

Minutes
of the Town of **Provincetown Licensing Board** Regular Meeting Tuesday, August 08, 2000
in the Judge Welsh Meeting Room

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Present: Hunter O'Hanian (Chairman), Keith Brickel (Vice Chairman), Diana Robertson (Secretary), Pat Hartzell, John Gagliardi (alternate), Greta Holman (Licensing Agent), **Absent** none, **Excused** Jack Kelly, **Others Present:** Judith Oset (Permit Coordinator)

CONVENED: 5:00 p.m.

ADJOURNED: 7:23 p.m.

Public Hearings

To hear a petition by Kross, Inc d.b.a. **Ross' Grill** at 237-241 Commercial St (Whalers Wharf) to apply for a New Common Victualer License and modify their Seasonal Wine and Malt License to show the seating increased from 20 – 35.

Motion to approve amendment to the Seasonal Wine and Malt License to show the seating increased from 20 – 35 by Pat Hartzell Seconded by Diana Robertson Vote 5-0 Passed
New Common Victualer was continued at the applicant's request to the August 22, 2000 meeting.

Meeting Agenda

Public Statements

Rod Tosner, President of the Provincetown Business Guild (PBG) sought guidance regarding an event on the Provincetown II that is planned for Carnival which has been identified as a 'Booze Cruise' and is not allowed by Provincetown's Chapter 91 License.

Agenda Item

Atty. E. James Veara requests to speak to the board regarding the **CEASE** and **DESIST ORDER** sent to Family Tran, Inc., d.b.a. **Szechuan Restaurant** at 179 Commercial Street. The alleged violation was for patrons to take their drinks out on the outdoor patio and wait for a table inside. A 1999 decision by the ZBA and the Building Commissioner removed the patio as a valid place of service.

MOTION: Family Tran Inc. d.b.a. Szechuan Restaurant can allow patrons to consume alcohol out on the back deck with the condition that all tables and chairs be removed from the area.

Motion to approve by Hunter O'Hanian Seconded by Pat Hartzell Vote 5-0 Passed

Special licenses

To hear a petition from **Café Blasé Inc** represented by William Miller for a special entertainment license for amplified vocals for the Drag Brunch on Sunday, August 20th, 2000, from 2:00 PM-5:00 PM with a rain date of Monday August 21st, 2000, from 2:00 PM-5:00 PM at the Café Blasé at 328 Commercial St.

Motion to approve with the requirement for a police detail by John Gagliardi Seconded by Pat Hartzell Vote 5-0 Passed

To hear a petition from **The Provincetown Business Guild** represented by James Foss, 115 Bradford Street, to apply for a Special Liquor License for a benefit event to be held at the Watership Inn, 7 Winthrop Street on Friday, Aug 18th from 3:00 P.M. till 5:30 P.M. with no rain date. This is a carnival-related event. Rod Tosner and Steve Melamed spoke in favor.

Hunter O'Hanian stepped down for this applicant, Keith Brickel will chair.

Motion to approve by Diana Robertson Seconded by John Gagliardi Vote 4-0 Passed

Hunter O'Hanian rejoined the board

To hear a petition from Adam Erenberg and Thomas Walter d.b.a. **Crowne Pointe**, 82 Bradford Street, to apply for a Special Liquor License and a Special Entertainment License for a benefit event to be held at Crowne Pointe, 82 Bradford Street on Sunday, Aug 20th from 2:00 P.M. till 5:00 P.M. with no rain date The event will include live music, a

DJ, and alcohol will be served. This is a carnival-related event. Rod Tosner and Steve Melamed spoke in favor. Tom Walter and Adam Erenberg represented **Crowne Pointe**.

Motion to approve by Pat Hartzell Seconded by John Gagliardi Vote 4-0-1 Passed (Keith Brickel)

To hear a petition from the **Fine Arts Work Center** represented by Hunter O'Hanian, 24 Pearl Street, to apply for a Special Liquor License and a Special Entertainment License for a benefit event to be held at the Fine Arts Work Center, 24 Pearl Street on Sunday, Aug 19th from 6:00 P.M. till Midnight with no rain date. This is the 24th annual auction for the **FAWC**.

Hunter O'Hanian stepped down for this applicant, Keith Brickel will chair

Motion to approve by Diana Robertson Seconded by John Gagliardi Vote 4-0 Passed

Hunter O'Hanian rejoined the board

To hear a petition from **Helping Our Women** represented by Betty Villari, 81 Shankpainter Road, to apply for a Special Entertainment License for a benefit event to be held at in the parking lot at 81 Shankpainter Road on Sunday, Aug 13th from 1:00 P.M. till 5:00 P.M. with a 08/20/00 rain date.

Motion to approve by John Gagliardi Seconded by Pat Hartzell Vote 5-0 Passed

New Licenses

Soft Drink

1. Rosalie Simichak d.b.a. **Cape Cod Whale Watch** at 293 Commercial Street.

Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed

Transient Vendor

1. Tom Johnson d.b.a. **Tom Johnson Photography**, 237-241 Commercial St. Unit 21.
2. Jennifer B. White d.b.a. **Pixie Dust**, 237-241 Commercial Street Unit 13A.
3. Robin A. Brun d.b.a. **Do Wear**, 237-241 Commercial Street Unit 5A.

1. Motion to approve by Pat Hartzell Seconded by Diana Robertson Vote 5-0 Passed

2. Motion to approve by Keith Brickel Seconded by Diana Robertson Vote 5-0 Passed

3. Motion to approve by Pat Hartzell Seconded by John Gagliardi Vote 5-0 Passed

Provincetown Repertory Theater was brought in by the Department of Regulation to discuss the claim that their second play contained nudity and a simulated sex act. Due to the response by Town Counsel, no action was taken other than to request that the PRT let the consumer know before purchasing tickets that the show contains nudity and a simulated sex act. Judith Oset proposed that we would change the application to ask if nudity is included as per Chapter 140 Section 183A

Judith Oset announced that Rod Tosner of the PBG and Judith Oset will meet with Town Manager Keith Bergman to consider the cruise planned for Carnival. The Board did not act.

Renewal Licenses

Transient Vendor

1. Joseph Henderson d.b.a. **Neshyas Sunneye**, 237-241 Commercial St. Unit 8A.

Motion to approve by Diana Robertson Seconded by Keith Brickel Vote 5-0 Passed

Correspondence

Motion: The Licensing Board invites Joe Vinagre, Luis M. Ribas, and Marine Superintendent David J. Ditacchio to the 8/22/00 meeting to discuss incident listed in Mr. Ribas letter.

Motion to approve by Diana Robertson Seconded by Keith Brickel Vote 5-0 Passed

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Continued to the 8/22/00 meeting

Licensing Board Statements

Licensing Agent Statements

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

Licensing Board Approval:

Hunter O'Hanian , Chairman

Keith Brickel (Vice-Chair)

Diana Robertson (Clerk)

Jack Kelly

Patricia Hartzell

John Gagliardi