

Minutes of the Town of Provincetown Licensing Board Public Meeting on Wednesday May 3, 2006, at 10:00am in the Town Hall Auditorium, 260 Commercial Street.

Present: Nick Robertson (Chairman), John Foley (Vice Chair), Todd Wagar and Elizabeth Gallerizzo Hartsgrove (Licensing Agent)

Excused: Richard McMasters (Clerk), Cassandra Benson and Hunter O'Hanian

Town Employees Present: Dick Anderson (Building Inspector), Brian Carlson (Health Inspector), Jane Evans (Health Agent), Joyce Matthews (Fire Dept. Secretary), Maxine Notaro (Permit Coordinator) and Ed Schneiderhan (Electrical Inspector)

Businesses Present: Bayberry Accommodations, Beach Grill, Carl's Guest House, Chester Restaurant, Clem & Ursie's, Crown & Anchor, Crowne Pointe, Fairbanks Inn, Front Street, Gifford House, Heritage House, Lobster Pot, Pennies Wine & Spirits PTown Parties, PTown Pedicabs, Queen Cab, The Commons, Watership Inn and WayDownTown.

Code Compliance

Innholder, Common Victualer, Entertainment & Package Store

1. 2005 Violations

Nick Robertson explained to the attending businesses that the Licensing Board reviews reports of alleged violations at regularly scheduled meetings. If the Board considers the alleged violations to be valid or an establishment has received multiple reports within a year's time, the Board will invite the establishment to a meeting for a discussion. If the establishment receives more reports and/or complaints, or at the time of the discussion the Board feels the alleged incidents require further action, the Board will make a motion to hold a Show Cause Hearing to find any reasons to modify, suspend or revoke the licenses. In 2005, the majority of alleged violations were of Noise related, Liquor related or Operating without a license.

Questions or suggestions from the attending businesses, regarding violations:

- *How does the Board take into consideration who is making the complaints?*

Though the Board is not authorized to view in the reports who makes the complaints, the Licensing Agent has that information. The board is able to ask the agent if the same party or different persons file the complaints.

- *Noise By-law needs to be re-vamped to accommodate the commercial district of town.*

The Licensing Board has discussed many times that the Noise By-law needs to be changed to allow more consideration for the commercial zones. It would require going before Town Meeting vote.

2. Review Licensing Board Regulations

There were many questions regarding the new state notice regarding "RE-CORKING" bottles of wine for patrons. The concern from the business owners wanting to re-cork was that the current town regulations prohibit them from doing so. The Licensing Board and Agent agreed that if a town has a more strict regulation in place, the establishment should go with the more strict regulation until they hear otherwise.

Questions or suggestions from the businesses, regarding Rules & Regulations:

- *When would be the soonest the Licensing Board could amend the Rules & Regulations to allow re-corking of partially consumed bottles of wine?*

Amending the Rules and Regulations would require a legal ad posting of 14 days. The next available hearing date would be June 13th.

- *If the town would allow re-corking, would it be legal to bring a re-corked bottle to a different establishment, or even their lodging accommodation which is a holder of a MGL.c. 138 §12 license?*

The Licensing Board and Agent were un-familiar with the newly established act and the state has not yet notified the town of the new changes. The Licensing Agent will call the ABCC to find out more particulars and notify the businesses.

- *Would the board consider a 2AM closing? Could a study be done of what hours other towns close?*

A 2AM closing has been revisited many times in the past. Amending the hours would require a public hearing with a legal ad posting. The Licensing Agent will do a study of hours, to help determine the needs and report back to the board with the results.

3. Q&A

- *Sprinkler Systems*

Joyce Matthews and Ed Schneiderhan gave out a memo from the State Fire Marshall explaining a Sprinkler Deadline for all establishments who have occupancy of over 100.

- *Can Seasonal Liquor License holders have their building inspections take place in the beginning of winter, to alleviate a rush in the spring – due to the new state regulations?*

Jane Evans and Liz Hartsgrove agreed that yes, the Building Inspection may take place prior to fully closing for

the season and a Health Inspection will be scheduled for the spring to accommodate the seasonal liquor license holders.

Taxi & Pedicab Companies & Operators

1. 2005 Violations

Nick Robertson reviewed the process of alleged violations, and the procedures the board follows with reports. There were three Show Cause Hearings within the past year for Taxi Operators, all dealing with unsafe operation of a vehicle.

2. Review Licensing Board Regulations

The Licensing Board wanted to highlight operators of a few regulations resulted from last year: no smoking in cabs, please be courteous to pedestrians, no delivering of alcohol without a license to transport from the ABCC and carry both state and local licenses with them at all times.

3. Q&A

- *What procedures does the Police Department follow in signing off Operator's applications?*

The Licensing Board and Agent are unaware of what procedures the Chief follows. The Agent will place a request to the Chief.

- *Last year there were disputes regarding the Pier and where taxi's may stand. One day a driver may get cited for standing in a prohibited area, and the next day they are instructed to stand in that very same area. The drivers need clarification so to eliminate the possibility of jeopardizing their license renewal for the following year. Is there anything the Board may do to help the situation?*

Coordinating with the Pier where cabs may legally stand is out of the Licensing board's jurisdiction. Nick Robertson suggested talking to the Pier manager or going to a Pier Corp meeting.

Lodging

1. 2005 Violations

There were no reported violations for Lodging House establishments in 2005.

2. Review Licensing Board Regulations

Dick Anderson informed the license holders that CO Detectors are now required if a fireplace or any gas connection is located within the property. The detectors must be placed within 10ft. from a bedroom yet not closer than 10ft. from the source. The establishment must follow manufacturers instructions. A plug-in type counts as "hardwired" only if the detector is secured with a strap or screwed in.

3. Q&A

- *Are pools and hot tubs required to be licensed or inspected?*

Brian Carlson informed the attending license holders that yes each hot tub or pool is to be licensed, certified and tested regularly through the Board of Health.

Art Galleries, Transient Vendor, Fortune Tellers, Class II & all other Businesses

No attendance.

Motion to adjourn at 11:45AM by Todd Wagar.