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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 Minutes

The November 9, 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.

<https://zoom.us/j/95729565050>

Telephone Number: 888-475-4499 US Toll-free, Meeting ID: 957 2956 5050

- 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: November 9, 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, November 9, 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. Martin Hoxie, Chairman, Mr. Larry Decker, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, and Mr. David Hirsch, Associate Commissioner. Also, in attendance were Officer Therese Gallant, Licensing Assistant, Lindsay Parvin and Licensing Assistant (temp), Golda Hadfield. Lt. John Murphy and Mr. David Nunheimer, Associate Commissioner were absent.

Vote to accept Minutes:

1. Vote to accept minutes of the October 5, 2020 hearing.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to accept the minutes of the 10/5/2020 meeting as printed.

New Business:

1. **Policies on fees:** Discussion and consideration of temporary change in fees to allow credits for alcohol license fees during COVID-19 closures for licensees who did not open during 2020.

Mr. Scali noted that the Licensing Board voted to adopt a policy during the July hearing which allows for licensees to suspend payment or receive a credit for licensing fees if an establishment was unable to open due to covid 19 restrictions. The Board planned to review the policy in November and consider individual circumstances of licensees not previously discussed.

Directive #2 proposes that the original policy be extended to March 2021. In addition, the policy allows for Section 12 Licensees that have been unable to open to hold their license as inactive. Licensees will not be required to pay a renewal fee until they are able to open. If the licensee intends to open in 2020, they must pay a pro-rated fee based on their length of closure. All licensees are subject to the required inspections prior to reopening. Licensees that made a full or 6 month payment and have been unable to open will receive credit when business operations resume.

Ms. Lidman-Karlson questioned whether a licensee who paid in full would be eligible for a refund if the business is unable to open in any capacity.

Mr. Scali noted that no reimbursements have been issued at this point, but the Board may choose revisit the prospect of reimbursements on a case-by-case basis.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to accept Directive #2 as indicated.

2. Extension of Outdoor Expansion licenses from Nov 1 to 15, 2020.

Richard Scali updated Commissioners on the status of outside patios. In light of current indoor dining restrictions, the Town has considered the possibility of extending of outdoor patio usage past November 15, 2020 if weather permits.

- 3. Cost Plus of Massachusetts, LLC d/b/a Cost Plus World Market License, 621 Iyannough Road, Hyannis - request for an extension of their inactive annual all alcohol retail package goods store license.**

Andrew Upton appeared on behalf of the licensee. Upon closure, Cost Plus was granted permission to retain their inactive license for 6 months in order to facilitate the sale of the license. A deal was pending with Christmas Tree Shops, but they decided not to move forward. The Licensee is working with Liquor License Advisor, a liquor license brokerage firm, who is actively marketing the license. There has been some interest, but they have not yet received an offer.

Mr. Upton is requesting permission to retain the inactive license for an additional six months or until such time a sale is made.

Mr. Decker asked at what point the Board takes action in the instance that license is not sold.

Mr. Scali stated at such time the License will become available for a new applicant to obtain.

Mr. Hoxie noted, in the past, the Board has granted permission to retain an inactive license for up to a year.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to approve Cost Plus of Massachusetts' request to retain the inactive license for an additional six months.

- 4. Consent Agenda: None**

Public Hearings:

- 1. APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE AND OUTDOOR SEATING:**

Application of Mass Subs 3, LLC d/b/a Jersey Mike's Subs, Matt West, manager, 793 Iyannough Road, Hyannis to be operated from 10 am to 9 pm daily. The seating is for a maximum of 40 seats with 24 seats inside and 16 outside seats.

Matt West appeared on behalf of the application. He currently owns and operates the Jersey Mikes Subs located in Plymouth. Many patrons have expressed interest in a Cape Cod location. He is excited bring their quality brand to the area.

Mr. Hoxie asked where in the Mall the restaurant will be located.

Mr. West stated that Jersey Mikes will be located in the storefront that previously housed CVS, adjacent to Vision Works.

Mr. Scali asked Mr. West if he intends be onsite serving in a managerial role.

Mr. West stated that he plans to be at the location for at least a month but will serve as an Area Manager. He will have qualified employees on site at all times.

Mr. Scali asked Mr. West to provide the contact information for the Manager that will be on site.

Mr. Scali asked if the outside seating plan has been approved by the Building Commissioner.

Mr. West stated that the plan was approved, but noted that it was not their ideal plan, rather a covid compliant plan.

Mr. Scali recommends that the applicant apply for their ideal seating plan in anticipation of the removal of indoor dining restrictions post pandemic.

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 A NEW AUTOMATIC AMUSEMENT DEVICE LICENSE:

Application of Premier Amusements, Inc. d/b/a Player One Amusement Group, 2140 Ward Avenue, Simi Valley, CA for 7 coin-operated machines and 3 video games at the Regal Cape Cod Cinemas 12, Cape Cod Mall, Hyannis, MA. This license was previously under the corporation name Tri Corps Entertainment, Inc. It is the same number of games, in the same place as previously located.

Renee Carney appeared on behalf of Premiere Amusements. The devices are located within Regal Cinemas which is closed at this time. They wish to maintain the license in anticipation of reopening.

Mr. Scali stated that during the license renewal period last year, it was discovered that the corporation had changed. They were notified that license must be amended to reflect the correct corporate name.

Mr. Scali asked Ms. Carney if she has notified abutters.

Ms. Carney stated that she was not able to notify abutters prior to the hearing, but would do so after the fact.

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

3. APPLICATION FOR A TRANSFER OF AN ANNUAL ALL ALCOHOL RETAIL PACKAGE GOODS STORE AND PLEDGE OF LICENSE:

Application has been filed to transfer the Annual All Alcohol Retail Package Goods Store License from Hyannis Blanchard's, Inc. d/b/a Blanchard Liquors, Donald J. Corey, Jr., 167 Corporation Street, Hyannis to 167 Corp, Inc., d/b/a Bob's Liquors, Shailesh Patel, manager. Pledge of license and inventory to Rockland Trust.

Description of Premise: Consisting of approximately 10,200 square feet of retail floor space on one floor. Cooler and liquor shelving is approximately 1,175 square feet. Storage in rear of building is approximately 1,680 square feet. Main entrance in front of store and the emergency exit is on the side of the building. Entrance in rear of building is for redemption room.

Hours of Operation: Monday to Saturday: 8 AM – 11 PM, Sunday: 10 AM – 11 PM

Attorney John Mooradian appeared on behalf of the applicant. The applicant is seeking approval for a transfer of License, approval of manager and pledge of and inventory.

Attorney Mooradian stated that no operational or physical changes to the store will take place. Mr. Patel has over ten years experience in retail sales. He plans on getting T.I.P.S. certified prior to the issuance of the license. The store will have 3-4 employees.

Mr. Decker asked if Mr. Patel currently owns any other package stores.

Attorney Mooradian stated that Mr. Patel has an ownership interest in a Retail Package Store located in Uxbridge, MA. He plans on operating the new establishment on a full time basis.

Mr. Patel stated that he has over 25 years experience in operating convenience stores. He has been working in retail alcohol sales since July 2018. He will have a staff of at least four and will be very vigilant regarding underage sales and I.D. Checks.

Mr. Scali asked how the employees will be trained.

Mr. Patel stated that they use an online software certification program called STOP.

Mr. Scali asked Mr. Patel if he plans on selling nips.

Mr. Patel stated that he does plan on selling nips but noted that all nips, pints and ½ pints will be located behind the counter. The customer does not have direct access to those items.

Mr. Scali asked the applicant to provide a cost breakdown indicating the actual cost of the license.

Attorney Mooradian stated that he has provided a breakdown of the 1.5 million dollar purchase price. The inventory count and assessment will be completed prior to closing.

Mr. Scali stated that a more detailed cost breakdown is required so that the Town may ascertain the value of the license in the marketplace.

Attorney David Lawler, representing Blanchard's Liquors, stated the he will provide the requested documentation post-closing. He ensured that the current owner will work with the applicant to provide guidance throughout the transition.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve the application as presented pending the submittal of a detailed cost breakdown and proof of T.I.P.S. certification.

4. APPLICATION FOR AN ANNUAL LODGING HOUSE LICENSE:

Application of Karla Taylor, LLC d/b/a Lamb and Lion Inn, 2504 Main Street, West Barnstable. Lauren Wendelowski, manager for a lodging house license for 10 rooms/10 lodgers.

Lauren Wendelowski appeared on behalf of the application. She intends to live on site and manage the property. She has over 25 years experience in the hospitality industry.

Mr. Decker asked if the business has been operating as an Inn or a Lodging house.

Mr. Scali stated that the Lamb and Lion has been licensed as a Lodging house for a number of years.

Attorney Kate Mitchell spoke on behalf on the seller, Alice Pitcher and suggested that Mrs. Pitcher explain the current configuration of the property.

Ms. Pitcher stated that the units are rented out on a nightly year-round basis. Unit count is as follows: eight (2) person rooms, two (4-6) person rooms and (1) private resident quarter.

Mr. Scali noted that the Certificate of Occupancy on file with the Building Department states that the property is certified for 10 units, 10 lodgers.

Attorney Mitchell stated that the property has had a capacity of 27 lodgers for as long as Ms. Pitcher has owned the property. Attorney Mitchell recently spoke with Building Inspector, Jeff Lauzon, who confirmed the 27 person capacity. It was determined that number of lodgers previously listed on the Certificate of Occupancy was a typographical error. Mr. Lauzon recently inspected the property and issued a corrected certificate.

Mr. Decker asked how the operation differs from a hotel.

Mr. Scali stated that lodging units typically have individual rooms with a shared kitchen or bath. He asked if the units have individual kitchens and bathrooms.

Attorney Mitchell stated that (6) rooms have both a private kitchen and bath and (4) rooms have an individual bathroom.

Mr. Scali stated that although the business operates in a manner similar to a hotel, the special permit and variance specify that a lodging license is required.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to approve the application as presented, subject to an amended application listing the correct number of lodgers.

1. SHOW CAUSE HEARING:

The Barnstable Licensing Authority will hold a Show Cause Hearing relative to the Lodging House License for the Sea Beach Inn Co. d/b/a Sea Beach Inn, 388 Sea Street, Hyannis, Catherine Darling, Manager, for the following violations of the Town of Barnstable Rules and Regulations: Section 501-9 Physical Premises (subsection b), 501-11 Environs of Licensed Premises (subsection f) and 501-14 Other Causes for Revocation, Suspension and Modification of the Town of Barnstable Rules and Regulations (subsection b).***Continued from 8/17/2020 hearing***

Continued to December 14, 2020 hearing.

Mr. Decker inquired as to why the item has been delayed.

Officer Gallant noted that court proceedings have been delayed due to covid.

Executive Sessions: Release of Minutes

The following Executive Sessions minutes have been approved for release by the Chairman pursuant to M.G.L. c. 30A s. 22

Date of minutes: April 10, 2017, April 24, 2017 and September 17, 2018.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote taken to release the minutes from the April 10, 2017, April 24, 2017 and September 17, 2018 Executive sessions.

Licensing Division Updates:

1. Licensing Department updates

Mr. Scali stated that he will be participating in a zoom meeting with the Mass Municipal Lawyers Organization to discuss the Governor's latest orders. He noted that recent restrictions prohibit alcohol sales in any capacity past 9:30pm. Retail Package stores may remain open past 9:30, but all alcohol sales must cease at 9:30pm. Outdoor Patio extension discussions will continue with applicable departments. As renewals applications are returned, Licensing should have a better indication of any

additional business closures. The December 30, 2020 Licensing Authority meeting is on a Wednesday.

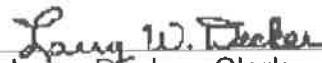
2. **Police Department updates**
Officer Gallant stated that she has nothing to report

The meeting was adjourned at 10:40 AM

Respectfully submitted,



L. Parvin, Recorder
Town of Barnstable Licensing Authority



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

November 9, 2020

