



Town of Barnstable Licensing Authority

367 Main Street, Hyannis, MA 02601

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Meeting Minutes

Minutes submitted to the
Town Clerk on July 15, 2022

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, June 13, 2022** and was held via Zoom.

Members Present: Clerk, Larry Decker; Nancy Karlson-Lidman; John Flores (Associate), David Hirsch

Members Absent: Chair, Martin Hoxie; Vice Chair, David Nunheimer

Staff Present: Licensing Director, Liz Hartsgrove; Consumer Affairs Officer, Chris Kelsey; Licensing Assistant, Erin Logan

With Chair Hoxie absent, Clerk, Larry Decker was the Acting Chair for the purposes of this meeting.

Public Comment - *There was no public comment made.*

NEW APPLICATIONS

1. New Special One Day License – Beer only & Entertainment

Application made by The Trustees of Reservations to hold "**Sunset Picnic**" at Armstrong-Kelley Park, Osterville, on June 28, 2022 from 6PM to 9PM. Beer to be served by Trustee reservation staff, current TIPS certification on file. Entertainment will be live amplified guitar and vocals by Peter Mundt.

Application represented by Anne Smith-White. Smith-White proposed a public event, a community sunset picnic, food, yard games, music and beer. Decker confirmed with Smith-White that the beer will be served on the main green with signage at each exit/entrance stating no alcohol beyond this point and will have staff checking. They will likely use wrist bands and check IDs to manage the alcohol. Officer Kelsey is concerned with the in/out on Main Street in Osterville and would require Police Detail. Smith-White had hoped to get a police detail for this event.

MOTION: *To move the Licensing Authority approve the application as submitted.*

Motion by: *Nancy Karlson-Lidman* **Seconded by:** *John Flores* **Vote:** *Yea – 4 | Nay- 0*

PUBLIC HEARINGS

1. Common Victualler All Alcohol – Change of Manager

Application made by Interstate Theatre Corporation d/b/a **Regal Cape Cod Mall Stadium 12**, 793 Iyannough Road, Hyannis for a Change of Manager from Jeffrey Ortiz to James Lamere.

Application represented by James Lamere. Decker confirmed no changes other than the change of manager.

MOTION: To move the Licensing Authority approve the application as submitted.
Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay- 0

2. Common Victualler All Alcohol – Change of Manager – *Application withdrawn*

Mass. Military Support Foundation d/b/a ***Gimmy's Tavern***, 1800 Iyannough Road, Barnstable for a Change of Manager from Kathy Morelli to Jill Krueger.

Hartsgrove advised that Don Cox will be applying for the Change of Manager in the near future.

3. Common Victualler All Alcohol – Alteration of Premises

Colombo's Café & Pastries, Inc. *dba Colombo's Café & Pastries*, 544 Main Street, Hyannis for an alteration of premises. New premise description to read as follows:

Cement block & wood structure, 1 story. Premise consists of 1st floor and basement. basement consists of two restrooms, storage area, and mechanical room. Main floor consists of kitchen, 2 dining rooms, lounge, restrooms, 2 bars and outdoor patio. Off-season seating capacity 150 inside/26 outside (see Plan A Off-Season plan on file dated 5/27/22). Seating capacity for In-season dining is 136 indoor/43 outside (see Plan B In-Season plan on file dated 5/27/22)

Application represented by Attorney Steve Pizzuti & Dave Colombo. Colombo described the change in seating between off season and on season. Pizzuti advised there is a seven seat difference. The existing patio was successful last year. Capacity stays the same. Flores added that the plan is basically just rearranging the furniture. Decker concurred.

MOTION: To move the Licensing Authority approve the application as submitted.
Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay- 0

4. New Entertainment License – Auto Amusements

DJ Western Wear, LLC *dba Tommy the Wiz*, 605 Main Street, #16, Hyannis, for an annual Entertainment License for 11 coin-operated auto amusement devices. Hours of operation will be 10AM to 11PM, Monday through Sunday.

Application represented by Debra & Joseph Palino. Decker confirmed with the Palino's that there will be 11 machines..

MOTION: To move the Licensing Authority approve the application as submitted.
Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay- 0

5. New Common Victualler All Alcohol & Daily Non-Live Entertainment Licenses

Application made by Mi Pueblo, Inc. and Attorney Mark Boudreau for a new Annual Common Victualler All Alcohol and Daily Non-Live Entertainment licenses for Mi Pueblo, Inc. *dba Mi Pueblo Restaurant*, 577 Main Street, Hyannis, to be managed by Osvaldo Valdovinos. Daily Non-Live Entertainment for TV's and music below conversation level. Premise Description: The premise consists of one large room on the first floor (3,162 sqft) an outdoor balcony on the second floor (578 sqft), and an outdoor patio (1,104 sqft) on the outside of the building.

Application represented by Osvaldo Valdovinos & Rebecca Gran. Decker confirmed that Valdovinos will be the manager. Hartsgrove confirmed that the plan was approved at Site Plan Review.

MOTION: To move the Licensing Authority approve the application as submitted.

Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay- 0

CONSENT AGENDA

RENEWALS

DBA	License
Pain D’Avignon	<ul style="list-style-type: none"> ▪ 2022 COVID Outdoor Dining Expansion
Pizza Barbone	<ul style="list-style-type: none"> ▪ 2022 COVID Outdoor Dining Expansion
Jack’s Lounge	<ul style="list-style-type: none"> ▪ 2022 COVID Outdoor Dining Expansion
Kay Jewelers	<ul style="list-style-type: none"> ▪ Junk Dealer
Best Buy	<ul style="list-style-type: none"> ▪ Junk Dealer

1. Special One Day License – Beer (no wine)

Application made by Guidepost Events SEMC, to hold the ***“Firecracker 5K”*** road race after event held at Lowell Field at Lowell Park, Cotuit, to raise funds for the Barnstable Land Trust and Cotuit Athletic Association on July 3, 2022 from 5:30PM to 8:30PM. Beer will be poured by Seth Foster; current TIPS certification on file.

2. Special One Day License – Entertainment Only

Application made by Independence House, Inc., to hold the ***“Killer Queen Benefit Concert”*** at the Barnstable Performing Arts Center, 744 W. Main Street, Hyannis; a benefit concert to support Independence House and Cape Cod Synagogue on July 6, 2022 from 7PM to 9:30PM. Entertainment will be live performing arts.

3. Special One Day License – Entertainment Only

Application made by Independence House, Inc., to hold the ***“International Festival”*** at the Hyannis Village Green; a cultural festival including non-profit vendors, retail vendors, food trucks and tents on July 24, 2022 from 11AM to 7PM. Entertainment will be live performing arts/amplified musicians as well as speakers.

4. Special One Day License – Beer & Wine

Application made by Wianno Club, to hold the ***“Tennis Exhibition Matches”*** at the Tennis House on Washington Street, Osterville, on June 26, 2022 from 1PM to 5:30PM. Wianno Club has a Club All Alcohol License. The event is only open to club members.

5. Special One Day License – Entertainment & Beer (no wine) – Requesting Retro Approval

Application made by Tour De Barnstable, DEVO Cycling Cape Cod, to hold ***“Tour De Barnstable”*** a non-profit charity bike ride through the villages of Barnstable on June 5, 2022 from 9AM to 2PM. Entertainment will be amplified music. Cape Cod Beer will be pouring the beer.

6. Special One Day License – Entertainment Only

Application made by Cape Abilities, to hold ***“Cape Abilities Walk for Opportunity”*** on June 25, 2022, from 10AM to 1PM at the Hyannis Village Green. Entertainment to include amplified recorded music/radio.

7. Special One Day License – All Alcohol & Entertainment – Requesting Retro Approval

Application made by St. Anthony's Charity Club of Osterville, to hold "**Cape Verdean Feast**" at 515 Old Mill Road, Osterville, on June 11, 2022 from 12PM to 6PM. Alcohol will be poured by a TIPS certified member of St. Anthony's Charity Club of Osterville. Entertainment to include a live, amplified, 3-piece band.

MOTION: To move the Licensing Authority approve the Consent Agenda.

Motion by: Nancy Karlson-Lidman Secoded by: John Flores Vote: Yea – 4 | Nay- 0

DISCUSSION

- 1. Four Seasons, 350 Stevens St Hyannis** - Hartsgrove advised we were notified by the Town of Yarmouth of an abrupt closing of the Grand Café in Yarmouth. Grand Café shifted over to 350 Stevens Street which is the current location of Four Seasons Trattoria. [questioning who was operating the license] There was a coordinated site visit with various town depts. At the time of the site visit, the owners of Four Seasons confirmed they were looking to merge with Grand Café. We have received an application from Attorney Lawler for the Grand Café which will be on the next agenda. *It should be noted that while invited, there were no representatives of the Four Seasons Trattoria present at this meeting.*
- 2. Cape Cod Used Auto, 155 Rosary Lane, Hyannis** – Hartsgrove noted that these owners have a Class II Auto Dealers license and are a successful business which is causing a problem because they are outgrowing there space which creates a violation. Officer Kelsey advised that he first visited the business on July 28, 2021 and has done a total of 11 site visits. Of those 11 visits the business has been in violation 9 times. Kelsey advised that as recently as June 6, 2022 he was still in violation. Tallas is looking to expand and is specifically looking for more information regarding 455 Yarmouth Road, Hyannis. He is currently holding some cars off site as his Carver restaurant. Flores asked if the overabundance of used cars propose a danger or a public issue. Kelsey advised that they neighboring business had an access issue and the lot gets full but there is not a safety issue on Rosary Lane. Hartsgrove reiterated that it is not just an issue over an overabundance of cars. Hartsgrove would suggest that a property be identified within the next month and if there are further violations she would prefer this brought back for a Show Cause Hearing. *Tallas Lana, owner, was present for this discussion.*
- 3. 19th Hole, 11 Barnstable Rd, Hyannis** – Hartsgrove noted that the previous manager passed away and Dave Cronan was now the manager. An application was filed with the former licensing Director but the application was incomplete. We are here today to move forward with this application. Dave Cronan was present and noted that the last time he was in contact with Richard Scali he said I would be on the docket for Change of Manager. Cronan just assumed this was all set. Licensing staff has received the application and all is complete except the DOR. Decker confirmed with Cronan that he will be submitting proper documentation for the July 11th meeting. *Dave Cronan, owner, was present for this discussion.*
- 4. Ronny's Pizza, 11 Ridgewood Ave, Hyannis** – Hartsgrove advised that about a year ago there was a transfer from Beer & Wine to All Alcohol. There was a requirement by the local board that they provide an update on their operations. Attorney Garry Blank and Jefferson Palhaeras are present for the discussion. Blank noted that everything seems to be going well [with the business]. The only complaint he knows of is that the hours to

serve alcohol are short. They can serve food until 1pm but not alcoholic beverages after 11pm. Officer Kelsey noted that at the time of the original application Lt. Murphy was concerned with the prior ownership of the property. Palhaeras assured us that he wanted a family restaurant. Kelsey had heard that the restaurant was open past allowable hours. On May 15th there were multiple fights with well over 100 people there. Kelsey observed the property on June 10th at 11:30pm where he noted customers were still present and there were at least 15 drinks on the tables. Hartsgrove clarifies that the operation is closed at 11pm including food. Jefferson noting that the people were fighting outside at the parking lot next door and not inside the restaurant. Karlson-Lidman clarified with Palhaeras that the fight started outside of the restaurant. Decker asked who called the police [not answered]. Flores asked if it was a family restaurant. Blank felt it was a family restaurant noting that he has been there several times and has seen a family atmosphere. Karlson-Lidman is concerned with how 100 people are outside and no one [from the restaurant] called the police. Kelsey clarified that he did not respond to this call himself and that this information is taken from the Sargent that responded that night adding that five police vehicles showed up. 10 people were fighting and there were at least 100 people around. At some point the Sargent connected restaurant capacity with the amount of people outside. Decker noted that if alcohol is being served after hours this will cause a problem moving forward. Palhaeras would be happy to allow the police to access his cameras. Flores commented that he is not in favor of later hours as he is not in compliance now. Hartsgrove felt there should be more time established for Ronny's to show compliance with the license and recommends that Palhaeras come back before the board in the fall.

There were no objections to Director Hartsgrove's recommendations on any of the discussion matters.

APPROVAL OF MINUTES

MOTION: To move the Licensing Authority approve the May 23, 2022 minutes.

Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay- 0

LICENSING UPDATES

1. **Licensing Authority** – Hartsgrove noted two upcoming meetings. This week is the Annual On-Premise compliance meeting. All licensees are welcome to attend. The meeting will be virtual. The ABCC Investigator will be attending and giving a presentation. 10am on Thursday. On July 11th there are already quite a few applications. Flores questioned why the meeting is not mandatory. Hartsgrove noted that there are some meetings that are mandatory but it was decided by the Licensing Authority that it would not be mandatory. She added that the meetings are recorded and posted online for view at any time. Flores would be concerned that if we do not require attendance would there be a liability on behalf of the town.
2. **Licensing Department** – Working on getting the applications into OpenGov so we can get the alcohol renewals online. Decker noticed quite a few additional outside dining on Main Street. More added recently. Hartsgrove noted there are already 14 or 16 pre-covid outdoor dining agreements. Then there are temporary COVID agreements. Pizza Barbone is expanding and will

be before the Licensing Authority for an alteration of premise. Decker noticed that they give a general description of their outside seating – who follows up on that? Hartsgrove noted Officer Kelsey keep on top of outdoor dining. At the corner of Sea Street and Main Street Decker was concerned with the seating.

3. **Police Department** – Kelsey will be working closely with Director Hartsgrove on the Four Seasons issue. Decker asked Kelsey about the property owners and parking their cars. Decker wanted to know if the Licensing Authority got involved with this. He specifically noted issues with parking on Ocean Street and sees this issue happening again. Kelsey would need more information on this. Decker has received a number of complaints about junk cars.

David Hirsch brought up an issue of two businesses that he feels need junk dealers licenses. They advertised sales of jewelry. Kelsey will be looking into this.

Adjourn

MOTION: To move that the Licensing Authority adjourn the meeting at 11:10 am.

Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay-0

Respectfully submitted,

Erin Logan

Erin Logan
Town of Barnstable Licensing Assistant

Larry Decker

Larry Decker, Clerk
Town of Barnstable Licensing Authority

**Minutes approved by the Licensing Authority
on July 11, 2022**