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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: January 7, 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, January 7, 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; Richard Scali, Director of Licensing; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Licensing Assistant. He introduced new Associate Commissioner David A Hirsch.

Vote to accept Minutes

1. Vote to accept minutes of the 12/17/2018 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 12/17/2018 meeting.

New Business:

1. **Request for Closure:** Torino Restaurant and Bar LLC d/b/a Torino Restaurant and Bar, Fabio DeOliveira, manager, 415 Main St., Hyannis to close from December 30, 2018 – March 15, 2019 for repairs and renovations. Restaurant to reopen on March 15, 2019.

The Board approved this request without an appearance from the applicant.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the request for closure.

2. **Request for Extension of Licensed Premises:** Application of Michael Crowley on behalf of Tenpin Eatery for an Extension of Licensed Premises to include the immediate hallway in the Cape Cod Mall for Corn Hole Tournaments. The request is for 2 separate dates, 1/20/19 and 2/17/19 from 7PM to 11PM. The Mall is closed during these times. The request is to allow alcohol in this area; the Mall has approved the request contingent upon this approval.

Peter Campbell and Rob Nichols appeared on behalf of this application. This is a paid participation tournament. There are prizes. Mr. Scali asked about the monitoring of the premise in terms of alcohol. There is only one door, roped off and a police detail. Alcohol will be served by the wait staff. Mr. Semprini asked about the barrier that is supposed to be installed from the original application. Mr. Nichols stated there is a barrier at the other end of the store location.

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

3. **Consent Agenda:**

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to exclude the 7 Quaker Road and Our Child LLC from renewal.

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

Public Hearings:

1. **Application for Transfer of an Annual All Alcohol Retail Package Goods Store License and Pledge of License:** Application of Ved Mata Corporation, d/b/a Absolute Wine & Spirits, 101 Iyannough Rd., Hyannis, Manishaben Patel,

Manager, for a transfer of an Annual All Alcohol Retail Package Goods Store License from Moonshine Inc. d/b/a Moonshine Liquors to Ved Mata Corporation., d/b/a Absolute Wine & Spirits, 101 Iyannough Rd., Hyannis, Manishaben Patel, Manager. Pledge of license to Rockland Trust.

Premise Description: 101 Iyannough Road (Rt. 28), Hyannis, MA. Wood frame 2 story building. Licensed premises being the first floor and basement for storage. Entrance/exit on west side of the building, exit/delivery door on east side of the building. First floor containing 1700 sq. feet and two rooms, basement containing 980 Square feet and one room.

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

Attorney Matthew Porter appeared along with Manishaben Patel on behalf of the application. This application relates to the sale of Moonshine Liquors. No changes other than ownership. The owners are all TIP certified. Mr. Scali asked about the relationships between the family members. Mr. Scali asked where the financing is coming from, Rockland Trust; a pledge, and Seller financing, the remaining funds are from the 3 individual listed in the Corporation.

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:** 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 Peter G Kempton to Gregory Vayneris.

Peter Kempton and Gregory Vayneris appeared on behalf of this application. Gregory just moved to the Cape. He reviewed his significant experience in the industry. Flashback will be a little smaller than his previous location; hoping for a March 1st opening. Mr. Scali asked about the potential training for future staff. We have been working on this for 2 months. All staff will be TIP certified. We are expecting the training process to take 3-4 weeks for all staff. Officer Gallant stated that your business will be checked. Mr. Semprini asked about the business itself. This is a retro arcade for adults not children. There will be craft cocktails and beers. There will be appetizers or complete dinners. Mr. Semprini asked about how you prevent minors from getting served at the arcade. This is by oversight. The machines will take quarters or tokens.

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

3. **Seasonal Population Estimation:** A hearing of the Barnstable Licensing Authority is called pursuant to MGL Ch 138, s17 whereas the Authority may consider the 2019 Seasonal Population Increase Estimation for the purpose of

considering the issuance of Seasonal All Alcohol or/and Wine and Malt Package Store licenses for April 1 to Nov 30 or from April 1 to Jan 15. The estimate will be considered after cooperative discussion, investigation and deliberation of all facts.

Mr. Scali updated the Board regarding the memo regarding Seasonal population. This discussion is to determine whether or not the population increases enough to issue seasonal package store licenses. The document submitted is comprehensive.

The Town Clerk did submit a letter that the population does increase to over 100,000.

Mr. Scali reviewed that the Board will be able to issue 10 licenses, however we are over by 4 based upon the conversion in 1982.

Chairman Hoxie is opposed to making any population estimate. Mr. Hoxie is not in favor of the statute, section 17; we would not vote at this time to increase the temporary population. Mr. Semprini stated that we are adequately served, he concurs 100%.

Mr. Scali stated that you cannot state "we have enough licenses".

Mr. Hoxie stated that we may or may not make an estimate on the temporary resident population on July 10, 2019.

A motion was duly made by Mr. Nunheimer seconded by Mr. Semprini and a unanimous vote taken to not make the estimation.

The meeting was adjourned at 10:16 AM

Respectfully submitted,

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

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

Licensing Division Updates:

1. **Licensing Department updates-** Renewals have been completed. Chairman Hoxie expressed his thanks.
2. **Police Department updates-** None at this time

- **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
January 7, 2019

Renewals:

Class II Auto Dealer Licenses:

1. 269-027 Hyannis Auto Inc., 478 West Main St., Hyannis
2. 345-024 Cape Cod Auto Brokers, 155 Rosary Lane, Hyannis

Common Victualler Licenses:

1. 294-004 Whole Foods Market, 990 Iyannough Rd., Hyannis
2. 057-004 Domino's Pizza, 3821 Falmouth Rd., Marstons Mills
3. 327-049 Ronny's Pizza, 11 Ridgewood Ave., Hyannis
4. 029-006-002 Spoon and Seed, 12A Thornton Dr., Hyannis

Lodging House Licenses:

1. 292-017 R Bourgeois, 7 Quaker Rd., Hyannis
2. 327-175 Our Child LLC, 164 Main St., Hyannis

Fortune Teller License:

1. 299-035 David Eli, 26 Pearl St., Hyannis

Requests for Closure:

1. New England Clambake Inc. d/b/a Wimpy's, Andrew Glassman, mgr., 752 Main St., Osterville to close for general maintenance from January 20, 2019 – February 5, 2019.
2. Hyannis Yacht Club d/b/a/ Hyannis Yacht Club, Brian Mullins, mgr., 490 Ocean St., Hyannis to close for food and beverage services from January 2, 2019 to February 11, 2019.