



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, August 25, 2020** at 5:15 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:

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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: **146 260 525#** 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; Donald R. German (DG); Julie Knapp (JK), Alternate; Russell L. Dutra (RD), Alternate.

Excused Absence: Bernice Steisel.

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

LF gave opening remarks at 5:15pm 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

None.

Other Business

None.

Enforcement

None.

Code Compliance

None.

Amend/Transfer License

New License

Art Gallery

Marion Fischer, mgr., d.b.a. ***Gallery Blu***, 445 Commercial St., Provincetown, MA 02657

Marion Fischer presented; said the business is a photography show, a pop-up and temporary rental; show to be taken down Sunday, or early next week.

RC made a motion to approve as presented. DG seconded the motion and it passed, 5-0-0; RC, DG, SB, JK, RD.

Special Entertainment License

Provincetown Film Society, Christine Kunewa Walker, authorized representative, petition to hold weekly Movie Nights on Fridays: August 28, September 4, 11, and 18 beginning at 30 minutes before sunset at ***466 Commercial St., Provincetown, MA***. Rain dates: Sundays August 30, September 6, 13, and 20.

LF reviewed: Violations of holding an entertainment event and serving alcohol at the Friday Movie Nights were discussed at the Meeting of August 18, 2020. Ms. Walker has been cooperative in applying for the appropriate licenses. The Board discussed on August 18, 2020 allowing the series of Movie Nights to be approved provided the events were conditioned to allow for swift action by the Board to modify, suspend or revoke the licenses based on substantial complaints.

Christine Kunewa Walker, former CEO of The Film Society, presented; explained that the pandemic has left the Film Festival with hardly any reserves and how working with local supporters Ken Faulk and his partner, Kurt, was a way to bring film to the community and some revenue the Festival; said screenings will be at their private residence and not advertised to the public; to include only a brief introduction and no music; all guests will be required to wear masks, although they will be removed during the film screenings to partake in snack boxes and juice packs; attendance to be limited to (30).

JK asked how many were in attendance at the first event. Ms. Walker said it was around (15) and added that the organizers did not post the event on fb, but someone at the screening later did. LF clarified for RC that masks at events can be removed temporarily for the purpose of eating and drinking. RC said his issue is that the event is being run by Ms. Walker while she is in Minneapolis and so the fines or other issues that could arise from the event would fall to Mr. Faulk.

RD said he conducted a site visit to the property and noted a very small yard and cautioned against an assumption that all neighbors would be on board; suggested possibly having a police contingent on hand and stated mixed feelings on the event and issue. RC expressed that concerns might be adequately addressed in the motion as presented. LF said this event can be compared to a small wedding and didn't think the Board would necessarily be making special requests in these cases.

DG agreed with RD, but said he felt that with a motion in place along with corresponding stipulations, corrections would be made as needed. JK asked that the rain dates be corrected, which LF said she was taking care of. SB asked if violations would require a presence at a future meeting and asked for the end-time, which LF said would be no later than 10:30pm.

RD responded in saying he felt the residents deserved peace and quiet earlier than 10:30 at night. SB countered by asking what would be the difference with a resident having a private party that went to midnight in a party town. RD said he would call the police and have the party shut down if it was an intrusion at his own residence; that the Town is not New Orleans and having this event on consecutive Friday nights could be too impacting on the neighborhood.

Ms. Walker said the Film Society has had events in Town for 22 years and have never had the police called to the location; stresses that they are trying to survive. DG asked how many movies have been shown so far. Ms. Walker said there was just the one screening and LF added that there have been no complaints. DG said that one movie night with no complaints can serve as a test screening and that it is worth the risk to go forward with approving the special event.

DG made a motion to approve as follows:

To waive the Public Hearing and abutter notification process for the approval of the Special Entertainment License for weekly Movie Nights on Fridays - August 28, September 4, 11, and 18 beginning at 30 minutes before sunset at 466 Commercial St., Provincetown, MA. Rain dates: Sundays, August 30, September 6, 13, and 20.

SB seconded the motion and it passed, 4-1-0: DG, SB, RC, JK, in favor; RD, opposed.

RC made a motion to approve as follows:

To move to approve the Special Entertainment License for 466 Commercial Street with the following conditions:

- 1. No Alcohol will be served or distributed.**
- 2. In the event that the Licensing Board receives complaints about the entertainment, such complaints will be investigated and if the complaints are determined by the Board to be substantial and legitimate, the Board will have the option, at its discretion, to modify, suspend or revoke said License.**

SB seconded the motion and it passed, 4-1-0: RC, SB, DG, JK, in favor; RD, opposed.

Renew License

Art Gallery

1. Packard Print Gallery LLC, Stephen Rome. Mgr., d.b.a ***Packard Gallery 2***, 418 Commercial St., Provincetown, MA 02657

RC made a motion to approve as presented. DG seconded the motion and it passed, 5-0-0; RC, DG, SB, JK, RD.

Correspondence

None.

Minutes

None.

Old business

1. Approve Alcohol Licensees not using Alcohol Licenses in 2020

Licensing Agent Report: Several restaurants/bars with Alcohol Licenses in Town have not opened this year. Some, but not all of them, have contacted the Licensing Agent regarding their concerns about opening. Their main concerns have been: 1. fear of getting sick and bringing home their illness to their elderly relatives or young children; 2. fear of their staff getting sick; 3. concerns about the difficulties staffing-up as their usual employees stated concerns about working; 4. lack of outdoor space to allow for expansion to ensure compliance with State and Local guidance; 5. lack of indoor space to make opening economically feasible; and in at least one case: 6. difficulty converting to food service to enable opening in any phase earlier than phase 4 in the Governor's plan. Most stated more than one of the above reasons for not opening. The ABCC has been contacted and expressed no concern in the matter.

LF referenced Sal's restaurant and the Surf Club, which suffered a fire a few years back – both of which were able to retain their alcohol licenses even though they didn't open for business. SB wondered if there might be a blanket response as the pandemic is an unprecedented circumstance.

JK asked what other towns were doing. LF replied that she could look into it and also connect with the ABCC on the situation per other towns, but said that in not approving, the Board would be revoking these licenses. DG asked if anyone could foresee any reason to not approve as stated. SB and JK said they did not, with JK making a plea to support local businesses in the time of Covid.

RC asked the LB if it wanted to make a motion across the board or look at license approvals on a case-by-case basis; related his perception that there were some businesses which declined to open because they felt it wouldn't be profitable enough. LF said the majority of businesses were hampered in opening due to the pandemic. SB asked if there would be a fine for businesses not opening in ordinary times, to which LF said those licenses would be revoked if no just cause was stated.

SB made a motion to approve the alcohol licenses not utilizing their licenses in 2020 due to the Covid-19 pandemic. DG seconded the motion and it passed, 5-0-0; SB, DG, RC, JK, RD.

New Business

LF announced there would be a special meeting on September 15, 2020 to vote on Town Meeting being held out of doors this fall and asked the LB if it would need a meeting on September 1st which all reasoned was not necessary. LF said the reason for the date on the vote for Town Meeting was to provide for abutters notices.

Licensing Board Statements

SB asked for the date of Town Meeting, which LF said would be September 21, 2020.

Licensing Agent Statements

None.

DG made a motion to adjourn the meeting at 6:20pm. SB seconded the motion and it passed, 5-0-0; DG, SB, RC, JK, RD.

Respectfully Submitted,
Jody O'Neil