

BARNSTABLE  
TOWN CLERK

20 SEP -8 P4 :01

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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:** February 10, 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:** James H. Crocker Jr. Hearing Room, 2<sup>nd</sup> Floor, 367 Main  
Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, February 10, 2020. Vice Chair Ron Semprini called the meeting to order at 9:30 A.M. He introduced; Larry Decker, Associate Commissioner and Nancy Karlson-Lidman, Associate Commissioner, Richard Scali, Licensing Director, Officer Therese Gallant, Lt. John Murphy and Lindsay Parvin. Martin Hoxie, David Nunheimer and David Hirsch were absent.

### **Vote to accept Minutes:**

1. Vote to accept minutes of the 1/16/2020 meeting.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the minutes of the 1/16/2020 meeting.

## **New Business:**

### **1. Application for a One Day Beer and Wine License:**

Application of Elissa Crowley on behalf of Barnstable Historical Society for a One Day Beer and Wine License for the Chowder Dinner. The event will take place on February 28, 2020 at St. Mary's Parish Hall, 3055 Main Street, Route 6A, Barnstable from 5:00-7:30 PM. There will be no entertainment.

*Elissa Crowley appeared on behalf of the applicant. The admission fee for the event is \$25.00 which will include two drinks.*

*Mr. Semprini asked if the server is T.I.P.S. certified.*

*Mr. Scali explained that it is required by law that servers have a T.I.P.S. certification. This ensures that they are familiar with applicable laws. It is required due to the fact that the admission fee includes the cost of alcohol. He noted that the alcohol must be purchased through a wholesaler.*

*Officer Gallant advised the applicant that the course may be completed online.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve the application subject to providing T.I.P.S certification.**

### **2. Further discussion and consideration of adopting alternative penalties for underage compliance check violations; Officer Therese Gallant**

*Officer Gallant noted that Mr. Scali had a discussion with the Town Managers Office as well as David Anthony, Asset Officer. There is a concern in regards to providing a list of specific charities and noted that language needs to be added which speak to such concerns.*

*Mr. Scali was advised that providing a list could be seen as a recommendation/endorsement of a particular charity. It was suggested that the Board compile a list of qualifications that a charity would need to meet in order to be eligible for donation.*

*Mr. Semprini stated that the particular charity should be focused on the youth in keeping with the goal of preventing underage alcohol use.*



*Officer Gallant agrees that youth prevention is the main goal and has researched charities that focus on such matters. The primary mission of the charity should focus on underage prevention.*

*Mr. Decker asked if such penalties could be utilized for other violations related to business establishments.*

*Officer Gallant stated that she drafted the guidelines to address underage alcohol violations but such penalties could be utilized by the Board in other instances if they choose.*

*Mr. Semprini praised Officer Gallant and the Barnstable Police Department for her extensive research and willingness to work with local businesses to create fair guidelines that will be a benefit to the community.*

*Mr. Scali advised that a vote not be required but it should be formally accepted as a guideline for future use.*

*Lt. Murphy suggests that it be adopted as a guideline, which would give the Board more flexibility when considering penalties.*

#### **1. Consent Agenda:**

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to accept the Consent agenda as presented.**

### **Public Hearings:**

#### **1. Application for a New Class II Auto Dealer License:**

Application of Route 132 Motors, Inc., d/b/a Route 132 Motors, Nikoletta Kounadis, Manager, for a New Class II Auto Dealer License to be located at 609 Iyannough Road, Hyannis for a total of 42 spaces. Breakdown is as follows: 2 customer, 1 handicap, 37 display and 2 employee vehicle spaces as approved by the Building Commissioner 1/14/2020.

*Nikoletta Kounadis, manager appeared on behalf on the application. She stated that they plan on selling pre-owned vehicles and is looking forward to making aesthetic improvements to the property as it has fallen into disrepair during recent years.*

*Mr. Scali, asked Ms. Kounadis if she had experience operating a dealership.*



*Ms. Kounadis stated that her sister and brother-in-law own and operate Route 123 Motors, a dealership in Norton, MA where she has been training. Ms. Kounadis also stated that she will be working alongside an employee who has extensive experience in the business, having most recently worked at Kia Motors.*

*Mr. Semprini asked what the hours of operation will be.*

*Ms. Kounadis plans for the business to be open Mon-Fri (and select Saturdays) from 10:00am-7:00pm.*

*Mr. Scali asked Ms. Kounadis to explain the some of the conditions noted by various departments during the site plan review meeting in regards to the parking configuration.*

*Ms. Kounadis explained that the cars will be stacked according to the plan submitted and they will maintain a clear entrance and exit from Nightingale Road. She noted that when a customer requests to test drive a vehicle an employee will retrieve it from the parking space.*

*Mr. Decker asked Ms. Kounadis if she expects customers to drive by in order to look at their inventory.*

*Ms. Kounadis noted that the industry has changed in recent years in that most customers do their research/browsing online and come in to look at a specific car they've found online.*

*Mr. Decker asked if they will offer third party financing.*

*Ms. Kounadis said that they will offer third party financing noting that most information regarding financing is obtained online beforehand.*

*Mr. Scali asked if they plan on using a local repair shop.*

*Ms. Kounadis said that they currently use Sammy's Auto Repair located in Mansfield, MA and will continue to do so until they find a local repair shop to do business with.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve the application as presented.**

## **2. Application for Annual Common Victualler License:**



Application of Brazilian Gourmet Inc., d/b/a Homemade Sausage, 573 Main St. Hyannis, Hilva Morrison, Manager, for an Annual Common Victualler License. 7 Interior seats, 16 exterior seats with 3 employees all approved by the Building Commissioner on 4/11/16. Hours of operation will be 9:00 am to 11:00 pm daily. Live Entertainment to include amplified music with one performer. Entertainment hours are Thursday-Saturday, the same as operating hours

*Hilva Morrison, owner/manager appeared on behalf of the application along with Anna Raphael who served as translator for Ms. Morrison.*

*Mr. Semprini asked the applicant to describe her experience in operating a food establishment.*

*Ms. Morrison stated that she has been employed as a cook at the establishment since 2016 and decided to purchase it from the former owner.*

*Mr. Semprini asked if there will be an employee on site who speaks English well enough to communicate with emergency personnel if the need arises.*

*Ms. Raphael assured the Board that there will be a manager on site that speaks fluent English. Ms. Raphael plans to help out as well.*

*Mr. Decker asked if she bought out the corporation.*

*Ms. Morrison did purchase the Corporation from the previous owner.*

*Mr. Decker asked if there had been any update to the space. The submitted plan is signed by the previous building inspector in 2016.*

*Mr. Scali noted that he had advised the applicant that they will need an updated plan signed by the current Building Commissioner.*

*Mr. Scali asked if outstanding issues with the Health Department have been resolved.*

*Ms. Raphael confirmed that they have met all Health Department requirements.*

*Mr. Semprini asked if she still plans on having entertainment and to confirm the hours of entertainment.*

*Ms. Raphael said that they do not plan on having entertainment at this time.*

*Ms. Karlson-Lidman asked if she had any management experience.*

*Ms. Raphael stated that Ms. Morrison has managed food establishments in Brazil.*



*Mr. Scali asked for more details about the entertainment.*

*Ms. Morrison hopes to have one guitarist play Brazilian music on the outside patio.*

*Mr. Scali requested that the performer/entertainment space be clearly labeled on the floor plan prior to getting the Building Commissioner's approval.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve the application subject to the receipt of an updated plan showing the entertainment area signed by the Building Commissioner.**

### **Show Cause Hearings:**

#### **Continued to Meeting in March 9, 2020**

The Barnstable Licensing Authority will hold Show Cause Hearings for the following establishments violating the following: Section 502-I sections R & T (Violation of MGL c138 s34) of the Town of Barnstable, Massachusetts Code: Alcoholic Beverages Sales and Laws - sale or delivery of an alcoholic beverage to a person under 21 years of age

1. **Preet Corporation d/b/a Pavilion Indian Cuisine**, Paramijt Thind, Manager, 511 Main St., Hyannis Annual All Alcohol Common Victualler License; September 25, 2019  
**Continued from December 9, 2019 - Continued to March 9, 2020**
2. **KSMP Enterprises Inc. d/b/a Sea Street Food Mart**, Pasang Diki Sherpa, Manager, 231 Sea Street, Hyannis Annual Wine and Malt Retail Package Goods Store; October 12, 2019  
**Continued from December 9, 2019 - Continued to March 9, 2020**
3. **Villa Noble LLC d/b/a The West End**, David S Noble, Manager, 20 Scudder Ave., Hyannis Annual All Alcohol Common Victualler License; October 12, 2019  
**Continued from December 9, 2019 - Continued to March 9, 2020**

## **Licensing Division Updates:**

### **1. Licensing Department updates –**

*Mr. Scali noted that the Youth Hostel in Hyannis will be applying for a new Lodging House license for a change of owner. Ms. Parvin has been preparing seasonal renewals as well as completing the annual ABCC report, due February 15<sup>th</sup>. They are finalizing location plans for the Annual Municipal Licensing Group Meeting. He noted that Conflict of Interest Law training needs to be completed by the Board members.*

*Mr. Semprini asked if Mr. Scali was aware of any Legislation pending related to the redemption of nips.*

*Mr. Decker asked Mr. Scali if there was any Legislation pending that will enable grocery stores to sell beer and wine.*

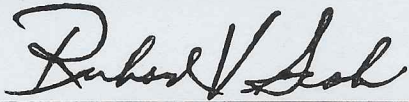
*Mr. Scali reports that both issues have been a matter of interest to many communities and he will reach out to the state to see if there has been any movement the subject.*

### **2. Police Department updates-**

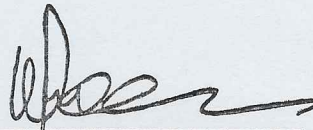
*Lt Murphy is pleased about the prospect of enacting Alternative Penalties noting that it will serve to foster a dialogue between Law enforcement and business owners.*

**The meeting was adjourned at 10:19 AM**

**Respectfully submitted,**



**L. Parvin, Recorder**  
Town of Barnstable Licensing Authority



**David Nunheimer, 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**

**200 Main Street**

**Hyannis, MA 02601**

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### **BARNSTABLE LICENSING AUTHORITY**

## **CONSENT AGENDA**

**February 10, 2020**

#### **1. Application for a One Day All Alcohol and Entertainment License:**

Application of Bill Sykes on behalf of Best Buddies International for a One Day All Alcohol and Entertainment licenses for the Annual Best Buddies Challenge. The event is to take place at 110 Craigville Beach Rd, Centerville on June 6, 2020 from 3-6 PM. Previous license conditions are attached. Entertainment is including amplified music and dancing by patrons.



## **2. Application for a One Day Entertainment Licenses:**

Application of Leonard Klein on behalf of The German American Club of Cape Cod, 6 Great Marsh Rd., Centerville for six One Day Entertainment Licenses for Annual Social Events to be held on 2/15/2020, 3/8/2020, 4/11/2020 and 5/9/2020, 10/10/2020 and 12/12/2020 from 6:00 PM to 9:00PM at St. Mary's Parish Hall, 3055 Main Street, Route 6A, Barnstable. Entertainment is for 2-4 non-amplified performers with 2-4 pieces

## **3. Application for a One Day Beer and Wine License:**

Application of Joe MacKinnon on behalf of Cape Cod Community College, for a One Day Beer and Wine License for The High Kings. The event is to take place at the Tilden Arts Center located at Cape Cod Community College, 2240 Iyannough Road, West Barnstable March 6, 2020 from 7:30pm to 10:00pm

## **Renewals:**

### **Common Victualler Licenses:**

1. **117-098** Pineapple Caper, 29 Wianno Ave, Osterville
2. **294-001-H02** Friendly's Ice Cream, 1090 Iyannough Road, Hyannis
3. **314-023** Cape Cod Potato Chips, 100 Breed's Hill Road, Barnstable
4. **308-153** The Local Juice, 539 South Street, Hyannis

### **Lodging House Licenses:**

1. **327-175** Our Child LLC, 156 Main Street, Hyannis
2. **328-185** Our Child LLC, 80 Yarmouth Road, Hyannis
3. **327-174** Our Child LLC, 164 Main Street, Hyannis
4. **310-009** Our Child LLC, 18 Quaker Road, Hyannis

### **Mini Golf License:**

1. **269-225** Lightning Falls, 455 W. Main Street, Hyannis