



## Town of Barnstable Licensing Authority

367 Main Street, Hyannis, MA 02601  
www.town.barnstable.ma.us  
Telephone: 508-862-4674 Fax: 508-778-2412



# Meeting Minutes

TOWN CLERK CLOCKED ON 10/18/2022

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, September 12, 2022** and was held at Barnstable Town Hall, 367 Main Street, James H. Crocker Jr. Hearing Room – 2<sup>nd</sup> Floor, Hyannis.

**Members Present:** Vice Chair, David Nunheimer, Clerk, Larry Decker; Nancy Karlson-Lidman; John Flores (Associate)

**Members Absent:** Chair, Martin Hoxie; David Hirsch

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

**With Chair Hoxie absent, Vice Chair, David Nunheimer was the Acting Chair for the purposes of this meeting.**

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

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## NEW LICENSES

### 1. Special One Day License – Beer Only and Entertainment

Application made by Sturgis Library, 3090 Main Street, Barnstable, to hold an **Outdoor Music Series**. Beer will be poured by Christy Munier – current TIPS certificate on file. Entertainment will be live amplified performers. Event dates, times, and Entertainers as noted below:

*Christy Munier was present and represented the Sturgis Library. Munier described the events noting that the first two events went well.*

- *Naomi Westwater Trio, September 3, 2022; 3pm-4:30pm **Requesting retro approval***
- *Mike Machaby and the Movers; September 10, 2022; 3pm-4:30pm **Requesting retro approval***
- *Willie J. Laws Band; September 17, 2022; 3pm-4:30pm*
- *Bart Weisman Trio; September 24, 2022; 3pm-4:30pm*

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

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

### 2. Special One Day License – Beer & Wine and Entertainment

Application made by Cape Cod Gateway Airport, 480 Barnstable Road, Hyannis, to hold “**A Great Day at the Gateway – Celebrating America on Cape Cod**”. A Family fun day honoring America’s

military with Honor Guard Presentation, touch-a-truck, face painting, bands, aircraft displays, food trucks, and live radio broadcasting. Beer and wine will be poured by Cape Cod Beer of Hyannis and Decanted, Inc. of Worcester. Current TIPS Certificate on file. Entertainment will be live amplified performers and live radio broadcasting. The event is scheduled for September 24, 2022 at Cape Cod Gateway Airport from 11AM-4PM.

*Katie Servis was present and represented the application. Servis described the proposed event. Flores mentioned, for the record, that he sits on the Airport Commission. Kelsey advised that the Police Officer at the airport should not be used for this event adding that he would recommend a separate police detail. Servis advised that she has requested two separate details, one for traffic and one to float around the event.*

**MOTION: To move the Licensing Authority approve the application as amended to include two police details [separate of the regular on duty Police Officer].**

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

3. **Special One Day License – Beer & Wine - Retro Approval Requested**

Application made by Barnstable Comedy Club, Village Hall, Barnstable, to hold “**Silver Threads Benefit Performance**”. A fundraising event for a new sound system for the Barnstable Comedy Club. Beer and wine will be poured by Lloyd George. Current TIPS Certificate on file. The event was held on September , 2022 at from 7PM to 10PM.

*Lloyd George was present to represent the Barnstable Comedy Club. George noted there were no reported problems at the event and he was very busy. He added that he hoped to have more events in the future.*

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

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

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## **PUBLIC HEARINGS**

1. **Amend Wine & Malt Package Store**

Super Target Liquor of Massachusetts, Inc. dba **Target**, 769 Iyannough Road, Hyannis for a Change of Manager from Daron Holloway to Cara Forti.

*Elizabeth Pisano from Upton Connell and Devlinn was presented to represent Target. Pisano advised that Cara Forti is the proposed new alcohol manager. Forti is a United States citizen, a resident of Massachusetts and is TIPS certified. Nunheimer asked Forti if she has any experience. Pisano interjected that Target has a very extensive program for training staff who will be handling alcohol. Director Hartsgrove offered to meet with Ms. Forti to go over the Town of Barnstable Licensing Authority Rules & Regulations.*

**MOTION: To move the Licensing Authority approve the application noting that Ms. Forti will meet with Director Hartsgrove to review the Rules and Regulations.**

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

## **2. New Annual Wine & Malt Common Victualler**

Kami Perry dba **Perry-Lima Café**, 573 & 575 Main Street, Hyannis, for a new Annual Wine & Malt Common Victualler license. Proposed manager is Kami Perry. Hours of Operation: Monday- Saturday 7AM – 9PM and Sunday 10AM-9PM. Premises description as follows:

***Single story restaurant consisting of two 24 +/- square foot restroom. 56 +/- square foot cleaning room, 237 +/- square foot kitchen, 40+/- square foot patio, approximately 1000, square foot restaurant area, 308+/- bar area. Also 2 additional bathrooms. Total 51 seats inside with 36 seats outside on patio.***

*Kami Perry was present and represented herself. Perry advised she is looking to add beer and wine to her restaurant noting that she recently expanded. Nunheimer asked if Ms. Perry has experience. Hartsgrove confirmed this was an annual license. Karlson-Lidman confirmed with Perry that only the bartender and Ms. Perry would be TIPS certified.*

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

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

*Nunheimer amended the motion requiring all individuals serving alcohol to be TIPS certified and added that Perry will meet with Director Harstgrove to go over the Rules and Regulations. Amended motion was moved in the affirmative, unanimously.*

## **3. New Annual All Alcohol Common Victualler**

Sea Street Café, Inc. d/b/a **Sea Street Cafe**, 50 Sea Street, Hyannis for a new Annual All Alcohol Common Victualler license. Proposed manager is Maria A. Sapundjioski. Hours of Operation: Monday through Saturday 7AM - 10PM, Sunday 10AM - 10PM. Premises description as follows:

***Wood frame building consisting of 1,704 sq ft on the first floor plus basement. Rooms on main floor include the dining area and restrooms. Total square footage 2,080 with 48 interior seats.***

*Attorney David Lawler was present and represented the Sea Street Café. Silvio Piper, owner and Maria Sapundjioski, proposed manager, were also present. Lawler noted that Sea Street Café has been around for years and this location has had a liquor license in the past. Sapundjioski has been working at Sea Street Cafe for four years. She is not currently TIPS certified but will be. Piper is the chef and understands the Rules and Regulations. They plan on opening for dinner, closing at 10pm. Lawler would welcome a meeting with Piper and Sapundjioski with Hartsgrove. Decker noted they are changing their hours. Hartsgrove reminded the board that abutters were notified of the changes. Karlson-Lidman requested that someone else also get TIPS Certified. Kelsey asked for clarification on the closing for 10pm. Lawler noted this will not be a bar but a restaurant.*

**MOTION: To move the Licensing Authority approve the application subject to the applicant meeting with Director Hartsgrove to review the Rules and Regulations.**

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

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## **SHOW CAUSE HEARING**

In accordance with MGL c.138 the Barnstable Licensing Authority will hold Show Cause Hearing to consider the modification, suspension or revocation of the Annual All Alcohol Common Victualler license for **Simone's Pizza Burger, Inc. d.b.a. Ronny's Pizza**, 11 Ridgewood Ave, Hyannis for the following violations of the Town of Barnstable, MA Code:

**502-1 ALCOHOLIC BEVERAGES GENERAL PROVISIONS:** *Alcoholic beverages licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Licensing Authority or unless written permission is first obtained from the Licensing Authority. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Licensing Authority.*

*Attorney Garry Blank was present and represented Jefferson Palhares, owner, of Simone's Pizza Burger Inc. dba Ronny's Pizza.*

*Blank asked the board to consider this a minor violation then continued to discuss a previous matter regarding a fight in front of the subject business. Blank noted the license lists Simone's Pizza Burger minus the "Inc.". Blank has submitted an application to drop the DBA (Ronny's Pizza) and he added that he has no doubt that Palhares did not have any intent to defraud the public or the board by using his corporate name. The sign reflects his corporate name.*

*Director Hartsgrove noted that in the past the board advised if there were any violations they would be called for a Show Cause Hearing. Hartsgrove continued by advising that on the day of the last hearing, a cease and desist letter was mailed and emailed advising of the signage violation instructing Mr. Palhares to file a change of corporate name. Last week a Health Inspector noted that there was a menu change and uniform change for staff.*

*Blank noted that the signage came down the day of the cease and desist was issued. He added that he has been retained to ensure each step is taken in the correct order and he will assist Palhares.*

*Nunheimer noted that this business has had a significant history and while we would all like to see his business succeed, it cannot continue to have these issues.*

*Flores would like to know what has been done to fix the infractions. Blank advised an application has been made to change the DBA.*

Decker confirmed with Hartsgrove that she will require approval of the Local Licensing Authority and subsequently the Alcoholic Beverages Control Commission (ABCC).

Karlson-Lidman asked Palhares if he had any questions. Palhares advised he does try to make everything right.

Hartsgrove noted this is not a severe violation and she recommends a one day suspension held in abeyance for one year from today's date [September 12, 2022 – expiring September 12, 2023].

Decker confirmed with Hartsgrove that they application to amend the DBA and payment has been received. Once the ABCC issues approval they would remove reference to Ronny's on the license and then they can move forward.

#### **FINDINGS**

**Vice Chair Nunheimer stated the following finding of facts:**

1. ***There was improper use of the business name on signage and advertising***

**MOTION: To move the Licensing Authority accept the findings.**

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

#### **VERDICT**

**MOTION: To move the Licensing Authority determine if the licensee is guilty or not guilty of violating Town of Barnstable Code 502.1 Alcohol Beverages General Provisions.**

**Motion by: David Nunheimer Seconded by: Larry Decker Vote: Not Guilty –0 | Guilty - 4**

#### **ACTION**

**MOTION: To move the Licensing Authority hold a one-day suspension in abeyance for one year from September 12, 2022.**

**Motion by: David Nunheimer Seconded by: Larry Decker Vote: Yea – 4 | Nay – 0**

Director Hartsgrove explained to the applicant and his representative that a one-day suspension may be held if any further violations occur within the next year.

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## **DISCUSSION**

### **1. EXTENDED CLOSURE REQUEST STATUS UPDATE – Continued from July 11, 2022**

***Cotuit Beer & Wine Inc.*** located at 737 Main Street, Cotuit requesting an extension of closure for the Package Store Wine & Malt License.

*Attorney Lawler gave an update on Cotuit Beer & Wine. He advised that an agreement has been signed by the seller and buyer. Attorney Doug Cabral is working on the application. Nunheimer asked Lawler to let Director Hartsgrove know when the agreement is signed. Hartsgrove noted that we received confirmation that the agreement will be signed today and we hope for the application on Friday (September 16, 2022)*

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## CONSENT AGENDA

1. Request for Closure: Downtown Bistro

2. 2022 ANNUAL RENEWALS

DBA	License
Pitchers Way LLC	Lodging House License

*Director Harsgrove noted that Downtown Bistro proposes to close while they revamp their restaurant and plan to reopen in the spring of 2023.*

**MOTION: To move the Licensing Authority approves the consent agenda as submitted.  
Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0**

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## APPROVAL OF MINUTES

**MOTION: To move the Licensing Authority approve the August 8, 2022 minutes as written.  
Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0**

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## LICENSING UPDATES

1. Licensing Authority – Director Hartgrove that she and Officer Kelsey will be coordinating efforts for the upcoming, two-day suspension for Four Seasons Trattoria which includes food and alcohol.
2. Licensing Department – Director Hartsgrove mentioned that the renewal season is approaching and we hope to start having renewals on the consent agenda as early as the October 17, 2022 meeting. Hartsgrove went on to explain that the alcohol renewals will be completed on the OpenGov portal.
3. Police Department – Officer Kelsey is working on a few issues that will be upcoming.

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## Adjourn

**MOTION: To move that the Licensing Authority adjourn the meeting at 10:34 am.  
Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0**

Respectfully submitted,

***Erin Logan***

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Erin Logan  
Town of Barnstable Licensing Assistant

***Larry Decker***

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Larry Decker, Clerk  
Town of Barnstable Licensing Authority

Minutes approved at the October 17, 2022 meeting.