



# Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, October 13, 2020** at 3:30 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/>.

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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: **715 078 360#** 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 (BS).

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

LF gave opening remarks at 3:30pm 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 corona virus pandemic.

### ***Public Hearings***

None.

### ***Public Statements***

None.

### ***Other Business***

#### 1. Allow Annual Liquor Licensees to close for more than 30 days this year due to Covid-19

DG said he felt this proposal is a reasonable request considering what is going on in the country. SB said he agreed with DG 100%. RC said that while he felt it was a difficult year for everyone, there are going to be many people staying in Town and not doing their snowbird thing as usual and, as such, needing businesses to remain open; noted the Crown & Anchor being boarded up already for the off-season even as the LB had rushed to approve a special entertainment license so the establishment could make money; wants a balance between making money and servicing the community.

RD said he was in favor of the measure and that too many people had opened in spite of the Covid pandemic and that the ones that have closed might be doing a service; that if your not part of the solution you're a part of the problem and that there were enough businesses in season which were part of the problem.

JK asked LF if she knew of other communities with the same proposal. LF replied that she didn't know how common this situation was for other towns on the Cape but noted that this is pertaining to annual licenses and that while the Town encourages businesses to stay open in the off season, she has checked with the ABCC and learned they leave it to individual towns to set policy on the matter.

RC asked JK that if she had to do it again, would she have stayed open this past summer during the pandemic, to which she said she probably would not, due, in part, to staff shortage; said she is not opposed to businesses closing as losing money is a strong indicator and felt the right amount of businesses usually remain open during the off season to serve the community.

LF proposed setting a policy agreement that allows for closure for more than 30 days while the Governor's restrictions are in place – which could cover a time-frame into 2021, as well as the rest of the current year.

JK suggested that the seating for gallons might be a determining factor governing closures, to which LF concurred and noted that a part of this is a Zoning Board issue which she would look into more.

RC asked LF is there should be a definite opinion on this as such, before putting the matter to vote. LF said the proposal was put forth by the Assistant Town Manager and added that the number of seats is not under the LB's purview, but that she didn't imagine establishments losing their seats should they close early.

DG offered up a worded proposal with a contingency clause indicating that the LB has the right to review any complaints resulting from this policy, to which LF said this is something already in the LB's purview, but which RC said does not always indicate that the Board has any authority to make changes after a business is brought in for review based on a reported violation.

SB asked if businesses would have to report to Licensing if they planned to close for more than 30 days. LF replied that, in general, businesses are supposed to contact the Licensing Agent if they close earlier than planned or remain open longer, but that abuse to this process has been noted. JK said she liked to keep it simple and sees it as an alcohol issue whereas openings and closings are the domain of the Zoning Board.

**DG made a motion that annual liquor licensees be allowed to close for longer than 30 days during the Governor's State of emergency due to the Covid-19 pandemic; and that the LB holds the right to review any complaints that derive from this motion. SB seconded the motion and it passed, 5-0-0; DG, SB, RD, JK, RD.**

### ***Enforcement***

None.

### ***Code Compliance***

None.

### ***Amend/Transfer License***

None.

### ***New License***

None.

### ***Renew License***

### **Lodging**

1. A & J Properties Inc, Adrian Padilla, mgr., d.b.a. ***Sunset Inn***, 142 Bradford St., Provincetown, MA 02657

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

### ***Correspondence***

None.

### ***Minutes***

**RC made a motion to approve the meeting minutes of October 1, 2020. DG seconded the motion and it passed, 5-0-0; RC, DG, SB, JK, RD.**

**RC made a motion to approve the meeting minutes of October 6, 2020. DG seconded the motion and it passed, 5-0-0; RC, DG, SB, JK, RD.**

***Old business***

None.

***New Business***

RC announced that the Clerk position needs to be filled and asked the Board to consider nominations for an election to be held at the next meeting. JK noted it would be between DG and BS, as she and RD are Alternates.

RD said he's been waiting to hear back about being elevated to a full position since former Board member Carol Santos' departure. LF advised RD to contact the Town Clerk. RD asked what is involved with the LB Clerk position. LF said it concerns signing taxi licenses as well as running the meeting if the Chair and Vice Chair are absent.

***Licensing Board Statements***

None.

***Licensing Agent Statements***

LF put the word out to licensees that the new permitting software is online for new applications but that there is still some data-logging to be completed per renewals and recommended those license holders wait a few weeks for the system to be updated before attempting to renew online.

**SB made a motion to adjourn the meeting at 4:09pm. DG seconded the motion and it passed, 5-0-0; SB, DG, RC, JK, RD.**

Respectfully Submitted,  
Jody O'Neil