



Minutes

... of the Provincetown Licensing Board Public Meeting on **Tuesday, October 23, 2018** at 5:15pm in the Auditorium, Town Hall, 260 Commercial Street.

Members Present: Frank Thompson (FT), Chair; Shawn Byrne (SB); Zachary Luster (ZL); Robert F. Cameron (RC); Carol D. Santos (CS); Bernice Steisel (BS).

Staff Present: Aaron Hobart (AH), Licensing Agent; Det. Meredith Lobur, Compliance Officer.

FT introduced Carol Santos as a newly minted full member, and welcomed new member, Bernice Steisel to the board.

Meeting Agenda

Public Hearings

Special Liquor License

Petition from Jonathan Urbach d.b.a. **Bay State Marauders**, for a **Special Liquor License** for an event on March 29 from 6:00pm to 1:00am & March 30, 2019 from 8:00am to 1:00am at 7 Winthrop St., Provincetown, MA. Rain dates of April 5 from 6:00pm to 1:00am and April 6, 2019 from 8:00am to 1:00am requested.

Jonatha Urbach, Secretary of Bay State Marauders and Richard Conley, Manager of Watership Inn, presented.

Mr. Urbach said the organization is a leather social club primarily for gay men in Massachusetts now in its 16th year; event is a run with a welcome reception at Watership Inn Friday evening to feature pasta or a meat dish and beer and/or wine; concept is to have up to 4 cocktail parties, including morning Mimosas and possible mixed drinks later on.

AH said that when the applicant receives their license, the wholesaler will know what can be sold under their license type and the selections available. Mr. Urbach said they would be inviting leather clubs from other states like Portland, Maine and Oregon and said they have signature drinks and would possibly bring their own liquor which is donated and served by a bartender.

Mr. Conley asked if it was the same license needed if they weren't selling spirits. AH said, yes, only non-profits can provide liquor through a license; said private events with invite-only do not require a liquor license, but the moment it's opened up on Facebook or even through word-of-mouth it

becomes more prohibitive; suggested the organization could work with the PGB, as a non-profit, and make them the applicant contact.

Mr. Urbach confirmed the event was open to the public, asked of the nature of the license if they staged the eye-opener at the Watership with champagne and orange juice to which AH responded would fall under the malt and wine category.

Mr. Urbach asked if they became a 501(3)c would they need to return to the Licensing Board for approval. AH said they hadn't done an amendment such as this before and that it would be up to the board to opt or not for presentation in a Public Hearing or as an administrative review. AH said there is no appearance before a board for food service, that this is a Health Dept. permit and the agent would need specifics such a temperatures and so forth; instructed Mr. Urbach to send him specifics and he would pass the information along to staff. Mr. Urbach said they would probably have it catered locally. AH said if it's a private event with a catered party they wouldn't need the liquor license, but for an event open to the public utilizing a caterer, a liquor license is still required with TIPS certified staff.

ZL recommended using a caterer. AH said the State frowns on donations and mentioned Far Lands, locally, as an option and said there are other such as those in Boston; added that the Town has three to five times the number of licenses as other towns on the Cape.

SB made a motion t approve as presented. CS seconded the motion and it passed, 6-0-0; SB, CS, FT, ZL, RC, BS.

AH said he'd e-mail the document to the applicant that evening.

Public Statements

None.

Other Business

Discussion about possible changes to the Licensing Board regulations.

AH recommended a postponement until BS could get more acquainted with board procedure.

Discussion of report submitted to Board, re: West End Racing fundraiser

AH referenced the paper report of the event and follow-up; said the discussion had centered on where the property line was and that it was decided it would be the high water mark; said the line was tied off to the deck at 99 Commercial and that the board had approved the area behind 101. AH said he had requested the applicant honor the historic high water mark which Building Commissioner Annie Howard had marked out for them, but, per a photo on page 2, it becomes clear that the party spilled passed 101 and to 103; said it also includes 102 even as they are across the street because they own the empty lot between 101 and 103; AH said he had made the perimeters clear and that the applicant was obliged to follow these guidelines and adhere to State protocols.

AH said the applicant, Michela Carew-Murphy, said she didn't realize that as a licensee she could only do beer and wine; would have to buy liquor from a wholesaler. AH called the ABCC and was told that it was not licensing's issue but the applicant's responsibility and that the wholesaler should know what is permitted for sale. AH said his main issue today is to give the board a play-by-play of how the

event transpired based on permitting; related that based on tenuous relations with their abutter, Sal's Place would not be holding the event going forward and that he hoped this might trigger something when and if they apply for a future license.

AH said Ms. Carew-Murphy told him that she didn't expect that guests would show up a half hour early and that she was not in a position to supervise as planned as she was then stuck in the kitchen; that Mr. Santos had that detail once the event rolled out.

SB suggested the board needn't take any action or a position at this time, but to keep this event situation in mind going forward.

RC suggested he has a stronger opinion than everyone else; that the amount of time and resources that went into coordinating this permit resulted in a blatant disregard for the approval and it shouldn't be breezed over and asked what options were available to the board. AH replied that there is probably a regulation under the licensing agreement that could result in a fine and he would look into it. RC referenced the number of people who had come forward during the application asking the board to bend over backwards and stretch the rules. ZL said he agreed with RC.

SB offered that a gesture like a \$100 fine might be something to have on the record, but said he wanted to read through the guidelines before any action is taken. FT agreed that the event had gotten out of hand and remarked that no one appeared to be in charge; recommended the item be taken up at the next meeting. Jody O'Neil, Recording Secretary, said he would provide meeting minutes from the prior meeting where the license was approved. The board agreed to review the regulations as well as the post-event report with accompanying photos.

Amend/Transfer License

None.

New License

None.

Renew License

Lodging

1. James Foss, mgr., d.b.a. Watership Inn, 7 Winthrop St., Provincetown, MA 02657

ZL made a motion to approve as presented. CS seconded the motion and it passed, 6-0-0; ZL, CS, FT, SB, RC, BS.

2. JU MAR LLC, Loren Holtz, mgr., d.b.a. Secret Garden Inn, 300A Commercial St., Provincetown, MA 02657

ZL made a motion to approve as presented. CS seconded the motion and it passed, 6-0-0; ZL, CS, FT, SB, RC, BS.

Correspondence

AH referenced three or four taxi complaints, some racial in nature, said there is nothing on hand from the owner of the cab company concerning the issue. FT asked if the person from the cab company could be brought in for questioning. SB said at the least, the owner should be made aware of the

situation. AH said he was not aware if the owner was also the dispatcher, that historically nothing has come of these cases in the past as it came down to he said/she said, and that he didn't identify the company because it wasn't being written into the public record and could be inflammatory; said he invited the complainant by e-mail to attend a public hearing and make the case known.

Det. Lobel said she would look into the issue and take it up with the civil rights officer, as well. CS suggested making the cab company owner aware, which AH said he would do and let both parties know the issue would be taken up at the next meeting.

Minutes

ZL made a motion to approve the meeting minutes as presented. CS seconded the motion and it passed, 5-0-0; ZL, CS, FT, SB, RC.

AH said he would inquire of Assistant Town Manager, David Gardner, as to the number of board members required or permitted to vote when a full complement is in attendance.

Enforcement

None.

Code Compliance

AH said a notice had gone out to the Black Dog which was the last outstanding restraint; said that the departing manager hadn't forwarded the license notice to corporate, but that after speaking with corporate, they said they would pay the \$300 fine and also renew in advance going forward.

Old business

None.

New Business

None.

Licensing Board Statements

The board welcomed new member Commissioner Steisel to the board.

Licensing Agent Statements

AH also welcomed Commissioner Steisel to the board.

ZL made a motion to adjourn the meeting at 6:01pm. SB seconded the motion and it passed, 5-0-0. ZL, SB, FT, RC, CS.

Respectfully Submitted,
Jody O'Neil