



# Minutes

The Provincetown Licensing Board will hold a Public Meeting on **Tuesday, September 11, 2018** at 5:15pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

**Members Present:** Frank Thompson (FT), Chair; Robert F. Cameron (RC); Carol D. Santos (CS); Shawn Byrne (SB).

**Absent:** Zachary Luster.

**Staff Present:** Aaron Hobart (AH), Licensing Agent; Stephen Lorello (SL), Co-Compliance Officer.

## Meeting Agenda

### ***Public Hearings***

#### **Special Liquor & Entertainment Licenses**

Petition from David Weidner, representing The ***Pilgrim Monument*** for ***Special Liquor & Entertainment Licenses*** for events to be held on August 29 from 4:00pm to 9:00 pm, October 11 from 3:00pm to 10:00pm, October 12 from 4:00pm to 9:00pm, October 13 from 12:00pm to 5:00pm, October 20 from 4:00pm to 10:00pm, November 11 from 2:00pm to 9:00pm, December 9 from 2:00pm to 9:00pm, 2018 and February 2 from 4:00pm to 10:00pm, and May 19, 2019 from 1:00pm to 7:00pm and ***Special Liquor Licenses*** for events to be held on September 1 from 4:00pm to 9:00 pm, September 6 from 4:00pm to 9:00pm, and November 28 from 4:00pm to 10:00pm and a ***Special Entertainment License*** for an event to be held on December 6, 2018 from 3:00pm to 9:00 pm at 1 High Pole Hill Rd. No rain dates requested.

AH said that approval was being requested after the fact as there had not been a forum prior to the September events.

Dr. David Weidner, Executive Director, Provincetown Monument & Provincetown Museum presented; said an expanded season is planned of afternoon and early evening programs including public events, gallery receptions, book readings, symposiums, music and theatre events, in addition to a number of signature events to build momentum toward Provincetown 2020; referenced a joint Chamber of Commerce events last week that featured various Chambers from up and down the Cape.

Dr. Weidner stated that the film series, Reel Vision, will continue and offer a showing of Portuguese films, as well as the Fado concert featuring Sonia Bettencourt in December; said the programming had nearly doubled this past year, especially during Women's Week, added that a number of events at PMPM are ticketed and limited by reservations, but most events will not exceed 100 persons, and that 40-80 is probably more the norm; a new piano and new chamber of music program are part of the new schedule of events and most parking will be free, with donations encouraged; a floor plan has been provided for fall indoor and outdoor events; and that all bartenders are certified and the staff properly trained.

No public comments or letters.

RC said it sounded awesome.

**SB made a motion to approve as presented. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, CS.**

FT inquired after the new piano, which Dr. Weidner said was a gorgeous and stunning Yamaha grand and will be featured in a music program overseen by the new Music Director, Dr. Craig Combs.

**Special Liquor & Entertainment Licenses** - *withdrawn*

Petition from **David Krohn**, for **Special Liquor & Entertainment Licenses** for an event to be held on September 16, 2018 from 12:00pm to 6:00pm at 66-72 West Vine St. No rain dates requested.

**Special Liquor License**

Petition from **Christopher Hartley**, for a **Special Liquor License** for an event to be held on October 26, 2018 from 8:00am to 11:00pm in the Town Hall Auditorium.

Christopher Hartley presented; said the party was a flip-cup tournament being planned in advance of the mid-term elections to show support for the Democratic Party and engage the local and LGBTQ communities; the event will feature the launch of the Provincetown Brewing Company and start with 24 teams and 12 tables; doors will open at 6:00pm and the tournament conclude by 9:00pm; attendance is being planned for 210.

FT asked who would be on hand to serve liquor. Christopher Hartley said the catering company Around Town Events would be providing four bartenders – all TIPS (Training for Intervention ProcedureS) trained and mandated to prevent underage drinking.

**RC made a motion to approve as presented. SB seconded the motion and it passed, 4-0-0; RC, SB, FT, CS.**

**Special Liquor License**

Petition from Mark Boucher, representing **Seashore Point** for a **Special Liquor License** for an event to be held on October 17, 2018 from 3:00pm to 4:30pm at 100 Alden St.

Mark Boucher, Marketing Coordinator and events planner at Seashore Point, presented as such: In general, the goal is to have four events for the community to learn a bit more about the residences, all free of charge; charities sponsored by Seashore Point have included Outer Cape Health, Tennessee Williams Festival and the Film Festival, as well as Women's Week.

For this year's Women's Week, Seashore Point is working with Cape Cod Beer for a tasting event offered online to Women's Week attendees as well as residents with a maximum of 50 people; the event will take place in the 2nd floor dining room with a small appetizer pairing each beer and there will be a maximum of 15 ounces of beer served throughout the hour and half-long event; no other beer or alcoholic beverages will be sold at that time.

The date was corrected as taking place on Wednesday, October, 10<sup>th</sup> and that 90 % of the letters that went out were to the residents who have expressed their excitement for the event. A rep from Cape Cod Beer will be on hand as will Mark Boucher and Seashore Point staff including the Director of Residents. The entrance fee is \$25 per person to help defray costs to prepare the food, in addition to a Cape Cod Beer charge of \$6 per person and a \$100 fee to curate the event. Mark Boucher added that where usually events are free to the public; this one will incur a nominal fee as needed.

AH said that Cape Cod Beer is aware of the serving sizes, that no beer will be given away and that a liquor license is required for a venue in a non-liquor environment. FT stated that anyone serving alcohol in Town must be TIPS trained. Mark Boucher said he confirmed with Cape Cod Beer the server would be TIPS trained. AH said the State does offer a special liquor license for a venue such as Seashore Point and that he would help guide and advise to that end when the applicant is ready.

**CS made a motion to approve as presented with the corrected date of Wednesday, October 10, 2018. RC seconded the motion and it passed, 4-0-0; CS, RC, FT, SB.**

### ***Public Statements***

None offered.

### ***Other Business***

#### Discussion of the Licensing Board Peddler regulations.

FT said that in Detective Rich' Alves' absence discussion would be postponed.

#### Discussion regarding potential changes to the Licensing Board regulations.

AH said this is a good time of year for the boards to refresh their memories and also consider potential changes. FT noted that there are a number of guest houses in town that are operating without a person in charge at night in case of emergencies and such.

AH said there is supposed to be a live-in manager otherwise the inn or hotel should be re-classified. AH added that a guest house license, but not an innkeeper's license, requires a live-in manager. FT asked what happens in case of emergencies. AH said it was a valid conversation to be had but that currently camps/cabins and rental certifications or motel classification do not require an overnight person on staff; said he would look into Mass Law and make a comparison with what is going on in Town.

AH noted a lot of changes over the last year in licensure including taxi drivers and marijuana retail sales, and, in the case of the latter, said the State is leaving it up to the towns to decide if they want an additional license to the States' and that Provincetown will likely do so.

FT said all this can be discussed at the next meeting. RC asked if it's possible to control where taxicabs are stored in their off-hours. AH said some are parked overnight in front of residences and that he didn't think there was anything in the regulations to prevent that, but Dominic in the Parking Department can be consulted. RC noted that there used to be three in front of a residence on Conwell St. and two in the Affordable Housing parking lot in the rear. AH said they might have parking stickers which would allow them to park in town lots.

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

None.

### ***New License***

None.

### ***Renew License***

#### **Outdoor Artist**

1. **Margaret Reynolds:** 3 Winthrop St.

**SB made a motion to approve the license for Margaret Reynolds at 3 Winthrop St. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, CS.**

AH said Ms, Reynolds had more pieces displayed than is permitted and SL said he counted 20 at one point. AH said she responded to a letter sent from the Licensing Dept. by stating that she thought her original license specified the number of items she was permitted to display, which AH disputed. In the end, Ms. Reynolds agreed to comply and limit herself to the regulation requirement. AH said this was the first year there had been an issue with her. i

AH remarked on the artist who displays outside the gazebo opposite Joe's Coffee; said the renter is from the candle company and got an outdoor display permit from the Zoning Board of Appeals and that they had fairly taken over that spot.

## ***Correspondence***

None.

## ***Minutes***

FT said the minutes looked well done.

**SB made a motion to approve the minutes for August 14, 2018 and August 17, 2018 with the correction of SL's last name. RC seconded the motion and it passed, 4-0-0; SB, RC, FT, CS.**

## ***Enforcement***

### ***Code Compliance***

SL said he and AH had randomly selected 15 establishments out of 150 to conduct checks on TIPS certification, sandwich boards, seating with the Board of Health; said he was learning that a lot of people don't realize that renewal is every three years and that they've given people two weeks to go online, get re-certified. AH said they didn't feel it rose to the level of a fine. SL said he was impressed with establishments like The Gifford House and Rick Murray's businesses that were all TIPS certified and that it seemed like the smaller businesses are the ones incurring fines for the most part. AH said more checks would probably happen in the fall, and that businesses were informed back in the spring that summer checks would go into effect.

SL said they've recently been doing double fees for those who did not have their licenses for 2018. AH said they sent out warnings to 13 lodging and retail businesses and that some \$300 fines had gone out to those with extended non-compliance. .

### ***Old business***

AH referenced the documents in today's packet that addressed the details of the West End Racing Club Fundraiser violation, the first of its kind in his tenure. Originally, he said, the land behind 99 Commercial St. was on the request but Michaela Carew-Murphy then amended the ask on the day of the conditional approval to include 101 Commercial St. AH said that when he did a site visit he consulted with A.J. Santos, rep from the Racing Club, and an area was staked out behind 101 as well as the high mean water mark plus 2' and the far right stake which went to 99 Commercial; but that the party eventually stretched down to 103 Commercial St., extending two properties outside of the permitted area. AH said he had told AJ Santos that a rectangle on the beach was required and they could push out to the high water mark, but that in no way was an expansion due to overflow permitted. AH said Michaela Carew-Murphy could only apply for a wine and malt permit due to her non-profit status and suggested she have had the Racing Club apply for the license. AH said that in general, allowing for amendments for permitted areas and liquor sources are far and few between, and that the distributor should know what liquor they are allowed to dispense to an

applicant, although in this case the liquor usage did turn out to be a non-issue. Ms. Carew-Murphy said she'd been busy in the kitchen and hadn't been aware of the party's expansion. AH said the service area would need to be strictly enforced in the future

SB suggested discussing this case further at the next meeting after AH's report had been more fully digested. FT agreed. RC said he probably cannot attend the next meeting but that he had read through the report and found the photos depicted a blatant disregard for the restrictions agreed upon. AH said he would take action at the Board's direction.

### ***New Business***

AH said there is no new business since posting on Friday.

### ***Licensing Board Statements***

SB announced that Guy Barbarulo had resigned. FT asked if CS would like to be a full-time board member to which she agreed. AH said he would speak to David Gardner, Assistant Town Manager, to determine if CS needed to be interviewed or could be appointed outright. SB noted that Guy had been Clerk of the Board and so that position would need to be filled and FT put it to the community that the Licensing Board was accepting applications from year-round, locally registered voters whose federal income tax statements proved their local residence status and that accepted candidates would need to be vetted by the Board and the Town Moderator and sworn in by the Town Clerk. .

AH said he wanted to thank Guy Barbarulo for his service on the board.

**FT made a motion to adjourn the meeting at 6:05pm. SB seconded the motion and it passed, 4-0-0; FT, SB, RC, CS.**

Respectfully Submitted,  
Jody O'Neil