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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: April 27, 2015

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: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A regular meeting of the Barnstable Licensing Authority was held on Monday, April 13, 2015. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; David Nunheimer, Associate Commissioner, Richard V. Scali, Director of Regulatory Services, Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department; and Maggie Flynn, Recording Secretary.

Vote to accept Minutes:

1. Vote to accept minutes of the 04/13/15 Meeting

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 04/13/2015 meeting.

Public Hearings:

1. **New Annual All Alcohol Common Victualler License, Daily Non-Live and Pool Table License:** Application of G.E.L.S., LLC d/b/a The Nor'easter, 20 Scudder Avenue, Hyannis, Andrew J. Glassman Manager, for an Annual All Alcohol Common Victualler License: 6153 sq ft building, dining room with 104 seats, 2 bathrooms. Kitchen with rear exit, front lounge area with 28 seats, bar with 12 stools, billiard room with 14 seats and a bathroom, garden room with 26 seats, a dividable banquet room with 33 and 16 seats. Basement storage and attic office; all approved by Building Commissioner. Hours of Alcohol sales are 11 am – 12:45 am daily. Also requested are licenses for Daily Non- Live Entertainment (recorded music, radio) from 11 am to 12:45 am in the indoor dining areas as well 4 TV's and one pool table. *****CONTINUED FROM 4/13/2015 HEARING*****

The Roy family, Andrew Glassman and Attorney Kristen Greenwood appeared on behalf of the application. Mr. Hoxie reviewed that we need to see the principal owner that is why the continuation happened.

Mr. Burman stated that a voluminous amount of correspondence has been received in the last 3 days. Gary Roy stated that he wanted to have an open house. Their first lawyer is no longer representing the Roy's, he took an opportunity to state some items. The first letter was in part from your attorney, Mr. Roy stated we did not fully agree with the letter but we allowed it to go through. Mr. Burman commented that if someone who makes these types of accusations is this person the proper person to carry a license that carries so many responsibilities. Mr. Roy stated that they have tried to rectify the situation.

Mr. Semprini, the pictures of the work you have done are tremendous, we are very pro-business. Clear the air, unfortunately the Licensing Authority continuation of the hearing caused us to lose our chef, this is untrue. Can you explain the menu a bit more are you planning on entertainment? We are using all local products; we kept the head chef and bartender. The menu has over 30 entrees. Elaine Roy stated that we are going to do our best to keep the same quality service.

Mr. Hoxie asked about the renovation cost, \$150,000 to this point. Dress up of the property and some serious plumbing, electrical, billiards room, new roof and new grease trap. Outside is yet to be done. Winterizing in the fall when we have a little more money.

Mr. Glassman stated the Mr. Roy is a hands on owner. We are 90% there with other permits; building, health and fire, should be complete by next week.

We have 50 people ready to go as soon as we have the license.

Exact number of seats remains the same; 230, moved them around for some comfort purposes. No entertainment at this time.

A motion was duly made by Mr. Semprini, seconded by Mr. Hoxie and a unanimous vote taken to accept the application as presented.

2. **Amendment of Annual Common Victualler License and New Non-Live Entertainment License:** Application of Fashion Food LLC, d/b/a Wendy's, 554 Hyannough Rd, Hyannis, Ernest M Smily, Manager, for an amendment to an existing Annual Common Victualler License due to renovations. Seating to include 65 Interior, 16 Exterior and 11 employees as approved by the Building Commissioner. Hours of operation are 7:00AM to 1:00 AM Daily. Request for a new non – live entertainment license to include 2 televisions.

Terry Smily appeared on behalf of the application. Mr. Scali appreciates the understanding of attending a hearing and asked whether there is an issue with the closing hour. We used to close at 2:00 am we now close at 1:00 am.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

3. **New Class II Auto Dealer License:** Application of Skyline Motors Inc, d/b/a Cape Cod Auto Exchange, 455 Yarmouth Rd., Hyannis for a new Class II Auto Dealer License, for a maximum of 25 used vehicles, 18 display, 4 customer , 2 employee and 1 handicap all approved by the Building Commissioner. (Location is former Montero's Motor Sales, license forfeited 3/10/15)

Phil Boire appeared on behalf of this application. The building used to be Cape Cod Insulation. He has been in the car business for 38 years. No repairs or cleaning of vehicles on site. Mr. Scali asked do you still have the other licenses in town. He was approved 66 Barnstable Road but we never moved forward due to a tenant issue. The Norwood license will remain in tact. The repair shop will be Mid- Cape Tire.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept application as presented.

4. **Alteration of Premises of an All Alcohol Club License:** Application of Hyannisport Club, Inc. d/b/a Hyannisport Club, 2 Irving Avenue, Hyannis Port, Scott A Smith, Manager; for an Alteration of Premises to change the existing premises description to: 156 total acres (from 136 acres). Two story building , 2 bars with seating for 20, member's lounge with seating fro 36, one lounge with seating for 16, main dining room and lunch room with seating for 112, outdoor deck for 62 and 24 and seating inside/outside lounge area of 18. Service bar, dance floor, kitchen, storage and rest rooms with eight entrances and eight exits. Total seating for 288 as approved by the Building Commissioner. One story wood pro shop with basement for storage. Snack bar located at the end of the 9th hole, beer service only.

Attorney Mark Boudreau appeared on behalf of the application. Amend the description of the premises. Small amount of work will be done inside; total

seating is 288; no change to present license. Beer only service at the snack bar. Mr. Scali asked if there is a cart; Attorney Boudreau stated there is not cart service.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

- 5. Transfer of Corporate Stock and New Officers and Change of Manager for a Seasonal All Alcohol Common Victualler License:** Application of Venditti Enterprises, Inc., d/b/a Mattakeese Wharf Restaurant, 271 Millway, Barnstable, Robert E Venditti, Manager, for a Transfer of Stock, New Officers & Directors & Change of Manager from Robert E Venditti to Paul S Venditti.

Attorney Stephen Pizutti and Paul Venditti appeared on behalf of the application. The Venditti's have operated the business for almost 40 years; this young man has worked in the business for 37 years. He has worked in the shadow of his father for 10 years.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a vote of 2-0 taken to accept the application as presented. Mr. Hoxie recused himself.

- 6. Live Entertainment License for Existing All Alcohol Common Victualler License:** Application of Hyannis El Rodeo LLC d/b/a El Rodeo, Raul Herta, Manager, 1070 Iyannough Rd, Hyannis. Requested is a New Daily Live Entertainment license, for up to 5 non-amplified roving Mariachi Players to perform. Entertainment runs daily from 11am to 12:45 AM.

Application represented by Efraim to bring Mariachi players into the restaurant once per month. The hours will be 5:00-9:00 PM.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

- 7. Alteration of Premise and Change of Manager for Existing Annual All Alcohol Common Victualler License:** application has been filed by JD Camas, LLC., d/b/a Tumi Ceviche Bar Ristorante, located at 529 Main Street Back, Hyannis, to alter the licensed premise of the existing Annual All Alcohol Restaurant License and Change the manager on record from Angel Rodrigo Camas Calle to Jose Calle.

Alteration of Premise Description: to add an additional 36 seats on brick patio, as approved by the Building Commissioner. Amended description will be amended as follows: Renovated wood and brick structure at 592 Main Street, Hyannis, consisting of 2,520 sq.ft. +/- . Enter through brick patio having 55 seats. Entrance through 6' doorway, 4'9" hallway. To the left of entrance is main dining room/bar

with 67 seats (7 bar seats, 6 seats at ceviche bar and 54 seats in open dining area at tables). Two emergency exits in dining room/bar area. To the right of the entrance is a private dining room with 13 seats. Kitchen in the rear with emergency exit. Four restrooms including one handicap. Total 80 seats, 4 standees, 14 employees, 98 interior occupancy. The remaining square footage is contained in the hallways and storage.

****Postponed until 5/18/2015 Hearing at Attorney request****

New Business:

1. **Consent Agenda:** Vote to accept the Consent Agenda of the 04/27/2015 Meeting. Correction to the date duly noted.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the Consent Agenda as presented.

2. **New One Day Beer and Wine License and One Day Entertainment License:** Application of Danielle Siscoe on behalf of St. Peter's Episcopal Church for a one day beer and wine license and a one day entertainment license for the Gala Auction and Fundraiser 2015. Event to be held on 5/1/2015 from 6pm – 10pm. Entertainment will include one pianist. Event location will be St. Peter's Episcopal Church, 421 Wianno Ave, Osterville.

Danielle Siscoe appeared on behalf of the application for St. Peter's Nursery School, spring gala and auction for the new playground.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented.

3. **Ferreira's Recycling Inc., 85 Old Yarmouth Rd, Hyannis : Junk Dealer's License:** Update to pending Court case and renewal of Junk Dealer's License.

Attorney Cameron and Attorney Houghton appeared on behalf. Attorney Houghton stated that there is a recommended set of conditions. He recognized all Town of Barnstable officials that have been working on these conditions. Hope for the best and full preparation for the worst. In essence, the conditions would extend for a year, building to be constructed with deadlines for site-plan review, monitoring wells, obtaining permits, opinion from DEP regarding if a Recycling facility or not. The alternative is the litigation conference. Next court date is June 16, 2015.

Mr. Hoxie asked are you satisfied with these conditions to renew the license for one year. Can we release the Executive session minutes. Attorney Houghton wishes to review minutes first. The applicant is well ahead of schedule. They may be going to site plan review ahead of time; these are a stricter set of rules.

Officer Maher asked are both Attorneys prepared to sign this document, yes.

Mr. Semprini asked can you provide a timeline. First, monitoring wells, site plan application for a building and construction of building needs to be done. Need to allow for winter. Made a point chapter 502, rules and regulations for reporting need to be complied with and unannounced inspections are allowable. Mr. Ferreira are you trying to sell your property, is it on the market? I questioned the Water board if they would like to purchase; no realtor has been hired.

Officer Maher, respectfully I would wait until the document is signed and in front of you before an agreement is made. Attorney Nunheimer agrees.

Mr. Burman, how can we act on anything, we have not seen these conditions. A lot of effort and time has gone into this. Mr. Burman stated that on April 27th all conditions would be finalized. Who is representing who? Confusion of dates by Attorney Connors has caused the most recent delay. Mr. Burman has been in business a lot of years, you make an agreement you follow it.

Mr. Scali: conditions have been amended and changes on all sides; all of us have been working together.

*Lt. Murphy: we have been supportive of the Attorneys and the Town of Barnstable. By extending the license until the 18th of May you must be aware that there have been some recent issues in failure to report weekly to comply with existing license. ****postponed until May 18, 2015 *****

Motion by Mr. Semprini and seconded by Mr. Hoxie for a 2-1 vote to issue a new license until May 18, 2015 provided he complies with all conditions of the existing license and a signed agreement provided to the board by May 11, 2015.

Licensing Division Updates:

- 1. Licensing Department updates** - Pedi-cabs are being advertised this Friday, Hearing May 22 at 11:00 am. The Licensing Authority will be approving the application of the business, pilot program for one year. Maggie accepted to MMA certificate program. Mr. Burman asked regarding the Uber business. Mr Scali stated that the taxi cab industry is requesting a fare increase. There have been a number of lawsuits regarding Uber. Uber is here on the Cape.
- 2. Police Department updates-** Show Cause hearing for the Island Merchant, overcrowding and music. Approved to go forward.

The meeting was adjourned at 10:30

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority

Release of Executive Session Minutes, if any (0).

And any other new business to come before the Licensing Authority.

PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.

Town of Barnstable

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

April 27, 2015

Renewals:

- 1. Application of Harold Fera on behalf of Rockwell Amusements & Promotions Inc. for a Special Permit for Two Carnivals.** First event to be held on 6/8/2015(set-up) through 6/14/2015. The second event to be held on 7/12/2015(set-up) through 7/18/2015. Both carnivals will have 15 rides and 10 games and will be located at Cape Cod Mall rear parking lot 769 Iyannough Rd, Hyannis.

Mr. Scali referenced a concern regarding the CORI checks. Lt. Murphy said in the past there have been issues. Two packets have been given to the police department to perform all CORI's.
- 2. Application of Elizabeth Novak on behalf of the Cape Cod Synagogue for a One Day Beer and Wine and Entertainment License:** Annual raffle party to be held on May 9, 2015 from 7:00 pm to 10:30 pm at the Cape Cod Synagogue, 145 Winter Street, Hyannis.
- 3. Application of Beatrice White on behalf of the Holy Ghost Society of Santuit and Cotuit for (2) One Day Beer and Wine Licenses and a One Day Entertainment License:** 124th Annual Portuguese Feast to be held on June 13th from 5pm -11pm and June 14th from 12 pm - 6pm. respectively. Entertainment will be on 6/13/2015 from 8pm – 11pm with a four piece band. All events to be held at the Holy Ghost Society Hall, 53 Main Street, Cotuit.
- 4. Application of Stacie Hevener on behalf of the Marstons Mills Public Library for a One Day Beer and Wine License:** Eleventh annual Silent auction fund raising event to be held at the Marstons Mills Public Library, 2160 Main St, Marstons Mills on May 7, 2015 from 5:30 pm to 8:00 PM.

5. Junk Dealer's:

1. Best For Less American Treasure, 207 Iyannough Rd, Hyannis
2. Spinnaker Records, 596 Main Street, Hyannis
3. Atomic Dimestore, 187 West Main St, Hyannis
4. Cotuit Mercantile,45 Main St., Cotuit
5. Cape Cod Jewelers, 366 Main Street, Hyannis