

BARNSTABLE
TOWN CLERK

20 SEP 18 P3:46

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

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: March 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: James H. Crocker Jr. Hearing Room, 2nd Floor, 367 Main
Street, Hyannis, MA**

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

Vote to accept Minutes:

1. Vote to accept minutes of the 2/10/2020 meeting.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 2/10/2020 meeting.

New Business:

Adoption of alternative penalties for underage compliance check violations; Officer Therese Gallant

Officer Gallant stated that much thought and consideration has been put into crafting the Alternative Penalties guidelines, including input received by licensees at the annual informational meeting. She sees it as a positive tool in combatting underage alcohol consumption violations and hopes that the implementation of such guidelines will have a positive impact on our community.

Mr. Scali noted that he has amended the draft guidelines to include suggestions submitted by board members. Such amendments include language specifying that a QWOF ruling would only be eligible to licensees without previous violations on record.

Mr. Scali informed the Board that he has reviewed the guidelines with the ABCC and has been assured that the Board has the regulatory authority to implement such guidelines. It was suggested by the ABCC that the Guidelines be advertised as to give the public the opportunity provide feedback. Mr. Scali stated that a legal advertisement was published two weeks ago and they have not received public comment to date. Mr. Scali noted that he has discussed the guidelines with many Licensees and has received only positive responses.

Chairman Hoxie asked if any member of the public wished to make comments on the proposed guidelines to which none were made.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the implementation of the Alternative Penalty Guidelines.

Mr. Scali noted that the Alternative Penalties are meant to be a guideline and may be imposed if the board so chooses.

Mr. Nunheimer clarified that the Board has the option to impose such guidelines or the standard fine as they see fit. Licensees may also accept the standard fine if they so choose.

Chairman Hoxie questioned whether licensees will have the option of selecting a charity of their choice if they choose such penalty.

Officer Gallant noted that per Mr. Decker's request, specific qualifications were included regarding the eligibility requirements for charitable donations. Officer Gallant stated that the charity must be local and its mission must relate to the prevention of alcohol/substance abuse. It would be preferred that the focus be on such matters as it relates to minors.

1. Consent Agenda:

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

Public Hearings:

1. APPLICATION TO TRANSFER ANNUAL ALL ALCOHOL COMMON VICTUALLER LICENSE, NEW LIVE AND NON-LIVE ENTERTAINMENT LICENSES

Application to transfer the Annual All Alcohol Common Victualler License from Aztec Grill LLC. d/b/a Ristorante Milanese, Maria N. Calle, mgr., 302 Main Street, Hyannis to Mi Stilo Inc. Compania. d/b/a Mi Stilo Cocina & Ristorante, Fausto O. Fernandez, mgr., 302 Main Street, Hyannis.

Description of Premise: Wood frame building with 1 entrance and 1 exit, 1750 sq. feet. A basement storage area of 450 sq. ft., kitchen area of 450 sq. feet, 1 bar, tables and chairs with indoor seating totaling 67 seats, 5 employees (September 16- May 31). Wood Frame building with 1 entrance and 1 exit, 1750sq.ft. A basement storage of 450 sq. ft. Kitchen area of 450 sq. ft. 1 bar, tables and chairs with indoor seating totaling 59 seats, 5 employees, 2 outside dining areas with one side entrance. Each Dining area is 72 sq.ft. and each has 4 seats (June 1-September 15) as approved by the Building Commissioner on 2/11/2020.

Hours of Alcohol service are 10:00 AM to 12:00 AM; daily

Live Entertainment to include: Amplified music for up to 4 performers. Non-Live

Entertainment to include: 2 televisions and radio. Hours of both Live and Non-Live

Entertainment: 11:00 AM – 12:45 AM

Fausto Fernandez, the applicant and Jorge Siguencia, current owner appeared on behalf of the application.

Mr. Fernandez who is currently a chef in an Establishment in New York City is willing to come down here and take over the business from Mr. Siguencia.

Mr. Siguencia noted that Mr. Fernandez is an accomplished chef specializing in both Mexican and Italian cuisine and hopes to create a unique fusion menu featuring specialties from both.

Mr. Scali noted that although Mr. Fernandez is the applicant most of their dealings throughout the application process have been with Mr. Siguencia. Mr. Scali asked if Mr. Siguencia is going to remained involved with the business in any capacity.

Mr. Siguencia confirmed that he will not be involved in the business going forward. Mr. Fernandez who is currently a chef in a New York City is willing take over the business.

Officer Gallant asked if Mr. Fernandez is familiar with our local and state rules and regulations, including those relating the underage consumption of alcohol and compliance.

Mr. Siguencia confirmed that Mr. Fernandez has familiarized himself with local rules and regulations, most recently completing the T.I.P.S. certification course.

Ms. Gallant asked if Mr. Fernandez is going to be doing both the cooking and managing front of house operations.

Mr. Fernandez explained that he most recently worked at a hotel in New York City where his responsibilities included both kitchen and management operations. He is confident in his ability to manage both aspects of the business.

Officer Gallant encouraged Mr. Fernandez to reach out to her regarding any questions or concerns he may have regarding compliance/underage consumption regulations and suggested he review a copy of our local regulation and enforcement guidebook.

Chairman Hoxie asked what type of entertainment the applicant intended on having.

Mr. Siguencia said that the applicant intends on having a mariachi type band on occasion that will play at tables by request and perhaps a pianist on occasion.

Mr. Siguencia noted that Mr. Fernandez intends for the focus to remain on the food and noted that the entertainment would be minimal.

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

2. APPLICATION TO AMEND AN ANNUAL ALL ALCOHOL COMMON VICTUALLER LICENSE, NEW LIVE AND NON-LIVE ENTERTAINMENT LICENSES, CHANGE OF MANAGER AND CHANGE OF OWNERSHIP INTEREST

Application to amend the Annual All Alcohol Common Victualler License from Villa Noble LLC. d/b/a The West End, David Noble, mgr., 20 Scudder Ave, Hyannis to Hyannis West End LLC. d/b/a The West End, Blane Toedt, mgr., 20 Scudder Ave, Hyannis. Beneficial Interest from Jennifer L. Villa, Charles Villa and David Noble to Charles Villa, Jennifer Villa and Blane Toedt.

Description of Premise: One Story Building containing approximately 6200 sq. ft., dining room with 104 seats, 2 bathrooms. Kitchen with rear exit, lounge area with 22 seats, bar with 12 stools, parlor area with 17 seats and a bathroom, garden room with 25 seats a dividable banquet room with 34 and 19 seats. Basement storage and attic office.

Hours of Alcohol service are 10:00 AM to 12:00 AM; daily

Live Entertainment to include: Amplified music for up to 3 performers. Non-Live Entertainment to include: 2 televisions and recorded music. Hours of both Live and Non-Live Entertainment: 11:00 AM – 12:45 AM

Attorney Bruce Beirhans, Mr. Blane Toedt and Ms. Jennifer Villa appeared on behalf of the application.

Attorney Beirhans explained that the matters before the board include: an ownership change from David Noble to Blane Toedt, a Corporate name change from Villa Noble LLC to Hyannis West End LLC and a Change of Manager from David Noble to Blane Toedt.

Attorney Beirhans noted that Mr. Toedt has extensive experience in the field.

Officer Gallant stated that Mr. Toedt visited her office last week to introduce himself. Officer Gallant appreciated this gesture as communication between the licensees and enforcement agencies is key in establishing good working relationships.

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

3. CHANGE OF MANAGER ON AN ANNUAL ALL ALCOHOL CLUB LICENSE

Application of Warren T. Baxter Inc. d/b/a Baxter's Boathouse Club, 177 Pleasant Street, Hyannis on their Annual All Alcohol Club License, for a Change of Manager from Samuel T. Baxter to Benjamin D. Baxter

Benjamin Baxter explained that he will be taking over the role of manager from Sam Baxter and has been involved in the business operations for several years, noting that they are entering into their 53rd season.

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

Show Cause Hearings:

The Barnstable Licensing Authority: 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

Mr. Scali stated that the three licensees set to appear were found to be guilty at the December 9, 2019 hearing. Imposing the fine was suspended at that time in anticipation of implementing the new alternative penalty guidelines.

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 February 10, 2020

Licensee was not present

Mr. Scali informed the Board that he has been in contact with Attorney Michael Princi, representing Preet Corporation on this matter, noting that Mr. Princi was unable to attend the hearing.

Mr. Scali recommends a Continue Without a Finding ruling on this matter as they have been in business for 25 years without a previous violation on record.

The following motion was voted by the Licensing Authority:

ACTION: Continued Without a Finding. The violation will remain on record and considered in the event of a subsequent violation.

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 February 10, 2020

Attorney John Keenan appeared on behalf of KSMP Enterprises Inc. d/b/a Sea Street Food Market. He appreciates the opportunity to utilize the alternative penalties. In speaking with his client, he assured the Board that the licensee takes the responsibility of his license very seriously. Mr. Keenan stated that his client will make a minimum donation of \$300.00 to a charity and provide receipt to Officer Gallant for review.

The following motion was voted by the Licensing Authority:

ACTION: A minimum donation of \$300.00 shall be made to a charitable organization consistent with the alternative guidelines and proof of such donation shall be submitted to staff within 10 days.

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 February 10, 2020

Attorney Bruce Beirhans appeared on behalf of the Licensee and made the recommendation that his client make a \$300.00 donation to Pause Awhile, Inc. which is one the largest recovery facilities on Cape Cod. It serves approximately 200 people a day hosting meetings and offering various support services.

The following motion was voted by the Licensing Authority:

ACTION: *A minimum donation of \$300.00 shall be made to a charitable organization consistent with the alternative guidelines and proof of such donation shall be submitted to staff within 10 days.*

Licensing Division Updates

1. **Licensing Department updates –**
Conflict of Interest paperwork to be submitted by Board Members. Nip redemption Legislation status is still pending with many communities moving to ban nip sales altogether. Cumberland Farms is proposing to sell beer and wine at their locations which is being opposed by package store owners. Their hope is to get the initiative on the ballot. Embargo is closed Monday-thru Friday due to ABCC violations. Barnstable Bottle Shop received a warning for a violation received by the ABCC in November.
2. **Police Department updates**
Officer Gallant plans her to hold the annual meeting for Licensees sometime in April but has not set a date yet.

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
www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
March 9, 2020

1. Application for (2) One Day Extension of Licensed Premise:

Application of Michael Crowley on behalf of Ten Pin Eatery for a One Day Extension of Licensed Premises for Corn Hole Tournaments. Events are to take place in corridor between Ten Pin Eatery and Ryan's Amusement, Cape Cod Mall, 793 Iyannough Road, Hyannis from 6:00pm -11:00pm on 3/15/2020 and 4/5/2020. No entertainment is being requested.

2. Application for One Day Entertainment License:

Application of Sarah Howell on behalf of Colum Cille Pipes and Drums for a One Day Entertainment License for the Colum Cille Fundraiser Concert. The event is to take place at the Knight Auditorium, Barnstable High School, 744 West Main Street, Hyannis on May 9, 2020 at 7:00 PM. Entertainment to include a non-amplified (20) piece band.

3. Application for a One Day All Alcohol License:

Application of Stacie Hevener on behalf of Marstons Mills Library for a One Day All Alcohol License for the Marstons Mills Library Trivia Night event. The event will be held at Liberty Hall, 2150 Main Street, Marstons Mills on March 20, 2020 from 7:00pm-8:30pm

4. Application for a One Day Beer and Wine License:

Application of Robyn Sachs on behalf of Cape Cod Synagogue, for a One Day Beer and Wine License for the Hamantachen Hoedown. The event is to take place at the Cape Cod Synagogue, 145 Winter Street, Hyannis March 7, 2020 from 5:00pm to 9:00pm