



# Minutes

of The Provincetown Licensing Board Public Meeting on **Tuesday, August 10, 2010** at 5:15 p.m. in the Yellow Room, Community Center, 44 Bradford Street.

**Present:** Kristin C. Hatch, Raphael Richter, George Young (5:26)

**Vote for a new chair – George Young recommends Kristin C. Hatch for Chair. Raphael Richter Seconded. Voted 3-0-0.**

**Kristin C. Hatch recommends George Young for Vice Chair. Raphael Richter Seconded. Voted 3-0-0.**

## ***Public Hearings***

### **Amend Liquor License and Food Service**

1. Petition from Thomas Walter representing ***Brass Key***, 67 Bradford St. to amend the hours of alcohol and food service to 1:45 a.m.

Eliot Parkhurt, Esq. and Thomas Walter speak regarding the zoning decision to grant them hour of alcohol service until 12:45. The Brass Key has no previous violations against them.

**Motion to approve by George Young. Seconded by Raphael Richter. Approved 3-0.**

### **Amend Hours of Food Service**

2. Petition from Guillermo Yingling representing ***Spiritus Pizza***, 190 Commercial St. to extend the hours of food service to 3 a.m.

No show. Move item to bottom of agenda in case applicant arrives later.

### **Amend Hours of Food Service**

3. Petition from Julie Knapp representing ***Twist'd Sisters***, 293 Commercial St. to extend the hours of food service to 3 a.m.

No show. Move item to bottom of agenda in case applicant arrives later.

### **Special Entertainment & Special Liquor License**

4. Petition from Gina Longo, representing ***Fine Arts Work Center*** for a ***Special Entertainment and Special Liquor License*** for an event to be held on Saturday, August 21, 2010 from 4:00 p.m. until 9 p.m. at 24 Pearl St., Provincetown, MA. No rain date requested.

Elizabeth O'Mara-Goldberg and Hatty Walkerfitts discuss event. The Special Entertainment License is being withdrawn as they will not be having live entertainment. It is the 34<sup>th</sup> annual auction.

**Motion to approve by George Young. Seconded by Raphael Richter. Approved 3-0.**

**Special Entertainment & Special Liquor License**

5. Petition from Charlotte Walker, representing *Great Provincetown Schooner Regatta* for a **Special Entertainment and Special Liquor License** for an event to be held on Friday, September 10, 2010, from 6 p.m. until midnight at the Fish House on the Fishermen's Wharf, Provincetown, MA. No rain date requested.  
No show. Table for the August, 2010 meeting.

**New Weekday & Sunday Entertainment License**

6. Petition from Ewa Nogiec, representing *Gallery Ehva* for a **Year-round Sunday and Weekday Entertainment License** at 74 Shank Painter Rd., Provincetown, MA.  
Ms. Nogiec discusses her desire to bring more people to her gallery so that she may have a year-round business. Zoning Board of Appeals granted her 48 seats. One speaker in favor.  
**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

**Amend Liquor License**

7. Petition from Richard J. Murray, representing *Crown and Anchor, LLC* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 243-249 Commercial St., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

8. Petition from April Cabral Pitzner, representing *Allstrum, Inc.* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 4-6 Masonic Pl., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

9. Petition from April Cabral Pitzner, representing *Atlantic Ocean, Inc.* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 5 Masonic Pl., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

10. Petition from James Franklin Foss, representing *Backstreet Hotel, Inc.* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 9-11 Carver St., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

11. Petition from Johnny Pak, representing *Johnny Thai Bistro and the Monkey Bar* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 149 Commercial St., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

12. Petition from Leonard E. Enos, Jr., representing *Surf Restaurant, Inc.* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 315A Commercial St., Provincetown, MA. – **Withdrawn without prejudice**

**Amend Liquor License**

13. Petition from Leonard E. Enos, Jr., representing *Old Colony Tap, Inc.* to **Extend the Hours of Alcohol Service** to 1:45 at the property located at 323 Commercial St., Provincetown, MA. – **Withdrawn without prejudice**

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

14. The Provincetown Licensing Board will hear the merit of revising the Provincetown Licensing Rules & Regulations as described below:

## **LICENSING BOARD RULES AND REGULATIONS**

### ***3.00 ALCOHOLIC BEVERAGES LICENSES***

#### **3.01 General Provisions**

*No change to Section a) or b)*

c) The hours of alcohol sales allowed at businesses licensed with pouring licenses are between 8:00 a.m. and 1:45 a.m. weekdays and ~~between Noon~~ 10 a.m. and 1:45 a.m. Sundays, and shall be specified as the closing time stated on the license. The Licensing Board will vote to extend pouring licenses until 1:45 a.m. on New Year's Eve at the final meeting in November. Licensees do not need to attend meeting unless they are requested by the Licensing Board and will not be contacted unless permission is not being granted due to numerous violations.

*No change to Section d) through i)*

j) All alcohol must be consumed or disposed of ~~by~~ within fifteen (15) minutes of the closing time stated on the license, and in no case later than 2:00 a.m.

k) All alcoholic beverage containers must be removed and disposed of from any area of service ~~by~~ within fifteen (15) minutes of the closing time stated on the license, and in no case later than 2:00 a.m.

l) All patrons and guests must leave the premises within ~~thirty (30)~~ forty-five (45) minutes of the closing time stated on the license, but not later than 2:30 a.m.

~~m) The Police must be notified if employees are going to remain after 2:45 a.m. for closing and/or cleaning.~~

*No change to Section n) through x)*

Six letters requesting licensing board change the closing time back to 1:00 a.m. Gregory Daniels speaks in favor of changing pouring time back to 1:00 a.m. and New Year's Eve back to 2:00 a.m. David Gardner suggests there would be no issue with adjusting the time for consumption and disposal. Licensing Board discusses keeping section (m) and it is stated that pouring on Sunday will remain at noon until the Town adopts Chapter 138, Sec. 33B at the November Special Town meeting.

**Motion by George Young to revert back to the pouring, consumption, and disposal times as stated prior to the changes made at the June 8, 2010 Licensing Board meeting. Seconded by Raphael Richter. Approved 3-0.**

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

15. The Provincetown Licensing Board will hear the merit of revising the Provincetown Licensing Rules & Regulations as described below:

## LICENSING BOARD RULES AND REGULATIONS

### ***4.00 ENTERTAINMENT LICENSES***

#### **4.03 Definitions**

Entertainment is defined by Massachusetts General Laws, Chapter 140, Sections 177A, 181 and 183A, and shall be understood to includes all uses listed below:

- concert
- dance
- exhibition
- cabaret or public show of any description
- dancing by patrons
- dancing by entertainers or performers
- trivia and gambling or gaming devices
- darts
- recorded or live music
- use of an amplification system
- theatrical exhibition or play
- moving picture show
- floor show of any description
- light show of any description
- other dynamic audio or visual show whether live or recorded
- automatic amusement or gambling device (meaning mechanism whereby, upon the deposit of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the playing, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines)
- pool tables
- ping pong tables

Activities not defined as entertainment and therefore not requiring an entertainment permit nor precluded after entertainment hours include:

- ambient sound or background music such as piped in radio, satellite radio, CD's or stereo
- television

All board members agree with the definitions. No comments or edits were made. No speakers for or against.

**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

### ***New License***

#### **Taxicab/Livery**

1. **Jody's Taxi:** Reg. #LV50498, 2001 Gray Ford Windstar Van
  2. **Cape Cab:** Reg. #LV59952, 1998 Brown Ford Windstar Station Wagon
- Table both items until the August 24, 2010 meeting.

**Taxi Operator**

1. Casey Sanderson
2. Kevin Hume
3. Bonnie Campbell
4. Pauline Galipeau
5. Thomas Nolte
6. Derril Dawkins
7. Domingos Gonvcalves

Table all taxi operators until the August 24, 2010 meeting.

**Pedicab Operator**

Raphael Richter discloses business relationship with P-Town Pedicab.

1. Petko Tsakov – has been operating with a temporary license. Has read the Licensing Board Rules & Regulations

**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

2. Manuel Monti-Nussbaum – It is Manuel's first year driving for P-Town Pedicab. Has been operating on a temporary license.

**Motion to approve by George Young. Seconded by Raphael Richter. Approved 3-0.**

3. Katherine Brodoff – It is Katherine's first year driving for P-Town Pedicab. Has been operating on a temporary license.

**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

4. Chase Wyatt – It is Chase's second season in Provincetown. Has read the Licensing Board Rules & Regulations.

**Motion to approve by George Young. Seconded by Raphael Richter. Approved 3-0.**

5. Aleksandar Iliev – Could not make the meeting. Asked to be put on the August 24, 2010 agenda.

6. Kiah Coble – Just received her first shift. Has read the Licensing Board Rules & Regulations.

**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

7. Kristina Ivanova – No show.

***Renewal License***

George Young discloses that he manages a guest house.

**Lodging**

1. T&R Management, Inc., Timothy Richmond, mgr. d.b.a. *The John Randall House*, 140 Bradford St., Provincetown, MA.

**Motion to approve by Raphael Richter. Seconded by Kristin C. Hatch. Approved 2-0-1.**

**Taxi Operator**

1. H. Bradford Rose
2. James Swift
3. Dana Dunham

Table until the August 24, 2010 meeting.

***Correspondence*** – Letter to the ABCC accepting the surrender of the Annual All Alcohol Common Victualer License at Caribbean Corner Café, 269 Commercial St. – Licensing Agent was contacted by Judith Cicero who explained that the premises had been vacated and all belonging to the tenant were removed by the tenant and keys returned to her.

***Minutes – July 13, 2010***

**Motion to approve by Raphael Richter. Seconded by George Young. Approved 3-0.**

***Enforcement*** – Complaints filed on July 13, 2010 were not licensing matters, but were put in licensees folders.

***Code Compliance*** – Informal discussion with Kristyn Samok regarding “brown bagging.” Ms. Samok called to inform the Licensing Agent that she could not be at today’s meeting and would be happy to come to the August 24, 2010 meeting. Licensing Agent to send Ms. Samok a letter informing her of the Town By-Law and Licensing regulation with regard to brown bagging.

Incident reports – No action necessary at this time.

***New Business*** – Gregory Daniels is applying for the alternate position on the Licensing Board.  
**Motion to accept Mr. Daniels application for alternate position on the Licensing Board by Raphael Richter. Seconded by George Young. Approved 3-0.**

***Licensing Board Statements***

Kristin C. Hatch says special thank you to Gregory Daniels for volunteering to be an alternate on the Licensing Board.

Meeting adjourned at 6:25 p.m.