

## Town of Barnstable Licensing Authority

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# Meeting Minutes

Sent to Town Clerk for the public record  
on July 27, 2023.

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, May 1, 2023** and was held at Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis.

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

**Members Absent:** Martin Hoxie, Chair; John Flores, Max Mitrokostas.

**Staff Present:** David Anthony, Director of Asset Management; Consumer Affairs Officer Chris Kelsey; Erin Logan, Licensing Assistant.

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**Public Comment** – *There was no public comment made.*

### OLD BUSINESS

1. **Amend Annual All Alcohol License – Change of Hours** *Continued from April 10, 2023*

A request has been submitted by Simone's Pizza Burger, Inc. dba Simone's Pizza Burger to extend their hours of operation as follows: **From** Monday-Saturday 8am to 11pm & Sundays 12pm to 11pm; **To** Monday-Sunday 11am to 1am.

**Represented by: Attorney Garry Blank and Jefferson Palhares**

*Blank noted that his client is looking to extend the current*

*Attorney Blank is looking to extend the closing hours to 1 a.m. daily. He felt there is a stigma attached to this location that is unfair. He adds that local Brazilian churches often end late and folks are looking for a meal. The current closing time does not allow service of these late patrons. Blank inquired about closing the liquor service at 11:00 p.m. and keeping the kitchen open. Nunheimer confirmed with Blank that the business owner (Palhares) is looking to extend the hours of operation with or without alcohol service. Decker noted that in September 2022, the Licensing Authority imposed a one-day suspension (held in abeyance) and he would be in favor of waiting until the suspension period is over before extending the hours of operation; Ms. Karlson-Lidman concurred and felt it would be setting a precedent Nunheimer noted for the record that he is not holding prior activities against the owner.*

*Officer Kelsey noted for the record that Jefferson Palhares is always polite and responsive. With that, Mr. Palhares was the manager a few years back when the business was having problems. Additionally Officer Kelsey is concerned that there have been other violations. The Police Department recommends serving the remainder of the suspension period before proceeding.*

**MOTION:** Decker moved, seconded by Karlson-Lidman, to postpone this application to the October 16, 2023 Licensing Authority meeting.

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

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**SHOW CAUSE HEARING – Continued from April 10, 2023**

**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: **AT THE 4/10/23 MEETING THIS APPLICATION WAS CONTINUED TO MAY 15, 2023.**

The applicant was not present.

**MOTION: Decker moved, seconded by Karlson-Lidman, to postpone the Show Cause Hearing to the May 15, 2023 Licensing Authority meeting when the owner of the business can be present.**

**SO VOTED: Aye – Decker, Nunheimer, Karlson-Lidman |Nay - o |Abstain - o**

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**NEW BUSINESS**

**2. Special One Day Entertainment License (SPEV-23-25)**

An application was filed by Flip Circus of 700 Vazquez Lane, Donna, Texas, to hold **Flip Circus**, at the Cape Cod Mall parking lot, located at 180 Falmouth Road, Hyannis, from May 9, 2023 to May 15, 2023 beginning at 7:30pm nightly, ending at 11pm. This event includes amplified, live performing arts.

Flip Circus proposed to extend the current license to include performances through May 15, 2023. With no concerns from the board, Acting Chair Nunheimer asked for a motion.

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

**SO VOTED: Aye – Decker, Nunheimer, Karlson-Lidman |Nay - o |Abstain - o**

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**3. Special One Day Entertainment License (SPEV-23-28)**

An application was filed by Allanah Bodah of **The Karibbean Lounge**, 662 Main Street, Hyannis, to hold **Tek Weh Yuhsel-CapeCod**, a live performing arts show at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on May 27, 2023 from 6pm to 10pm.

Allanah Bodah proposed to host a comedic live performance. Decker confirmed that alcohol would not be served at the event.

With no concerns from the board, Acting Chair Nunheimer asked for a motion.

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

**SO VOTED: Aye – Decker, Nunheimer, Karlson-Lidman |Nay - o |Abstain - o**

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**4. All Alcohol Common Victualler License – Amend Directors & Officers**

An application was filed by 99 Restaurants of Boston, LLC dba **99 Restaurant & Pub**, 1600 Falmouth Road, Hyannis, for a change of beneficial interest. This is an expedited application through the Alcoholic Beverages Control Commission for a change of Directors and Officers.

Elisabeth Pisano, Attorney for the applicant was present. She noted 99 Restaurants had a statewide change of their Officers.

With no concerns from the board, Acting Chair Nunheimer asked for a motion.

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

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

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## **PUBLIC HEARINGS**

### **5. New Common Victuller & Daily Non Live Entertainment License**

Starbucks Corporation dba **Starbucks Coffee**, 451 Iyannough Road, Hyannis, for a new Common Victualler license with 30 indoor seats, and 2 patio seats; open daily from 5am to 8pm. Daily Non-Live Entertainment for recorded music below conversation level.

*Daniel Brennen, manager of permits and licenses for Starbucks was present. Brennen advised that Starbucks hopes to open on May 19, 2023 noting they propose to have seats inside and out. Brennen added that the drive-thru is not part of this proposal.*

*Abutter, Felicia Penn is present and opposes the approval of the non-live entertainment license as she has concerns with the drive-thru window. Nunheimer noted that the Licensing Authority does not have purview over the use of the property. Brennen noted that there is not an usable pick up window at this time. He added that the building was constructed with a 2 foot bump out but the interior has been redesigned to not accommodate a drive-thru.*

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

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

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### **6. New Common Victuller & Daily Non Live Entertainment License**

El Mariachi Loco dba **El Mariachi Loco**, 569 Main Street, Unit 6 & 7, Hyannis, for a new Common Victualler license with 16 seats in unit 6, 16 seats in unit 7 and 30 outdoor patio seats. Daily Non-Live Entertainment for 2 TV's.

*Application was represented by Karina Hernandez. She proposed to expend the existing business which includes additional indoor dining and outdoor dining in the courtyard. She also proposed entertainment (2 TV's) inside the restaurant. Tables and chairs will remain in place in the courtyard when not in operation. She did not that El Mariachi has a food truck but is currently not operating it due to staffing issues. Ms. Hernandez also noted that parking in the rear is for staff only.*

*Decker confirmed with Hernandez that there is no alcohol/beer/wine served at this establishment.*

*Vice Chair Nunheimer called for public comment. Ms. Laura Cronin was present. She is a resident of 402 South Street and requested additional time on approving this application until additional research can be done regarding the rear parking lot. Ms. Cronin is concerned with the congestion in the rear parking lot. She is also concerned that noise from the restaurant will be disturbing to the neighborhood.*

*Karlson-Lidman confirmed with Hernandez that El Mariachi is allotted three parking spaces in the rear parking lot. Nunheimer added that the private parking lot issues are not the purview of the Licensing Authority.*

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

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

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## **DISCUSSION**

Class II Auto Dealer - Cape Quality Cars Inc. dba **Cape Quality Car Sales**, 455 Yarmouth Road, Hyannis – Discussion regarding hours of operation.

Damion Murray and Taylor Gomes are present on behalf of Cape Quality Car Sales.

Officer Kelsey made 14 attempts between August 2022 and April 2023 to perform a compliance check of this property but the business was not open during all 14 attempts. He added that the business was not being run on a regular basis.

Officer Kelsey noted that on a recent visit to Cape Quality Collision (repair shop owned by Mr. Murray), he was told to get off the property. *Murray and Gomes were not on the property at the time. Kelsey noted that he spoke with the State Police Department working on Section 5. State Police noted the business owner was cooperative.*

*Nunheimer asked Murray what his plans were for the business. Murray advised that when he first opened it was in the middle of COVID. He leased the Yarmouth Road location but was running it through the auto body shop (on 6A in West Barnstable).*

*Karlson-Lidman confirmed with Murray that at any given time he has 7-18 vehicles for sale.*

*Kelsey noted there are many complaints surrounding the collision repair operations in West Barnstable. Kelsey would like to see the Yarmouth Road location open to the public. Hours need to be posted and an employee needs to be available for sales. Additionally, books need to be kept well and readily available during an inspection.*

*Nunheimer determined that he will not be calling Show Cause Hearing at this time. Additionally he advised Murray to post the hours of operation, only sell vehicles from the Yarmouth Road location, and to respond to Officer Kelsey and the Barnstable Police Department accordingly.*

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## CONSENT AGENDA

### **7. Renewal - Special One Day Beer & Wine, and Entertainment License** (SPEV-23-15)

An application was filed by Roxana White on behalf of Holy Ghost Society of Santuit/Cotuit, of 53 Main Street, Cotuit, to hold the **127<sup>th</sup> Annual Portuguese Feast**, on June 17, 2023 from 5pm to 10pm. Alcohol will be poured by Roxana White, TIPS Certification on file. Entertainment to include live, amplified music and 1 inflatable.

### **8. Renewal - Special One Day Beer & Wine, and Entertainment License** (SPEV-23-29)

An application was filed Amplify POC, PO Box 284, Hyannis, to hold **Amplify POC Summer Festival**, an annual vendor market to include beer & wine sales as well as an amplified live band and one inflatable/bounce house. The event is schedule to take place on the Hyannis Village Green on July 9, 2023 from 12pm to 4pm. Beer & Wine will be poured by Island Café & Grill.

### **9. Renewal - Special One Day Alcohol & Entertainment License** (SPEV-23-23)

An application was filed by Maryann Colombo of the Osterville Village Library, 43 Wianno Avenue, Osterville, to host **Night at the Library**, which includes live performing arts and alcohol service, to be held on July 16, 2023 from 7pm to 9:30pm; alcohol will be poured by Eric Merlesena. A current TIPS certificate is on file.

### **10. Renewal - Special One Day Alcohol License** (SPEV-23-24)

An application was filed by Maryann Colombo of the Osterville Village Library, 43 Wianno Avenue, Osterville, to host **Summer Celebration Plein Air**, which includes alcohol service, to be held on July 15, 2023 from 9:30am to 3:30pm; alcohol will be poured by Eric Merlesena. A current TIPS certificate is on file.

**MOTION:** Decker moved, seconded by Karlson-Lidman, to approve all items on the consent agenda.

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

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**APPROVAL OF MINUTES** from the April 10, 2023 meeting - tabled until the May 15, 2023 meeting.

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## LICENSING UPDATES

1. Licensing Authority & Division Updates -Discussion - Special One Day Licenses - ending retro approvals; extending event dates after approval; attendance requirements for annual events  
Reminder - 2023 Annual Alcohol Compliance Meeting, May 15, 2023 @ 11:30am

A discussion took place and it was determined that the Licensing Authority will no longer be accepting retro approvals of Special One Day event applications. Worth mentioning retro approvals are not allowed per the Alcoholic Beverages Control Commission.

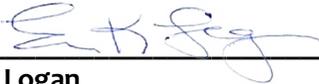
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## ADJOURN

**MOTION:** Decker moved, seconded by Karlson-Lidman, to adjourn the May 1, 2023 Licensing Authority meeting at 11:40 a.m.

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

Respectfully submitted,



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Erin Logan  
Town of Barnstable, Licensing Division



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Larry Decker  
Licensing Authority Clerk

**MINUTES APPROVED BY THE LICENSING AUTHORITY ON JULY 24, 2023**