



# Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, August 18, 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: **106 546 978#** 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); Russell L. Dutra (RD), Alternate.

Excused Absence: Julie Knapp (JK), 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***

None.

### ***Public Statements***

Scott Caldwell spoke, re: Pilgrim House noise issue; reiterated his previous claim that the owner did not, and has not, reached out to him regarding the noise levels from the club and its effect on his own business and residence; read aloud the text of the amended entertainment license granted to Pilgrim House by the LB and requests that the special license be amended as conditioned on all shows expiring on September 8, 2020, rather than Nov. 1<sup>st</sup>, or to revoke the current license if need be.

Ken Horgan, owner of Pilgrim House spoke in defense of the current license and operations at the establishment; said they reached out to all of their neighbors and have dozens and dozens of supporters as found in over 150 letters, with (39) of them neighbors and (5) direct abutters; requested that the current license be permitted to continue with parameters as stated, without any modification.

### ***Other Business***

#### 1. Pilgrim House – Outdoor Entertainment Noise Complaints (continued from August 11, 2020)

LF recapped the previous discussion regarding complaints against Pilgrim House for suspected noise violations by neighbors and noted that the current license may not be amended, revoked, modified or suspended as it has been determined that the club is not currently standing in violation of that license.

SB asked if suspending future shows, as proposed by Mr. Caldwell, is something in the LB's authority. LF said this is not something in the LB's purview, nor is evacuating the license which is scheduled to run through November 1, 2020. Mr. Horgan said his last scheduled show is September 12<sup>th</sup> and that after Labor Day shows will only run from Thursday or Friday through the weekend. RC stated that the issue had been discussed thoroughly and no vote was taken.

#### 2. Provincetown Inn – Pool Bar Alcohol Sales

Derrick, General Manager called in. LF highlighted the complaints that came into the Town that the Inn was selling alcohol without food consumption and that alcohol was sold and then leaving the premises, referenced a photograph submitted as proof. Derrick apologized for the infraction; said food is being served with drinks at table and commented on the mentality of people who are trying to

get drinks out to the beach and that management is taking new steps, shutting down the Pool Bar completely one day a week and requiring staff to remain at their posts to prevent repeat violations.

SB asked why the bartender was willingly giving out drinks without food. Derrick said he didn't think that was what had actually happened, that it seemed unlikely but that with the absence of his food and beverage manager due to a death in the family, he is closing down the pool bar until he can have a full staff on Friday.

LF said the ABCC has stated it will be more involved in local enforcement going forward and cautioned businesses that there will be more eyes on best practices. RC informed Derrick that food must be ordered before beverages can be served.

BS asked if there would be a fine imposed. LF said this is the second infraction of its kind and the fine issue will be discussed with Enforcement Agent, Aaron Hobart; asked if the LB wished to weigh in. BS said she felt a fine was appropriate. RD agreed, said if the Board doesn't follow through then it is just spinning its wheels. DG asked per the nature of the fine. LF replied that it would confer on alcohol leaving the premises for the beach, which is not included in their premises agreement and that not serving food with drinks is a separate issue, which is also a violation that may have occurred. SB agreed with following through on a fine if rules are broken, but questioned only one person's account of this violation which accompanied a picture. RD noted someone was not properly stationed at the gate. RC announced that LF will follow up with Mr. Hobart and report back as the next step.

### 3. Crown & Anchor – Request to modify Entertainment Licenses during Covid

SB noted the establishment has been great about closing down on time. RC took a poll on the modification request.

**RC made a motion to approve the Crown & Anchor request for a (15) minute extension to its entertainment modification license. SB seconded the motion and it passed, 4-0-0; RC, SB, BS, DG.** [Note: RD abstained due to a conflict of interest.]

#### ***Enforcement***

None.

#### ***Code Compliance***

LF referenced an e-mail she sent regarding an establishment that was found in a PD report to be operating past curfew, said she is working with the Health Department to gather more information.

LF said she discovered a violation in a private home that was fund-raising by hosting movie nights for a local non-profit with no special entertainment or alcohol license for guests who received food and wine with their admission price, in addition to an amplified movie projection; establishment is to be fined, said the event was ticketed, public and posted on Facebook and that the organizers now request to continue showing movies to raise money for the non-profit but without serving libations. LF queried the LB to ask if it felt a license was in order and for opinions on the nature of the newly considered violation; noted that this is a separate case from the previous movie-night event and incident and is more in need of a license like a wedding choosing to show a movie or as the Twenty Summers event produced in-season; no reported complaints from abutters are on file; organizers are hoping to have an approved license in time to schedule their next event on Friday night.

SB said he'd be in favor as it helps the community and appears to be fine with the neighbors. DG and BS agreed. RD cautioned against proceeding with such an event in a residential area without getting input from the neighbors. LF said the location is in the 400s of Commercial Street.

DG said he is in favor of seeing them complete an application, but also present at meeting so the LB has the full scope of their intentions. RC agreed and suggested that a caveat be placed into the special license that after just one neighbor complaint the LB has the authority to suspend or revoke the license. LF said she would research the applicable license parameters and draft a motion for next week's meeting.

***Amend/Transfer License***

None.

***New License***

None.

***Renew License***

None.

***Correspondence***

None.

***Minutes***

None.

***Old business***

None.

***New Business***

None.

***Licensing Board Statements***

SB said he's met a number of the Town's appointed ambassadors during the pandemic and acknowledged they are doing an awesome job; hoped their work can be further noted going forward.

***Licensing Agent Statements***

None.

**RC made a motion to adjourn the meeting at 4:05pm. SB seconded the motion and it passed, 5-0-0; RC, SB, BS, DG, RD.**

Respectfully Submitted,  
Jody O'Neil