



Minutes

...of the Provincetown Licensing Board Public Meeting on **Tuesday, July 31, 2018** at 4:30 pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson (FT), Chair; Shawn Bryne (SB); Robert F. Cameron (RC); Carol D. Santos (CS).

Absent: Zachary Luster.

Staff Present: Aaron Hobart (AH), Licensing Agent; Det. Rich Alves, Compliance Officer.

Meeting Agenda

Public Hearings

Special Liquor License

The Provincetown Licensing Board will hold a Public Hearing at 4:30pm on Tuesday, July 31, 2018 in the Auditorium at Town Hall, 260 Commercial Street, Provincetown, Massachusetts, to hear a petition from John DeSouza, representing **The Pilgrim Monument** for a **Special Liquor License** for an event to be held on August 7, 2018 from 3:00pm to 10:00pm at 1 High Pole Hill Rd. No rain dates requested

FT announced that the Special Liquor License request for The Pilgrim Monument Event on August 7, 2018 had been withdrawn.

Show Cause Hearing

The Licensing Board will hold a public hearing to consider whether to suspend, revoke, or put conditions on the Vehicle for Hire License(s) of Sabrina Hash d.b.a. **Junior's Taxi Service and Black & White Taxi** at a show-cause hearing to determine if she is in violation of Licensing Board Rules & Regulations Section 8.01(b): *No vehicle for hire shall be operated unless a valid vehicle for hire vehicle license, operator license, and a current taxicab/livery registration from the Department of Motor Vehicles are in place.*

FT noted that Ms. Hash was not currently present. AH said the State license didn't exit because there was no insurance, so her registration was revoked.

FT elected to move forward with the Public Hearing in Ms. Hash's absence as it was an item posted for the public. AH referenced a report discussed with Ms. Hash last August when one her drivers, operating in Eastham, was pulled over and was found to be without vehicle insurance; said the same

thing happened this year in June and, again, no vehicle insurance. FT stressed the seriousness of operating vehicles without liability insurance and asked how long these cars have been on the road, or would be, without police intervention.

RC asked of the punishment for last year's incident. AH said there was a show-case but not for this situation and that she was spoken to at that time and warned. CS said that, as it's the second offense, more stringent action was required – to suspend or revoke the license.

AH added that Ms. Hash was also issued warnings in 2015 and 2017 for operating without license because she never came in to do her paperwork. FT noted the past difficulties in making contact with Ms. Hash. RC said it was his feeling that suspension was warranted but questioned if revocation was appropriate at this time. AH said he'd review the past minutes to determine the precise action taken in the past. RC said if there had been past suspensions, he would then recommend revocation. CS said that while the board seeks to be corrective, not punitive, if a past license suspension did not correct the situation then wonders if the board has any other choice but to revoke.

AH read from the minutes of August 1, 2017 that all cars except her own were suspended until documents proving workers compensation had been obtained; 3-0, the vote.

SB and RC said they would be on board with revocation, based on the history of infractions.

No public comments or letters.

FT read the protocol for continuing the Public Hearing. AH confirmed that he has only ever posted two show cause hearings during his five-year tenure – both regarding this licensee – and has had past issues with paperwork and issued multiple warnings. Detective Alves said there was nothing else to add to the police report.

FT completed the narration to close the Public Hearing.

RC made a motion to close the Public Hearing with the information provided. CS seconded the motion and it passed, 4-0-0; RC, CS, FT, SB.

SB made a motion to revoke all existing licenses for Junior's and Black & White Taxi services. CS seconded the motion and it passed, 4-0-0; SB, CS, FT, RC.

Public Statements

None.

Other Business

None.

Amend/Transfer License

New License

Renew License

Weekday & Sunday Entertainment

1. Provincetown Public Pier Corp., Rex McKinsey, mgr., d.b.a. ***Provincetown Public Pier***, 1 MacMillan Wharf, Provincetown, MA 02657

SB made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, CS.

Art Gallery

1. Julie Heller, mgr., d.b.a. **Julie Heller Gallery**, 253A Commercial St., Provincetown, MA 02657

CS made a motion to approve as presented pending inspection. SB seconded the motion and it passed, 4-0-0; CS, SB, FT, RC.

Correspondence

AH said there are two pieces of correspondence of differing opinions concerning the same issue with a taxi driver and a fare, which FT said it had been publicly advertised by one of the parties, Mr. Hanningan (sp), on Facebook. AH said Mr. Hanningan told him that the incident is really a complaint between two taxi drivers, and AH said he told the original complainant that his recourse would be to have other passengers write their accounts of what happened to avoid a he said/she said outcome. FT noted the other written account he had in hand was from Santoro.

SB suggested the board needed to await more correspondence to make any clear determination and the other board members agreed.

Minutes

AH said Jody O'Neil was starting as recording secretary but was currently away and would be working from the PTV tape until he is back in town.

Enforcement

Det. Alves said there was nothing new or old to report.

Code Compliance

AH said there was nothing that could not wait until the August 14th meeting; said a warning had gone out again to Rod's regarding parking and that he would check with the Co-Compliance Officer that the letter had been delivered and, following that, a code violation would be issued.

FT said he noted a fortune teller working outside Town Hall.

Old business

RC referenced the noise problem at the Pilgrim Monument that he had raised a few meetings ago and reported that from the recent GLAAD event the neighbors could hear each dollar bill being called at auction. AH responded that the applicant had said they would have a public speaker and that it wouldn't be loud, posed the question if the board wanted to invite major event producers such as the Monument, FAWC and the Crown & Anchor as well as a sound expert or engineer after the season is over to address the re-current sound issues. FT suggested that if the problem persists further action might need to be taken to restrict the noise.

New Business

None.

Licensing Board Statements

FT said today's meeting and its subject matter was something he was hoping the board didn't have to have, but that there didn't seem to be any other way around it.

Licensing Agent Statements

Taking FT's lead on the nature of today's meeting, AH said it wasn't a comfortable thing to do – to revoke someone's license – but said that Ms. Hash would be able to drive for other taxi services or Uber; said he'd heard from other local drivers that Uber and Lyft are killing the local business and that the question being asked around town is that if the local taxi services go out then who will be on hand to drive people about in the off-season when these established companies disappear.

SB made a motion to adjourn the meeting at 4:58pm. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, CS.

Respectfully Submitted,
Jody O'Neil