



Minutes

The Provincetown Licensing Board Public Meeting of **Tuesday, August 24, 2021** at 5:15pm in the Judge Welsh Room, Town Hall, 260 Commercial Street.

Meeting Agenda

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

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To Participate during public comment:

- Speak name clearly to be called on to speak.
- Please do not speak again until acknowledged by Chair or meeting moderator.
- Keep your phone muted at all times when not talking (press *6 to mute & unmute your phone).
- Do not use speakerphone, Bluetooth devices (speakers or headphones).
- Mute all background noises, including PTV, television or computer and use only phone audio.

Members present: Robert F. Cameron (RC), Chair; Shawn Byrne (SB), Vice-Chair; Donald R. German (DG), Clerk; Russell L. Dutra (RD).

Absent: Corinne Diana (CD), Alternate; Cass Benson, (Alternate).

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

LF gave opening remarks at 5:15pm and then read the rules governing Public Meeting under current State guidelines pursuant to the corona virus pandemic.

Public Hearings

Special Entertainment License

Petition from Megan Nussle representing ***Campfire Quorum*** for a ***Special Entertainment license*** for events to be held on 9/17 and 9/23 - 9/24 between 4pm and 7pm; 9/25 between 9:30am and 12:30pm, and between 3pm and 6pm; 9/26 between 12:30pm and 3:30pm and between 4pm and 7pm; 10/14-10/17; 1-21-10/24/21 from 3:30pm to 6:30pm at 63R Howland St – Old Colony Trail. No rain date requested.

LF noted that the area under request has not previously been used for entertainment, and, as such, went through Town channels, including Conservation – which has given its ok.

Megan Nussle presented; said her event is, in part, a featured show in the upcoming Tennessee Williams Festival with the other performance dates serving her theater company, Campfire Quorum. RD asked why this specific location. Ms. Nussle replied that the nature of the area itself provides the set, featuring an abundance of trees.

RD made a motion to approve as printed in the agenda with the condition that it is approved also by the Town for area use. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Special Entertainment License

Petition from Daniel Amato representing ***Night Vision Entertainment*** for a ***Special Entertainment license*** for an event to be held on 8/25 - 8/28 and on 9/1- 9/4/21 between 6pm - 10:30pm at 401 Commercial St. No rain date requested.

Daniel Amato presented; said the event is to work with FX Network in promoting the series “American Horror Story” which filmed its season in Town earlier this year.

RD made a motion to approve as printed in the Agenda. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Special Entertainment and Alcohol Licenses

Petition from Michelle Crone representing ***Daniel Mullin Trust*** for ***Special Entertainment and Liquor Licenses*** for an event to be held on September 5, 2021 from 4pm to 9pm at 1 High Pole Hill. No rain date requested.

Michelle Crone presented; cited Daniel Mullin as a former long-time resident who was very active with non-profit groups and organizations who has recently passed. Party planner and resident Bryan Rafanelli is arranging the memorial event which expects to have a few hundred scattered guests; D.J. with beer and wine, TIPS-certified staff; speeches and tributes from those in attendance.

RD made a motion to approve as printed in the Agenda. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Public Statements

None.

Other Business

Special Alcohol License

Jay Critchley representing the ***Provincetown Community Compact/Provincetown Swim for Life*** for a ***Special Alcohol License*** for an event to be held on September 11, 2021 at the Waterfront Park, 387-395 Commercial Street, between 2pm to 6pm.

LF referenced the LB's approval of bypassing the standard abutter notification requirement at the last Board meeting.

RD made a motion to approve as printed in the Agenda. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Enforcement

None.

Code Compliance

LF referenced a new violation by an establishment where alcohol beverages were served outside of a guest house, with the bar service area set in the exterior of the property; noted a Zoning Board and Licensing Board violation have both arisen from the issue; added that the business contact cited Covid as a reason to be having guests with alcohol outside the guest house. LF said the matter of whether the alcohol consumption involved guests and guests of guests is a bit murkier if determined as a direct violation and offered the issue can be further addressed later.

RC asked if guests at the time of infraction were over the occupancy limit to which LF said she would have to research if there is an occupancy limit at this location. DG said he felt the violation is spelled out very clearly in the citation as well as what was approved by the LB in June of 2015 and carried forth ever since in detailing that alcoholic beverages be not served from without the premises ever.

LF questioned if it is fair to issue two fines – one from LB and another from the ZBA; said another option is to call the owners in for a presentation; noted that it is the first violation. SB suggested issuing a warning. DG cited a ZBA issue as being outside the LB's jurisdiction, suggested bringing them in to hear their side of the story. LF said the Board can reach out to her directly with any questions and contact the establishment to bring them in at the next LB meeting, which is three weeks away. RC asked if the Board wanted another session without the establishment on hand, to which DG suggested the sooner the better. RC concurred and directed LF to call in the guest house.

DG asked if putting the establishment on probation for a given period of time is an option. LF said she didn't think that was in the regulations, but would look it up and get back on this talking point; related that the fee schedule has not gone up in 11 or 12 years and these are very low compared with other towns; shared research she has found where the option of suspensions is written into some municipalities' charters; confirmed to RC that she would verify occupancy limits as existing, or not.

Amend/Transfer License

None.

New License

None.

Renew License

Art Gallery

1. Todd Perry, mgr., d.b.a. Hammock Shop Gallery, 361 Commercial St., Provincetown MA 02657
2. Karen Cappotto, mgr., d.b.a. Julie Heller Gallery, 253 Commercial St., Provincetown MA 02657

RD made a motion to approve all the Art Gallery Renewal Licenses as printed in the Agenda. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Vehicle for Hire Operator

1. Gertrude Campbell – Pride Taxi
2. Deborah Spang-Dionne – Pride Taxi

RC made a motion to approve all the Vehicle for Hire Operator Renewal Licenses as printed in the Agenda. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Correspondence

LF referenced what she said appears to be a policy dispute between a guest and a licensee wherein the guest brought notification to the LB’s attention. RC said the complaint by Kevin Nielson (sp) was duly noted. RD offered that a cancellation policy is usually adopted by all businesses in Town and is spelled out as such; suggested Town was in the midst of the Covid pandemic when the reservation was made.

Minutes

RC made a motion to approve the LB meeting minutes of August 10, 2021. SB seconded the motion and it passed, 4-0-0; SB, DG, RD, RC.

Old business

None.

New Business

LF referenced the LB’s allowance for businesses to renew their alcohol licenses last season due to Covid and reported that only two businesses, or technically three, have not since reopened; one of these businesses has announced as not re-opening until next year. The three are: Monkey Bar; Freeman’s (same owner of Patio and Pepe’s); and Surf Club, which has gone through a re-build from the fire a few years ago. LF related that the LB has the option to have the establishment reps in for consultation. DG suggested giving these businesses the ability to re-open next year without penalty.

LF made note that all have been paying to renew their licenses; they just haven't been able to open for business – and noted difficult staffing issues as have been felt everywhere.

RC made a motion to accept that those businesses which have been unable to open due to the Covid pandemic this year be void of penalty. SB seconded the motion and it passed 4-0-0; SB, DG, RD, RC.

Licensing Board Statements & Licensing Agent Statements

Pedi-Cab Updates

DG spoke of Pedi-cabs lacking the minimum 4" identification number on the vehicles. RD added that the Pedi cabs also seem to congregate when not engaged with passengers in areas that make through-traffic difficult.

RC asked per Pedi-cab regulations supposedly being put into effect by the operators and if the Town can make inspections before the season has expired. LF said that Compliance Officer, Aaron Hobart, has indicated that Pedi-cabs are not really in his jurisdiction and that it isn't hers exactly either, but that enforcement lies with the Police Department.; said she has been contacted by one operator who offered that he is working toward compliance, citing costs involved in getting things printed up and items employed; suggested someone or some entity might be made in charge of signing off on an inspection sheet – which, she said, does now exist. LF said that the PD is supposed to review taxi renewals and applications and CORY reports as well as conduct local inspections of taxi cabs – none of which they are currently doing, and which now falls to LF.

DG asked if it would be reasonable to have operators bring in their updated inspection data when they come to Town Hall to pick up their licenses. RD asked if the job of checking vehicles could be part of the Enforcement Officer's protocol at the start of the season. RC asked per the proper channel to go through if a member of the public witnesses a Pedi-cab vehicle not identifiable, to which LF said would be to bring the notification to her attention.

LF mentioned a recent incident where a currently unlicensed Pedi-cab vehicle was on the street, manned by a Pedi-cab operator who was licensed and driving about without fares. This operator was reported to the PD by another Pedi-cab operator but no violation was determined since the operator was never witnessed with a fare in tow; offered that a case such as this falls directly to the PD.

RC made a motion to adjourn the meeting at 6:21pm. DG seconded the motion and it passed, 4-0-0; DG, SB, RD, RC.

Respectfully Submitted,
Jody O'Neil