



NOTICE OF MEETING CITY OF MELROSE, MASSACHUSETTS

ORGANIZATION: Melrose Local Liquor Licensing Commission

MEETING DATE: October 1, 2020

TIME: 2:00pm

MEETING LOCATION: View Access Information at
www.cityofmelrose.org/remote-meetings

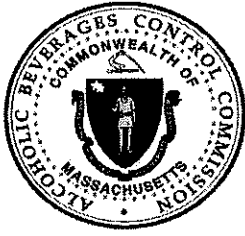
REQUESTED BY: Chairman Joseph Nevin

AGENDA

I. New Business

1. Vote to Consider Extension of Outdoor Table Service for Restaurants Licensed Pursuant to G.L. c. 138, Section 12, in accordance with Governor's Baker's Order No. 50.

II. Items not reasonably anticipated by Chairman at the time of posting.



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
EXTENSION OF ALLOWANCE OF OUTDOOR TABLE SERVICE**

On September 10, 2020, Governor Charlie Baker issued an Order Making Certain Phase III Adjustments (also known as COVID-19 Order No. 50), which extends the period for outdoor table service by licensees licensed for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

Pursuant to this Order, local licensing authorities ("LLA") may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35¹, from November 1, 2020, for any period up to and until sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.

The LLA may modify any prior approvals as the LLA deems proper and appropriate, including addressing snow removal, pedestrian traffic, and other similar concerns.

Any licensee that was previously granted approval but is not granted an extension by the LLA may still operate outdoor table service until November 1, 2020.

ABCC approval is not required on these extensions. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through sixty (60) days after the end of the state of emergency and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued September 11, 2020)

¹ The text of COVID-19 Order No. 35 can be found [HERE](#).



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER MAKING CERTAIN PHASE III ADJUSTMENTS

COVID-19 Order No. 50

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV

enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the Commonwealth has maintained a continuing trend of improvement in public health data during the phased re-opening of workplaces and other facilities, which permits continuing, gradual relaxation of restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data;

WHEREAS, expanded opportunities for outdoor dining, as approved by local authorities, have provided valuable support to restaurants and a popular amenity to the public that should be permitted to continue during the state of emergency without interruption or undue complication;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, variance of the terms and conditions of licenses, permits, and certificates of registration issued by the Commonwealth or by any of its agencies or political subdivisions, and regulation of the sale of articles of food and household articles;

NOW, THEREFORE, I hereby Order the following:

1. Extension of Outdoor Dining Provisions

Notwithstanding chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for expansion of outdoor table service or extensions of earlier granted approvals, including a local licensing authority ("LLA") approving a request for a change in the description of licensed premises for the purpose of permitting outdoor alcohol service, until a date beyond November 1, 2020, as specified in this Section. For the purposes of this Order, "outdoor table service" shall mean restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space.

Before approving any request made under this Order or extending a prior approval issued pursuant to Section 4 of COVID-19 Order No. 35, a city, town, or LLA may modify the scope of any prior approval issued pursuant to Section 4 of COVID-19 Order No. 35 as the city, town, or LLA deems proper and appropriate including, without limitation, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic, or similar concerns.

The provisions of Section 4 of COVID-19 Order No. 35 shall apply to any request for an extension of an earlier granted approval or an expansion of outdoor table service or for approval of a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service made pursuant to this Section except that (i) the definition of outdoor table service adopted in paragraph 1 of this Section shall apply; and (ii) such approvals may extend until the date specified below.

Any approval issued under this Section shall remain in effect until 60 days past the end of the state of emergency or such earlier date the city or town establishes in granting the approval, whichever is sooner, at which time any approval issued under this Section, including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to any approval issued under either this Section or Section 4 of COVID-19 Order No. 35.

Any approval issued under Section 4 of COVID-19 Order No. 35 for expanded outdoor table service, including any amended license issued by an LLA changing the description of the licensed premises for the purpose of permitting outdoor alcohol service as a result of COVID-19 Order No. 35 shall remain in effect until November 1, 2020, unless the city or town approves a request to extend such approval pursuant to this Order or otherwise deems such approval automatically extended consistent with all other provisions of this Order.

2. Opening of Indoor and Outdoor Gaming Arcades

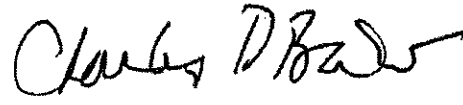
Effective at 12:01 am on September 17, 2020, indoor and outdoor gaming arcades may open their brick-and-mortar premises to workers, customers, and the public, and restaurants, indoor and outdoor recreational facilities, and other enterprises with gaming devices on their premises may permit these devices to be used by patrons. Schedule A to COVID-19 Order No. 43 is hereby amended, as attached, to reflect this adjustment.

The Director of the Department of Labor Standards ("DLS") shall issue, subject to my approval, COVID-19 workplace safety rules to address the particular circumstances and operational needs of indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons. These rules shall serve as "Sector-Specific Rules" for such activities and facilities as that term is defined in Section 4 of COVID-19 Order No. 43.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:15 ~~AM~~ PM this
10th day of September, two thousand and
twenty

A handwritten signature in black ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 43
as revised by COVID-19 Order No. 50, effective September 17, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	As specified in COVID-19 Order No. 33: • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	As specified in COVID-19 Order No. 37 and including specifically: • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria ◦ <u>Step 1</u>: outdoor table service ◦ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location ◦ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ◦ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities ◦ pools, playgrounds and spray decks

	- o mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools - o for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<u>Step 1</u> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing tracks and simulcast facilities • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including - o cardio/weight rooms/locker rooms/inside facilities - o fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) - o indoor common areas - o indoor swimming pools - o indoor racquet courts and gymnasiums - o locker rooms - o excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises • Movie theatres • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Motion picture, television, and video streaming production • Fishing and hunting tournaments and other amateur or professional derbies • Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises • Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls • Indoor and outdoor gaming arcades and associated gaming devices [a] <u>Step 2</u> • Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises • Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	• Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits [a] • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events • Overnight camps (Summer 2021) This listing is subject to amendment.
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Note: Amendment from the version of Exhibit A adopted in COVID-19 Order No. 43 (July 2, 2020) designated by the marker “[a].”