



# Town of Barnstable Licensing Authority

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# Meeting Minutes

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:31 a.m. on **Monday, February 14, 2022** and was held remotely via Zoom Meetings and broadcast live on Channel 18.

**Members Present:** Vice Chair, David Nunheimer; Clerk, Larry Decker; David Hirsch (Associate), John Flores (Associate)

**Members Absent:** Chair, Martin Hoxie; Nancy Karlson-Lidman

**Staff Present:** Licensing Director, Liz Hartsgrove; Licensing Assistant, Erin Logan

**With Chair Hoxie absent, Vice Chair David Nunheimer was the Acting Chair for the purposes of this meeting.**

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## Public Comment

*There was no public comment made.*

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## PUBLIC HEARING

### LICENSE AMENDMENTS

1. **Class II Auto Dealer – Amend of scheduled premises**

Application made by Cape Cod Carz d/b/a **Cape Cod Carz** located at 153 Corporation Road, Hyannis to remove 740 Bearses Way, Hyannis from the license.

Applicant was present but exited the meeting early. Director Hartsgrove confirmed the application was in order and explained that while this premise was previously approved the applicant ended up not leasing the location.

**MOTION:** *To move the Licensing Authority approve the application as submitted.*  
**Motion by:** *Larry Decker* **Seconded by:** *David Nunheimer* **Vote:** *Yea – 4 | Nay- 0*

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2. **Annual All Alcohol Common Victualler – Change in Corporate Officers**

Application made my GMRI, Inc. d/b/a **The Olive Garden Italian Restaurant**, 1095 Iyannough Road, Hyannis for the Officer change, Lindsay L. Koren has replaced Joseph G. Kern as Vice President and Secretary; and Angela Simmons has replaced William R. White as Director, President and Treasurer.

Application represented by Elizabeth Pisano, Attorney for the applicant. Ms. Pisano noted this is a change of officers with no changes to the daily operations.

**MOTION:** *To move the Licensing Authority approve the application as submitted.*  
**Motion by:** *Larry Decker* **Seconded by:** *David Nunheimer* **Vote:** *Yea – 4 | Nay- 0*

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3. **Class II Auto Dealer – Amend Corporate Name**

Application made by Route 132 Motors, Inc. *d/b/a Route 132 Motors*, 609 Iyannough Road, Hyannis, to amend the corporate name from Route 132 Motors, Inc. to Route 132 Holdings Trust Inc.

Acting Chair, Nunheimer confirmed this application was being postponed to March 7, 2022.

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**PUBLIC HEARINGS**

1. **New Daily Live Entertainment License**

Application made by **The Karibbean Lounge, LLC *d/b/a The Karibbean Lounge***, 662 Main Street, Hyannis to add a Live Entertainment license with amplified music up to 4 performers, stand-up comedy, and karaoke; maximum indoor occupancy is 98 people, in total. Hours of entertainment will be Monday through Sunday, 11AM to 12:45AM.

Application represented by Allannah Bodah, owner. Ms. Bodah proposed live entertainment, karaoke, and stand-up comedy. She is hoping this will help business. She confirmed occupancy will be under 100 including patrons, staff and performers.

***MOTION: To move the Licensing Authority approve the application as submitted.***

***Motion by: Larry Decker Seconded by: David Nunheimer Vote: Yea – 4 | Nay- 0***

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2. **All Annual Common Victualler License – Pledge of Collateral**

Application made by **Murph’s Inc. *d/b/a Portside Tavern***, 72 North Street, Hyannis. A Pledge of Collateral is being made by Rockland Trust Company.

Application represented by Bob Murphy, owner. Mr. Murphy confirmed the pledge of collateral to Rockland Trust. Nunheimer called for public comment; seeing none he called for a motion.

***MOTION: To move the Licensing Authority approve the application as submitted.***

***Motion by: Larry Decker Seconded by: David Nunheimer Vote: Yea – 4 | Nay- 0***

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3. **Annual Wine & Malt Common Victualler, Daily Non-Live Entertainment – Transfer of License**

Application made by **Palio P Inc. *d/b/a Palio Pizzeria***, to transfer the Annual Wine & Malt Common Victualler and Daily Non-Live Entertainment licenses from Palio Inc., *d/b/a, Palio Pizzeria*, 435 Main Street, Hyannis to **Palio P Inc. *d/b/a Palio Pizzeria*, 435 Main Street, Hyannis, Paulo Paraguay, mgr.** Non-Live Entertainment is for recorded music and 3 TV’s. Premise Description: 1550 sq.ft. interior with bathrooms, kitchen and dining area including 32 indoor booth seats, 18 indoor table seats, 6 indoor counter stools. 891 sq.ft. Exterior space with 32 outdoor seats. Total number of seats: 88. Hours of operation are 11am until 8pm Monday through Sunday.

Application represented by Paulo Paraguay. Mr. Paraguay has worked for Palio for many years. Himself and all employees that serve alcohol are TIPS certified. Daily operations will remain the same with the exception of the manager.

Decker noted that the written request noted 88 seats though the staff report indicated 66 seats. Director Hartsgrove confirmed that the Licensing Division received the application noting 88 seats prior to a denial of a Board of Health variance. So at this time the Health Department will only allow 66 seats. Hartsgrove explained that the total of 66 seats is split between indoor and outdoor seats. Paraguay

advised he is working with the Department of Public works and hopes to comply with their requirements so he can eventually increase to 88 seats. Decker confirmed that Paraguay will come back to the Licensing Authority if/when the seating capacity is increased.

***MOTION:*** *To move the Licensing Authority approve the application as amended to allow for 66 seats only at this time.*

***Motion by:*** *Larry Decker* ***Seconded by:*** *David Nunheimer* ***Vote:*** *Yea – 4 | Nay- 0*

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4. **All Alcohol Common Victualler, Daily Live & Daily Non-Live Entertainment – Transfer of License and Management Agreement**

Application made by **Darnin, Inc. d/b/a Alberto's Ristorante, 360 Main Street, Hyannis**, Darko Ristovski manager, for a transfer of Annual All Alcohol Common Victualler with Daily Live and Daily Non-Live Entertainment Licenses from Berto & Al Inc., d/b/a, Alberto's Ristorante, 360 Main Street, Hyannis: Daily Live Entertainment to include up to 4 performers; Daily Non-Live Entertainment to include 4 TV's and music below conversation level. Description of Premise: Masonry and wood building with 1 entrance and 1 exit on Main St. 2 entrances and exits on the side of the building. Seven rooms, tables and chairs seating 250. One bar with seating for 8. Kitchen area of 2,300 sq ft. Basement storage area 6,000 sq. ft. Outside serving area for 30 on Main St and 32 to the side of the building, North St parking lot.

Application represented by Darko Ristovski. Mr. Ristovski advised that he has been working at Alberto's for 12 years now; 10 years as a server; 2 as general manager. There will be no changes in operation at this time.

Nunheimer asked for board and public comment; seeing none, Mr. Nunheimer called for a motion.

***MOTION:*** *To move the Licensing Authority approve the application as submitted.*

***Motion by:*** *Larry Decker* ***Seconded by:*** *David Nunheimer* ***Vote:*** *Yea – 4 | Nay- 0*

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5. **Annual Wine & Malt Package Store - Transfer**

Reconsideration of an application filed to transfer the Annual Wine and Malt Retail Package Goods Store License and Change of Location from Ammar Corporation d/b/a Pepper's Pantry, Mohammad Shafique, Manager, 4120 Falmouth Road, Cotuit to **MPG Corporation, d/b/a Garrett's Family Market**, Jasmine Kessie, Manager, 1617 Falmouth Road, Centerville. Description of Premise: A 4,565 square foot building on one floor with four rooms; retail floor consists of two restrooms and one storage area, one entrance and two exits; Linear feet of beer and wine shelving/storage TBD. Hours of Operation: 4:00 am to 1:00 am for market; beer and wine hours-8:00 am to 11:00 pm M-Sat.; 10:00 am to 11:00pm Sundays.

Application represented by Attorney David Lawler. Lawler was before the Barnstable Licensing Authority over a year ago and the application was denied and subsequently appealed to the Alcohol Beverages Control Commission. Lawler explained that demographics show that Centerville, which is the largest village only has one all alcohol license and one wine and malt license. Since the last hearing the demographics have changed. Lawler went on to explain that he submitted evidence that traffic would have little to no impact. Additionally this would be the only gas station where you can buy beer and wine, adding that there would be no wine tastings or hard alcohol. Lawler continued by noting that roughly 250 patrons signed a petition in favor of this service. Lawler then went on to explain that the

proposed manager is qualified to manager the alcohol sales noting that she is TIPS certified, is part of the BARS program and has experience operating a store in Ireland.

Decker advised that as a result of his research some of the issues brought up at the previous hearing had to do with location. He noted there are a number of factors to be taking into consideration but the one item missing is the location; location is not to be factored into the decision. Director Hartsgrove confirmed this.

Nunheimer asked for an explanation of the floor plan.

Nunheimer asked for public comment; seeing none, he called for a motion.

***MOTION: To move the Licensing Authority approve the application as submitted.  
Motion by: Larry Decker Seconded by: David Nunheimer Vote: Yea – 4 | Nay- 0***

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## CONSENT AGENDA

### 1. Annual Renewals

Doing Business As	Type of License
Barnstable Comedy Club	Live Theatre
Katie’s Homemade Ice Cream	Common Victualler
Nirvana Coffee Company	Common Victualler
Perry-Lima Café	Common Victualler
Quality Auto	Class II Auto Dealers
The Car Guys	Class II Auto Dealers
The Car Guys Express	Class II Auto Dealers
The Local Juice	Common Victualler
Tropical Smoothies	Common Victualler
United Gas	Common Victualler
Wendy’s	Common Victualler

### 2. Seasonal Renewals

Doing Business As	Type of License
Sweatpea’s Nest	Junk Dealer

***MOTION: To move the Licensing Authority accept the consent agenda as printed.  
Motion by: Larry Decker Seconded by: David Hirsch Vote: Yea – 4 | Nay- 0***

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## APPROVAL OF MINUTES

### 1. January 10, 2022

***MOTION: To move the Licensing Authority accept the January 10, 2022 minutes.  
Motion by: Larry Decker Seconded by: David Hirsch Vote: Yea –4 | Nay - 0***

## LICENSING UPDATES

1. **Licensing Authority** – Hartsgrove noted that seasonal renewals will be coming before the board beginning in March. Also a reminder that the Out Door Dining will be rescinded by the Governor effective April 1, 2022.
2. **Licensing Department** – No additional comments.
3. **Police Department** – *no updates at this time*

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## Adjourn

**MOTION:** To move that the Licensing Authority adjourn the meeting at 10:11am.

**Motion by:** *Larry Decker* **Seconded by:** *David Nunheimer* **Vote:** Yea – 4; Nay- 0

Respectfully submitted,

***Erin Logan***

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Erin Logan  
Town of Barnstable Licensing Assistant

***Larry Decker***

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Larry Decker, Clerk  
Town of Barnstable Licensing Authority

LICENSING AUTHORITY APPROVED ON 03 21 22