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BARNSTABLE TOWN CLERK

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 Agenda

The July 20, 2020 public meeting of the Licensing Authority shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed via the Channel 18 website at:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Licensing Authority utilizing the Zoom link or telephone number and access code for remote access below.

Link: <https://zoom.us/j/5489114789>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 548 911 4789

3. Applicants, their representatives and individuals required or entitled to appear before the Licensing Authority may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provide above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Richard.scali@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

DATE OF MEETING: July 20, 2020

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: Via Zoom

A meeting of the Barnstable Licensing Authority was held on Monday, July 20, 2020. Chairman Martin Hoxie called the meeting in order at 9:30 am. He introduced Mr. Richard Scali, Director of Licensing to explain how this zoom meeting will work and introduced all the participants. Mr. Scali introduced Mr. Martion Hoxie, Chairman, Mr. David Nunheimer, Associate Commissioner, Mr. Larry Decker, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, and Mr. Larry Decker, Associate Commissioner. Also in attendance is Officer Therese Gallant and Licensing Assistant (Temp), Golda Hadfield. Lt. John Murphy was absent.

Vote to accept Minutes:

1. Vote to accept minutes of 6/15/20 and 6/29/20 meetings.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Hirsch and unanimous vote taken to accept the minutes of the 6/15/20 and 6/29/20 meetings.

New Business:

1. **Policies on fees:** Discussion and consideration of temporary change in fees to allow credits or rebates for alcohol license fees during COVID-19 closures; and allowing inactive licenses to retain licenses and/or not pay the fees.

The Licensing Authority proposed a temporary policy change due to the inability of alcohol licensees in the Town of Barnstable to open and fully operate due to Covid-19 pandemic. This temporary change in policy is contingent upon the Governor's orders that can be amended or added as necessary. In November 2020, this will again be reviewed before the alcohol renewal period.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Hirsch and a unanimous vote was taken to approve the temporary change in policy with regards to fees.

2. **Cotuit Harbor Enterprises Inc. d/b/a Tequila Charlie's, 577 Main Street, Hyannis.** Request license to remain inactive for 2020 season and have applicable licensing fees be waived.

Tina Carey representative from Tequila Charlie asked if this policy will stay as is as long as we are in this pandemic. Director Scali reiterated the temporary policy will be reviewed again in November 2020.

3. **Hyannis Oyster Bar, 561 Main Street, Hyannis.** Request license to remain inactive for 2020 season and have applicable licensing fees be waived.

Dan Cepetelli representative from Hyannis Oyster agreed on the temporary change in policy and very is thankful for this policy. He also stated that he is not opening until next year 2021.

- 4. New Sedgewick Inc. d/b/a Puff the Magic, 649 Main Street.** Licensee needs to apply for a change of d/b/a. Request license to remain inactive for 2020 season and have applicable licensing fees be waived.

No representative for New Sedgewick was present. Puff the Magic's new dba is CB Perkins Bar and Lounge. They have to file the change of dba through the ABCC and a Town application should be completed.

5. Roll call vote for new Officers and Directors

Officers are usually voted in June but failed to add this to the June Agenda meeting. Director Scali stated, with the resignation of Mr. Ron Semprini, we have a change of officers and directors in the Licensing Board Authority. A nomination for Chairman/President, Vice-chair and Secretary/Clerk are needed. Ms. Karlson-Lidman nominated Mr. Hoxie to remain as Chairman, seconded by Mr. Nunheimer. A unanimous vote was taken on the nomination of Mr. Hoxie as Chairman.

Mr. Decker nominated Mr. Nunheimer as Vice-Chairman, seconded by Nancy Karlson-Lidman and a unanimous vote was taken on the nomination of Mr. Nunheimer as Vice-Chairman.

Ms. Karlson-Lidman nominated Mr. Decker as Clerk, seconded by Mr. Nunheimer. A unanimous vote was taken on the nomination of Mr. Decker as Clerk.

Mr. Nunheimer nominated Mr. Decker as Permanent Member, seconded by Ms. Karlson-Lidman. A unanimous vote was taken on the nomination of Mr. Decker as Permanent Member.

6. Consent Agenda:

There are nine outdoor patio expansion requests and renewals of one seasonal common victualler and junk dealer licenses.

Mr. Decker asked Officer Gallant if there have been any issues regarding outdoor expansions, and Officer Gallant stated there were a few complaints when it started, but, as of right now, everything is running smoothly.

Director Scali followed up with issues of some of the patios that have been extended out further than they should be. Another issue is how DPW defined the walk space because of the yellow line that is kind of going down the side of the

street. The DPW also extended the division of the street from Barnstable Road down Center Street. Flashback and Restaurant Milanese will have to extend further out into the sidewalk with an update to their plan. Little by little, we are adapting to these changes as we go along, and it seems like everyone is enjoying this new program that we have and hoping this continues in the future with or without Covid-19. It is bringing a lot of business to Hyannis.

Mr. Decker also noticed the same positive outlook on what is happening on Main Street. The only negative issue is the traffic is back up from Yarmouth going back to Main Street, Hyannis.

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

Public Hearings:

1. APPLICATION FOR A NEW FORTUNE TELLER LICENSE:

Application has been filed to hold a public hearing for David Eli, 26 Pearl St. Hyannis, to be operated at 16 Sea St., Hyannis, d/b/a Sea St. Psychic, daily from 12:00 pm to 7:00 pm.

Mr. Hoxie has asked if David Eli is already in operation on Sea Street or Main Street. David Eli responded that he is still on Pearl Street, and I am not pursuing the renewal of this license to change location to Sea Street. David Eli proceeded to describe the location, it is approximately 12 hundred square feet, on the first floor of 16 Sea Street, and the hours are shortened and by appointment only because there is a residence above the business location. Director Scali inquired if there are parking spaces available and the applicant's response was there are two available parking spaces for the office. Director Scali also inquired if Mr. Eli still resides on Pearl Street, and it was noted that he still is. Mr. Eli confirmed that this is for entertainment purposes only and not for any kind of psychological or business advice.

David Eli stated that the tenants are aware of his psychic business; he also delivered letters to notify abutters and sent a letter to the condo adjacent to the garage on Pearl Street. Nobody responded. Director Scali asked Mr. Eli to provide proof that the abutters were notified and send us some copies. Officer Gallant inquired if Mr. Eli is already on that site, and he responded that he is not, but some furniture is in and is set-up the way it would be. The lease has not been signed until the license is approved. Officer Gallant also requested to notify the Licensing Department when established for a walkthrough of the property.

A motion was duly made by Mr. Nunheimer, seconded by Nancy Karlson-Lidman and a unanimous vote was taken to accept the Application as submitted.

APPLICATION FOR A TRANSFER ANNUAL WINE AND MALT RETAIL PACKAGE GOOD 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 Ammar Corporation d/b/a Pepper's Pantry, Mohammad Shafique, Manager, 4120 Falmouth Road, Cotuit to MPG Corporation, d/b/a Garrett's Family Market, Benjamin Bolen, Manager, 1617 Falmouth Road, Centerville.

Description of Premise: A 4,565 square foot building on one floor with four rooms; retail floor consists of two restrooms and one storage area, one entrance and two exits ; Linear feet of beer and wine shelving/storage TBD.

Hours of Operation: 4:00 am to 1:00 am for market; beer and wine hours-8:00 am to 11:00 pm M-Sat.; 10:00 am to 11:00pm Sundays.

Mr. Ben Bolen introduced himself as the Director of Operations of MPG Corporation, and also present are Amanda Remie and Steve Garrett.

Director Scali asked one of the participants of MPG Corporation to explain what their proposal is and other set-ups will be. Mr. Bolen proceeded to describe the premise of Garrett's Family Market, it will be a total of 50 linear feet, 9-foot gondola riding with end caps on both sides and that's going to be the wine that will be covered during off-hours of beer and wine sales. Garrett's will also have a beer cave and five doors associated with that.

Mr. Bolen explained the hours of operations. The Market will be open from 4 am to 1 am, will be selling fresh foods, packaged beverages, normal convenience store items and 8 am to 11 pm will be the beer and wine sales, Monday through Saturday, and on Sunday it will be 10 am – 11 pm.

Since this is a change of location from the Cotuit area to Centerville, Director Scali asked MPG Corp. to explain what will be the public need and the common good with this transfer. Mr. Bolen explained, as far as the public good is concern, we tried to be a one-stop-shop when it comes to our convenience stores and this opportunity has presented itself and that is exactly what we are planning to do. We also want to provide the public the option to buy beer and wine and at the same time buy fresh food and all convenience store items.

Steve Garrett further explained we think that the opportunity in Centerville would open up the area for a one-stop-shop convenience store as previously mentioned in that traffic area.

Ms. Karlson-Lidman asked the distance between Garrett's to the package store at the end of the street. Mr. Bolen is aware that the distance between Pepper's Pantry to Garrett's which is 4.7 miles. Amanda Remie did say that the distance is

probably less than a mile from the package store down the street. They think that having this beer and wine offerings in this location is very convenient. Consumers can not only get gas but they can pick up their everyday needs. MPG Corp is located all over New England, they have stores in MA, NH, and RI. Every time they open a new location, they try to get involved with the community in little ways. Ms. Remie continued about when they first opened their store in Milford, MA, they partnered with the community and gave fifty cents for every cold dispensed beverage in August for a month. They are looking to do this similar thing for this area. They are planning to partner with MSPCA or Chamber of Commerce or they Cape Cod Times Needy Funds, especially during Covid-19.

Mr. Decker asked if the applicants are aware that the Licensing Authority received some complaints or concerns regarding this application. Mr. Scali did send the three letters he received on Sunday to Mr. Garrett and Ms. Remie.

Ms. Karlson-Lidman has a follow-up question for Ms. Remie about donating willingly to those charities that have been mentioned regardless of whether or not a liquor license will be approved. Ms. Remie responded to the question affirmatively, in fact, they already discussed with MSPCA and suggested that they can use their parking lot during construction. They are also involved for 10 years with the Alzheimer's Association and we plan in continuing to do this for the years to come. Mr. Garrett also responded that they have made a commitment to the New England Chapter to be involved in the community and donate their time and money.

Danette Atsalis introduced herself as one of the co-owners of the Cape Cod Package store at 1495 Falmouth Road, Centerville. Their store and Garrett's are approximately 0.2 miles apart. Ms. Atsalis wants the Licensing Authority to refer to the letter she has sent on behalf herself of her sisters that also own the Cape Cod Package store. Ms. Atsalis wants to point out two main concerns and objections to this application transfer. Five active licenses are already near to Garrett's notwithstanding them is within a 2.5 to 3.0-mile radius depending upon travel. Ms. Atsalis acknowledged that the lack of specifics concern was answered previously but in this discussion want to know the exact square footage of the beer cave if that is an issue. In addition to these two concerns, Ms. Atsalis liked to refer to the members of the Authority on one of their long-term goals and that is posted on the website that states to explore options for encouraging businesses to have an active, positive role in the community and its surrounding neighborhood. Ms. Atsalis stated that the Cape Cod Package Store has been in business at their current location for 81 years and is 3rd generation and all generations have played a very active role and she would like this information to be all taken into consideration. Ms. Atsalis wants to point out convenience, Garrett's will be 0.2 miles from Cape Cod Package Store on the same side of the road for people that are just approaching Hyannis that have not been to this community before and there is no doubt that these people will stop for gas, food, and possibly beer and wine and then just passed them by. She

continued to talk about the population of Barnstable as it stands today, has stabilized, and if not decreased. Ms. Atsalis is concerned that there are only so many customers and she feels like that this is going to thin or spread out the customers on where they are going to shop. With that respect, there will be a direct impact on their business financially especially in these challenging times. Ms. Atsalis also pointed out that this was brought to their attention fairly late in the game and she is requesting the Licensing Authority to postpone their decision so there is time for more public to comment from the community at large. Ms. Atsalis wants all this information to be taken into consideration.

Director Scali informed the Authority that there are three letters from the public that he would like to read and paraphrase into the record. One email is from Mary Lynn Kiley and her family, as Barnstable residence, they have expressed their objections to this application. Ms. Kiley also wrote that in these difficult times, we should be supporting existing businesses that are struggling instead of granting a transfer of a license to a regional company with no ties to the community. Ms. Kiley and her family made of an example of an existing business such as Cape Cod Package Store that has provided years of support throughout the Barnstable community. They would like to request that this application be denied.

Mr. Stephen Cooper, a year-round Cotuit resident also sent an email regarding this transfer. Mr. Cooper is also not in support of this transfer because he is concerned that transfer will leave only Cotuit Liquors as an option and competition is lost. Mr. Cooper believes that this transfer should be allowed to move with Cotuit and not Centerville. Centerville already has multiple options for purchasing alcohol.

Mr. Hoxie asked if Director Scali has the date that the application was received. Director Scali responded that the payment was submitted to the ABCC was on June 24, 2020. The application was June 11, 2020, and was advertised on July 3, 2020.

Andrea Pendergast introduced herself as the co-owner of Cape Cod Package Store. Ms. Pendergast commented on the date the legal ad was posted. She proceeded to say that July 3rd is one of the busiest times of the year in the retail business. Ms. Pendergast proceeded to say that July 3rd is very important to them; they closed their store for the whole month of April to keep employees and customers safe and lost a significant amount of income. Ms. Pendergast also said that they haven't found about this until just a few days ago.

Mr. Bolen described the sales floor which is a 9-foot long run, 3 feet on each side of that run for a total of 15 linear feet. There will be 12 shelves total plus the base. The cooler has 5 cooler doors, 28 inches wide for a total of 11.67 linear feet. In the beer cave, 6 portal racks all 4 feet each for a total of 24 linear feet. It is just a small footprint when you consider the total size or square footage of the

store. Mr. Bolen mentioned that they have a beer and wine license in the Town of Falmouth and there's a liquor outlet just down the road from them and found out that it's a completely different customer-based. Mr. Bolen further explained that in their stores it is a grab and go and they are not carrying high-end wine and liquor.

Mr. Hoxie asked when the opening of the convenience store is and Mr. Bolen replied that the plan right now is August 19, 2020.

Mr. Decker suggested a postponement and to continue this to the next hearing based upon the late short notice of some of the replies that were received from many citizens. Mr. Hoxie replied that Mr. Decker can certainly vote to do so but it is not necessary to postpone the vote. Mr. Hoxie proceeded that everybody is all aware of where the location is and everybody knows whether there is a public need and if it is convenient to the public.

Mr. Hirsch also asked if there is a drive-through for coffee and donuts in this location. Mr. Bolen replied that there will not be a drive-through in this store. The issue of the drive-through has been clarified.

Director Scali also suggested continuing this discussion to the next hearing to give the applicants the chance to review all comments from the public. Mr. Bolen also asked for a continuance to be heard at the next meeting.

A motion was duly made by Mr. Nunheimer, seconded by Ms. Karlson-Lidman and a 4-1 vote was taken to approve the continuation of this application to be heard on August 17, 2020.

Continue to next hearing on August 17, 2020

Licensing Division Updates:

1. Licensing Department updates

***Lindsay Parvin, Licensing Assistant, is still on leave, and with HR and Finance permission, Mr. Scali was allowed to post for a temporary position. Golda Hadfield, the Weight and Measures Assistant, is now helping the Licensing Department as the temporary Licensing Assistant.

***The Department will be going back to increase staff 2/3 days in the office and 2/3 days working remotely from home. The town offices are still not open to the public. Customers can drop off information, applications, and checks in front of the lobby where boxes are labeled for each department, and all departments are open to appointments by phone

call/email or in person if necessary. Social distancing and wearing masks are still in effect.

***A copy of a bill was sent to the Board that was passed on July 10th with regards to the allowance of mixed drinks to-go, but I have not sent them out to the alcohol licensees yet, but I want you to look at first. This is in line with the beer and wine to-go legislation that went through that allows mixed drinks in a filled container to be given out to customers that are buying takeout food. In line with the Governor's order from March 10, 2020, as well following all the regular rules of the service of alcohol with regards to the laws that are in place.

***Mr. Decker asked if there is an update with the Scudder Cori check issue from the last meeting. According to Mr. Scali, there is no update, and they were given 90 days to submit the CORI check.

2. Police Department updates

***Officer Therese Gallant addressed Mr. Decker previous inquiry about complaints. The department has filled a lot of complaints and phone calls relative to social distancing and large gatherings, the police department responded to all these calls and referred these complaints to the health department.

This Meeting was adjourned at 10:38 AM

Respectfully submitted,

Golda Hadfield

**Golda Hadfield, Recorder
Town of Barnstable Licensing Authority**

Larry Decker, 8/12/2020

**Mr. Larry Decker, Clerk
Town of Barnstable Licensing Authority**

- **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.

Town of Barnstable
Licensing Authority
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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
July 20, 2020

Renewals:

Seasonal Common Victuallers:

1. **Grilled Cheese Gallery**, 569 Main Street, Hyannis 02601

Junk Dealer License:

1. **Jewelcraft**, 585 Main Street, Hyannis 02601

Outdoor Patio Expansion Requests:

1. **Mills Restaurant**, 149 Cotuit Rd., Marstons Mills – expansion on private property

- 2. Wimpy's, 752 Main Street, Osterville - expansion on private property**
- 3. Kettle Ho, 12 School Street, Cotuit - expansion on town property**
- 4. Downtown Bistro, 372 Main Street, Hyannis - expansion on town property**
- 5. Tap City Grille, 586 Main Street, Hyannis - expansion on town property**
- 6. The Naked Oyster, 408 Main Street, Hyannis - expansion on town property**
- 7. Colombos Café and Pastries, 544 Main Street, Hyannis - expansion on town property**
- 8. Kkaties Burger Bar, 334 Main Street, Hyannis - expansion on town property**
- 9. Hyannis Rendezvous Inc., 394 Main Street, Hyannis - expansion on town property**