

# Minutes

of the Town of **Provincetown Licensing Board** Public Meeting on Tuesday, July 26<sup>th</sup>, 2005, at 5:00pm in the Judge Welsh Hearing Room, 260 Commercial Street.

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

**Excused:** John Foley

**Others Present:** Chief Ted Meyer

## ***Public Statements***

### ***Special License***

1. Debra Silva representing ***Clem & Ursie's Restaurant & Market*** applying for a:

#### **Special Entertainment License**

The First Annual Jamaican Independence Celebration on Saturday August 6<sup>th</sup>, 2005 from 12PM-6PM to be held at 85-87 Shank Painter Rd. No rain date requested.

*Represented by Deb Silva. No one wrote or spoke in favor or against application.*

**Motion to approve by Irene Rabinowitz Seconded by Richard McMasters. Passed 5-0**

2. Mary Ellen Burns representing ***Friends of the Cape Cod Highland Light***, for a

#### **Special Entertainment License**

A benefit concert on Sunday, August 7<sup>th</sup>, 2005 from 6 P.M. to 11 P.M. at the Town Hall Auditorium, 260 Commercial Street. No rain date requested.

*Represented by Mary Ellen Burns. No one wrote or spoke in favor or against application.*

**Motion to approve by Richard McMasters Seconded by Irene Rabinowitz. Passed 5-0**

### ***New License***

Hunter O'Hanian stepped down.

#### **Outdoor Artist**

1. Barbara Steinberg-Punis, Provincetown

*Represented by Gavin Thomas.*

**Motion to approve with conditions that the artist not impede motor or pedestrian traffic, by Richard McMasters Seconded by Irene Rabinowitz. Passed 4-0**

Hunter O'Hanian rejoined.

#### **Art Gallery**

1. Michael Wilson d.b.a. ***OZ Gallery***, 398 Commercial St.

*This is the third meeting Mr. Wilson has missed. The business is operating and the Licensing Agent sent out a notice on July 15<sup>th</sup> stating that he was in violation and needed Board approval prior to opening.*

**Motion to notify the Police Department and begin issuing tickets for conducting business without appropriate license, by Nick Robertson Seconded by Richard McMasters. Passed 5-0**

#### **Pedicab Operator**

- ~~1. Cobe Strachota, Provincetown~~
2. Lucan Colquhaun, Provincetown

**Motion to approve by Richard McMasters Seconded by Cass Benson. Passed 5-0**

- ~~3. Ty Rilleau, Provincetown~~

### ***Renewal License***

#### **Pedicab Operator**

1. Peter David Ullman, Provincetown

**Motion to approve by Irene Rabinowitz Seconded by Richard McMasters. Passed 5-0**

### ***Discussion/Work Session***

Richard McMasters stepped down.

1. Crown and Anchor

*Represented by Richard Murray and Bill Dougall. Also present: Vaughn Cabral, Manager of Fisherman's Wharf.*

- Noise Complaint

*Mr. Cabral stated that he would like to request that the doors, on the waterside, be closed at the Crown and Anchor.*

The sound is unbearable and he has received multiple complaints about the noise coming from the Crown and Anchor. Mr. Cabral was upset that this establishment was not abiding by the law of 50ft. And his business is suffering due to it.

Mr. Murray stated he was very willing to work with the complaints. However he would like to keep the 2 doors open due to the A/C unit not being able to handle the size of venue. The system was not designed properly when re-built.

Hunter O'Hanian stated that he stopped by the Crown and Anchor on July 23<sup>rd</sup>, in the evening and he noted that the outside speakers were off, and the waterside doors were closed. However the noise, standing on the pier, was extremely audible.

Chief Meyer suggested a work session this fall to revise the Noise By-law.

- **Showgirls with Ryan Landry**

Hunter O'Hanian stated that the board received a complaint about "mingling" between the audience and performers, and allegations that produced lewd and lascivious behavioral acts happening at the show.

Mr. Murray was not aware of such activities occurring. Though he quoted from the contract between the Crown and Anchor and Mr. Landry that there was mutual agreement offensive entertainment may occur in the show. Yet illegal activities shall not be allowed and if a violation of the contract did arise, 14-day notice shall be given for dismissal.

Chief Meyer confirmed he sent two undercover officers to investigate the show on Monday July 25<sup>th</sup>, yet did not find a violation.

Richard McMasters rejoined.

2. Code Compliance/Police Department

- **Police reports the Board receives are too vague in wording.**
- **The time in which reports are handed to the Licensing Agent after the incident has occurred.**
- **Reporting activity concerning the Board.**
- **Open Container Memo from the Police Chief.**
- **4<sup>th</sup> of July Memo from the Police Chief.**
- **Noise and Enforcement**
- **Notification of persons arrested who are licensed through the board.**

After a lengthy discussion regarding the topics above:

1. Hunter O'Hanian suggested a work session between Richard McMasters and Chief Meyer to revise the rules and regulations to have stricter requirements for Liquor License holders and their employees in regard to multiple incidents occurring over the July 4<sup>th</sup> weekend of public drinking, and intoxication.
2. The Chief was going to stress to his staff the importance of checking if violations of noise complaints were occurring or not. And if there was a violation, the wording of police reports had to be more specific.
3. Vast amounts of public drinking outside of establishments, open containers, freely drinking, under age drinking – its all an issue that needs to be addressed and fixed.

## **Correspondence**

- Email from Chief Meyer, dated July 25<sup>th</sup>, requesting a revocation of a Taxi Operator's License – Brett Thomas Jersey.

Contact driver to voluntarily surrender his license immediately. Otherwise the Licensing Board will hold a show cause hearing. In addition, His employer should be notified of alleged violations. Motion by Irene Rabinowitz Seconded by Nick Robertson. Passed 5-0

## **Minutes – July 12<sup>th</sup>, 2005**

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

### **Licensing Board Statements**

### **Licensing Agent Statements**

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

Motion to adjourn by Cass Benson at 7:25 P.M.