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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: August 13, 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, August 13, 2108. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Clerk; David Nunheimer, Associate Commissioner; Nancy Karlson-Lidman, Associate Commissioner; Richard Scali, Director of Licensing; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Licensing Assistant.

Vote to accept Minutes

1. Vote to accept minutes of the 07/09/2018 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 07/09/2018 meeting.

New Business:

1. **Alcohol for a One Day Entertainment and Beer Only License:** Application of Bob Bourque on behalf of the Rotary Club of Hyannis for a One Day Entertainment and Beer Licenses for the Quahog Festival 2018. The event is scheduled to take place on August 26, 2018 from 11 AM to 6 PM at the Hyannis Village Green, 367 Main Street, Hyannis. Entertainment is for 3 performers with 3-4 pieces.

Bob Bourque appeared on behalf of the application. We have 10 different environmental groups being represented at the event, all local vendors; basically a Main Street function. The Rotary Club of Hyannis is trying to find a connection with Main Street.

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

2. **Request to Discuss Decision of Alcohol on Town Property:** Cotuit Harbor Enterprises, Inc., d/b/a/ Tequila Charlie's, 577 Main Street, Hyannis; James N. Carey III, manager.

Tina Carey is in opposition of issuing alcohol licenses for the Village Green. Two issues are parking and competition. Why not use the beaches or the Melody Tent. This will be a better alternative for the restaurants on Main Street. There are 74 restaurants in the downtown area. Please think of fairness. Liquor licenses are issued to everyone at this time; the season keeps shrinking. The schools now start before Labor Day. The other issue is the outdoor entertainment; it should be inside. Sometimes music drives people away. Our number one issue is parking.

Elizabeth Hartsgrove, Assistant Director of Planning And Development confirmed that use of alcohol on Town property is under the direction of the Town Manager. Ms. Carey's comments will be forwarded to the Town Manager. We have had one event so far and it was very successful. Ms. Hartsgrove will forward Ms. Carey's comments to the Town Manager.

Lt. Murphy commented that the previous event posed no public safety issues. Beth Marcus commented that that these are local vendors. Want to develop local economy. We are bringing people that would not typically be here. These are the type of events that Cape Cod Beer will be associated with

Deb Krau, lives in West Hyannis port, very much in favor of these events. She is in support of these events. People who attend will see what is available on Main Street; give it a chance there has only been one event.

****** Follow- up Discussion to be held on September 17, 2018******

3. **Discussion of Licensees that failed to Attend Annual Mandatory Alcohol Compliance Meetings:**

- a. Preet Corporation d/b/a Pavilion Indian Cuisine, Paramijt Thind, manager, 511 Main Street, Hyannis:

Mr. Thind stated he totally forgot. Has never had a violation in 27 years. Last year I was out of the country and missed the meeting.

- b. Jomkwan Inc. d/b/a/ Thai House, Saithip Atiwethin, manager, 304-306 Main Street, Hyannis

Chose to pay fine instead of appear.

- c. B2Burrito Bistro Inc. d/b/a/ B2Burrito, Christopher Tucker, manager, 790 Lyannough Rd., Hyannis:

Chris Tucker said he never received a notice, he was on vacation. My manager was supposed to attend last year. Lt. Murphy asked Mr. Tucker if he notified the Town. He did not.

Officer Gallant reviewed the details of the compliance meetings. They have missed the last two meetings. There are a total of 5 second offenders. The other 3 choose to pay the fine.

In the spirit of the offer, these individuals were given the opportunity to appear.

3. **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 with the exception of renewing Best for Less Junk Dealer License for 30 Days only until September 17, 2018 in order to comply with the Board of Health violations.

Public Hearings:

1. **Application to Amend Pledge of an Annual All Alcohol Retail Package Goods License:** Application has been filed to amend the pledge of the Annual All Alcohol Retail Package Goods Store License of ANK Liquors Inc., d/b/a Hyannis Package Store, Nilesch Patel, Manager, 775 Main Street, Hyannis. Pledge amendment is to Leader Bank, N.A. from Centreville Bank.

Nilish Patel appeared on behalf on the application. This pledge was involved with the original purchase and the associated inventory.

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 New Annual Common Victualler License:** Application KC Pizza Inc. d/b/a Domino's Pizza, 3821 Falmouth RD. Unit 4., Marstons Mills, Rosen Dzhulev, Manager, for a new Annual Common Victualler license. Hours of operation will be Sun-Thurs 10:00 AM to Midnight and Fri. and Sat 10:00 AM to 1:00 AM. There will be 19 total interior seats; 12 seats and 7 stools all approved by the Building Department, 6/8/18.

Rosen Dzhulev and Chris Jones appeared on behalf of the application. Moving to the former Dunkin Donuts building; will now have seats.

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

- 3. Application for Change of Location and Manager for an Annual Wine and Malt Retail Package Goods Store:** Application has been filed to change the location and manager of the Annual Wine and Malt Retail Package Goods Store of Speedway of Massachusetts LLC d/b/a Speedway Jennifer Gunderway manager, 50 Ocean Street, Hyannis, Hyannis. Location change is from 50 Ocean Street Hyannis to 149 North Street Hyannis. The Manager change is from Jennifer Gunderway to Tyler J Mosholder.

Description of Premise: One story building with 965.40 sq. ft. interior retail space with one entrance and two exits. No alcohol storage in the restrooms. Hours of Alcohol Sales: Monday through Saturday 8:00 AM to 11:00 PM and Sunday 10:00 AM to 11:00 PM.

Attorney Andrew Upton appeared on behalf of the application. Wayne Bartley and Scott Dietrick also represented Speedway.

The application is to move the existing license from 50 Ocean Street to 149 Ocean Street. There have been no violations in any of their stores. This location will have security cameras. We are aware that this is an area of concern for the Police. There are enhanced compliance measures being put into place. No single beers, would consider a later opening. Meet with the police, increased signage and security. Periodic outdoor sweeps, meet with our neighbors, increased lighting.

Speedway offers one stop shopping. Customers get their gas and beer and get home. This is offered all over the United States.

Only one delivery truck per week would not have any impact. The beer cooler is less than 31 sq. feet.

Wayne Bartlett, we understand that this is a privilege to hold a license. We have 3rd party compliance in our stores. We do commit to following all the Rules and Regulation. We are moving ¾ of a mile away. Since April 2017, Speedway has been trying to move this license.

Mr. Semprini asked why the 50 Ocean Street was closed, a financial one.

Deb Krau, greater Hyannis Civic Association, against the application, schools churches and shelter and HYCC. This area is a haven for the less fortunate. We are well served by liquor licenses in the area, please share with other villages.
Fred LaSelva, CPC, Planning Board, Hyannis Taxpayers Association. There is a financial reason for this. Why risk all these social service agencies at risk, people in recovery. Why move a non-performing license? If all of these procedures are needed this is a high risk, low reward situation. Do not put our first responders and youth in jeopardy. Reject this request,

Attorney Upton stated no negative impact on traffic. Ms. Krau did send a letter in January. He did reach out to Mr. and Mrs. Krau with no response. This is not a new license. The idea of 32 sq., ft of alcohol being an issue is farfetched.
Ms. Krau, president of Hyannis Civic Association. She has no recollection of being contacted.

Ms. Karlson-Lidman asked about the abutter notification.

Mr. LaSelva, traffic is not an issue it is our youth. The 50 Ocean Street location worked. Attorney Upton contradicted.

Mr. Semprini, he is concerned about Hyannis with so many licenses in this town. The proximity of the church, Salvation Army, CVS pharmacy is concerning.

Mr. Nunheimer, this is an issued license, we are discussing the individuals that are not here. Speedway has proven that they are aware of the concerns and have plans put in place. We should approve.

Ms Karlson-Lidman would have appreciated hearing from the neighbors.

Lt. Murphy, the Board in a way picked this location. The North Street location is the least desirable to the BPD. The Board has concerns about 28 Falmouth Rd. We have loitering, shoplifting, public intoxication problems in the North Street area. This is not an alternative,

Attorney Upton reviewed the abutter notification process.

A motion was duly made by Mr. Nunheimer to approve the application, no second.

A second motion was duly made by Mr. Semprini and seconded by Mr. Hoxie and a 2-1 vote to deny the application as presented. The findings of fact are as follows:

1) That there is not an issue with the fitness or character of the licensee; and that they have a lot of experience with alcohol service

2) That the evidence submitted by the Hyannis Civic Association by testimony and by letter is of concern and valid and that the area is saturated with alcohol licenses; there is traffic congestion; that there are loiters and safety concerns and that there were numerous area residents opposed due to these reasons

3) That the evidence submitted by the Hyannis Taxpayers Association's president is of concern and valid; that the area is saturated with licenses;

that 2,000 area residents are members that belong to this group; that there is high risk to youth and low reward to the economy

4) That the opinion of the Police department is that there are shoplifters and loiters in the area and that this is not a desirable area for a retail alcohol license.

4. **Application for a New Annual All Alcohol Common Victualler License and New Non-Live License:** Application has been filed for the Four Seasons Trattoria in Hyannis Inc., 350 Stevens Street, Hyannis, Jose G. Fernandez manager for a new Annual All Alcohol Common Victualler License and a non-live Entertainment License.

Premise Description: The square footage of the restaurant is 2,739 square feet with 13 bar seats and 64 dining room seats for a total of 77 seats. Dining room will be in two sections, one to the right of the entrance door and the other to the left. Kitchen is 22' x20'. Two restrooms and basement storage area, 462 sq. ft. No exterior seating. All approved by the Building Commissioner on 7/12/18.

Non-Live Entertainment includes recorded music at conversation level and 3 TV's.

Hours of operation and entertainment are 8:00 AM to 12:45 AM, Daily

Attorney Michael Princi appeared on behalf of the application. Each son has over 30 years' experience in the business. In 2012 they opened in Yarmouth. The site is the former Bistrot de Soleil. They have been able to be successful with their competition. There will always be a manager on site; Jose is the primary.

The license is to be done until 1:00 AM.

Lt. Murphy confirmed there are no issues with Yarmouth Police Department.

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 following correction to the hours: Mon-Sat 8:00AM to 1:00 AM and Sun noon- 12:00 AM.

5. **Application for a Transfer of a Seasonal All Alcohol Common Victualler License and New Live and Non-Live Licenses:** Application of The Ceppetelli Group LLC., d/b/a Kian N' Rylee's, 561 Main Street, Hyannis, Daniel J Ceppetelli, Manager, for a transfer of a Seasonal All Alcohol Common Victualler License from TJ Enterprises Inc. d/b/a Kian N Rylees Pub & Patio to The Ceppetelli Group LLC., d/b/a Kian N' Rylee's, 561 Main Street, Hyannis, Daniel J Ceppetelli, Manager and new Live and Non-Live licenses.

Premise Description: Kian N Rylee's is located at 561 Main Street, Hyannis. There are a total of 83 seats. Outdoor seating at 12 tables totals 48. Indoor seating has 5 tables totaling 19 seats in the dining room. There is a 12 seat bar and 4 seats at the window. There are 2 unisex handicapped accessible bathrooms and an emergency exit. Kitchen and cooking line with prep area and 2 employee restrooms. At rear of kitchen is another entrance to the building. All approved by the Building Commissioner on 7/19/18.

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

Live Entertainment is 5:00 - 9:00 PM Daily; live performers are 2-4; non-amplified, located on the patio.

Non-Live entertainment includes: 2 TV's and recorded music. Non-Live hours are 11:00 AM to 1:00 AM Daily.

Attorney Robert Hennigan represented the application. John Ceppetelli and Dan Ceppetelli, also appearing is Nancy Ceppetelli.

Attorney Hennigan reviewed the background of Dan Ceppetelli. He holds all necessary licenses; TIPS and allergen. Abutter notification has been completed.

Mr. Semprini asked about the outside entertainment. This new floor plan has yet to be signed. Reduce the number of entertainers from 2-4 to 1-2.

Mr. Scali reviewed the details of what happened previously, under new management. Mr. Scali reiterated that the Whehelans are still running the business. The staff thinks that the Cepetellis own the restaurant. You are employees of the Whehelans and not the owners until approved by the Board and the ABCC. Mr. Ceppetelli confirmed that he understood all of the conditions just discussed.

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 following condition : the live entertainers are reduced to 1-2 from 2-4 as long as the entertainment floorplan is approved by the Building Commissioner.

Licensing Division Updates:

1. Licensing Department updates; None

2. Police Department updates: None

- **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 11:30 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
August 13, 2018

Renewals:

1. **Application for a One Day Wine Only License:** Application of Jordan Andreza on behalf of Bed Bath and Beyond for a one day Wine only license for the Riedel Wine event. The event is to take place at the Bed Bath and Beyond Store, 65 Independence Drive, Hyannis Church, on August 23, 2018 beginning from 5:00 PM to 9:00 PM. No entertainment.
2. **Application for a One Day Extension of Premise License:** Application of Brian Mullins on behalf of the Hyannis Yacht Club for a One Day extension of premise license for the HYC Dock Party. The event is scheduled to take place on August 11, 2018 beginning at 10:00AM. The extension of premise is to include a bar on the dock. Entertainment is a five piece band. This is a member's only event to be held at the Hyannis Yacht Club, 460 Ocean Street, Hyannis.

Junk Dealer License:

1. Best for Less, 207 Iyannough Rd., Hyannis
Mr. Scali commented that the Health department is researching some complaints. As a result the Junk Dealer's License for Best for Less was only renewed for 30 Days and will be revisited at the next Licensing Hearing on 9/17/18.