seats. We should collect the money due to the town and we should incentivize for people who do it correctly.

Kristin: speaks to how increase in technology will help catch situations where seating is incorrect.

**Motion to Approve by Frank Thompson. Second by AJ Petras. Approved 4-0.**

**Special Entertainment License**

Petition from Elizabeth Lovati, representing **Angel Foods** for a **Special Entertainment License** at Motta Field on September 7, 2014 from 10 a.m. to 6 p.m. Rain date of September 14<sup>th</sup> from 10 a.m. to 6 p.m. requested.

Elizabeth Lovati representing Angel Foods

Customer appreciation event for Western Union to celebrate foreign students who use their service and buy food at Angel Foods

Reggae band will play. Not sure how many people will be there but they won't be there all at the same time. Open to the public.

No noise by-law waiver as the application was accepted within 60 days of event.

AJ: Congratulations to Western Union for supporting that group of people in Town

Kristin: police detail? You should contact chief Golden

Liz: I will do so

No alcohol at the event. Soft drinks only.

**Motion to Approve by AJ Petras. Second by Deborah Heller. Approved 4-0.**

**Special Entertainment License & Noise By-law Waiver**

Petition from Connie Nye Clark, representing **The Perfect Plan** for a **Special Entertainment License and Noise By-law Waiver** at 1 High Pole Hill Road on October 11, 2014 from 4 to 11 p.m. No rain date requested.

Connie Nye Clark representing The Perfect Plan

Wedding at the monument. Band to play.

180 people to attend. Spoke with police about detail. Because bar will be over 5 hours detail will be taken care of.

**Motion to Approve by Deborah Heller. Second by Frank Thompson. Approved 4-0.**

### **Revision the Licensing Board Rules & Regulations**

Hear the merit of revising the Provincetown Licensing Rules & Regulations as described below with vote to follow:

## **LICENSING BOARD RULES AND REGULATIONS**

### **8.01 TAXICAB/LIVERY OWNERS**

No changes a through c

- d) Taxicab/Livery owners must reside in the town~~s~~ of Provincetown or Truro and taxicabs/livery vehicle must be registered to an residential address in the town of Provincetown.
  - e) The applicant must have a valid state inspection sticker prior to applying or being inspected by 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.
  - f) All licensed taxicab and livery vehicles must pass all items on the Vehicle Inspection Report checklist. There shall be periodic inspections and spot checks will occur during the license year.
  - g) No taxicab or livery vehicle licenses shall be issued by the Licensing Board until the applicant has presented proof of the vehicle's insurance, that the insurance policy covers no more than eight passengers riding in the vehicle, and the applicant provides a Certificate of Vehicle Insurance naming the Provincetown Licensing Board as the certificate holder.
  - h) When a taxicab or livery vehicle owner changes his/her address or the place at which a taxicab or livery vehicle owned by him/her is kept, the owner shall notify the Licensing Board within three days of such change.
  - i) A taxi/livery information placard/rate sheet, as issued by the Licensing Agent, shall be displayed so as to be clearly visible to the passengers at all times of operation.
  - j) No vehicle will be licensed as a taxicab or livery vehicle that carries more than the number of passengers which it is insured for and that number shall not exceed 8 total passengers (including the driver)
  - k) All taxicabs and livery vehicles shall have the business name and the business telephone number posted on the two front doors along with a cab number, ~~assigned by the Licensing Board~~, posted on the two front fenders and the rear of the taxicab in letters no less than three (3) inches high and one-half inch wide. In addition, ~~minimally~~, the assigned cab number and the cab business name shall be posted on the rear of the cab/livery also in letters no less than three (3) inches high and one-half inch wide. All lettering must be in the form of painted or self-adhesive contrasting lettering (magnetic or other removable signs are not permitted).
  - l) Taxicab and livery vehicle licenses shall be valid for one year from the date of issuance.
  - m) A license issued for any taxicab or livery vehicle is not transferable.
- No changes to n
- o) All taxi and livery drivers shall maintain a neat and clean taxicab while on duty.
- No changes p through q
- r) Taxicab and livery owners shall notify the Licensing Board when drivers leave the company.

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

No Changes 1 through 7.

8) A clean-up fee of up to \$250 may be applied for any incident leading to a taxicab/livery vehicle being taken out of service, resulting in a loss of income.

No changes to t

u) No smoking is allowed in taxicabs or liveries at any time.

v) No person operating a taxi or livery vehicle shall engage in the sale or transport of alcoholic beverages without a transportation permit issued by the ABCC.

No changes w through y

## 8.02 TAXICAB OPERATORS

No changes a through e

f) A neat and clean appearance is expected of all taxi/livery drivers while on duty.

g) Taxicab and Livery Operators, while on duty and operating a Taxicab or Livery Vehicle, must visibly post in the vehicle a valid Provincetown Taxi Operators license. And Upon request, produce a valid Massachusetts State Drivers license.

Kristin speaks to the reason for regulation changes

Change to section 8.01 subsection j to remove “or livery vehicle” suggested by Kristin.

Letter from Raphael Richter, owner of Mercedes and Cape Cab, points out why this change should be removed. Letter read into the record.

**Motion to Approve with revision to 8.01j by AJ Petras. Second by Frank Thompson.**

**Approved 4-0.**

## ***Other Business***

Discussion regarding reorganization of Licensing Board Members with possible vote on new Licensing Chairperson.

Kristin: Its been fun but I have things to do in the Fall so I am stepping down. Thanks to the other members. We are in desperate need of new members. Special Thanks to AJ as vice-chair

AJ: thanks for what you have done to make things go well in Town of Provincetown

Kristin: Very rewarding. Only gone for first semester.

AJ nominates Frank Thompson for Chairperson of the Licensing Board. Second by Kristin Hatch.

Approved 4-0.

AJ: emphasizes the need for new board memebers. In October I will no longer be eligible to serve. Great board and I encourage you to consider applying for the board.

Deborah: you can approach any of us to speak about being on the board

Frank: Starting in October there will be myself and two alternates.

## ***New License***

1. Tom Sharp Designs, LLC, Tom Sharp mgr., d.b.a. ***Tom Sharp Designs***, 145 Commercial St. Provincetown, MA 02657

## ***Public Statements***

Jim Schreyer speaks about out issues with Tucker Inn

Concerns that licensing has not been followed up for a few years and zoning issues that may be outside the scope of this board

Continental Breakfast is the license they have but they are serving full breakfast right under the window of my condo.

Cottage in the back exceeds licensing for a number of years.  
I get woken up by service people and chatter from guests which has deteriorated my quality of life after living here for 15 years.  
Spoke with Brian Carlson and Morgan Clark and was told he is getting in compliance.  
Should be commercial kitchen for full breakfast.  
Aaron discusses how Tucker Inn is becoming compliant. Will be at the September 9<sup>th</sup> meeting to modify their lodging license and will have the Food Service Permit done before that meeting  
Kristin speaks to history of issues with licensing not matching what is happening at the business. Issues were looked into and changes are being made. Hopefully your neighbor will listen to your concerns.

## ***Renewal License***

### **Parking Lot**

1. Rod's Service Station, Inc., Mark Silva, mgr., d.b.a. ***Rod's Service Station***, 42 Conwell St. Provincetown, MA 02657  
Aaron discusses issues with Class I & II license  
**Motion to Approve by AJ Petras. Second by Deborah Heller. Approved 4-0**

## ***Correspondence***

Letter from David Moulton read into the record about the noise at the Crown and Anchor event held in July  
Kristin: if any citizen wants to make change to noise by-law... we are going to speak to that later.  
Letter from Howard Birchman read into the record  
Letter from Jim Schreyer previously mentioned during public statements  
Letter from Carlos Ortiz read into the record regarding ticket issue at Art House  
Kristin discusses ticketing in Provincetown that if you arrive late you don't necessarily get seated together.

## ***Minutes***

**Motion to Approve minutes of July 8<sup>th</sup>, 2014 by AJ Petras. Second by Kristin Hatch. Approved 4-0**

## ***Enforcement***

Rich: Tucker Inn was inaccurately entered and the violation was not licensing related  
Violation on 7/26 at the Art House which had last year's license posted. A few days later it was posted properly with a verbal warning having been issued on the 26<sup>th</sup>.  
79 bar checks since last meeting with no violations  
Airbrush tattoo noise issues are ongoing but until change is made no further discussion needed  
AJ: board of selectmen would need to visit the noise issue for change to happen  
Discussion of noise complaints at Tucker Inn and music playing

Discussion about Carnival Week.

## ***Code Compliance***

Violations handed out to Taxi Operator Richard Fishman, Amp/Art Market, and The Land's End Inn

## ***Old Business***

## ***New Business***

***Licensing Board Statements***

Kristin: thank you everyone

Frank: when will we work on the fine structure before town meeting?

Kristin: let's have a work session. Next week?

***Licensing Agent Statements***

Discussion re: Accela implementation

Discussion re: Reworking of Food Service Permits

***Motion to Adjourn by Kristin Hatch. Second by Frank Thompson. Approved 4-0. 6:31 p.m.***