

Town of Barnstable Licensing Authority

367 Main Street, Hyannis, MA 02601

www.town.barnstable.ma.us

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Meeting Minutes

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, May 15, 2023** and was held at Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis.

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

Members Absent: Martin Hoxie, Chair; Max Mitrokostas

Staff Present: David Anthony, Director of Asset Management; Erin Logan, Interim Deputy Director of Licensing and Asset Management

Public Comment – There was no public comment made

NEW BUSINESS

Special One Day Entertainment Licenses & Temporary Extension of Premises

An application has been filed by Elizabeth Wurfbain of the Hyannis Main Street Business Improvement District, to host the **Long Table Event** on Main Street in Hyannis on Friday, June 26, 2023, from 5pm to 9pm (rain date 6/27/23). The event will include live amplified entertainment. The following licensees propose to serve food and alcohol and are requesting a *Temporary Extension of Premise as part of this event: The Naked Oyster, The West End, Pizza Barbone, Torino Restaurant & Bar, Colombo's Café & Pastries, Tap City Grill, Embargo, Anejo, and Albertos Ristorante.*

Application represented by Elizabeth Wurfbain of the Hyannis Main Street Business Improvement District. Wurfbain described the event which formerly took place in 2019. Parts of Main Street Hyannis will be closed to thru traffic. Police Details have been organized for the event. Karlson-Lidman confirmed Wurfbain the list of establishments that will be taking part in this event. Wurfbain advised that she will have staff present to assist with the event.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.

SO VOTED: Aye – 4 | Nay - 0 | Abstain - 0

Special One Day Beer & Wine and Entertainment Licenses

An application has been filed by Elizabeth Wurfbain of the Hyannis Main Street Business Improvement District, to host the **First Friday's** on Main Street, Hyannis on Friday, June 2, 2023; July 7, 2023; August 4, 2023; September 1, 2023; October 6, 2023; November 3, 2023; and December 1, 2023. The event will include Cinema Screenings by Hyannis Film Festival, Live and non-live amplified music, pickleball, and art installations. A Temporary Extension of Premise for Flashbacks proposed Beer Garden; Sip and shop (beer & wine) offered by Seaporium @ 645 Main St; Harley Davidson @ 615 Main St; Country Soul @ 605 Main St; Jewelcraft @ 585 Main St; Soft as a Grape @ 555 Main St; 606 Thrift @ 606 Main St; Bella Cris @ 584 Main St; Bumblina @ 592 Main St; Moonshine Leather @ 578 Main St; Allium @ 558 Main St; Mrs. M's Summer House @ 550 Main St; Silver Seahorse @ 382 Main St; Love Live Local @ 539 Main St; Soho Arts @ 342 Main

St; Cape Cod Jewelers @ 366 Main St; Mrs. Mitchell's @ 362 Main St; Chez Antione Cafe @ 357 Main St; Red Fish Blue Fish @ 374 Main St; Security Plans and TIPS Certifications on file;

Wurfbain described the proposal and explained that this event is modeled after similar events around the country to encourage people to shop and experience downtown in a different way. Specifically she experienced this event in Fredricksburg Virginia. Wurfbain proposes to have the trolley running downtown with pop up artists on Main Street. There will be films showcasing local small movies with craft beer, pickleball, corn hole. Flores confirm with Wurfbain that the time frame for the event is from 5pm – 8pm. Officer Kelsey advised Licensing staff that he will require a crowd control manager and police details.

MOTION: *Decker moved, seconded by Karlson-Lidman, to approve this application as amended to include a crowd control manager and police details.*

SO VOTED: *Aye – 4 |Nay - 0 |Abstain - 0*

Class II Auto Dealer - Forfeiture

An application was filed by Cape Cod Used Cars, Inc. dba **Cape Cod Auto Sales**, 155 Rosary Lane, Hyannis, to forfeit the Class II Auto Dealer License.

Tallas Lana confirmed with Nunheimer that he is forfeiting the license and amending the DBA,

MOTION: *Decker moved, seconded by Karlson-Lidman, to accept the forfeiture.*

SO VOTED: *Aye – 4 |Nay - 0 |Abstain - 0*

Amend Class II Auto Dealer License – Change of Corporation & DBA

An application was filed by 50 Airport LLC dba **50 Airport LLC**, 50 Airport Road, Hyannis, to amend the corporation to read Cape Cod Used Cars, Inc. dba **Carros No Cape Auto Sales**.

Decker confirmed with Mr. Lana that this is an LLC not a corporation.

MOTION: *Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.*

SO VOTED: *Aye – 4 |Nay - 0 |Abstain - 0*

PUBLIC HEARINGS

New Seasonal Common Victuller License

An application was filed by JME Taylor dba **The Barnacle**, 988 Craigville Beach Road, Centerville, for a new Seasonal Common Victualler license with 37 seats.

Maryann Taylor is present she has taken over The Barnacle with no changes to the menu or daily operations.

MOTION: *Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.*

SO VOTED: *Aye – 4 |Nay - 0 |Abstain - 0*

New Seasonal Common Victuller License

An application was filed by Dinner with Derm LLC dba **Bites at Craigville**, 974 Craigville Beach Road, Centerville, for a new Seasonal Common Victualler license with 20 seats.

Rich Derminy noted that a few menu items will be changing but otherwise they plan on maintaining the same daily operations.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

New Seasonal Common Victuller License

An application was filed by Riverway Lobster House, Inc. dba **West Beach Club**, 9 Dale Avenue, Hyannisport, for a new Seasonal Common Victualler license with 48 seats.

Jason Sisco will be running the snack bar for the club for about 9 weeks. This is a seasonal application.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

New Common Victuller License

An application was filed by JackTrade LLC dba **Mariner Café LLC**, 282 Main Street, Hyannis, for a new Common Victualler license; open daily from 6am to 3pm.

Indri is the property manager; she advised this will be a coffee shop with coffee, pastries, and to-go sandwiches.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

New Annual Entertainment License

An application was filed by FunBox dba **FunBox**, 769 Iyannough Road, Hyannis, for a new daily non-live entertainment license (bounce house) at the Cape Cod Mall Parking lot.

Mike Bolback was present on behalf of FunBox. He proposes to use the same space as the Flip Circus (located in Cape Cod Mall Parking lot). FunBox is the world's biggest bounce park. The target age group is 3-12 year olds. Bolback proposes to have FunBox operate from June 15th until September 3rd. 1 Main bounce-park then obstacle course, toddler tent, seating area, serve snow cones. Decker confirmed with Bolback the operation is well insured. Flores asked about the wind. The site has been engineered to withstand up to 30 mph winds. Kelsey wanted to ensure that the Mall security should be 5pm-9pm on Friday and Saturdays to have police detail and re-evaluate if needed.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as amended to include police details Friday and Saturdays.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

Annual Common Victualler Amend Premise Description and add Daily Non-Live Entertainment

An application was filed by Gone Acai Hyannis Inc. dba **Gone Acai**, 561Main Street, Hyannis, to amend the premise description to include outdoor dining. Also, proposed is a new Daily Non-Live Entertainment license for 3 TV's. Change of hours from 9am–8pm to 9am-11pm.

Camilla is present and is one of the co-owners of Gone Acai. Her business partner currently runs Gone Chocolate in Osterville. She is also seeking a daily non-live entertainment license for the electronic TV menus.

MOTION: Decker moved, seconded by *Karlson-Lidman*, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

Transfer All Alcohol Package Store License

An application was filed by Yashvasin Corp dba **Craigville Package Store**, 2946 Falmouth Road, Osterville to transfer the All Alcohol Package Store license from Black Marlin Beverage Corp. dba Craigville Package Store to **Yashvasin Corp dba Craigville Package Store**. The proposed manager is Heena Patel. Transfer includes a Pledge of Inventory and Pledge of Collateral.

Matthew Porter and Vishal Shupra are the principles and are present along with their attorney. They propose to transfer the package store license. All principles are alcohol TIPS certified. There are no changes to the daily business operations. There is also a pledge on the license.

MOTION: Decker moved, seconded by *Karlson-Lidman*, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

Transfer All Alcohol Package Store License

Hyannis Kappy's, Inc. dba **Kappy's Fine Wine & Spirits**, 333 Iyannough Road, Hyannis to transfer the All Alcohol Package Store license from Hyannis Wine & Spirits Inc. dba Kappy's Fine Wine & Spirits to **Hyannis Kappy's, Inc. dba Kappy's Fine Wine & Spirits**. The proposed manager is Sunilkumar Patel. Transfer includes a Pledge of Inventory and a Pledge of Collateral.

John Mooradian Attorney for Hyannis Kappy's LLC is present. He proposed to transfer of the current all alcohol package store licenses. There are no major changes to the daily operations. The store will be open daily from 8am -11pm, Sunday 10am-11pm. Suniljumar Patel is the proposed manager on record; he has experience with selling beer & wine. Keeping same employees. They use an ID scanner. Last request is a pledge of the license and stock.

MOTION: Decker moved, seconded by *Karlson-Lidman*, to approve this application as submitted.
SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

New Seasonal All Alcohol, Daily Live & Daily Non-Live Entertainment Licenses

An application was filed by Smith Family Beer Garden LLC dba **Smith Family Beer Garden**, 541 Main Street, Hyannis for a new Seasonal All Alcohol Common Victualler, Daily Live Entertainment and Daily Non-Live Entertainment license. Requested hours of operation are 10am to 10pm daily. The proposed manager is Daniel Smith.

Mark Boudreau was present to represent the applicant. He noted there will not be waitress service; service will be done at the concession. All owners are crowd manager certified. They proposed 50 seats inside and 66 seats outside with 150 standing. They propose to serve soft pretzels and stuffed pretzels. The owners are experienced in retail operations. Decker confirmed with Boudreau that this is a seasonal operation. The food is picked up at the food truck. The beverages are served at a bar individually but no seating. Food truck will be operated by the applicants. Director Anthony confirms this will be on private property. Entertainment will be non-live amplified and up to 3 people for live entertainment. Kelsey asked about Smiths experience handling alcohol. Dan Smith advised they propose to be a community driven, family friendly establishment. All servers will be TIPS certified. Director Anthony wanted to ensure that there is public access and he would like to see the bushes

trimmed back. Nunheimer confirmed with Dan Smith that the rear parking lot will be utilized for employee parking.

MOTION: Decker moved, seconded by Karlson-Lidman, to approve this application as amended noting that all requirements of Site Plan Review must be completed prior to issuing the license.

SO VOTED: Aye – 4 | Nay - 0 | Abstain - 0

SHOW CAUSE HEARING

Annual Class II Auto Dealer License for J&J Auto, 381 Camp Street, Hyannis for the following violations of the Town of Barnstable, MA Code.

501-5 (b) License holders are required to attend any and all mandatory meetings held by the Licensing Division or any Town of Barnstable Division as related to the business operation.

509-2 (c) A sign is required on the property, whether it is a free standing sign or displayed in the door or window, listing the name of the business and hours of operation.

509-4 (c) Total vehicle count shall include the numbers of displayed/unregistered vehicles, customer vehicles, including spaces Handicap accessibility, and employee vehicles. The plan shall be approved by the Building Commissioner and Fire Department. This shall apply to all new, transferred or amend license applications.

509-4 (e) Motor vehicles for sale or lease may not be displayed less than 10 feet from property line.

509-5 (c) Expansion of that portion of the premise occupied by the licensee to be designated or devoted to the licensed activity beyond the boundaries designated and highlighted in the plan submitted with the original application.

Jay Imad owner of J&J Auto is present. Imad advised that all items have been addressed. As of now, the business is in compliance. Kelsey gave an update that the property has been in compliance and stayed in compliance since April 10, 2023. Nunheimer reminded Imad to follow the regulations and work with Officer Kelsey. Kelsey is pleased that the business has come into compliance. Kelsey proposes a one day suspension held in abeyance for one year.

J&J AUTO SHOW CAUSE HEARING FINDINGS:

501-5 (b) License holders are required to attend any and all mandatory meetings held by the Licensing Division or any Town of Barnstable Division as related to the business operation.

Findings: J&J Auto failed to appear at the March 20, 2023 hearing wherein they were mandated to attend per 501-5 (b).

Verdict: J&J Auto was found Guilty as it related to the Licensing Rules & Regulations, Section 501-5 (b).

509-2 (c) A sign is required on the property, whether it is a free standing sign or displayed in the door or window, listing the name of the business and hours of operation.

Findings: J&J Auto **did** properly post the hours of operation as required by 509-2 (c).

Verdict: *J&J Auto is **Guilty** as it relates to the Licensing Rules & Regulations, Section 509-2 (c).*

509-4 (c) Total vehicle count shall include the numbers of displayed/unregistered vehicles, customer vehicles, including spaces Handicap accessibility, and employee vehicles. The plan shall be approved by the Building Commissioner and Fire Department. This shall apply to all new, transferred or amend license applications.

Findings: *J&J Auto **exceeded** the total vehicle count allowed per the issued Class II Dealers License.*

Verdict: *J&J Auto is **Guilty** as it relates to the Licensing Rules & Regulations, Section 509-4 (c).*

509-4 (e) Motor vehicles for sale or lease may not be displayed less than 10 feet from property line.

Findings: *J&J Auto **did** have vehicles displayed less than 10 feet from the property line.*

Verdict: *I move that J&J Auto is **Guilty** as it relates to the Licensing Rules & Regulations, Section 509-4 (e).*

509-5 (c) Expansion of that portion of the premise occupied by the licensee to be designated or devoted to the licensed activity beyond the boundaries designated and highlighted in the plan submitted with the original application

Findings: *J&J Auto **did** expand the licensed premise beyond the approved plan.*

Verdict: *J&J Auto is **Guilty** as it relates to the Licensing Rules & Regulations, Section 509-5 (c).*

Action: *The Licensing Authority moved, by a unanimous vote in favor of imposing a **one-day suspension to be held in abeyance** for one year, to expire on May 15, 2024.*

CONSENT AGENDA

1. Renewal - Special One Day All Alcohol and Entertainment License (SPEV-23-30)

An application was filed by Osterville Rotary Foundation Inc. to hold **The Rotary Club of Osterville-Mashpee 27th Annual Bluefish Tournament**, a bluefish and striped bass fishing tournament to include a barbeque, auction, raffle, including all alcohol. The event is schedule to be held July 15, 2023 from 4pm to 8pm at the Wianno Yacht Club, 101 Bridge Street, Osterville.

2. Renewal - Special One Day All Alcohol – Temporary Extension of Premises (SPEV-23-34)

An application was filed by Hyannis Yacht Club, 490 Ocean Street, Hyannis, to hold **Hyannis Yacht Club Dock Party**, event on August 12, 2023 from 5pm to 7:45pm.

3. Renewal - Special One Day Entertainment License (SPEV-23-33)

An application was filed by Spectacle Management, 57 Bedford Street, Lexington, to hold **Menopause – The Musical**, a live performing arts event at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on June 11, 2023 at 3pm.

4. Renewal - Special One Day All Alcohol and Entertainment License (SPEV-23-32)

An application was filed by Best Buddies International – Promoter Line, Inc. of 100 SE 2n Street, Miami, FL to hold the **24th Annual Hyannis Port Challenge**, a clambake event following a charity bicycle ride on June 3, 2023 from 3pm to 6pm at 1014 Craigville Beach Road, Centerville.

5. Renewal - Special One Day Beer & Wine, and Entertainment License (SPEV-23-35)

An application was filed by Erica Sterling of the Island Café & Grill, 251 Iyannough Road, Hyannis for **Festivities on the Flight Line**, a cigar and whiskey event to be held at the Cape Cod Gateway Airport located at 480 Barnstable Road, Hyannis, on June 8, 2023 from 6pm to 9pm.

6. Renewal - Special One Day Beer & Wine, and Entertainment License (SPEV-23-37)

An application was filed by David Pina of St. Anthony’s Club of Osterville, to hold **Cape Verdean Feast**, at 515 Old Mill Road, Osterville. Event to include all alcohol and a live band.

MOTION: Decker moved, seconded by *Karlson-Lidman*, to approve the consent agenda as printed.

SO VOTED: Aye – 4 |Nay - 0 |Abstain - 0

DISCUSSION

Massachusetts Military Support Foundation dba **Gimmy’s Tavern**, (1840) 1800 Iyannough Road, Hyannis – Temporary service area.

Brenda Meehan was present on behalf of Massachusetts Military Support Foundation dba Gimmy’s Tavern. The main building at Hyannis Golf Course had undergone extensive water damage and they are filing a temporary plan. She is working on getting propane delivered and grey water emptied. While alcohol will be stored on the truck, only the driver would have the key. Brenda proposes a ring camera for the back of the truck for added security. All alcohol will be canned. Director Anthony provided details about the water damage and time frames associated with repair noting that the displacement of Gimmy’s is not the fault of the Massachusetts Military Support Foundation.

APPROVAL OF MINUTES - Minutes of April 10, 2023

MOTION: Decker moved, seconded by *Karlson-Lidman*, to approve the consent agenda as printed.

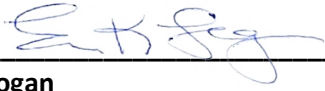
SO VOTED: Aye – 4 |Nay - 0 |Abstain – 0

ADJOURN

MOTION: Flores moved, seconded by *Karlson-Lidman*, to adjourn the May 15th Licensing Authority meeting at 11:11am.

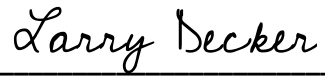
SO VOTED: Aye – Decker, *Karlson-Lidman*, Flores |Nay - 0 |Abstain – 0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Erin Logan", written over a horizontal line.

Erin Logan

Town of Barnstable, Licensing Division

A handwritten signature in black ink, reading "Larry Decker", written over a horizontal line.

Larry Decker

Licensing Authority Clerk