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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: July 9, 2018

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, July 9, 2108. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Clerk; Larry Decker, Associate Commissioner; David Nunheimer, Associate Commissioner; Nancy Karlson-Lidman, Associate Commissioner; Richard Scali, Licensing Director; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 06/11/2018 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 06/11/2018 meeting.

New Business:

1. **Alcohol on Town Property:** Presentation of Special Events on Town Property Guidebook by Elizabeth Hartsgrove, Assistant Director, Planning and Development.

Elizabeth Hartsgrove presented the new guidelines for use of Town Property and Alcohol. The procedures have received Town Manager approval and Town Council Administrative review. The concept is for one stop shop. Three locations have been targeted; Hyannis Village Green, Hyannis Overlook and the Hy-Arts Campus. The Guidebook describes what the applicant has to do for a special event including alcohol. Applicants are still required to appear before the Licensing Authority. There is a possibility to expand but just these 3 locations are the pilot locations.

2. **Application for a One Day Entertainment and Beer Only Licenses:** Application of Brad Pfeifer on behalf of the Hyannis athletic Association for a One Day Entertainment and Beer only license for the Hyannis Harbor Hawks Pizza fest. The event is to be held on the Hyannis Village Green, 367 Main Street, Hyannis on July 14, 2018 noon to 4:00 PM. Entertainment is recorded music from Cape Cod Broadcasting.

Brad Pfeifer and Beth Marcus appeared on behalf of the application. Flat fee for entrance; there will be 10 pizza vendors. Contest for the best pizza in town. Mr. Scali asked Ms. Marcus to describe how the alcohol /beer will be managed/controlled. No one leaves property defined by snow fencing, it will be monitored at all times. Selling tickets for beer separately to ensure ID, bracelets will be used for easy identification. A beer trailer will be used. All employees are TIP certified.

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

3. **Ratification of Extension of Hours for Cape Cod Coffee:** Cape Cod Coffee LLC, d/b/a Cape Cod Coffee, 480 Barnstable Road, Hyannis; holder of an All Alcohol Common Victualler License for ratification of an hour change from 5:00 AM - 6:00 PM to 6:00AM - 11:00 PM.

Mr. Scali reminded the Board that the applicant was before them last month to amend his hours only.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to approve the ratification of the change in hours.

4. **Application for a One Day Entertainment License:** Application of Karen Herrand on behalf of Cape Cod Foundation – ROAR for a One Day

Entertainment License for the ROAR Event – Ride for Opioid Addiction Recovery to be held at the Barnstable High School, 744 West Main Street, Hyannis on September 9, 2018 from 9:00 AM to 3:00 PM. Entertainment is to include 3 performers with 3 amplified pieces.

Karen Herrand appeared on behalf of this application. One day motorcycle ride fund raiser. All money goes to transitional recovery and stays local. Sherriff Cummings is donating a tent to the event.

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

- 5. Officer Elections:** Election of Chairman, Vice-Chairman and Secretary for Fiscal Year '19; recommendation to Appointment Committee to move Associate Member to Board Member.

A motion was duly made by Mr. Semprini, seconded by Mr. Hoxie and a 2-0 vote taken to move Associate Member; David Nunheimer, to a permanent member.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a 2-0 vote taken to approve Martin Hoxie as Chairman.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Hoxie and a 2-0 vote taken to approve Mr. Semprini as Vice- Chairman.

A motion was duly made by Mr. Hoxie, seconded by Mr. Semprini and a 2-0 vote taken to approve Mr. Nunheimer as Clerk if approved by the Town Council.

- 6. Consent Agenda:**

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

Public Hearings:

- 1. Application to Transfer Annual Wine and Malt Retail Package Goods Store License and Change of Location:** Application has been filed to transfer the Annual Wine and Malt Retail Package Goods Store License and Change of Location from Old Village Store of West Barnstable LLC. d/b/a Old Village Store of West Barnstable , Daniel J Devlin, mgr., 2455 Meetinghouse Way, West Barnstable to Cost Plus of Massachusetts LLC. d/b/a Cost Plus World Market, Mark Howard Dillon, mgr., 621 Iyannough Rd., Hyannis.

Description of Premise: A 20,012 sq. ft. one story building with one main entrance/exit and three emergency exits. No seating. Sales floor is approximately 15,180 sq. ft.; entire floor to be licensed. Display area is approximately 1,050 sq. ft. and some cross-merchandising throughout the sales floor.

Hours of Operation: Mon-Fri 10 AM – 9 PM, Sat 9 AM – 9 PM, Sun 10 AM – 7 PM and extended hours 7 AM – 11 PM during holiday season.

Attorney Andrew Upton and Steve Shreck the District Manager and additional managers including Mark Dillon appeared on behalf of the application. Cost Plus reviewed the power Point presentation for the Board. The core competency concept of the location is for food and beverage. It is an entertaining concept complete with table goods. The store offers integrated events with food and beverage together; tastings; unique wine selections. The beers come from all over; add in craft brewers, you can make your own 6 pack. The store is always looking to give the customer the full shopping experience.

Mr. Hoxie commented on the number of package stores in the area, you are diverse and no other location can provide the same.

Attorney Upton has 250 plus licenses, never had any problems. Mark Dillon, manager stressed that their client base is looking for the alcohol. We stress that concept of one stop shop-entertainment.

Mr. Upton stated that all staff will be trained. All employees will be Tips certified. We are committed to this from the sales to the stocking staff. Policy is to ask for ID from all customers; controlled by the POS system. There are no refrigerated products.

Public need- customers do ask strong public want; 1109 people supported this and 900 plus are Barnstable Residents.

No increase in traffic is expected. Alcohol represents 6.9% of sales capacity. No cold beverages.

Lt. Murphy appreciates that the Attorney reached out, the BPD was approving the public safety, did not endorse or oppose this transfer.

This model has worked in 250 plus locations; integrated one-stop shopping.

Mr. Semprini, public need difficult time for another license transfer in the village of Hyannis. Mr. Semprini reviewed the history of transfers and the saturation of licenses in Hyannis itself.

Mr. Upton stated that the West Barnstable Civic association was approving of the transfer. Also, 935 customers are requesting this.

Mr. Nunheimer asked about other Mass locations, only one in Framingham. No problems at all. The entire store is being licensed.

Mr. Scali stated the special permit defines that this would not become a full package store in the future.

Dan Devlin owner of the Village Store stated that alcohol sales are less than 10% of revenue. Mr. Devlin would like to sell ice cream over beer. He did his research for Cost Plus.

Carl Riedell, owner of the World Market Building. They are fantastic tenants, world Class Corporation. Spoke in favor of this application.

Philip Wallace, Town Councilor, spoke in favor of this transfer. The license is underutilized. We have other licenses nearby. My business relationship as a wholesaler goes back 20 years, very high. This license will be used as a convenience to individuals already at the store.

Deirdre Citron from Marstons Mills, 2 year employee of Cost plus. Customers are missing the ability to buy specialty wines. The store represents a unique experience, not just another package store.

Mr. Hoxie is concerned about saturation; appears that this store will be more diverse. No objections from package stores in the area are indicated.

Mr. Semprini has been convinced based upon the presentation that this will not be an adverse. Mr. Nunheimer stated that this is an interesting business model; restrict the floor space to display area only.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented with the condition of reducing the licensed premise area to 1050 sq. ft. only.

2. Continued from June 11, 2018 for Update on 30 Day Live Entertainment License: Mitchell's Café Corp d/b/a/ The Dockside, 110 School Street, Hyannis.

Attorney Lawlor stated that his client has been ill and there has been no entertainment. The individual that complained last month has moved 4 miles away. Lt. Murphy has objection with the term test. There has been some concern about this licensee to have entertainment. The 30 days is for a measurement for the Board.

Officer Gallant stated the proposal was to be able to give feedback.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented with the conditions as follows: Live entertainment is from 11:00 AM to 11:30 PM, Daily. 2 Performers with 2 pieces, amplified; inside only with windows closed and Karaoke.

3. Application for a New Live and Non-Live Entertainment Licenses on an All Alcohol Common Victualler License: Application of 959 Bearnse's Inc. d/b/a Gannons Tavern, 959 Bearnse's Way., Hyannis, Michael S. Gannon manager for new live and non-live entertainment licenses.

Premise has 120 total seats all approved by the Building Commissioner on 05-24-2018.

Live Entertainment to include: Five performers with five pieces that is amplified.

Non-Live Entertainment to include: Recorded music at conversation level and 1 TV.

Entertainment hours are: noon - 12:30 AM; Daily.

Mike Gannon appeared on behalf of the application. Focus entertainment of Friday and Saturday nights. We want to be more of a restaurant than all entertainment.

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 Change of Manager, Alteration of Premises, New Live Entertainment License, New Karaoke License and Amend of a Non-Live Entertainment License on an Annual All Alcohol Common Victualler License:

Application has been filed by New England Clambake Inc., Mark Guerin Manning manager, d/b/a Wimpy's Seafood Café and Market located at 752 Main Street, Osterville, for a change of manager, alteration of premise, new live entertainment license, new karaoke license and amend of non-live entertainment license on an Annual All Alcohol Common Victualler License. Change of manager is from Mark Guerin Manning to Andrew J Glassman. Alteration of premise is to include 36 outdoor seats.

Description of Premise: The premises consist of approximately 3,944 sq. ft. of total indoor restaurant, 228 seats and approximately 430 sq. ft. of outdoor seating, 36 seats for a total of 264 seats. The premises contain six dining areas: three indoor dining rooms, a bar, a tavern and outdoor dining area, in addition to a kitchen and seafood market. There are four total bathrooms.

Hours of Alcohol service are: 9:00 AM to 12:45 AM, Monday – Saturday; Sunday 11:00 AM – 12:45 AM.

Non-Live Entertainment to include: 4 televisions and recorded music at conversation level. Hours of Non-Live Entertainment: 9:00 AM -12:45 AM, Daily.

Live Entertainment to include: 4 performers with 4 pieces, amplified; a new Karaoke license. Hours of live entertainment are Thurs-Sat 6 PM-12 AM and Sun 11 AM – 6PM.

Attorney Jean Kampous, Andrew Glassman and Jeffrey Lindsay appeared on behalf of the application. This application is for an addition of small outdoor dining area, 6 picnic tables with 6 seats. Add 2 more TV's; inside and to add live entertainment. Change of manager to Andrew Glassman. Wimpy's has been in the community since 1938.

Andrew Glassman has been at the location for a number of years. Discussions revolved around the distance from the fencing to the road.

Asking up to 4 performers, expect that most will be one performer only performances. The stages will not fit more than four.

Attorney Lawler, represents Nancy Legwan, the glass enclosure of the restaurant is about 60 feet from her bedroom. She has concerns about the noise situation.

The concern is that this will turn into something. Will the rear patio be used for smoking? Across the street is the Fox Hole which always has a line. Attorney Lawler commented significantly how this will potentially become a nightclub.

Attorney Lawler reviewed how close his client's bedroom is to the restaurant.

Attorney Kampous stated that Wimpy's is very neighborhood friendly, no desire to become a nightclub. This area is a business district. There is noise coming from everywhere. The live entertainment is inside and must be contained.

There is not a designated smoking area. There are urns available; there are not an abundance of smokers.

Mr. Semprini commented that to block off smoking in the back. Amend outside dining to 10:00 PM.

Lt. Murphy commented on the uniqueness of Attorney Lawler's ability to argue both sides of an issue. This is a quality of life issue. The BPD would be very active in addressing any noise complaints.

Jigs Wigam, a resident of Tower Hill Road spoke against the application. The road turns into the Indy 500 at night; wants application to be declined.

Peter Hansen, Osterville Village association, has concerns of increased noise. We are asking for a postponement to assess all components more fully .

The license is already in existence all we are doing is adding 36 seats

Andrea Wood spoke representing her mother who will be 82 next week. She hears entertainment from the Osterville library. She did hear the previous entertainment at Wimpy's.

Lt. Murphy stated that the anti-noise bylaw was not crafted for restaurants. We are stuck between businesses and neighbors. This is difficult for the BPD.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented with the conditions as follows: Live performers are restricted to 2 performers with 2 pieces; amplified, karaoke is allowed. No outside dining after 10:00 PM and no outside gathering in the rear after 10:00 PM.

5. Application for a New Annual All Alcohol Common Victualler License:

Application of Interstate Theatres Corporation d/b/a Regal Cape Cod Mall Stadium 12, 793 Lyannough Rd. Hyannis, Jeffrey Ortiz manager for a New Annual All Alcohol Common Victualler License.

Premise Description: A twelve auditorium movie theatre on two floors with alcohol service and storage areas on the first floor, including walkways, with no outdoor areas, alcohol to be excluded from bathrooms. Auditorium seating totals 2,264 seats in 12 auditoriums. One entrance and two exits all approved by the Building Commissioner on 6-11-2018.

Hours of operation and Alcohol sales are: 11 AM – 1 AM.

Attorney Andrew Upton and Jeffrey Ortiz appeared on behalf of this application. Mr. Ortiz has been the manager of the theatre for the last 10 years. Attorney Upton reviewed the power point presentation. There have never been any violations at the numerous locations. We have the support of the Cape Cod Mall, no public safety issues for the Police.

This is an amenity to the movie theatre. Alcohol service is safe and controllable since the nature of the movie is to sit there; no intermissions. No delivery service, There are already existing details by the Police on the weekends.

The reason for all alcohol, trend in the industry, the movie companies tie into the alcohol; specialty drinks, parents may want.

The alcohol person will be responsible for monitoring all persons that have had purchased alcohol.

Lt. Murphy commended the presentation. There will be a distinctive cup set. Only one drink can be purchased at a time. Mr. Ortiz has been upfront policing the cinema, strong working relationship with the BPD.

Mr. Semprini asked will there be a limit to the number of drinks. What is to prevent drinks being shared with a minor? Bracelets will be used. There is a lot of attention being paid to these items.

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 Transfer of an All Alcohol Common Victualler License and a New Live and Non-Live Licenses:

Application of GA Hyannis LLC., d/b/a Harborview Restaurant and Bar, 235 A&B Ocean Street, Hyannis, Scott Crowley, Manager, for a transfer of an All Alcohol Common Victualler License from GA Hyannis LLC d/b/a Harborview Restaurant and Bar to Oceanside Restaurant Group LLC d/b/a Harborview Restaurant and Bar, Michael Gustafson, manager, 235 Ocean Street, Hyannis and a new Live and Non-Live licenses.

Premise Description: Wood Structure located at 235A Ocean Street, first floor dining room with 30 seats; bar with 29 seats and outdoor patio with 40 seats; 2 Handicap accessible bathrooms and 2 exits on the first floor with kitchen, service area and three rooms off the back of the premise used for alcohol storage, ice machines and cooler. Seating 99, 9 standees, 14 employees for at total occupancy of 122 on first floor. Second floor is 1636 sq. ft. (1,037 sq. ft. dining room, 72 sq. ft. storage and 525 sq. ft. deck). There are 109 seats, 20 standees and 10 employees for a second floor occupancy of 139. Total seating for the entire premise is 208. All approved by the Building Commissioner on 6/6/18.

Hours of operation are 11:00 AM to 1:00 AM, Daily.

Live Entertainment is to end at 11:00 PM; live performers are limited to 3 on first floor and 2 on second floor and no more than one source of live entertainment in the building at the same time. Dance floor, 10x10 in size.

Non-Live entertainment includes: 2 TV's on second floor and 6 TV's on first floor, jukebox and recorded music.

Michael Gustafson appeared on behalf of the application, he has been acting as the agent since December. Demographics of 35 years plus, local residents is the clientele that the restaurant is striving for. No changes are being proposed to the existing license. Use entertainment in the slow hours of the day to get them to come to the restaurant. Entertainment is typically downstairs; only one per day.

Felicia Penn appeared, supports the transfer of the license. All musicians should be inside and noise contained. Ms. Penn shared that outdoor entertainment is not allowed. She also requested that all speakers at the Cape Cod maritime Museum events be pointed towards South Street and not the harbor. Mr.

*Gustafson stated that this did happen; a training session was given to the managers to instruct them properly regarding entertainment.
Phil Doherty, spoke in favor of the application and wished them good luck and to keep music inside.*

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented with one condition of no outside entertainment.

Licensing Division Updates:

- 1. Licensing Department updates:** Mr. Scali stated the September hearing has been moved to September 17th from the 10th due to a conflict with a Jewish Holiday. Also the International Inn has a new owner, no food or alcohol; seeking a separate individual to run the restaurant.
- 2. Police Department updates:** BPD had an uneventful 4th of July week.

- **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

The meeting was adjourned at 10:25 AM

Respectfully submitted,

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

**Ron Semprini, Clerk
Town of Barnstable Licensing**

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
July 9, 2018

Renewals:

1. **Application for (3) One Day Entertainment and (3) All Alcohol Licenses:** Application of Chronis Kalivas on behalf of the St George Greek Orthodox Church for 3 One Day Entertainment and All Alcohol Licenses for the 36th Annual Grecian Festival - 2018. The event is to take place at the St. George Greek Orthodox Church, 1130 Falmouth Rd., Centerville on July 20, 21, 22, 2018 beginning at 10:00 AM. Entertainment is to include 5 performers with 5 pieces.
2. **Application for a One Day Entertainment and All Alcohol License:** Application of Jamie Bohlin on behalf of CCYP for a One Day Entertainment and All Alcohol licenses for the CCYP Back to Business Bash. The event is to take place at the Barnstable Airport, 480 Barnstable Rd., Hyannis on September 20, 2018 from 5:30 PM - 8:30 PM. Entertainment is to include 1 performer, Chantal with 2 pieces.
3. **Application for a One Day Entertainment License:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a One Day entertainment license for the 28th Annual Antiques Show. The event is to take place on August 16, 2018 at the Osterville Historical Museum, 155 W Bay road, Osterville from 9:00 AM to 4:00 PM. A state promoters license has been obtained.
4. **Application for a One Day Wine and Malt Alcohol License:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a One Day Wine and Malt License for the Art at the Museum event. The event is to take place at the Osterville Historical Museum, 155 West Bay Rd., Osterville on July 26, 2018 from 4:00 PM to 7:30 PM. There will be no additional entertainment.

5. **Application for a One Day Entertainment and Wine and Malt Licenses:** Application of Judy Desrochers on behalf of Meetinghouse Farm for a One Day Entertainment and Wine and Malt Licenses for the Jazz for a Summer Night event. The event is to take place at the Meetinghouse Farm, 2135 Meetinghouse Way, West Barnstable, Ma 02630 on July 12, 2018 from 6:00 PM to 8:00 PM. Entertainment is the Bart Weisman Jazz Band with 6 amplified pieces.
6. **Application for (5) One Day Wine Only Licenses:** Application of Kathy Edmonston on behalf of Gallery Artrio for 5 One Day Wine Only licenses for various Art Openings. All events will take place at the Gallery Artrio, 50 Pearl Street, Hyannis on the following dates, July 19, August 16, September 8, October 6 and December 1, 2018; times range from 5-8 PM. There will be no entertainment.
7. **Application for a One Day Entertainment and Wine and Malt Licenses:** Application of Jessica Lachey on behalf of Habitat for Humanity of Cape Cod for a One Day Entertainment and Wine and Malt licenses for the Hook for Homes Award Celebration after the Fishing Derby. The event is to take place at the Aselton Park/Cape Cod Maritime Museum, South Street, Hyannis on July 7, 2018 from 5 pm to 8 pm. Entertainment is to include 5 performers with 5 amplified pieces. ******Retroactive Approval******
8. **Application for (3) One Day Entertainment Licenses:** Application of Peter Lally on behalf of Spectacle Management for 3 One Day Entertainment Licenses for the following musical events: Gordon Lightfoot, August 2nd at 3 PM, Peter Sagal, August 26th at 12:00 PM and Ladies of Motown, September 30th at 3:00 PM. All events are the Barnstable Performing Arts Center, 744 West Main Street, Hyannis.
9. **Application for (2) One Day Entertainment and Wine and Malt Licenses:** Application of Amanda Converse on behalf of LoveLiveLocal for 2 One Day Entertainment and Wine and Malt Licenses for the LoveLocal Fest. The events will take place at Aselton Park/Cape Cod Maritime Museum, South Street, Hyannis on July 29th and September 30th from 11 AM to 6 PM. Entertainment will be 10 separate bands with 10 amplified pieces.
10. **Application for a One Day Entertainment License:** Application of Rich MacDonald on behalf of the Arts Foundation of Cape Cod for a One Day Entertainment License for the 33rd Annual Citizens Bank Pops by The Sea event. The event will take place on August 12, 2018 at 367 Main Street, Hyannis Village Green. Entertainment includes pre-show groups and the Boston Pops.

11. Application for a One day Entertainment and Wine and Malt Licenses:

Application of Heidi Filmer-Gallagher on behalf of Mass Audubon Long Pasture Wildlife Sanctuary for a One Day Entertainment and Wine & Malt Licenses for their Annual Summer Soiree @ Long Pasture- Fundraiser Gala. The event will take place at the Long Pasture Wildlife Sanctuary, 345 Bone Hill Rd., Barnstable on August 2, 2018 from 5:30-9:30 PM. Entertainment is for a 4 performer, 4 piece amplified band.