



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, June 16, 2020** at 3:00pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Meeting Agenda

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Licensing Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>.

For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To listen and participate in this meeting, dial **(833) 579-7589** When prompted, enter the following conference number: **231 253 568#** When prompted, state your name, then press #. Please do not speak until the chair or the meeting moderator asks for public comments or questions. If possible, please mute your phone until you are called upon to speak.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

Members Present by remote: Robert F. Cameron (RC), Chair; Shawn Byrne (SB) Vice-Chair; Carol D. Santos (CS), Clerk; Bernice Steisel (BS); Donald R. German (DG); Julie Knapp (JK), Alternate; Russell L. Dutra (RD), Alternate.

Staff: Linda Fiorella (LF), Licensing Agent, Moderator.

LF gave opening remarks at 5:26pm and called for quorum by roll call.

RC called the meeting to order, then gave the meeting over to LF who read the rules governing Public Meeting under current State guidelines in the time of the coronavirus pandemic.

Public Hearings

None.

Public Statements

None.

Other Business

1. Common Victualer License Approval Process during COVID

Licensing Agent Report: The purpose of updating this process is to allow certain establishments to open in Phase 2 or Phase 3 by expanding their food offerings and updating their food permits. In doing so they will now be restaurants with seats and will therefore require a Common Victualer License.

LF said the proposed motion is not as stated, but rather to waive the common victualer license and that she will have the proper wording for the LB to vote on next week. No comments from the LB.

2. Outdoor Entertainment Approval Process during COVID

Licensing Agent Report: On June 1, 2020 the Town of Provincetown Select Board and Board of Health issued a Joint Emergency Rule and Order Imposing Certain Measures to Prevent the Spread of Covid-19 within the Town. That Order prohibits indoor entertainment, and requires establishments wishing to hold outdoor entertainment to apply to the Licensing Board.

LF explained that as outdoor entertainment is not to be allowed until probably Phase III, the measure will anticipate those businesses which are looking to move their licensure from indoor to outdoor. RC mentioned that the Board is awaiting more information from the State and thought that while discussion is fine to have at this time, a motion might wait until more guidance is passed down.

LF reported that the Board of Health Board and Board of Select issued a joint Rule and Order to empower the Licensing Board the authority to waive public hearings for new licensure under the State's COVID guidelines, independent of the Zoning Board; said a turnaround would be possible in two weeks, but also could be implemented in as little as one week with preparation and State guidance. RC spoke of some of the talking points such as a site plan, seating arrangement, types of entertainment and staffing composition as well as hours of operation and if LF could make approvals up until 10pm. SB asked if the LB could give the proposal some thought and re-address the matter at the next meeting and then put it to a vote within a week's time. LF said this was possible, although it might take two weeks to come to a motion; added that some tweaking can also be done.

DG proposed getting the word out to businesses at this time that they will be required to come before the Board with an adjustment on their entertainment licenses regardless of what the guidelines are revealed to be in the near future, in order to help them better prepare in a shorter season. LF said that the type of entertainment and hours are examples of items that the LB can address now in preparation for the expected language to be employed for a motion when the time comes. DG replied that addressing the changes expediently could help businesses maximize their season. BS said she could wait until there is more info. LF said that as the BOH and BOS left it to the LB to approve applications in by-passing the ZBA, the Board should be prepared to request site plans.

RC took a poll and all Board members agreed for the need to adopt the steps which LF had pointed out. LF said that waiving a public hearing and facilitating a site plan for each businesses are separate steps which can be required of businesses in order to be compliant. RC took a poll and all Board members were in agreement to waiving a public hearing for modified entertainment license approvals for a time-frame to be determined.

RC made a motion to approve as follows:

To require establishments requesting outdoor entertainment to apply to the Licensing Board to allow for compliance with the June 1, 2020 Town of Provincetown Select Board and Board of Health Joint-issued Emergency Rule and Order Imposing Certain Measures to Prevent the Spread of Covid-19 Within the Town. I further move to waive a public hearing for entertainment licenses. The waiving of public hearings and the outdoor entertainment licenses shall only be valid while the June 1, 2020 Joint Emergency Rule and Order is in effect, or until January 1, 2021 whichever comes first.

SB seconded the motion and it passed, 7-0-0; RC, SB, CS, BS, DG, JK, RD.

RC proposed that the Board take time to consider a time-frame for operations, such as is approved with noise bylaw waivers. SB proposed Board members sending LF their thoughts and ideas.

RC made a motion to approve as follows:

To require establishments requesting outdoor entertainment in compliance with the June 1, 2020 Town of Provincetown Select Board and Board of Health Joint-Issued Emergency Rule and Order Imposing Certain Measures to Prevent the Spread of Covid-19 Within the Town submit a site plan with proposed seating and entertainment/stage areas clearly marked, the type of entertainment listed, and any additional security and Covid-19 precautions included with the application.

DG seconded the motion and it passed, 7-0-0; RC, DG, SB, CS, BS, JK, RD.

3. Guest Houses with Alcohol Licenses during COVID

Licensing Agent Report: A concern was raised during the Joint Meeting with the Board of Health, regarding Guest Houses with Alcohol Licenses. The Queen Vic, at least in part due to its location across from the Boatslip, has a history of possibly bending the rules on alcohol service to guests and guests of guests. The other licensed Guest Houses have not had issues that I am aware of. Is this something the Board would like to take action on?

LF referenced the Queen Vic in a special situation due to its close proximity to the Boatslip which features in-season daily tea dance. RD said he understood that the Boatslip was currently mandating

pita and humus plates in order to be able to serve patrons ordering alcohol in the current Phase, and charging them for the food item or items whether they want them or no; also mentioned he would like the Queen Vic notified per this matter of serving alcohol to the public per the bylaw.

RC directed the Board to investigate these claims as they come up, take pictures where possible, and inform Aaron Hobart, the Compliance Officer; remarked on the LB receiving an anonymous letter which does not help if the Board cannot contact the complainant or establishment for more information.

BS said she agreed but noted a lot of backlash and bullying in speaking out, that she's been a victim of such and asked if Mr. Hobart can go out and take photos and report on the matter as it is his job. LF said Mr. Hobart did drive through Town and saw patrons having drinks at the Boatslip without food on the table, but did not remain long enough to know if the food had been ordered and was perhaps forthcoming; suggested Mr. Hobart might not have the time to linger long enough at each establishment to discover if there are, in fact, violations.

SB said he felt the LB did need to be the eyes and ears but asked who to report to. LF said to herself, Mr. Hobart and the BOH would all be helpful; noted another rule which states that 50% of a perimeter has to be open in order to comply with current outdoor dining. RC said he agreed with SB that the Board needed to be the eyes and ears and that while he understood BS not wishing to be bullied, it is the duty of the Board to also monitor these behaviors.

LF advised reporting incidents of potential violations as soon as possible and not taking it upon themselves to intervene with establishments firsthand but to contact staff as indicated. LF said she would send Mr. Hobart's contact e-mail to the Board for future use: Compliance@provincetown-ma.gov after which Mr. Hobart will forward the matter to associated staff and Board only.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

None.

New License

None.

Renew License

Lodging

1. Beacon Light Inc., Mark Phillips, mgr., d.b.a. ***Beaconlight Guest House***, 12 Winthrop St., Provincetown MA 02657

RC made a motion to approve as presented. SB seconded the motion and it passed, 7-0-0; RC, SB, CS, BS, DG, JK, RD.

Common Victualer

1. Gabriel Rivera Aguilar, mgr., d.b.a. **Rosie's Cantina**, 331 Commercial St., Provincetown MA 02657

RC made a motion to approve as presented. CS seconded the motion and it passed, 7-0-0, 7-0-0; RC, SB, CS, BS, DG, JK, RD.

Art Gallery

1. Berta Walker Gallery, Inc., Grace Hopkins, mgr., d.b.a. **Berta Walker Gallery**, 208 Bradford St., Provincetown MA 02657

SB made a motion to approve as read. RC seconded the motion and it passed, 6-0-0; SB, RC CS, BS, JK, RD.

2. Francine D'Olimpio mgr., d.b.a. **Kobalt Gallery**, 366 Commercial St., Provincetown MA 02657

SB made a motion to approve as read. DG seconded the motion and it passed, 7-0-0; SB, DG, RC CS, BS, JK, RD.

Fortune Teller

Susan Ahearn

RC made a motion to approve as presented. BS seconded the motion and it passed, 7-0-0; RC, BS, SB, CS, DG, JK, RD.

Correspondence

None.

Minutes

None were approved.

Old business

None.

New Business

None.

Licensing Board Statements

SB said he would accompany BS to an establishment with a suspected violation as needed. JK said she will not be on hand for the next meeting.

Licensing Agent Statements

None.

RC made a motion to adjourn the meeting at 4:01pm. SB seconded the notion and it passed, 6-0-0; RC, SB, BS, DG, JK, RD.

Respectfully Submitted,
Jody O'Neil