



Town of Barnstable Licensing Authority

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Meeting Minutes

6 DEC '21 PM3:50
BARNSTABLE TOWN CLERK

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday October 18, 2021** in the Town Hall Hearing Room by Chairman Hoxie.

Members Present: Chairman, Martin Hoxie; Larry Decker; David Nunheimer, Nancy Karlson-Lidman (Associate); John Flores (Associate)

Members Absent: David Hirsch (Associate)

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

Public Comment

There was no public comment made.

New One Day Licenses

1. **RETRO - New One Day Entertainment License**

Retro application by **Hyannis Film Festival Inc.**, for a special One Day Entertainment-Cinema license to be held 529 Main Street, Hyannis, on the following date/times:

- October 16, 2021 from 12:00pm to 8:00pm; and,
- October 17, 2021 from 12:00pm to 6:00pm.

Application represented by: Bill Farrell

Bill advised that there were five to 100 people present and viewing the movies. He noted the Screen was 8'X12'. Bill added that he chose this particular date for the event in order to Extend the season for the local merchants.

MOTION: To move the Licensing Authority approve the new One Day Entertainment License.

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

2. **RETRO - New One Day Wine & Malt License**

Retro application by Mary Vibon on behalf of **Yarmouth Chamber of Commerce** for a Special One Day Wine & Malt license holding a Networking Event at Cape Gun Works, 96 Airport Road, Hyannis on October 7, 2021, from 5:30pm to 7:00pm.

Application represented by: Mary Vilbon & Amy Warner

Mary apologized for the late application. Liz Hartsgrove confirmed with both Mary and Amy That the shooting range was not accessible during the event.

MOTION: To move the Licensing Authority approve the new One Day Entertainment License.

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

Amend Licenses

1. Package Store Wine & Malt License

Application by LLH, LLC dba **Trader Joe's**, 655 Iyannough Road, Unit 4-A, Hyannis, seeking to amend the existing Package Store Wine & Malt license to amend the following:

- The LLC Manager from Edward Seeker to Tracey Anderson-Ingram; and,
- Extending the closing hours from 9:00pm to 9:30pm Monday through Sunday.

Application represented by: Brian Fahey and Attorney Andrew Upton

Attorney Upton explained that there is an ongoing issue with customers checking out after 9pm. The Point of Sale (POS) system does not allow the sale of alcohol after 9pm so if a customer is in the store prior to 9pm but does not get to the checkout until after 9pm, they cannot purchase alcohol. The applicant proposes to extend the hours of operation to 9:30pm, though they still plan on closing the doors at 9pm. This will allow the sale of alcohol to any customers in the store prior to 9pm.

MOTION: To move the Licensing Authority approve the Amended Package Store Wine & Malt License

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

2. Annual All Alcohol Common Victualler License

Application by 99 Restaurants of Boston, LLC and 99 West, LLC d.b.a **99 Restaurant**, 1600 Falmouth Road, Centerville seeking to amend Corporate officers by removing Goodloe M. Partee as General Counsel, Secretary and LLC Manager, and add Wendy Harkness as Chief Administrator Officer, Secretary, and LLC Manager

Application represented by: Attorney Andrew Upton

Attorney Upton advised that this is a corporate officer change noting there is no change to any element of the business itself

MOTION: To move the Licensing Authority approve the amended Annual All Alcohol Common Victualler License

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

Public Hearings

1. New Annual Common Victualler

Application by Win Win Family, LLC dba **Morning Glory Café**, Edward Kowalski - Manager, 211 Cotuit Road/Route 149, Marstons Mills, for the New Annual Common Victualler license. Seating is for 5 interior seats.

Application represented by: Ed Kowalski and Phatt Tiranasar

Ed advised that he purchased the existing business. He added that he and his fiance, Phatt Tiranasar, have been in the restaurant business for years.

MOTION: To move the Licensing Authority approve the new annual Common Victualler License

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

Consent Agenda

1. Forfeiture of Seasonal All Alcohol Common Victualler: Cotuit Harbor Enterprises, Inc., Tina Carey mgr. d.b.a. **Tequila Charlie's**, 577 Main Street, Hyannis

Chair Hoxie asked for comments on this forfeiture. Hearing none, he called for a motion.

MOTION: To move the Licensing Authority accept the forfeiture of the Seasonal All Alcohol Common Victualler License.

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

2. 2022 Licensing Authority Hearing/Deadline Schedule

Board Discussion

1. Package Store Process

Licensing Director, Liz Hartsgrove, reviewed the data she collected regarding the seasonal package stores. She noted that seven towns voted on the seasonal population.

There was a discussion about the package store licenses reverting back to the town versus being sold in the private market.

In summary;

Chair Hoxie expressed that the licenses have value and he would like to see forfeited licenses diverted back to the town.

Nunheimer expressed an interest in the outcome of the Randolph appeal. He would also like to discuss how the license reverts back to the town and once it reverts.

Flores agreed philosophically but felt there needs to be some kind of compensation for the licensee that is surrendering their license. He would like to see how other communities have managed compensating licensees.

Officer Kelsey suggested the possibility of having the [existing] license holders have the ability to sell the license one time before reverting back to the town.

Hartsgrove will conduct more research per members questions and report back at the November meeting.

Approval of Minutes

1. September 13, 2021

MOTION: To move the Licensing Authority accept the Minutes dated September 13, 2021

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

Licensing Updates

1. Licensing Authority
2. Licensing Department

Licensing Renewals: Hartsgrove noted that the License renewal season has begun. The consent agenda will be growing. There has been a change in how we accept applications. Applications are being filed online solely. Auto Dealers, Lodging houses and fortune tellers have begun to

come in. Applications and payment can be done online. Alcohol renewal invitations will be sent out at the end of this month. MGL requires that the forms are signed in the month of November.

3. Police Department

Simmons Homestead Lodging House, 288 Scudder Avenue, Hyannis – *Officer Kelsey advised that a rooming house that there were some compliance issues. The owner of that establishment has been cooperative and other town departments are satisfied.*

Adjourn

MOTION: To move that the Licensing Authority adjourn the meeting at 10:14am

Motion by: Larry Decker **Seconded by:** David Nunheimer **Vote:** Yea 5 | Nay 0

Respectfully submitted,

Erin Logan

Erin Logan
Town of Barnstable Licensing Assistant

Larry W. Decker

Larry Decker, Clerk
Town of Barnstable Licensing Authority