



Minutes

Of the Provincetown Licensing Board Public Meeting at 5:15 p.m. on **Tuesday, July 8, 2014** in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Members Present: Kristin Hatch, AJ Petras, Frank Thompson

Staff Present: Aaron Hobart, Rich Alves

Meeting Agenda

Public Hearings

Special Entertainment Licenses

Petition from Brandon Motta, representing **Provincetown Recreation Department** for **Special Entertainment License** at the Provincetown Skate Park from 11 a.m. to 4 p.m. on August 30, 2014. Rain date requested of August 31, 2014.

Brandon Motta representing the Provincetown Recreation Department
Annual skate tournament on 30th of August
3 categories of competition with amplified music. Great community event.
Food served.

Discussion re: need for noise by-law waiver

Aaron: this is a yearly event that hasn't had complaints in the past. Never had a noise by-law waiver in the past.

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

Special Liquor Licenses

Petition from Joe Carleo, representing **The AIDS Support Group of Cape Cod**, for a **Special Liquor License** for an event to be held on August 30, 2014 from 5 to 10 p.m. in the Town Hall Auditorium. No rain date requested.

Joe Carleo representing the AIDS Support Group of Cape Cod
28th annual art auction. Evening event. Preview of auction starts at 1 p.m.
75 people last year in total.

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

Rich Alves enters the room.

Special Entertainment Licenses

Petition from Joachim Sandbichler, representing **Patio American Grill** for **Special Entertainment License** at 328 Commercial St. from 11 a.m. to 4 p.m. on July 22, 2014. Rain date requested of July 23, 2014.

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

Special Entertainment Licenses

Petition from Jef Hall-Flavin, representing **Provincetown Tennessee Williams Theater Festival** for **Special Entertainment License** at 29 Miller Hill Rd. 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 the Tennessee Williams Festival

A Lovely Sunday for... to be presented at the Hawthorne Barn in the afternoon

Expect to have no more than 75 people in the barn including cast and stage manager

Letters of support read into the record.

Anthony Fucillo, Marcy Feller, Lora Pepetsas have letters presented by Mr. Flavin

AJ Petras discloses that he has requested work as a volunteer for the festival

AJ: reads from the summary of the event into the record

Discussion re: incidents that occurred during the 20 Summers event last month

Discussion re: use of barn as a public event space

Rich: would be good to have a Police officer during your event

Jef: spoke with officer and owner of the barn and decided that it was unnecessary to station someone at the door. We can't bear the cost.

Kristin: personal opinion is that I'm voting no.

AJ: this is not to code, not handicap access

Kristin: not a proper venue

Jef: we have a history of performance in non-conforming venues without handicap access. As I understand it the only person who was threatened was the organizer of 20 Summers. Nothing happened with 20 Summers that leads me to believe we can't have a successful event.

Kristin: I was uncomfortable licensing this for the Joshua Prager event.

Jef: Why are we speaking about that event and not the merits of this event.

Kristin: My message to Joshua was to find another venue

Jef: We scheduled these because we know Provincetown. It's different. We scheduled these during the day. Construction that is going to happen in September is going to be louder.

Kristin: We don't control the building. Not zoned to be an entertainment venue.

Rich: this is during the day and without alcohol then they don't need a Detail Officer.

AJ: This wasn't built as an entertainment venue and doesn't comply. Held my nose to vote yes to 20 Summers. It was an oversight by the organizer not to do it in town. This should be approved this year but not next until the building has gone through the proper zoning review. Fairly low risk at this point for this year.

Jef: This year the barn is important to the festival but no plans to use the barn next year.

Kristin: next year they will use this as a precedent.

Frank: Not comfortable with it either. I think there needs to be more work on this. Barn was always used as an artist studio and times were different.

Jef: This board approved shows on a tent on a beach. On the porch of the Gifford House. A store on Commercial St. with no handicap ramp. There are tons of events that happen at private homes where people drink and fall down. This is an organized event where people are watched over.

Jef: You won't clarify what the contentiousness at the barn for 20 Summers

Discussion about the Barn and going to the boards for approvals.

Motion to Approve by AJ Petras. No Second. Motion Denied 1-2-0

Discussion regarding denial of license with licensee

Special Liquor Licenses

Petition from David Schermacher, representing **Ptown Parties** for a **Special Liquor License** at the Town Hall Auditorium from 4 p.m. to 10 p.m. on August 9, 2014. No rain date requested.

Dave Schermacher representing Ptown Parties

Switch of venue from the Monument to Town Hall

200-250 people expected with silent auction

Kristin: how many volunteers

Dave: 12 people

Kristin: Police Detail?

Dave: We haven't had one in the past. Older crowd, not a rowdy crowd.

Rich doesn't recommend having a Detail Officer.

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

Other Business

Amend License

Lodging License

1. Change from Camps, Cabins, Motel license to Guest House license for Roux Provincetown LLC, Ilene Mitnick, mgr., d.b.a. Roux Provincetown (formerly Three Peaks), 210 Bradford St. Provincetown, MA 02657

Alison Baldwin and Ilene Mitnick representing Roux

Previously had a CCM license

Discussion regarding difference in licenses

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

Transfer License

New License

Art Gallery

1. John Burrows, mgr., d.b.a. **12 Masonic Place**, 12 Masonic Place Provincetown, MA 02657
John Burrows representing 12 Masonic Place
2004/2005 worked with Judy Cicero on a show
Looking to do short term shows with painting and sculpture.

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

Public Statements

Murray Shalom speaking re: Crown and Anchor event

Family owns Shaloms Gift shops

Hassle the event caused and detriment to business. Showed a contempt to those near that business. I and neighbors complained about noise nothing done.

I don't understand how the noise waiver for a day works.

We didn't receive the mailing. I think the person should be notified by certified mail.

In an area so crowded with businesses you are going to affect them

Discusses waiver and effect to neighbors

We have residences on the property. My parents live there. This is a public safety issue. I was amazed a certain number of complaints doesn't trigger action.

Tourists were complaining and fleeing down town.

Decibel levels of over 100

They should be posted in a place that is easy to see...

Kristin: interesting we have a noise by-law waiver when we don't have a limit on the books. We should have a discussion about noise. We discuss lights on the street for 'dark sky'

Murray: discusses fine system and that the fine amounts are not enough at \$50

Kristin: posted in the newspaper, and on the town website and notices are sent out.

AJ: one fly in the ointment that the tenant at Whaler's Warf were not notified but landlord was

Renewal License

Art Gallery

1. Michelle Wojcik mgr., d.b.a. **Galeria Cubana**, 357 Commercial St. Provincetown, MA 02657
Motion to Approve by AJ Petras. Second by Frank Thompson

Correspondence

Letter re: Noise at Crown and Anchor event read into the record from David Moulton

Letter re: Noise from the Air Brush Tattoo artist next to Shop Therapy from

Letter from Brian Hauserman and Kent Karosen in favor of Crown Event

Minutes

Motion to Approve Minutes of Tuesday June 24th by AJ Petras. Second Frank Thompson.

Approved 3-0

Motion to Approve Minutes of Thursday June 12th by Frank Thompson. Second Kristin.

Approved 2-0-1

Enforcement

AJ discusses Rick Murray's discussion with the board about event at the Crown and Anchor

Kristin: it was really, really loud.

AJ: we should let the Crown know that there were a lot of complaints and that it exceeded the level of noise that we deem acceptable. Next year if they put a request in hopefully neighbors will come out and they will have a better noise plan.

Kristin: We have events that start out like this and get better as years go on.

Discussion about process to oppose an event that goes before licensing

Murray Shalom: there should be more notice for first time events

Aaron: Perhaps we bring back the requirement for the green certified cards for noise by-law waivers

Rich: July 2nd officers responded that Pedicab was going the wrong way down Commercial St. Both companies advised

July 3rd: music at Velvet too loud. Manager turned down music. No further complaints

July 3rd: 6 p.m. complaint Tea Dance too crowded and patron couldn't get out. False complaint was determined and no overcrowding found.

Rich discusses licensing checks over last year or so. Question: when a hotel has as license are they licensed for the lobby?

Discussion: re zoning and ABCC applications and definitions of service space

Rich: Underground warned they should have a person at the door

Rich: 2:26 a.m. at Sal's where 4 males with a bottle of Vodka. Complaint was made for drinking after hours. Licensee informed they couldn't bring their own alcohol to a licensed premises. Underage individuals identified and action taken. Alcohol discarded. Main issue I have is the questioning of the officers by the owners of the validity of the investigation. The Scope is any time, all hours.

Kristin: Someone from Sal's should be on the next agenda to discuss

AJ: A letter should be crafted to Sal's Place regarding use of establishment after hours and liquor being brought to a licensed establishment.

Motion to send letter by AJ Petras. Second by Frank Thompson. Approved 3-0

Code Compliance

Violation sent to the National MS Society

Old Business

Discussion re: licensing agent position

Kristin: We would like to send a letter regarding the pay level for the position to the personnel board.

AJ: I think that as a board we have done more to bring people in line and get things done which has changed the flavor of the job and the required skill set.

Kristin: we are the closest observers of what the licensing agent does.

New Business

Licensing Board Statements

AJ: not here for first meeting in August.

Frank: We need more people on the board

Kristin: Sorry to the Tennessee Williams Festival. We miss Anthony.

Licensing Agent Statements

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