

## 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 January 25, 2021 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/961 2496 2310](https://zoom.us/j/96124962310)  
Telephone Number: 888-475-4499  
US Toll-free, Meeting ID: 961 2496 2310

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](mailto:Richard.Scali@town.barnstable.ma.us), so that they may be displayed for remote public access viewing.

**DATE OF MEETING:** January 25, 2021

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, January 25, 2021. Chairman, Mr. Martin Hoxie called the meeting in order at 9:30am. He introduced Mr. Richard Scali, Director of Licensing to explain how this zoom meeting will work and introduced all the participants. Mr. Scali introduced Commissioner, Mr. Larry Decker, Associate Commissioner, Mr. David Hirsch and Associate

Commissioner, Ms. Nancy Karlson-Lidman. Also, in attendance was Consumer Affairs Officer Therese Gallant and Licensing Assistant, Lindsay Parvin. Commissioner, David Nunheimer was absent.

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

1. Vote to accept minutes of the December 30, 2020 hearing.

**2021-001: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to accept the minutes of the 12/30/2020 meeting as printed.**

### **New Business:**

1. Consent Agenda:

**2021-002: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to accept the Consent Agenda as printed.**

2. Directive No. 3, Temporary policy change on alcohol fees and inactive licenses due to covid-19.

*Mr. Scali stated that Directive No. 3 proposes to extend the previous directives, which allow for Section 12 licensees to suspend payment of licensing fees if unable to open due to the current covid-19 operating restrictions set forth by the Governor. Until such time that the establishment is permitted to open, the licensee may retain the license in an inactive status. Establishments' with inactive licenses must report their status to the board every 3 months. Prior to resuming operations, the fee must be paid and all applicable inspections must be completed. The Directive also allows for Seasonal Section 12 licensees to receive a 2 month pro-rated credit towards the 2021 licensing fee to account for the covid-19 operating restrictions imposed in 2020.*

*Mr. Decker asked if all Directives were subject to the Governor's proclamations.*

*Mr. Scali confirmed that the Directive is subject to the Governor's current operating guidelines and restrictions.*

**2021-003: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to accept Directive No. 3 as printed.**

3. Per the Licensing Authority's request: An update from the following businesses regarding delayed renewal fees due to Covid-19 challenges.

**Karibbean Lounge LLC d/b/a Caribbean Lounge, 662 Main Street, Hyannis  
Davester LLC d/b/a Embargo, 453 Main Street, Hyannis**

*Mr. Scali stated that all but two Section 12 licensees have paid the 2021 renewal fees. Caribbean Lounge and Embargo have been unable to submit payment at this time. Per the request of the Licensing Authority at the December 30, 2020 hearing, they have asked the licensees to appear.*

*Owner, Aneila Bodah appeared on behalf of the Karibbean Lounge. She stated that the establishment opened in August of 2020. Her business has since struggled due to the current covid-19 occupancy restrictions. She stated that her business is not eligible for many of the grant and loan opportunities available because the business is newly established.*

*Mr. Scali asked to confirm the total amount owed.*

*Ms. Parvin stated that the total amount owed is \$3075.00.*

*Mr. Decker suggested that a payment plan be a fair option.*

*Mr. Scali recommended the licensee submit a \$500.00 monthly payment until such time the license is paid in full. He also suggested the fee be reduced to \$2228.00, as other licensees received a pro-rated credit.*

**2021-004: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to reduce the Karibbean Lounge license fee to \$2228.00 and allow for a \$500.00 monthly payment plan until such time the license has been paid in full.**

*Mr. Scali stated that nobody was present to speak to Embargo's late payment. Mr. Scali contacted owner, David Nobel and requested he attend the hearing. Mr. Scali noted that the business is currently open. He suggested that a payment plan be implemented for Embargo as the business is currently operating without having paid any portion of the required fee.*

*Chairman Hoxie requested that Mr. Nobel appear at the February 22, 20201 hearing to address the non-payment and continue the matter until such time.*

## **Public Hearings:**

### **1. APPLICATION FOR AMENDMENT OF STOCK OR OWNERSHIP INTEREST ON AN ANNUAL WINE AND MALT RETAIL PACKAGE STORE**

Application of Cost Plus of Massachusetts LLC, Julie Donaldson, manager, d/b/a Cost Plus World Market, 621 Iyannough Road, Hyannis for an amendment of stock or ownership interest. Bed Bath and Beyond Inc. is the 100% interest holder of Cost Plus Inc. Cost Plus World Market, LLC is to purchase all of the outstanding equity interests in Cost Plus, Inc. which is the sole member of Cost Plus of Massachusetts LLC.

*Attorney, Andrew Upton appeared on behalf of the Licensee. Mr. Upton explained that the Cost Plus location in Hyannis is closed. The license is held in an inactive status until the sale/transfer of the license has been facilitated. Three levels up in ownership, a transfer a stock and a beneficial interest has taken place. The ABCC has required that an application be submitted to reflect the change.*

**2021-005: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to approve the application as presented.**

## **2. APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE**

Application of Morrison Management Specialists, Inc., Cape Cod Hospital, 27 Park Street, Hyannis, William O'Brien, Manager, for a new Annual Common Victualler license. Hours of operation will be: 6:30 AM to 7:00 PM, daily.

*William O'Brien appeared on behalf of the application. He stated the Morrison Management is a new company taking over the food service at Cape Cod Hospital. They are responsible for serving patients as well as staff and visitors in the cafeteria. Morrison Management is based in Georgia and currently services several hospitals in this capacity. Mr. O'Brien stated that he has worked in the food and beverage industry for several years, most recently for the Red Sox organization.*

**2021-006: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to approve the application as presented.**

## **3. APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE**

Application of Global Montello Group Corp., d/b/a D'Angelo #767, 2145 Iyannough Road, West Barnstable, Steve Giordano, Manager, for a new Annual Common Victualler license. Hours of operation will be: 9:00 AM to 9:00 PM, daily.

*Pete Oehmsen and Steve Giordano appeared on behalf of the application. Mr. Oehmsen stated that Global Montello Group currently own and operate two D'Angelos' in the Worcester area and are applying to take over the location that was formerly occupied by Subway in the travel center.*

*Mr. Scali clarified that the location of the proposed establishment is the rest area located at the recently renumbered Exit 6 located off the Mid- Cape Hwy.*

*Mr. Oehmsen stated that the seating consists of a common area shared by Burger King and Dunkin Donuts.*

**2021-007: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to approve the application as presented.**

## **4. APPLICATION FOR A NEW ANNUAL COMMON VICTUALLER LICENSE WITH LIVE AND NON-LIVE ENTERTAINMENT LICENSES**

Application of Great Awakening Coffee House Inc., d/b/a Great Awakening Coffee House, 20 Independence Drive, Hyannis, Victoria Dawe and Andrew Taylor, Managers, for a new Annual Common Victualler license. Hours of operation will be, 7:00 AM to 9:00 PM, Monday-Saturday and 1:00 PM-9:00 PM, Sunday. Seating is for 19 interior seats.

Non-Live Entertainment is for recorded music and 1 TV. Non-Live entertainment hours are 7:00 AM to 9:00 PM, Monday-Saturday and 1:00 PM-9:00 PM, Sunday.

Live Entertainment is for amplified live music with a maximum of four performers/pieces. Live entertainment hours are Friday-Saturday, 5:00PM-9:00PM

**\*Continued to February 22, 2021**

**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 from 12/30/2020**

*Officer Gallant stated that the Show Cause hearing was originally filed in August of 2020 in response to a series of incidents that had taken place at the property. Officer Gallant explained that the delay in hearing was due to pending criminal court cases which related to the incidents that had occurred. Due to the covid crisis, the court proceedings were delayed. A judgement was issued on December 10, 2020, whereas the cases were dismissed.*

*Officer Gallant requests that the current Show Cause filing be withdrawn. Officer Gallant intends to refile the Show Cause specific to the management of the property. This is in response to the record of calls for service to the property.*

*Officer Gallant noted that she has been in constant contact with Ms. Darling's attorney and he has notified her of plans to hire a new property manager. Her intention is not to close the lodging house, as she is concerned about displacing the current tenants.*

*Officer Gallant stated she recently has become aware of newly received complaints to the Building and Health Departments regarding issues with the heating system and exposed insulation.*

*Captain Webb of the Hyannis Fire Department stated that the issues relating to the lack of fire and CO detectors have been addressed. He noted that additional rooms require inspections and he will be working with the Building Department to do so.*

*Mr. Decker urged that a resolution be made. He stated that the matter has been pending for over 6 months and must be addressed or face the possibility of closure.*

*Officer Gallant stated that tenant/landlord disputes are typically handled in civil court. The Police involvement has been due to the fact that a license has been issued for property. Criminal court matters are often a lengthy process. It is her belief that fault lies with both the owner and tenants and that an effective property manager will improve conditions greatly.*

*Mr. Decker asked if a new manager had been installed as stated in the previous hearing and if steps had been taken to remove tenants with whom they have had difficulty with.*

*Attorney Early stated that the prospective manager that was suggested at the previous hearing was found by Mr. Early to be an unacceptable candidate. Since such time, a more fitting manager, Mr. David Darling, has been appointed. A system is being developed for tenants to notify the property manager of maintenance issues. Upon notification, a work order is issued. He is confident that conditions at the property will improve as a result of the newly implemented changes. There have been issues with tenants not granting access to address the needed repairs.*

*Mr. Scali stated that requests for property inspections relating to safety issues must be complied with or the license is at risk of being revoked.*

*Officer Gallant stated that revocation of the license is not ideal as it would result in displacing ten tenants.*

*Mr. Decker stated that his concern is that serious may incident may take place while the matter is pending.*

**2021-008: A motion was duly made by Mr. Decker, seconded by Ms. Nancy Karlson-Lidman and a unanimous vote was taken to extend the license to February 22, 2021 and that management must provide proper access for any town department needing to complete inspections.**

### **Licensing Division Updates:**

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

**Mr. Scali stated that the Governor has lifted restrictions on operating hours. Businesses are still limited to 25% capacity restrictions. Mr. Scali stated that the Licensing staff is currently operating remotely as 200 Main Street is being reconfigured in response to the Town's current covid-19 staffing needs. Licensing is currently working on implementing the Town's new OpenGov software as well as preparing files to be scanned as part of a large electronic document conversion project. Seasonal renewals application will be mailed in the coming weeks.**

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

**Officer Gallant stated that the ABCC hearing regarding the 19<sup>th</sup> Hole is scheduled today and she will update the board as to the result. The Blue Moon will be asked to appear before the Board at the February 22, 2021 hearing to address matters related to the October, 2020 incident.**

**The meeting was adjourned at 10:34 AM**

Respectfully submitted,



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



**Larry W. Becker, 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](http://www.town.barnstable.ma.us)**

Telephone: (508) 862-4674

Fax: (508) 778-2412

### **BARNSTABLE LICENSING AUTHORITY**

## **CONSENT AGENDA**

**January 25, 2021**

**1. B&B Pizza, 10 Seaboard Lane, Unit K, Hyannis**

Request to temporarily suspend operations until March, 2021 due to covid-19 restrictions.

**2. Wimpy's Seafood Café and Market, 752 Main Street, Osterville:**

Request to temporarily suspend operations until February 8, 2021 for general maintenance.

**Renewals:**

**Auto Dealer- Class II**

344-083 **Exit Auto Inc., d/b/a Exit Auto Sales**, 587 Iyannough Road, Hyannis  
269-027-025 **Hyannis Auto Inc., d/b/a Hyannis Collision**, 478 West Main Street, Hyannis  
344-015-002 **Harbor Auto Sales**, 380 Yarmouth Road, Hyannis

**Common Victuallers**

295-001 **Porky's Concessions/Cafe75**, 75 Perseverance Way, Hyannis  
308-111-00D **El Mariachi Loco**, 569 Unit 12, Main Street, Hyannis  
299-099 **The Buttercup Café LLC, d/b/a The Buttercup Café**, 3224 Main St., Barnstable  
078-020 **Fig Tree Eatery LLC, d/b/a Fig Tree Cafe**, 149 Route 149, Marstons Mills,  
308-078 **Kandy K Inc. d/b/a Kandy Korner**, 474 Main Street, Hyannis  
300-008 **Nirvana Barnstable LLC, d/b/a Nirvana Coffee Co.**, 3206 Main St., Barnstable  
292-165 **KC Pizza Inc., d/b/a Dominos Pizza** 237 Falmouth Road, Hyannis  
057-004 **KC Pizza Inc., d/b/a Dominos Pizza**, 3821 Falmouth Road, Marstons Mills  
308-198 **Olivia Enterprises LLC d/b/a Sea Street Café**, 50 Sea Street, Hyannis

**Lodging House**

155-018 **Cape Cod Yoga Retreat & B&B**, 2415 Meetinghouse Way, West Barnstable  
329-049 **Summer Winds of Hyannis**, 511 Ocean Street, Hyannis