

TOWN OF PROVINCETOWN LICENSING BOARD MINUTES

Regular Meeting Tuesday, July 13, 1999 in the Judge Welsh Meeting Room

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CONVENED: 5:00 p.m.

ADJOURNED: 7:05 p.m.

PRESENT: Adam Erenberg, Keith Brickel, Jack Kelly, Hunter O'Hanian, Carol Taylor

EXCUSED: Jane Hee

I. PUBLIC STATEMENTS

Several individuals spoke in complaint of Burger Mary's:

- 1) Phil Guardiano of 3 Conant Street expressed concern over the noise level coming from Burger Mary's; requested that the Licensing Board require that the doors be closed at all times; submitted a page from *Provincetown Magazine's* Rants and Raves as well as a flyer advertising Drag Brunches; expressed the opinion that the establishment does nothing to benefit the Town.
- 2) Evelyn Guardiano of 3 Conant Street stated that Burger Mary's (and all the restaurants run by Johnny Pak at that location) has not been a good neighbor; witnessed verbal harassment of an elderly man; expressed a concern about their defiant attitude; stated that she could not be heard on the phone when in her front yard because of the noise level.
- 3) Bill Fitzpatrick of 146 Commercial Street expressed concern that Burger Mary's does not have an on-site manager indicating that Johnny Pak, the manager on record, lives in Albany, NY; he believes that the bar side of the restaurant is overcrowded; he indicated that the occupancy is not clearly posted; he expressed his concern that they have been having unlicensed entertainment going on in the form of their Drag Brunch; he expressed concern about the noise and the fact that the doors have been open past 9:30 p.m.
- 4) Phyllis Allison, neighborhood resident, spoke to the Board stating that Burger Mary's employees show no respect to the neighbors; she indicated that she attempted to speak to the owner regarding a problem but was basically told, "too bad"; she complained of the noise, hooting, screaming even at 8:00 p.m. when she attempts to put her children to bed.
- 5) Margaret Bergman, former neighborhood resident, expressed concern that there is a saloon-type atmosphere at Burger Mary's.

Other statements:

- 1) Roberto Hermosilla addressed the Board as a representative of Burger Mary's. He stated that Mr. Pak has now named two managers to represent him in his absence. He also indicated that they have discontinued the Drag Brunch and that they have addressed the problem of the door not being closed after 9:30 p.m.

Motion to have a show cause hearing to address the alleged violations against Burger Mary's on August 10, 1999 (the first Tuesday meeting in August). Motion by Hunter O'Hanian seconded by Jack Kelly passed 5-0

II. SPECIAL LICENSES

1. Provincetown Lion's Club for a **special entertainment license** for a fund raising Carnival to be held from July 20th – July 24th, from 6:00 p.m. to 11:00 p.m. at Motta Field; Peter Grosso representing applicant.

Motion to grant by Keith Brickel seconded by Carol Taylor passed 5-0

2. Christopher Nutile for a **special entertainment license** for a performance by Eartha Kitt on Sunday, September 5th, 1999 at the Provincetown Town Hall from 7:00 to 12:00 midnight. Some of the proceeds will benefit the PASG.

Motion to grant by Hunter O'Hanian seconded by Jack Kelly passed 5-0

3. Boston Gay Men's Chorus for a **special entertainment license** for Saturday August 7, 1999 at the Town Hall Auditorium from 8:00 p.m. to 10:00 p.m.

Motion to grant by Hunter O'Hanian seconded by Keith Brickel passed 5-0

Hunter O'Hanian stepped down.

4. Fine Arts Work Center for a **special entertainment license** for a benefit auction to be held at the Fine Arts Work Center at 24 Pearl Street on Saturday, August 21 from 6:00 p.m. to 12:00 midnight.

Motion to grant by Carol Taylor seconded by Keith Brickel passed 4-0

Hunter O'Hanian returned to the meeting.

III. WORK SESSION TO DISCUSS LICENSING BOARD RULES AND REGULATIONS

The Licensing Board agreed to have a special meeting work session in order to discuss the Licensing Board Rules and Regulations on Tuesday, July 20, 1999.

IV. CORRESPONDENCE The Licensing Board acknowledged correspondence received from Johnny Pak indicating that he has addressed the violations that have been brought to his attention and that he is appointing two managers to be there in his absence.

V. MINUTES

June 22, 1999 Motion to adopt as submitted by Hunter O'Hanian seconded by Keith Brickel passed 3-0-1 (Jack Kelly abstained)

July 2, 1999 Motion to adopt as submitted by Hunter O'Hanian seconded by Keith Brickel passed 4-0

VI. LICENSING BOARD STATEMENTS

Licensing Board members welcomed Carol Taylor back.

Keith Brickel expressed concern regarding the fact that when hearing the license for Chaser's at 291 Commercial Street, that he was not aware that it was going to be a bar for women; he thought that piece of information should have been made known.

VII. LICENSING AGENT STATEMENTS

Asked if the Board Chair or Vice-chair would sign temporary taxi operators licenses this week; updated the Board on responses from Kopelman and Paige; indicated that an application for an entertainment license at 291 Commercial Street (formerly granted to Ryan Family Amusement) is coming before the Board at the July 27 meeting; updated the Board as to some Code Compliance violations.

VIII. OTHER BUSINESS – ANY OTHER BUSINESS WHICH SHALL PROPERLY COME BEFORE THE BOARD

A. Transient Vendor license renewal for Jacques Surprenant d.b.a. *Renaissance III* at 447 Commercial Street

Motion to grant by Carol Taylor seconded by Hunter O'Hanian passed 5-0

B. The Surfside Inn for a **special entertainment license** for a swimsuit competition to be held during Carnival Week on Tuesday, August 24, 1999 from 1:00 p.m. to 3:00 p.m. The applicant seeks permission to use a loudspeaker and provide music.

Motion to grant by Hunter O'Hanian seconded by Jack Kelly passed 5-0

C. The Board agreed that the target date for the Public Hearing for the Rules and Regulations will be September 7, 1999 with a work session scheduled for September 9, 1999 to finalize and vote on the Rules and Regulations; nothing else is to be scheduled for those meetings. This requires advertisement of the proposed Rules and Regulations by August 13, 1999.

LICENSING BOARD APPROVAL:

Adam Erenberg, Chairman

Hunter O'Hanian, Vice-Chair

Jane Hee, Clerk

Keith Brickel

Jack Kelly

Carol Taylor (alternate)