

BARNSTABLE  
TOWN CLERK

20 SEP -8 P4:00

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –  
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN  
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

## 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:** January 16, 2020

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:** 11:00 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 Thursday, January 16, 2020 continued from Monday, January 13, 2020. Chairman Martin Hoxie called the meeting to order at 11:00 A.M. He introduced; David Nunheimer, Clerk, Larry Decker, Associate Commissioner, David Hirsch, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, Richard Scali, Licensing Director; Officer Therese Gallant and Lindsay Parvin. Ron Semprini and Lt. John Murphy were absent.

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

1. Vote to accept minutes of the 12/09/2019 and 12/23/19 meeting.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 12/9/2019 and 12/23/19 meetings.

## **Public Hearings:**

### **1. Application for Annual Common Victualler License:**

Application of Mayflower Bakery and Café LLC d/b/a Mayflower Bakery & Cafe, 185-187 Falmouth Rd., Hyannis, Maycom Martins, Manager, for a new Annual Common Victualler License. Hours of operation will be daily, 6:00am-11:00pm. Seating is for 48 interior seats as approved by the Building Commissioner on 12/11/19. Non-Live Entertainment is for recorded music and (2) TV's. Entertainment hours are 6:00 am to 11:00pm; daily

*Tatiana Nobre appeared on behalf of the application. Mrs. Nobre stated that both she and her husband are the new owners. They previously owned and operated a bakery in Brazil. They intend on serving a variety of baked goods and sandwiches.*

*Mr. Scali asked for clarification regarding the spelling of the business name as the business documents reflect the name to be M-a-y-f-l-o-w-e-r yet the signage reads M-a-y-f-l-o-u-r.*

*Mrs. Nobre noted that although she originally intended for the name to be Mayflour she will continue to operate under the name Mayflower as she does not wish to go through the process of filing for the name change.*

**A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to approve the application as presented.**

## **New Business:**

### **1. Request for Closure**

Hyannis El Rodeo d/b/a El Rodeo Restaurant, Efrain Alvarez, Manager, 1070 Lyannough Road, Hyannis to close for repairs.

*Mr. Scali reports that he received an email from Efrain Alvarez, Manager. The email states that they intend to close for at least a few months. They hope to either renegotiate their lease agreement or look for an alternative location. Mr. Scali informed Mr. Alvarez that a requested closure may be granted for a period lasting to up six months. Mr. Scali noted that the establishment is currently closed.*

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to approve the requested closure until June 1, 2020.

**2. Further discussion and consideration of adopting alternative penalties for underage compliance check violations; Officer Therese Gallant**

*Officer Gallant stated that when meeting with licensees in April of 2019 they discussed the option of creating alternative penalties. She hopes to consider and implement options for first time offenders.*

*Officer Gallant suggests that a Continued Without A Finding (CWAF) designation be reserved for establishments that have been in business for several years without previous violations on record, noting that such a finding will remain on their record in the instance of a subsequent violation.*

*Officer Gallant suggested that newer businesses without prior violations be given the option of making a monetary donation to a local charity in lieu of the standard fine of a mandatory closure. The hope is to take a negative incident and create an opportunity to make a positive impact on community. Officer Gallant notes that organizations such as Barnstable Celebration 2020, which hosts the after prom celebration would be especially fitting, as it is in keeping with the ultimate goal of preventing underage drinking.*

*Businesses may also have the option of holding a training certification at their establishment or purchasing reference materials for employee use. Businesses will still have the option of serving the standard fine.*

*A probationary period will apply to all establishments regardless of whether an alternative penalty is imposed.*

*Ms. Carlson- Lidman asked if the donations will go to the Police Department or directly to the charitable entity.*

*Officer Gallant stated that the donation would go directly to a local charity that has been vetted and approved by the Licensing Authority. Proof of donation must be provided.*

*Mr. Decker suggested that the policy should specify terms regarding the eligibility of a charity. He questioned whether the length of time a business has been open will determine their eligibility in receiving an alternative penalty.*

*Officer Gallant suggested that the CWF be reserved for businesses that have been open for over ten years without previous violations. Newer businesses without previous violations may qualify for alternative penalties such as a charitable donation, the purchasing of reference materials or hosting a training session. The Board should determine a specific monetary amount for the required donation.*

*Ms. Carlson-Lidman asked if a charity or nonprofit may apply to be considered.*

*Mr. Decker stated that he would be in favor of selecting one designated charity.*

*Mr. Scali agreed that the charity must be related to alcohol prevention matters and suggested making a list of charities that meet the criteria. Mr. Scali noted that it should be viewed as a guideline rather than a policy.*

*Mr. Nunheimer noted that the alternative penalties will provide a discretionary opportunity for the Board as they still have the option of imposing the standard fine if warranted.*

*Mr. Scali suggested that the Board continue the show cause determinations for the three licensees scheduled to appear before the board on February 10, 2020 until the alternative penalties have been agreed upon.*

*Mr. Nunheimer agreed with continuing the show cause matters until the March 9, 2020 hearing and noted that an exact monetary amount still needs to be established.*

*Officer Gallant estimated that the amount of \$300.00 be equivalent to fines currently imposed. She will work on composing a list of potential charities.*

### **Consent Agenda:**

**A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the Consent agenda as presented**

### **Licensing Division Updates:**

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

*Mr. Scali reports that a Municipal Licensing Group meeting is scheduled for February 13, 2020. They plan to discuss their annual meeting in June. Personnel from a nearby town reached out to our department for*

*assistance when they found themselves without a licensing staff member due to an emergency. He hopes to develop a procedure to assist other towns on such occasions.*

**Police Department updates-**

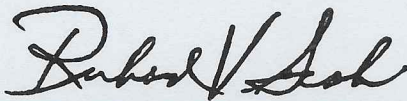
*Officer Gallant has nothing new to report.*

- **Matters not reasonably anticipated by the Chair**

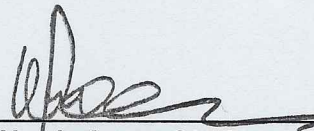
The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted 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 11:25 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**

**200 Main Street**

**Hyannis, MA 02601**

**www.town.barnstable.ma.us**

Telephone: (508) 862-4674

Fax: (508) 778-2412

## **BARNSTABLE LICENSING AUTHORITY**

# **CONSENT AGENDA**

**January 16, 2020**

### **1. Hyannis Yacht Club, 490 Ocean Street Hyannis, 02601**

Request to close January 2, 2020 - January 14, 2020 for cleaning and maintenance. Hyannis Yacht Club will reopen January 15<sup>th</sup> with limited hours on Tuesday-Saturday until February 26<sup>th</sup> at which point will resume normal operational hours.

### **2. Colombo's Café Inc. d/b/a Colombo's Cafe & Pastries, 544 Main Street, Hyannis, 02601**

Request to serve alcoholic beverages on Sundays at 10:30 AM

### **3. Application for a One Day All Alcohol License:**

Application of Stacie Hevener on behalf of Marstons Mills Library for a One Day All Alcohol License for the Marstons Mills Library Trivia Night event. The event will be held at Liberty Hall, 2150 Main Street, Marstons Mills on January 25, 2020 from 7:00pm-8:30pm

### **4. Application for a One Day Live Entertainment License:**

Application of Natale Judge on behalf of Barnstable Celebration for a One Day Entertainment License for the Benefit Concert for BHS Celebration 2020. The event is to take place at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on February 8, 2020 at 7:30 PM. Entertainment to include a (4) piece band.

## **Renewals:**

### **Lodging House Licenses:**

1. **324-049** Summerwinds of Hyannis, 511 Ocean Street, Hyannis

### **Class II Auto Dealer Licenses:**

1. **327-061** All Motors Auto Sales, 66 Barnstable Road, Hyannis
2. **327-067** Cape Auto Sales, 58 Willow Avenue, Hyannis
3. **345-024** Cape Cod Auto Brokers, 155 Rosary Lane, Hyannis
4. **310-120** Rotary Collision Center of Hyannis, 345 Barnstable Road, Hyannis

### **Common Victualler Licenses:**

1. **328-070** Subway #29595, 425 Iyannough Road, Hyannis
2. **290-094** Subway #53322, 14 West Main Street, Hyannis
3. **215-027-001** Subway #21787, 2145 Iyannough Road, West Barnstable
4. **327-262** Rendezvous Café and Creperie, 394 Main Street Hyannis
5. **295-006-00A** Spoon and Seed, 12A Thornton Drive, Hyannis
6. **236-005** FAME Food Management, 2240 Iyannough Road, West Barnstable
7. **295-011** Porky's Concessions/Café 75, 75 Perseverance Way, West Barnstable
8. **311-092** Ella's Bakery, 702 Iyannough Road, Hyannis

### **Fortune Teller Licenses:**

1. **290-161** Dino Metlow, 120 West Main Street, Hyannis