



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, February 11, 2020** at 5:15 pm in the Judge Welsh Meeting Room, Town Hall, 260 Commercial Street.

Members Present: Robert F. Cameron (RC), Chair; Shawn Byrne (SB), Vice-Chair; Carol D. Santos (CS); Donald R. German (DG); Julie Knapp (JK), Alternate; Russell Dutra (D), Alternate.

Excused Absence: Bernice Steisel.

Staff: Linda Fiorella (LF), Licensing Agent; Jennifer Nolette, Enforcement Officer.

Meeting Agenda

Public Hearings

Special Entertainment License & Noise By-law Waiver

Petition from Richard Murray, representing Crown & Anchor LLC d.b.a. **Crown & Anchor Inc.** for a **Special Entertainment License & Noise By-law Waiver** for events to be held on July 2, 2020 from 12pm to 6 pm. Rain date of July 3, 2020 requested. *Continued from the January 28, 2020 meeting.*

Rick Murray presented; said today is perhaps his seventh or eighth time before the Board representing this event, described as their one large-scale event of the season on the beach; said area is enclosed by snow-fencing and security is on hand; no arrests, drug incidents or drama has ever been reported.

No public comments or letters.

SB made a motion to approve as presented. CS seconded the motion and it passed, 5-0-0; SB, CS, RC, DG, JK.

Public Statements

None.

Other Business

None.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

New License

Renew License

Lodging

1. Elliott Denault III, mgr. d.b.a. ***7 Masonic Place***, 7 Masonic Pl., Provincetown, MA 02657

DG made a motion to approve as presented. SB seconded the motion and it passed, 5-0-0; DG, SB, RC, CS, JK.

Art Gallery

1. James R. Bakker Antiques d.b.a. ***Bakker Gallery***, 180 Bradford St., Provincetown, MA 02657

SB made a motion to approve as presented. DG seconded the motion and it passed, 5-0-0; SB, DG, RC, CS, JK.

Common Victualer

1. Spiritus Enterprises Inc, Guillermo Yingling, mgr., d.b.a. ***Spiritus***, 190 Commercial St., Provincetown, MA 02657

SB made a motion to approve as presented. CS seconded the motion and it passed, 5-0-0; SB, CS, RC, DG, JK.

Weekday Entertainment

1. Spiritus Enterprises Inc, Guillermo Yingling, mgr., d.b.a. ***Spiritus***, 190 Commercial St., Provincetown, MA 02657

CS made a motion to approve as presented. SB seconded the motion and it passed, 5-0-0; CS, SB, RC, DG, JK.

Parking Lot

1. Donald Morris Sr., mgr., d.b.a. ***Central Parking*** 6 Mozart Ave., Provincetown, MA 02657

CS made a motion to approve as presented. DG seconded the motion and it passed, 5-0-0; CS, DG, RC, SB, JK.

Correspondence

LF said there is continuing correspondence on record as pertains to an aggrieved taxi driver, which RC said would not be addressed at this meeting, at this time.

Minutes

SB made a motion to approve the January 28, 2020 LB meeting minutes. DG seconded the motion and it passed, 5-0-0; SB, DG, RC, CS, JK.

Old business

Taxi Incident

RC spoke of the situation with a local taxi driver who had been the subject of a complaint brought to the LB's attention this summer, and who afterward had been invited to meet with the LB on the matter but which is now being handled only through correspondence with the taxi driver's attorney.

Noise By-Law waiver

LF said there is no new information in the packet but the issue remains on the Agenda for ongoing discussion talking points, including the purpose and effectiveness of the Bylaw Waiver and if time frames should be uniform for consistency

DG spoke in favor of a set standard consistency in the times permitted with an end time that works for every applicant. CS agreed on maintaining consistency. Officer Nolette agreed with DG on a set time for policy. LF said she would write up a draft of a formal policy but cautioned that the Bylaw could not be changed except at Town Meeting. Officer Nolette said she would do some research pertaining to times and report back to the LB.

SB questioned if the times might be stated differently on weekends than week days. RC said that personally he is hoping to approve fewer Noise Bylaw Waivers as he feels it may present itself as a kind of get-out-jail-free card wherein if a complaint is made then it is up to the officer summoned to the scene to make the judgment at that specific event if a violation has occurred. Officer Nolette responded that as currently determined by the Noise Bylaw Waiver, if summoned to a complaint an officer will verify the event end time with the event representative.

CS said she was surprised this item was back on the Agenda as she thought it had been brought to a resolve and RC suggested that raising today the issue could be beneficial to new Board members or those who hadn't been at the prior meeting.

Pedicab Regulations Update

LF addressed the document of proposed regulations featuring two highlighted edit changes and said that if approved by the LB then the article would go before the public in a Public Hearing. RC referenced condition 9.02 which states: *Pedicab operator's license shall be displayed at all times while operator is on duty*; asked if the idea is for each driver to display the license at all times. LF said it would be up to the individual driver but she imagined they might wear it like a lanyard around their neck. RC asked if it might be under their seat or other, which LF said could be acceptable as long as it is evident and available.

In response to the second change under 9.01.e, which states the requirement of *a unique identifying name or number*, DG stated his concern that names can sound similar. RC and LF agreed that a number rather than a name might be better utilized for the purpose of identification.

RC asked if the size of the numbers can be adjusted to 6" which, he said, is closer to what they have now and CS said she would prefer larger than 3". Consensus was reached on 'no less than 6".' LF said the next step will be a notified Public Hearing posted on the website and in the newspaper for members of the public, including pedicab operators and others, to voice their opinions.

SB said he felt the only issue might be the display of the license inside the vehicle to which CS responded that a lanyard would be the best way to go. RD questioned if a lanyard might be potentially injurious to operators and that an arm band might be a better alternative; **suggested reflective material be applied to the vehicle identification number so as** to be seen at night. RC said the displayed license should be clearly visible in the way that taxi licenses are clearly posted for passengers who embark on a fare.

In conclusion, changes were adapted to include: identification by number, not name; increased size of license font to a 6" minimum; **vehicle i.d.** to be of reflective material.

Golf Cart Shuttles

LF addressed the enclosed documents which included an account by the Deputy Harbor Master, John DeMatteis, who wrote that in mid-summer of 2019 he witnessed an electric golf cart/ATV vehicle which had dropped off guests at the Pier from its associated hotel and then proceeded to solicit two passengers who had just then disembarked from the ferry and whose destination he ascertained was not the driver's designated hotel. Mr. DeMatteis then said he informed the shuttle driver of the rules for taxi services which went against the free ride that the driver claims he was offering to the passengers. Mr. DeMatteis concluded his statement by reporting that he instructed the passengers to exit the shuttle and sent the driver away from the pier.

LF referenced Officer Nolette's research on MGL and golf carts which, Officer Nolette proposed raised the following the questions:

1. Can these vehicles be used as a shuttle.
2. Can these vehicles have livery plates.
3. If livery plates are an option, can the business be run as a livery and not a tip-based business.
4. Does a tip vs. fare business model make a difference .
5. If a common carrier license is required, do all common carriers need livery plates.

Source posted: <https://www.mass.gov/service-details/low-speed-vehicles>.

LF said that she has still not heard back, despite repeated messages, from the State on questions of designation pertaining to golf carts and similar vehicles and which is impacting on her ability to give clear answers to businesses in Town which might have questions per their right to operate such vehicles. On the topic of livery plates, LF said former Licensing Agent Aaron Hobart was told by, she believed, an insurance company that the vehicles in question might not be able to have such plates, but she could not confirm this communication verbatim.

SB said he felt the carts should not be acting as livery vehicles. LF referenced page 3 of Officer Nolette's submitted document, MGL C. 159A Common Carriers of Passengers By Motor Vehicles, wherein it states that a "livery vehicle" may be designated as a "customer shuttle."

CS cautioned against over-reacting at this time as there is one known incident; advised seeing how it shakes out. SB said he agreed. JK said the carts are covered under the businesses' insurance and felt there needn't be any additional regulation; that people should not be picked up unless they are

bound for the business' hotel. DG said the issue is that there are shuttles out there that appear like private business carts but are soliciting fares. JK said she has customers who will ask if her shop can deliver a pizza, and also take them with it, to their destinations. LF said she has received some complaints from taxis and that she is also getting phone calls from people who want to rent these vehicles – for themselves, other people, or establishments – and yet she has have no clear reply.

RC cited an establishment that was seeking to supply a golf cart for use along with the room rental. JK said the taxi cabs are the ones who would have the complaint as they are the ones who stand to lose passengers. LF offered to reiterate to establishments with shuttles what their limitations are in transporting passengers.

New Business

None.

Licensing Board Statements

RC welcomed new members, RD and JK.

RC said he hadn't received a response from Bernice Steisel per the e-mail he sent her requesting her consideration in taking an Alternate position on the Board as there is a great deal of work to be done and there are presently two Alternates who are able to be on hand for all meetings throughout the calendar; suggested that what is at issue is that former Chair Frank Thompson had given BS permission to take four months off. DG said that as FT had granted the time away, her status should be honored. LF said she would locate the date that BS is scheduled to return to the Board. JK agreed that if permission had been granted from the Chair, things should stay as is.

Licensing Agent Statements

None.

SB made a motion to adjourn the meeting at 6:05pm. DG seconded the motion and it passed, 5-0-0; SB, DG, RC, CS, JK.

Respectfully Submitted,
Jody O'Neil