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## 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

**DATE OF MEETING: December 23, 2019**

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: James H. Crocker Jr. Hearing Room, 2<sup>nd</sup> Floor, 367 Main  
Street, Hyannis, MA**

A meeting of the Barnstable Licensing Authority was held on Monday, December 23, 2019. Chairman Martin Hoxie called the meeting to order at 9:30 am. He introduced Nancy Karlson-Lidman, Associate Commissioner; Larry Decker, Associate Commissioner; David Hirsch, Associate Commissioner; Richard Scali, Licensing Director; Officer Therese Gallant and Lindsay Parvin, Recording Secretary. Ron Semprini and David Nunheimer were absent.

Chairman Martin Hoxie opened the meeting by welcoming new Licensing Assistant, Lindsay Parvin and thanking former Licensing Assistant, Maggie Flynn.

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

1. Vote to accept minutes of the 12/09/19 meeting.

A motion was duly made by Mr. Decker, seconded by Ms Karlson-Lidman and a unanimous vote taken to accept the minutes of the 12/9/19 meeting.

**New Business:**

**1. Ammar Corporation D/B/A Peppers Pantry, 4120 Falmouth Road, Cotuit, MA 02635**

Update regarding the ongoing renovations as well seeking further extension based upon an estimated re-opening date.

*Mohammed Shafique, owner of Ammar Corporation appeared on behalf of the establishment. Mr. Shafique requested a three month extension in order to complete ongoing renovations.*

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to extend the closure period for an additional three months.

**2. 9 Lives Corp. D/B/A Black Cat Tavern, 165 Ocean Street, Hyannis, MA 02601**

Request to close January 1, 2020- March 13, 2020 for maintenance and renovations.

A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to grant the requested closure period of January 1, 2020 - March 13, 2020 for maintenance and renovations.

**1. Consent Agenda:**

A motion was duly made by Chairman Martin Hoxie, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to accept the consent agenda as presented.

**Public Hearings:**

**1. Application for an Amendment of an Annual Common Victualler License:**

Application of New England Authentic Eats LLC d/b/a Papa Gino's, 1600 Falmouth Rd., Centerville, Jacob Speroni, Manager, for amendments to the Annual Common Victualler license. Amendments are: a new LLC; New England Authentic Eats LLC and to correct the seating to 80 interior seats as approved by the Building Commissioner on 11/06/19.

*Eric Johnson, Area Manager for Papa Gino's, appeared on behalf of the applicant. Mr. Johnson noted that New England Authentic Eats LLC took ownership of Papa Gino's Inc. All operating procedures are to remain the same. Applicant is seeking approval for a total of 80 indoor seats as approved by Building Commissioner, Brian Florence on 11/06/2019.*

**A motion was duly made by Mr. Decker, seconded by Ms. Karlson-Lidman and a unanimous vote was taken to amend the Annual Common Victualler License to reflect the current owner, New England Authentic Eats LLC and to correct the seating capacity allowing for 80 total seats as approved by Building Commissioner, Brian Florence 11/06/2019.**

**2. Application for a New Lodging House License:**

*Application of 3660 Main Inc. d/b/a Ashley Manor, 3660 Main Street, Barnstable, Allison S. Mackie, Manager for a New Lodging House License for 6 rooms/12 lodgers. Continued from December 9, 2019 Hearing*

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**3. Discussion of alternative penalties for underage compliance check violations; Officer Therese Gallant**

*Officer Gallant explained that after speaking with Lt. Murphy, Mr. Scali and the Licensing Authority, she compiled a list of alternative penalties to use as an option for first time violators. The hope is to keep the focus on education rather than imposing a standard monetary fine, where applicable. Officer Gallant favors using a Continued Without A Finding (CWAF) ruling, noting that in such instances there is an understanding of a guilty finding yet it does not go forward as a criminal charge. Officer Gallant explained that such penalties would be applicable to first time offenders as well as longstanding establishments with no prior violations on their record. Officer Gallant suggested allowing an establishment the option of making a monetary donation to a charity such as the Barnstable High School After Prom Celebration in lieu of the standard fine. Such*

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Ms. Karlson-Lidman asked if imposing a mandatory closure equates to a more severe monetary penalty for the business.

Officer Gallant explained that in some cases, yes. However, a closure penalizes not only the business, but each employee as well, including those who were not involved in the particular incident. Allowing for alternative penalties gives those who qualify an opportunity to turn a negative situation into a positive one through education.

## **Licensing Division Updates:**

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

Director, Richard Scali reports that all Alcohol establishments have paid the required fees. Approximately six establishments are not renewing. Six Common Victuallers and (3) Class II Auto establishments are pending renewal. The ABCC report has been submitted.

Chairman, Martin Hoxie asked Mr. Scali if he had any inclination as to why the six alcohol establishments have chosen not to renew despite the positive economy. Mr. Scali explained that a few establishments are in the process of an ownership transfer and others could not sustain enough business to remain open.

- 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

**This Meeting was adjourned at 10:36 AM**

Respectfully submitted,

  
\_\_\_\_\_  
Lindsay A. Parvin, Recorder  
Town of Barnstable Licensing Authority

  
\_\_\_\_\_  
David Nunheimer, Clerk  
Town of Barnstable Licensing Authority

**Town of Barnstable**  
Licensing Authority  
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[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)

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**BARNSTABLE LICENSING AUTHORITY**  
**CONSENT AGENDA**  
December 23, 2019

**1. Application for a One Day Beer and Wine License:**

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3. 290-001-00A New England House of Pizza #1, 187A West Main Street, Hyannis

**Lodging House Licenses:**

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**Class II Auto Dealer Licenses:**

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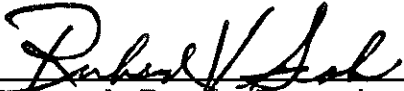
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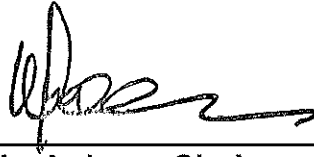
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Respectfully submitted,



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Town of Barnstable Licensing Authority



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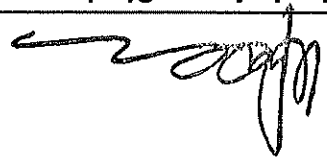
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Respectfully submitted,

This Meeting was adjourned at 10:36 AM

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

**1. Application for a One Day Beer and Wine License:**

Application of Mary Sarah Fairweather on behalf of Cape Cod Chamber of Commerce for a One Day Beer and Wine Only license for the Cape Cod Chamber of Commerce After Hours Connect event. The event will be held at MSPCA-Cape Cod, 1577 Falmouth Road, Centerville on January 8, 2020 from 5:00pm-8:00pm

**2. Application for (2) One Day Extension of Licensed Premise:**

Application of Michael Crowley on behalf of Ten Pin Eatery for (2) One Day Extension of Licensed Premises for Corn Hole Tournaments. Events are to take place in corridor between Ten Pin Eatery and Ryan's Amusement, Cape Cod Mall, 793 Iyannough Road, Hyannis from 6:00pm -11:00pm on Sunday 1/19/2020 and 2/16/2020. No entertainment is being requested.

**Renewals:**

**All Alcohol Common Victualer with Entertainment Licenses:**

- 1. 327-254 Flashback Retro Arcade, 294 Main Street, Hyannis
- 2. 290-112 The West End, 20 Scudder Ave., Hyannis
- 3. 326-034 Harborview Restaurant and Bar, 235 Ocean Street, Hyannis
- 4. 292-077 Kobi House, 489 Bearse's Way, Hyannis
- 5. 024-157 Villagio Ristorante, 4631 Falmouth Road, Cotuit
- 6. 104-003-T00 Tavern on the Green, 1460 Route 149, Marstons Mills
- 7. 327-090 KKatie's Burger Bar, 334 Main Street, Hyannis
- 8. 326-014 Torino, 415 Main Street, Hyannis

**Wine and Malt Common Victualer License:**

- 1. 327-049 Ronny's Pizzeria, 11 Ridgewood Ave., Hyannis
- 2. 327-262 Little Miss Cupcake, 388 Main Street, Hyannis
- 3. 290-001-00A New England House of Pizza #1, 187A West Main Street, Hyannis

**Lodging House Licenses:**

- 1. 306-246 Centerplate, 300 Sea Street, Hyannis

**Class II Auto Dealer Licenses:**

- 1. 311-037 Bayside Auto Sales, 20 Bearse Road, Hyannis
- 2. 311-045 Exit Auto, 587 Iyannough Road, Hyannis
- 2. 311-087 Auto Cape, 61 Falmouth Road, Hyannis
- 3. 294-011 Davis Auto Sales, 50 Airport Road, Hyannis
- 4. 269-027 Hyannis Collision, 478 West Main Street, Hyannis

- Common Victualer Licenses:**
1. 327-154 Ipanema Restaurant, 70 Center Street, Hyannis
  2. 329-003 Cape Cod Coffee, 480 Barnstable Road, Hyannis
  3. 327-057 Grace Fitness, 92 Barnstable Road, Hyannis
  4. 293-024 Ruby Thai, 793 Iyannough Road, Hyannis