

## **Minutes of Licensing Board Meeting of September 10, 2002**

The meeting was convened at 5:00 PM.

Present were Chair Hunter O'Hanian, and members Diana Robertson (Clerk), Keith Brickell (vice-Chair), and John Foley.

Also present was Assistant Town Manager Mark Latour

### **Public Statements**

No members of the public chose to offer statements to the Licensing Board.

### **Special Entertainment**

Shelly Cullen spoke about the drumming and dancing event called Coming Full Circle/Rhythm Rave. She said everyone is invited. There will be very high quality instructors. Shelly gave the green cards to Hunter. She said there will be workshops Saturday, Sunday and Monday. The Town Hall event is on Sunday October 13, 2002.

One member of the public spoke in favor of this event. No members of the public spoke against this. No written responses for or against. Keith made a motion to approve the special entertainment license. John seconded. The vote was 4 in favor and 0 opposed.

### **Show Cause Hearing #1 – Perry's Liquor**

Present were Mario Levert of Perry's Liquor; Police Officer Michael Carr; and seasonal Police Officer Jonathan Bourget. Hunter swore in the trio, and they swore to tell the truth.

Officer Carr said the police were checking various liquor establishments on July 29, 2002. Officer Bourget was in plain clothes at the time and was sent in to buy liquor. Officer Bourget was told not to lie about his age if he was asked by the store clerk.

Officer Bourget stated that at about 7:22PM on the evening of the 29<sup>th</sup>, he walked into the store, picked up some Budweiser and took it to the counter. The store clerk did not ask him for ID. Officer Bourget indicated that his date of birth is 1/27/83. Officer Bourget pointed out Mr. Thomas Harris who was the clerk behind the counter at Perry's at that time.

Mario said that his clerk did in fact sell alcohol to Officer Bourget. He also added that he had not had an offence in eight years. He said that Tom Harris is a good employee who had been with him for three years, and that both he and Mr. Harris have been to the TIPS program, and that they do not sell alcohol to minors intentionally.

Diana moved to issue a written reprimand to be put in the file of Perry's Liquor. John Foley seconded. The vote was 4 in favor and 0 opposed.

### **Show Cause Hearing #2 – the Patrician**

Attorney Robin Hendrich was present along with Mr. and Mrs. Stark, and Officers Carr and Bourget. These individuals were sworn in by the Chair.

Officer Carr said that Officer Bourget was sent in at around 8:06PM on July 29, 2002 to purchase alcohol the Patrician. Officer Bourget said he picked up a six-pack of Budweiser and put it on the counter. The store clerk told him how much it cost, and Officer Bourget paid for it and walked out. No ID was asked for.

Officer Bourget indicated that the clerk was a young, dark haired female, and that the store was not busy.

Officer Carr said that after Officer Bourget came out with alcohol, Officer Carr walked into the store and asked the clerk if the manager was there. The store clerk, Jamie Maria Santos, said no, on the evening of July 29th.

Mrs. Stark said during this discussion with the Licensing Board that the clerk had been employed for just five weeks. When Maria was hired, everything had been explained to her related to the sale of alcohol and tobacco products. The clerk is no longer working at the Patrician.

Attorney Hendrich asked Ms. Ruth Latta to speak. Ms. Latta indicated that she goes into the Patrician almost every day. She has done this for the past eleven years. Ms. Latta said that store clerks at the Patrician were always very strict about carding people.

Pat Stark said she did not know there was a problem until she read about it in the Banner. She said that Maria quit and

we never heard about the incident from Maria or anyone else. She said that in 13 years of operating the business, the only other offense related to selling alcohol to a minor came in 1998.

Diana Robertson asked if there is an employee fact book or procedures book. Pat Stark said yes, and that the clerk in question had reviewed it and signed off indicating that she understood the procedures related to sales of alcohol, tobacco, lottery tickets and videos. Pat said that clerks card everyone who they have not carded before or recently.

The Police Department sent information to the Licensing Department about this incident shortly after it occurred. The Licensing Department sent a letter to the Stark's about the incident on August 14, 2002.

Keith made a motion to close the show cause hearing. The motion was seconded by Diana. The vote was 4 in favor and 0 opposed.

Diana made a motion for a factual finding that a minor was served alcohol. This motion was seconded by John. The vote was 4 in favor and 0 opposed.

John made a motion that a letter of reprimand be placed in the file of the Patrician. This motion was seconded by Keith. The vote was 4 in favor and 0 opposed.

### **Amend License – Float Space – Portuguese Princess Excursions – Float Space 4W**

After some discussion, Diana made a motion to allow the Princess to berth at Float Space 4W from September 11, 2002 through November 30, 2002. John seconded. The vote was 4 in favor and 0 opposed.

### **Correspondence – Chaser's**

Jean Bock and Meg Harker were present to discuss the noise situation at Chaser's Bar – 293 Commercial Street. Hunter stepped down because Meg is employed by the Fine Arts Work Center.

Jean said that she and Meg live two floors above Chaser's Bar. The license states that when entertainment is provided (whether live or a juke box) that the doors (including the sliding glass doors) of Chaser's must be closed.

Jean said they had called the police at least ten other times about the noise. They indicated that Chaser's has no respect for our rights, and that the landlord lives in the Boston area. Jean said that the problem is simple, and that it can be solved by having the doors closed at Chaser's when music is being played, or when any other form of musical entertainment is going on.

Diana Robertson made a motion to invite Linda Chase, the owner of Chaser's, to the Licensing Board's next meeting on September 24, 2002, to discuss the noise complaints. John Foley seconded. The vote was 3 in favor and 0 opposed.

### **Other Business**

The noise complaint against Provincetown II was discussed. No action was taken.

The September 1, 2002 noise complaint from 45 Bayberry was discussed. No action was taken.

At 6:30PM, Diana made a motion to adjourn the meeting. John seconded. The vote was 4 in favor and 0 opposed.

### **Licensing Board approval:**

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Hunter O'Hanian, Chairman

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Keith Brickel (Vice-Chair)

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Diana Robertson (Clerk)

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John Gagliardi

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Mitchell Baker

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John Foley

**These minutes were formally approved by the licensing board by a 5 to 0 vote at their meeting on 9-24-02.**