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TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009 which amends MGL Chapter 30 A

Licensing Authority Minutes

DATE OF MEETING: June 10, 2019

Check below which one applies

The Clerk's office has this meeting date already posted X

This is a special meeting which has not been posted

TIME: 9:30 a.m.

PLACE: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, June 10, 2019. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Vice-Chairman; David Nunheimer, Clerk; Larry Decker, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner; David A Hirsch; Associate Commissioner, Richard Scali, Licensing Director; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Lt. John Murphy was absent.

Vote to accept Minutes

1. Vote to accept minutes of the 05/06/19 meeting.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 05/06/19 meeting.

New Business:

1. **Application for (5) One Day Entertainment Licenses:** Application of Bill Hanney on behalf of Cape Live LLC, 62 Dunham Rd., Beverly, MA for (5) One Day Entertainment Licenses for various concert events. All events will be held at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis. Concert dates are as follows: July 13th, July 20th, July 27th, August 3rd and August 10th all are beginning at 8:00 PM.

Bill Hanney and Kevin Shanley appeared on behalf of these applications. Next year hope to bring Broadway shows.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

2. **Consent Agenda:**

Public Hearings:

1. **Application for a Change of Manager on a Seasonal All Alcohol Common Victualler License:** Application of Harborview Hotel Investors LLC d/b/a Blue Water Grill, 213 Ocean St, Hyannis on their Seasonal All Alcohol Common Victualler License, for a Change of Manager from Scott Crowley to Velma E Francis-Miller.

Velma Francis-Miller appeared on behalf of the application. Her experience is over 19 years, been with the hotel for 3 years. Mr. Semprini asked about the hours of operation.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

2. **Application for a change of Manager on An Annual All Alcohol Common Victualler License and a New Live Entertainment License:** Application of CC Entertainment Inc. d/b/a Flashback, 294 Main St, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Gregory Vayneris to Andrew C Roth.
Request to add Live Entertainment for 2 performers with 2 amplified pieces. Entertainment Hours are 11:00 AM to 12:45 Am; Daily.

Peter Kempton appeared on behalf of the application. He would like to withdraw the change of manager request and will resubmit with a new applicant. The live

entertainment will be indoors with 2 individuals. This will be located in the same area as the karaoke.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the live entertainment portion of the application; change of manager requested was withdrawn by applicant.

3. **Application for an Alteration of Premises on an All Alcohol Common Victualler License:** Application of Danny Kay's Culinary Productions, Inc. d/b/a Villaggio Ristorante, 4631 Falmouth Rd., Cotuit, John Bartolomei, Manager for an Alteration of Premises description of the existing premises. Alteration of premise is for re-allocation of seats to the bar area from the dining room. No additional capacity is being requested.

New Description: A two and one-half story building located at 4631 Falmouth Road, Cotuit with 2 floors consisting of a restaurant, bar and lounge, kitchen with basement and attic for storage. Restaurant on first floor seating 71, including bar with 23 seats. Upper level dining seating 55 and outside seasonal patio with five tables seating 20. All changes approved by the Building Commissioner on 5/9/19.

Jay Bartolomei appeared on behalf of the application. All diners want to eat at the bar, 11 seats to 23 seats. No overall capacity increase just shifting seats from tavern area to the bar.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

4. **Application for a New Annual Common Victualler License and Non-Live Entertainment License:** Application Mayflower Bakery & Café Inc. d/b/a Mayflower Bakery & Café, 185-187 Falmouth Rd., Hyannis, Marcio Matoso and Jose Dias, Managers, for a new Annual Common Victualler license. Hours of operation will be daily, 6:00 AM to 11:00 PM; daily. Seating is for 48 interior seats approved by the Building Commissioner on 04-24-19.

Non-Live Entertainment is for recorded music and 2 TV's. Entertainment hours are 6:00 AM to 11:00 PM; daily.

Marcio Matoso and Jose Dias appeared on behalf of the application. Mr. Hoxie asked about the exact location. We will be a French bread and Brazilian bakery. Mr. Scali reminded the applicants about weights and measures if they have any scales.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

5. **Application for a New Junk Dealer License:** Application has been filed by Aaron J Marks Hyannis, Inc., d/b/a A.J. Marks Jewelers, 1481 Iyannough Road, Hyannis, Mark J Chick, Manager, for a New Annual Junk Dealer License. Hours of operation to be 10 AM to 5:30 PM, Mon – Fri, Sat 10:00 AM to 3:00 PM.

Mark J Chick appeared on behalf of the application. We are a retail store that does have pre-owned jewelry. This is a change of location.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

6. **Application for a New Annual Common Victualler and Non-Live Entertainment Licenses:** Application Ella's Bakery and Sandwich LLC. d/b/a Ella's Bakery, 702 Iyannough Rd., Hyannis, Jacqueline Dutra, Manager, for a new Annual Common Victualler license. Hours of operation will be 10:00 AM to 10:00 PM Monday-Saturday and noon to 10:00 PM Sunday. Seating is 22 in total, 10 interior and 12 exterior.

Non-Live Entertainment is for recorded music.

Non-Live Entertainment hours are the same as operational hours.

Jacqueline Dutra appeared on behalf of the application. We moved from West Yarmouth to Hyannis to obtain an annual location. The lease is for 1.5 years.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

7. **Application for a New Live Entertainment License on a Seasonal All Alcohol Common Victualler License:** Application of Cotuit Harbor Enterprises Inc. d/b/a Tequila Charlies, 577 Main St, Hyannis on their Seasonal All Alcohol Common Victualler License, for a new Live Entertainment license.

Request to add outdoor Live Entertainment for 2 performers with 2 amplified pieces approved by the Building Commissioner on 5/14/19.

Entertainment Hours are 11:00 AM to 12:45 Am; Daily.

Tina Carey appeared on behalf of this application as her son was out of town. She was unaware of all the specifics but stated that they are trying all possible avenues to remain competitive.

She also commented that to use Main Street for private functions (Long Table event) is not right. There are already too many issues with parking. Additionally, renting of the Village Green for food and alcohol is not what is was intended purpose. The Village Green is a gathering place.

A motion was duly made by Mr. Semprini seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

8. Application for a Transfer of an Annual Wine and Malt Retail Package

Goods Store : Application of Super Target Liquor of Massachusetts, Inc. d/b/a Target, 769 Iyannough Rd., Hyannis, Puneet Mathur, Manager, for a transfer of an Annual Wine and Malt Retail Package Goods Store License from Speedway of Massachusetts LLC. d/b/a Speedway, 373 Falmouth Rd., Hyannis to. Super Target Liquor of Massachusetts, d/b/a Target, 769 Iyannough Rd., Hyannis, Puneet Mathur, Manager.

Premise Description: Retail commercial space of approximately 80,210 sq. ft. on 1 floor with 23 rooms in portion of Cape Cod Mall. Alcohol displayed in 1 full aisle and two inside aisles, endcaps and 4-6 coolers in the grocery section (actual square footage to be determined by the plan) against the wall furthest from main entrance, as depicted in area outlined in red on plan, and stored in secure area accessible only to employees. Retail floorplan of entire premise approved by Building Commissioner on 5/10/19.

Hours of operation are 8:00 AM to 11:00 PM, Mon-Sat and Sun 10:00 AM to 11:00 PM.

Attorney Joe Devlin, Darrin Holloway, Marcelo Mancini, asset protection manager and Samantha Smith. Target is well known outside of Massachusetts for having alcohol. This is now allowed for up to 9 stores. This is a mid-size store for Target. This is the 8th mid-sized concept; 100 employees. This is a part fo the total customer experience. The size will always be the same size. It is a uniform process. Cooperation and communication with the Police is very important. They are 140 hours of asset protection, cameras, storage in the back. All managers will be outside TIPS certified. All the team members have in-service training. Target maintains a 100% carding policy; ID's are run through 2 systems. Most experienced cashiers are utilized. Target has a wide range of buying power. Vineyards will try out Target. The license is moving from a mile away. Alcohol will be cordoned off the first 2 hours on Sunday.

Mr. Hoxie asked about the sale price, \$230,000. Target reached out to Speedway. Mr. Scali asked about alcohol cashiers. Is the Target building still connected to the Mall; yes. The alcohol is as far away as possible form the Mall entrance. Mr. Semprini asked how many stores sell in Massachusetts; 6. Targets success revolves around convenience. Target is expecting 2500-3000 customers per day. Mr. Semprini asked to see where the entrances will be. At this time you can actually see the connector. Mr. Hoxie asked if Target has all alcohol in any store. Ms. Karlson-Lidman commented that alcohol cannot go into changing areas. We try to have someone located in the area.

Officer Gallant asked will there be single serve, no. Also,are there any other concerns regarding asset protection since alcohol is now being sold, no.

No public comment.

A motion was duly made by Mr. Semprini seconded by Mr. Hoxie and a 2-1 vote taken to accept the application as presented.

- 9. Application for a New Class I Auto Dealer License:** Application of Cape HY, Inc., d/b/a Balise Hyundai of Cape Cod, Timothy Eppler, Manager, for a new Class I Auto Dealer License to be located at 20 and 32 Corporation Street, Hyannis.

There will be a total 95 spaces which includes: 7 customer, and 88 display. Also included is 1 handicap space. All approved by the Building Commissioner and Deputy Fire Chief at site plan review on 4/16/19.

Hyundai vehicles from 20 and 32 Corporation Street will be serviced at the Nissan Dealership located at 322 Falmouth Rd., Hyannis.

Attorney John Kenney represented the application. The dealership is being moved. This is expected to be a 1-2 year location. Significant reduction in cars from 400 plus to 95 spaces. Service will be at the Nissan dealership. Mr. Scali asked about dealer agreements, permission from the franchise to use the same service.

A motion was duly made by Mr. Nunheimer seconded by Mr. Hirsch and a unanimous vote taken to accept the application as presented pending receipt of the dealer agreements.

- 10. Application for A New/Amend Class I Auto Dealer License:** Application of R&J Nissan LLC, d/b/a Balise Nissan of Cape Cod, Timothy Eppler, Manager, for a new/amend Class I Auto Dealer License to be located at 322 Falmouth Rd., Hyannis.

There will be a total 243 spaces which includes: 20 customer, 30 employees, 3 charging and 190 display. Also included are 2 handicap spaces. All approved by the Building Commissioner and Deputy Fire Chief at site plan review on 4/16/19.

Hyundai vehicles from 20 and 32 Corporation Street will be serviced at the Nissan Dealership.

Attorney Kenney also represented this application. This is the second part of the previous application. This is an amendment of the existing location.

A motion was duly made by Mr. Nunheimer seconded by Mr. Hirsch and a unanimous vote taken to accept the application as presented pending receipt of the dealer agreements.

Licensing Division Updates:

- 1. Licensing Department updates-** Per Mr. Scali - Municipal Licensing meeting was held it was a great success. Thanked the commissioners that attended. The investigator no longer presents in front of the board. The ABCC discussed their e-permitting system. There was a presentation of Boards/Committees by the Scituate licensing agent.
- 2. Police Department updates-** Underage compliance checks notice has been completed.

- **Matters not reasonably anticipated by the Chair**

The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the sub-committee may go into executive session. For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. Meetings of a local public body, notice shall be filed with the municipal clerk, and posted in a manner conspicuously visible to the public at all hours

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
June 10, 2019

Renewals:

1. **Application for a One Day Entertainment and One Day Wine and Beer Licenses :** Application of Rebecca C Richardson on behalf of the Osterville Rotary Foundation Inc. for a One Day Entertainment and One Day Wine and Beer licenses for the Annual Osterville Rotary Bluefish and Striped Bass Fishing Tournament. The event is to take place at the Wianno Yacht Club, 101 Bridge Street, Osterville on July 13, 2019 from 4-8 PM. Entertainment is for 1-3 performers with 1-3 pieces.
2. **Application for a One Day Entertainment and a One Day Beer Only Licenses:** Application of Brad Pfeifer on behalf of the Hyannis Athletic Association for a One day Entertainment and a One day Beer only license for the annual Hyannis Pizza fest. The event is to take place at the Hyannis Village Green, 367 Main Street, Hyannis on July 14, 2019 from 12:00 to 4:00. Entertainment is for amplified recorded music.
3. **Application for a One Day Beer and Wine License:** Application of Liz Rabideau on behalf of the Cape Cod Maritime Museum for a One Day Wine and Beer license for the Burgee Exchange and Season opener Party. This event took place on June 8, 2019 at the Cape Cod maritime Museum, South Street, Hyannis. ******Retroactive approval, staff meeting with applicant scheduled for June 6th to review the process. ******
4. **Application for a One Day All Alcohol and Entertainment Licenses:** Application of Donna Gilberti on behalf of the Cape Cod Synagogue for a One Day all Alcohol and Entertainment Licenses for the Annual Raffle Party. This event took place on May 11, 2019 at the Cape Cod Synagogue, 145 Winter Street, Hyannis. *******Retroactive Renewal Application Request*******

5. **Application for a One Day Entertainment and One Day Beer and Wine Licenses:** Application of Joe MacKinnon on behalf of Cape Cod Community College, 2240 Iyannough Rd., Hyannis for a One Day entertainment and a One day Beer and Wine Licenses for the Judy Collins Concert. This event took place on May 26, 2019 beginning at 6:30 PM at the Tilden Arts Center Main Stage at the College. *******Retroactive Renewal Application Request*******

6. **Application for a One Day Entertainment License:** Application of Donna Giberti on behalf of Independence House and the Cape Cod synagogue for a One Day Entertainment License for the Killer Queen Concert. The event is to take place at the Barnstable Performing Arts Center, 744 West main St., Hyannis on July 16, 2019 beginning at 7:00PM.

7. **Application of (2) One Day Entertainment Licenses:** Application of Peter Lally on behalf of Spectacle Management for (2) One Day Entertainment Licenses for the Black Violin Concert and The David Sedaris lecture. The events are scheduled to take place at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on July 1st at 8:00 PM and July 29th at 7:30 PM.

Tina Carey appeared on behalf of the application. Entertainment is on the right hand side of the patio, 2 entertainers. Mr. Scali commented that the noise level needs to be managed. We have not had entertainment in 38 years. Nancy asked regarding the time to 12:45 am. Mr Scali commented that that the other locations only open to 11am. Tina commented that the business is closing earlier.

8. **Application for a One Day Entertainment License:** Application of Peter Lally on behalf of Spectacle Management for a One Day Entertainment License for the Capital Steps event. The event was scheduled to take place at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on June 2nd at 3:00 PM. *******Retroactive Renewal Application Request*******

9. **Application for a One Day Entertainment License:** Application of Amy DeFundis on behalf of Dance Designs, 1600 Falmouth Rd., Centerville for a One Day Entertainment license for the Annual recital. The event is to take place at the Barnstable Performing Arts Center, 744 West Main St., Hyannis on June 22, 2019. There will be 2 shows, 1:00 PM and 5:00 PM. Recorded music will be used at the event.

Common Victualler Licenses:

1. 225-001 CBA Snack Bar, 915 Craigville Beach Rd., Centerville
2. 308-111 Grilled Cheese Factory, 569 Main St., Hyannis

Junk Dealer Licenses:

1. 117-052 Edythe & Co, 805 Main St., Osterville
2. 290-001 Atomic Dimestore, 187 W Main St., Hyannis

Mr. Scali commented about retroactive approvals.

The meeting was adjourned at 10:45 AM

Respectfully submitted,

**Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority**

**David Nunheimer; Clerk
Town of Barnstable
Licensing Authority**