



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, July 7, 2020** at 3:00 pm 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: **131 789 040#** 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; 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 3:00pm and called for quorum by remote.

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

Public Hearings

Marijuana Establishment

1. Petition from Robin Reid, Esq., representing ***BWell Holdings, Inc.*** for a ***Marijuana Establishment – Retailer License*** at 220 Commercial Street. **Continued from June 9, 2020.**

LF confirmed that the sign-off from the police department is not yet in, but requested the petition be kept on the Agenda for the sake of abutter's notifications.

DG made a motion to table the decision to the meeting of July 14, 2020. SB seconded the motion and it passed, 6-0-0; DG, SB, RC, BS, JK, RD.

Public Statements

None.

Other Business

None.

Enforcement & Code Compliance

1. Movie Nights

LF reported a guest house as hosting an outdoor movie night without having an entertainment license, but that the Health Director decided that since movie drive-ins are now permitted under the current phase of the Governor's orders it might be permissible. However, when it was determined that more information was requested and the owner was notified that they would probably need an entertainment license through the Licensing Board, the event was then staged without information being supplied by the establishment to the Town, or a license secured - as reported by Compliance Officer, Aaron Hobart, who investigated the case.

RC asked if the business hosting movie night was fully aware of the need for proper licensure. LF replied that when this business inquired about a license she informed them that they would need to provide more information before she could respond with a requirement, but that they never provided that information and moved ahead with their movie presentation. RC then asked what measures should be taken once a violation such as this is in effect.

LF said that a warning is the first step and that the main point is education, to which RC asked if the matter should then proceed to Mr. Hobart or if the LB should take action, as well. RC fielded the Board for feedback.

SB said he'd be fine with letting Mr. Hobart take the first offense and then have the Board make a determination if there are repeat infractions. DG said he felt educating first offenders who were unaware of a violation is appropriate, but in a case such as the movie night incident the owners should be brought in, to ensure that the Town doesn't think there is a loosening of restrictions on entertainment. BS and JK agreed with DG.

JK asked if there is a public record of complaints and/or Mr. Hobart's interventions. LF said there is a file kept on establishments through licensure and that a log is being kept of infractions or violations of any substantial claim and that the Board can have access to it. RD agreed that in the case of the movie night those responsible should be brought in, noted that Mr. Hobart has a bit of a reputation as being lenient on some matters.

RC polled if a written warning was warranted in the case of the movie night or if a remote call was needed on the matter; RC opting for a written warning. SB, DG, BS and JK all expressed a preference to have them called in. RD, agreed with a call-in, but also a written follow-up.

2. Alcohol Service at Pool Bars

LF noted that several pool bars were reported to be selling alcohol without also selling food, as required under the current State guidelines, and have also been reported as permitting patrons to leave the premises with alcohol; Compliance Officer, Aaron Hobart has investigated and issued a warning to one establishment, if not a fine.

LF spoke of reports of other bars not serving food while alcohol is being sold to seated customers; agreed it can be hard to determine if food might be forthcoming or had already been sold, consumed and cleared without enforcement spending a good deal of time at the establishment; noted a case where the food was considered sub-par per required protocol.

SB said he has directed the public to the e-mail LF has provided for those who report incidents or suspected violations.

RC said he would reach out to Mr. Hobart concerning the pool bar reported incidents and get back to the Board on his findings.

Amend/Transfer License

Weekday and Sunday Entertainment License

1. Crown & Anchor, Inc., Richard Murray, mgr., d.b.a. ***Crown & Anchor***, 247 Commercial St., Provincetown, MA 02657

LF said a few things are still in transit and that the Health Director has been in contact with the State. RC opted to continue the license request to the meeting of July 8th.

Dr. Murray asked what information is still lacking, to which LF said one question is whether food is required to be served and that she and Building Commissioner, Anne Howard, are scheduled to inspect the site tomorrow at 12:30pm prior to tomorrow's 2pm LB meeting. Dr.

Murray said he wished he had been informed that information was missing, but that it was not a problem for him to wait 24 hours; said he's been diligent and that his show is advertised and sold-out. LF responded that the information forthcoming has nothing to do with Dr. Murray's application which is complete.

RC made a motion to continue the hearing to the meeting of July 8, 2020. SB seconded the motion and it passed, 5-0-0; RC, SB, BS, DG, JK.

RD recused himself, citing his work for Dr. Murray.

New License

Parking Lot

1. Provincetown Marina, Thomas Ryan, mgr., d.b.a. ***Provincetown Marina Parking Lot***, 9 Ryder St. Ext., Provincetown, MA 02657

LF gave background on the license in that one was lacking through the previous owner; said she had invited the new owners to participate but that they had not responded and were not presently on the phone line. RC said he felt a vote could be taken today without Mr. Ryan's participation as it is an established lot. SB said he could vote today but requested a call-in in the future to hear from the new owner. The Board concurred, with RD offering that he didn't feel a phone-in call was necessary as the lot has been in operations years previous.

RC made a motion to approve with the condition that the new owner phone in to the meeting of July 14, 2020. SB seconded the motion and it passed, 6-0-0; RC, SB, BS, DG, JK, RD.

Taxi Operator

1. Samantha Keenen – Cape Cab

Samantha Keenan presented; said she's held a taxi license previously and has been seeking to get back into the business for a few years; has driven for Council on the Aging for a few years and Art's Dune Tours for five years. RC asked after Ms. Keenen's record which she said is good.

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

Vehicle for Hire

1. Cape Cab – VIN#5TDKK3DCXES521272; Reg#LV79579 2014 Toyota Gray Sienna Van

Lukasz Zweigert presented; said the vehicle has been used previously in a difference capacity, inspection is complete and all paperwork in order.

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

Renew License

Lodging

1. Marie Allene Thibeault, mgr., d.b.a. **Joshua Paine House**, 15 Tremont St., Provincetown, MA 02657

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

Common Victualler

1. The Captain's Daughters, LLC, Meghan O'Connor, mgr., d.b.a. **The Captain's Daughters**, 384 Commercial St., Provincetown MA 02657

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

Art Gallery

1. Linda E Tennyson-Loiselle mgr., d.b.a. **Metamorphosis**, 346 Commercial St., Provincetown MA 02657

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

2. The Captain's Daughters, LLC, Meghan O'Connor, mgr., d.b.a. **The Captain's Daughters**, 384 Commercial St., Provincetown MA 02657

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

Vehicles for Hire

RC made a motion to take all the Vehicles for Hire Renewal Licenses as a group. BS seconded the motion and it passed, 6-0-0; RC, BS, SB, DG, JK, RD.

RD read the Vehicles for Hire Renewal Licenses into the record as follows:

1. Conway Cabbie -- VIN#JM3LW28J230358491; Reg#LV82087; 2003 Mazda White MPV Van
2. Conway Cabbie -- VIN#2C4RDGBG9FR581253; Reg#LV79209; 2015 Dodge Gray Grand Caravan
3. Cape Cab -- VIN#5TDZZ3DC9HS874780; Reg#LV84190 2017 Toyota White Sienna Van
4. Cape Cab -- VIN#5TDKK3DC4DS353241; Reg#LV73554 2013 Toyota White Sienna Van
5. Cape Cab -- VIN#5TDKK3DC0DS399102; Reg#LV73007 2013 Toyota Gray Sienna Van
6. Cape Cab --VIN#5TDKK3DCXFS562860; Reg#LV77725 2015 Toyota Red Sienna Van

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

Taxi Operator

RC made a motion to take all the Taxi Operator Renewal Licenses as a group. SB seconded the motion and it passed, 6-0-0; RC, SB, BS, DG, JK, RD.

SB read the Taxi Operator Renewal Licenses into the record as follows:

1. Michael Costa – Cape Cab
2. Gertrude Campbell – Pride Taxi
3. Michael Santos – Provincetown Taxi
4. Vernon Diannah Porter – Pride Taxi
5. Philip Desmarais – Cape Cab
6. Garth Blake – Conway Cabbie
7. Lukasz Zweigert – Cape Cab

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

Parking Lot

1. Cathleen Henrique, mgr., d.b.a. **St. Peter's Parking Lot**, 11 Prince St., Provincetown, MA 02657

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

Correspondence

None.

Minutes

1. Approve Minutes for June 9, 2020 Regular Meeting
2. Approve Minutes for June 9, 2020 Joint Meeting with Board of Health
3. Approve Minutes for June 16, 2020 Regular Meeting
4. Approve Minutes for June 23, 2020 Regular Meeting
5. Approve Minutes for June 24 Special Meeting

RC made a motion to approve the (5) meeting minutes as presented. SB seconded the motion and it passed, 6-0-0; RC, SB, BS, DG, JK, RD.

Old business

None.

New Business

None.

Licensing Board Statements

RC reported that, with short notice, he had been requested to phone in to the joint meeting between the Board of Select and the Board of Health to weigh in on behalf of the LB on the state of food being served or not at establishments where alcohol is currently being offered for sale. BS said she had been on the call as well and that RC had done an excellent job, as did SB. JK said she felt that at present food must be served at bars where alcohol is being served as bars aren't permitted as open.

RC said one of the sticking points is what constitutes acceptable food items – is it a bag of chips or a peanut butter & jelly sandwich, as currently employed. LF said there is a list established by the Health Department as decreed by the State, which is posted, and that sandwiches are on it. SB said his understanding is that the food must be prepared on site, which LF confirmed, adding that the State is okaying what food items are acceptable but that, as such, the State has not officially issued its own list per guidance protocols and that, to be fair, questions are being fielded and answers forthcoming on an on-going basis in a constantly changing field.

Licensing Agent Statements

None.

RC made a motion to adjourn the meeting at 4:12pm. SB seconded the motion and it passed, 6-0-0; RC, SB, BS, DG, JK, RD.

Respectfully Submitted,
Jody O'Neil