

MINUTES

of the Town of Provincetown Licensing Board

Regular Meeting Tuesday, November 9, 1999 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.

CONVENED: 5:00 p.m.

ADJOURNED: 6:00 p.m.

PRESENT: Hunter O'Hanian, Jack Kelly, Jane Hee, Diana Robertson (new permanent member)

EXCUSED: Keith Brickel

PUBLIC HEARING

To hear a petition for a new Sunday and Weekday entertainment license for coin operated amusement devices for **Buttery Realty Trust d.b.a. Zany** at 291 Commercial Street, Provincetown, MA. (request for continuance until November 23, 1999 meeting in order to obtain Planning Board approvals first);
Continued to November 23, 1999 meeting.

PUBLIC STATEMENTS- NONE

SHOW CAUSE HEARING (continued from September 28, 1999)

It is alleged that on Friday, July 9, 1999 Stormy Harbor was in violation of two of its license conditions as listed on its posted conditions: #1. *Entertainment will at all times be limited to a single instrument and/or singer or other entertainer* – two entertainers were observed, and #4. *There will be no amplification system used in conjunction with entertainment* – amplification was observed and heard. It is also alleged that violation of condition #4 occurred again on July 16, and July 17, 1999. These are violations of Licensing Board Rules and Regulations 1.07e.

Betsy Melamed and her attorney, Ed Veara were present. The client stipulated to the fact but explained that the Police had agreed not to pursue the violation if the applicant would apply to the Zoning Board of Appeals to modify the conditions of his special permit.

Jack Kelly moved that no action be taken and that the Licensing Board see what the outcome of the ZBA decision is. Diana Robertson seconded the motion passed 4-0.

RENEWALS

A. Lodging Houses

1. Elephant Walk, Inc. d.b.a. ***Elephant Walk Inn*** at 156 Bradford Street
2. H. H. Stanton d.b.a. ***Coat of Arms*** at 7 Johnson Street
3. The Noble Guest House, Inc. d.b.a. ***Dexter's Inn*** at 6 Conwell Street
4. Sunset Enterprises, LLC. d.b.a. ***Sunset Inn*** at 142 Bradford Street
5. John Barnett d.b.a. ***Shiremax Inn*** at 8 Tremont Street

Motion to approve the above lodging house license renewals by Carol Taylor seconded by Jack Kelly passed 4-0.

B. Transient Vendor

1. Diane M. Fernandez d.b.a. ***Diane Z*** at 273 Commercial Street

Motion to approve the above transient vendor license renewal by Carol Taylor seconded by Diana Robertson passed 4-0.

C. Taxi Operator

1. Emma L. Hawkins of Provincetown

Motion to approve the above license renewal by Carol Taylor seconded by Diana Robertson passed 4-0.

AGENDA ITEM – To approve by vote of the Licensing Board Sunday Opening's of package stores during the holiday season beginning with November 21, 1999, the Sunday before Thanksgiving and extending through December 26, 1999, the Sunday before New Year's Day. The Sunday Openings are subject to the following conditions:

1. Local Licensing Authority approval is required in the form of a permit issued by the Authority
2. Stores may not open before noon
3. On November 21, November 28, December 5, December 12, December 19 and December 26, stores must close not later than 11:00 p.m.
4. Employees must be paid at a rate not less than one and one half times the employee's regular rate.
5. No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours or any other penalty.

Motion to approve the above Sunday Openings by Carol Taylor seconded by Diana Robertson passed 4-0.

AGENDA ITEM – To discuss and/or vote on a request by Backstreet Hotel, Inc. d.b.a. **Gifford House** to remain open until 2:00 A.M. on New Year’s Eve.

Motion to allow any pouring license establishments to be open until 2:00 a.m. on January 1, 2000 by Carol Taylor seconded by Jack Kelly passed 4-0.

**CORRESPONDENCE- NONE
MINUTES**

Motion to approve the October 26, 1999 Minutes by Carol Taylor seconded by Jack Kelly passed 4-0.

LICENSING BOARD STATEMENTS - The Board members welcomed Diana Robertson, new permanent member, to the Board.

LICENSING AGENT STATEMENTS - The Licensing Agent distributed copies of the 2000 Licensing Board meeting schedule for review and approval at the next meeting.

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

Motion to approve the innholder and entertainment license renewals of Draper-Rigg, Inc., d.b.a. The Commons at 368 Commercial Street by Carol Taylor seconded by Jack Kelly passed 4-0.

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Motion to adjourn by Carol Taylor.

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LICENSING BOARD APPROVAL:

Hunter O'Hanian , Chairman

Jack Kelly

Diana Robertson

Keith Brickel

Carol Taylor, alternate