



## Town of Barnstable Licensing Authority

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# Meeting Minutes

Filed with Town Clerk on 11/16/22

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, October 17, 2022** and was held via Zoom Meetings.

**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 – Entertainment Only**

Application made by Dylan Moreno of 427 Main Street, Hyannis to hold the **“Run Through the Storm 5k Run/Walk”** event starting at Sturgis Charter Public School, 427 Main Street, Hyannis on March 25, 2023 from 6AM to 12:30PM. Entertainment will be recorded music as well as live amplified music

*Director Hartsgrove noted the applicant is a student at Sturgis and is unable to attend but everything is in order. Hartsgrove noted that parents and faculty will be present at the 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*

### 2. **Discussion on Special One Day License – Entertainment Only Application**

Discussion on PD report 22-47330 and the retro approval application made by Jacks Lounge, Timothy DiPrete, 373 West Main Street, Hyannis to hold a **“Birthday Party”** event on October 5, 2022 from 9PM to 12PM. Entertainment was provided by a disc jockey.

**Represented by:** *Officer Chris Kelsey, Tim DiPrete, Grace Horton and Derek Horton*

*Officer Kelsey advised that on October 5, 2022 Barnstable Police Department officers responded to Jacks Lounge. Officer Kelsey advised that he had been told from two sources that on underage serving was occurring on Monday and Wednesday evenings. Both the manager and bartender were told this information. Kelsey noted that there was a DJ present and advised management that they needed a*

special one-day license. He added that as the officers were leaving someone played anti-police music. Administrative Assistant, Erin Logan, advised that the one day application was submitted at 10:15pm the evening of October 5, 2022.

Tim DiPrete acknowledged two incidents of underage of underage drinking. DiPrete stated that he had reached out to Licensing regarding an entertainment license. He added that the wires to the outdoor speakers have been cut.

Nunheimer confirmed with Hartsgrove that she did not receive any emails from DiPrete.

Kelsey states the manager acknowledged he knew he needed a license.

**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**

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## **PUBLIC HEARINGS**

### **1. Amend Class I Auto Dealer**

CopeCodder Enterprises Corp dba **Copeland Subaru**, 24 Ridgewood Avenue, Hyannis to add 70, 76, and 100 Barnstable Road, Hyannis; 28 display spaces, 15 employee spaces, 1 handicap space, 2 customer spaces, 4 showroom spaces, 14 service spaces, 25 storage spaces and 8 service bays for a total 97 spaces.

*Application represented by Bryan Scarpellini. Scarpellini advised that Subaru needs more stall capacity.*

**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. New Common Victualler**

Seasonal Food Brands d/b/a **Epicurean Feast**, 2240 Iyannough Road, West Barnstable (Cape Cod Community College) for a new Annual Common Victualler license with indoor seating for 125, and hours of operation are daily from 7am to 2:30pm

*Application represented by Jerry Pace. Pace advised they took over dining service from Unidine. At this time food is grab and go. Flores confirmed with Pace that the cafeteria is open to the public. Pace added that they do have catering event that may not necessarily be advertised to the public. Flores disclosed that he is on the board of trustees.*

*Director Hartsgrove clarified that there are no issues with Flores being on the board*

**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**

### **3. Amend Annual All Alcohol Innholder**

Hearth'n Kettle of Hyannis d/b/a **Cape Codder Resort**, 1225 Iyannough Road/Route 132, Hyannis for a change of manager on the Annual All Alcohol Innholder license from William Catania to Jon Bercume

*Application represented by Jon Bercume. Bercume has 31 years of experience in the hospitality industry. He has spent the last seven years at the Cape Codder Resort and is responsible for all operational aspects of the resort.*

**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. Amend Annual All Alcohol Common Victualler**

##### **Change of Manager, Change Directors & Officers, Change Stock**

C&D Shamrock Inc d/b/a **19<sup>th</sup> Hole Tavern**, 11 Barnstable Road, Hyannis to amend the Annual All Alcohol Common Victualler license as follows: Change of Manager from Christopher J. Doherty to David Cronan; Change Directors & Officers as well as stock to remove Christopher J. Doherty and amend David Cronan's interest to President/Treasurer with 100% ownership

*Application represented by Dave Cronan. Acting Chair Nunheimer confirmed with Cronan that nothing is changing as far as daily operations.*

**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. Transfer Annual Wine & Malt Package Store License**

**Cotuit Fresh Market, LLC**, 737 Main Street, Cotuit to transfer the Annual Wine & Malt Package Store license from Cotuit Beer & Wine Inc *dba* Cotuit Beer & Wine to Cotuit Fresh Market, LLC. The applicant also proposes a Pledge of the License to Cape Cod Cooperative Bank *dba* The Cooperative Bank of Cape Cod. Proposed hours of operation are Monday through Saturday 8AM to 11PM and Sunday 10AM to 11PM. The proposed manager is Megan A. Burdick. Noting the following premise description:

***The premise consists of approximately 3,500 sq. ft. on the first floor of a two story building together with approximately 500 sq. ft. of storage space in the basement. The premises consists of 3 rooms/areas for the market, one room will be dedicated to the beer & wine display, two toilets and an office, and the basement storage area***

*Application represented by Attorney Doug Cabral as is Megan Burdick. Cabral advised the applicant is looking to take over the operation. Burdick has gone through alcohol certificate training. Carbral noted that there is a pledge on this license. Karlson-Lidman confirmed with Cabral that the entire market is under the same owner so there will no longer be a wall or door separating the wine and malts from the remainder of the store.*

**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**

#### **6. Transfer Annual All Alcohol Common Victualler & Daily Non-Live Entertainment**

***Continued from July 11, 2022*** - Grand Café Restaurant, Inc. *dba* **Grand Café Restaurant, Inc.** 350 Stevens Street, Hyannis to transfer the All Alcohol Common Victualler and Daily Non-Live Entertainment licenses from Four Seasons Trattoria in Hyannis, Inc. *dba* Four Seasons Trattoria in Hyannis to Grand Café Restaurant, Inc. *dba* Grand Café Restaurant, Inc. Hours of operation 10AM to 10PM, daily. Daily Non-Live Entertainment is for recorded music and 3 TV's

*Application represented by Attorney David Lawler. Lawler began by advising that owners are TIPS trained and have been running restaurants with alcohol for years. Decker confirmed that they had been operating as Grand Café under the Four Seasons Trattoria license. Both owners currently work at Four Seasons Trattoria in Hyannis.*

**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**

**7. Amend Annual All Alcohol Common Victualler**

Simone’s Pizza Burger, Inc. dba **Ronny’s Pizza**, 11 Ridgewood Avenue, Hyannis to Change the DBA from Ronny’s Pizza to Simone’s Pizza Burger

*Application represented by Attorney Garry Blank as well as the business owner, Jefferson Palhares. Blank advised that Mr. Palhares proposed to change the DBA to Simone’s Pizza Burger. There will be a menu change. Director Hartsgrove confirmed that Mr. Palhares may not operate under the new name until the Alcoholic Beverages Control Commission approves the application.*

**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**

**DISCUSSION**

1. Discussion due to violations occurring on August 13, 2022 for Harbor Club dba **Trader Ed’s**, 11 Willow Street, Hyannis – Seasonal All Alcohol Common Victualler

*Officer Chris Kelsey advised of an incident at Trader Ed’s. When police arrived there was a woman who was highly intoxicated and they were looking for her friends to get her assistance. The young woman was too intoxicated to speak and vomited. She was transported to the Hospital. It was discovered that the woman was underage and using a fake ID. While Officer Kelsey was still on scene another individual tried to get in with a fake ID. The individual working at the door advised the police accordingly. There was a third individual who was intoxicated and was somewhat belligerent and was placed in protective custody. Kelsey added that in his time as a Police Officer he has not had a situation like that in any establishment. Kelsey does not see this as being a regular occurrence.*

*Director Hartsgrove noted that item is just a discussion to have a conversation about mitigating future problems.*

*Wayne Kurker and John Shea are present. They note that there is new technology and kids are buying fake IDs. They have trained staff on how to spot fake IDs.*

**CONSENT AGENDA**

DBA	Address	License type
Copeland Chevrolet	22 Ridgewood Ave, Hyannis	• Class I Auto Dealer
Copeland Subaru	24 Ridgewood Ave, Hyannis & 95/123 Falmouth Rd & 172/180 Walton Ave. Hyannis	• Class I Auto Dealer
Hyannis Honda	830-880 West Main St, Hyannis	• Class I Auto Dealer

Hyannis Honda Annex	405 West Main Street, Hyannis	<ul style="list-style-type: none"> <li>• Class I Auto Dealer</li> </ul>
Hyannis Honda Body Shop	1364 Phinneys Lane, Hyannis	<ul style="list-style-type: none"> <li>• Class I Auto Dealer</li> </ul>
Hyannis Marina	1 Willow Street, Hyannis	<ul style="list-style-type: none"> <li>• Class I Auto Dealer</li> </ul>
JMR Honda	741 Yarmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class I Auto Dealer</li> </ul>
Cape Cod Auto Sales	155 Rosary Lane, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Cape Cod Cars & Trucks	381 Barnstable Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Car Guys Credit Express	202 Yarmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Car Guys, The	551 Yarmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Club 44 Acquisition	1740 Old Stage Rd, W Barn	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Executive Auto & Sales	515 W Main St, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Hyannis Foreign Auto Sales	98 Rear Falmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
MBM Auto Sales	115 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Quality Auto Center	91 Barnstable Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Robert Trapp	120 Yarmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Route 132 Motors	609 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
The Car Store Cape Cod	744 Bearses Way, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Willow Street Motors	519 Yarmouth Rd, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Ziggys Auto Sales	832 Bearses Way, Hyannis	<ul style="list-style-type: none"> <li>• Class II Auto Dealer</li> </ul>
Barnes & Noble	793 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Burger King #4486	2145 Iyannough Rd, W Barn	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
Burger King #664	184 North St, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
Buttercup Café, The	3224 Main St, Barnstable	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
Charley Philly Steaks	793 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Chick-Fil-A	155 Enterprise Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
Cumberland Farms #2326	389 West Main St, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
D'Angelo	2145 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Garrett's Family Market	1617 Falmouth Rd, Centerville	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Great House of Zou	1600 Falmouth Rd, Centerville	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Honey Dew	313 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
IHOP	790 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
KFC Taco Bell	314 Barnstable Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Morning Glory Café	211 Cotuit Rd, Marstons Mills	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Osterville Fish Too	275 Millway, Barnstable	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Panera Bread	790 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> <li>• Daily Non-Live Entertainment</li> </ul>
Regina Pizzeria	793 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Subway #29595	425 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Subway #53322	14 West Main St, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>

Whole Foods	990 Iyannough Rd, Hyannis	<ul style="list-style-type: none"> <li>• Common Victualler</li> </ul>
Sturgis Charter Public School	529 Main St, Hyannis	<ul style="list-style-type: none"> <li>• Cinema</li> <li>• Daily Live Entertainment</li> <li>• Daily Non-Live Entertainment</li> </ul>
Barnstable Comedy Club	3171 Main St, Barnstable	<ul style="list-style-type: none"> <li>• Live Theatre</li> </ul>
Cape Cod Ocean Manor	453 Ocean St, Hyannis	<ul style="list-style-type: none"> <li>• Lodging House</li> </ul>
Cape Cod Yoga Retreat	2415 Meetinghouse Wy, WB	<ul style="list-style-type: none"> <li>• Lodging House</li> </ul>
Long Dell Inn	436 So Main St, Centerville	<ul style="list-style-type: none"> <li>• Lodging House</li> </ul>
Tidewater Inn	275 Ocean St, Hyannis	<ul style="list-style-type: none"> <li>• Lodging House</li> </ul>
Yarmouth Road Lodging House	34 Yarmouth Road, Hyannis	<ul style="list-style-type: none"> <li>• Lodging House</li> </ul>

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

## APPROVAL OF MINUTES

***MOTION: To move the Licensing Authority approve the September 12 2022 minutes as written.  
Motion by: Nancy Karlson-Lidman Seconded by: John Flores Vote: Yea – 4 | Nay - 0***

## LICENSING UPDATES

**Police Department Updates:** Officer Kelsey advised the Barnstable Police Department is still investigating cases of substances being put in drinks.

**Licensing Department updates:** Director Hartsgrove advised we are launching liquor licenses through OpenGov. Alcohol license holders should expect to receive an email and links to videos to help them through the process.

## Adjourn

***MOTION: To move that the Licensing Authority adjourn the meeting at 10:49 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, Clerk***

Larry Decker, Clerk  
Town of Barnstable Licensing Authority

Minutes Approved by the Authority on 11/14/22