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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: February 16, 2016 **RESCHEDULED DUE TO
SNOW STORM ON FEBRUARY 8, 2016**

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 meeting of the Barnstable Licensing Authority was held on Monday, January 11, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Larry Decker, Associate Commissioner; Richard V. Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy and Patrolman Stephen Estey, Liaison Officers from the Barnstable Police Department; and Maggie Flynn, Recording Secretary. Ron Semprini and David Nunheimer were absent.

Vote to accept Minutes

1. Vote to accept minutes of the 01/11/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 1/11/16 meeting.

New Business:

1. **Request for Closure of Common Victualler All Alcohol License:** Request to close Kelly's on Main, 644 Main Street, Hyannis, Michael Gannon, manager for general maintenance and repairs. Closure from February 28, 2016 to March 13, 2016.

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

2. **Request for Closure of All Alcohol Club License:** Request to close King's Grant Racquet Club, 12 Old King's Road, Cotuit, Courtney Keyser, manager until May 1, 2016.

Mr. Hoxie questioned this request which Ms. Hartsgrove updated the Board stating that this is to correct a long standing error. If this request is repeated multiple years, the Licensing Division will require the business to change from an annual to a seasonal license.

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

3. **Application for a New One Day All Alcohol and Entertainment Licenses:** Application of Bill Sykes on behalf of Best Buddies International for the Best Buddies Challenge in Hyannisport, 1014 Craigville Beach Road, Centerville. Set-up for the event is on May 21, 2016 at 9:00 AM. The actual event will be held June 4, 2016 from 3-6 PM.

Bill Sykes appeared on behalf of this application. The event expects 1500 participants with four different starting locations. This is the 13th year.

Mr. Burman reviewed the issue of changeable boards that stated that the beaches were closed. This was in tandem with the Recreation Department according to Mr. Sykes. Mr. Scali reiterated that all the conditions of the past will remain in effect. Set-up is May 25th for the tent on the Shriver lot. There are restrictions in place.

Lt. Murphy stated that the Police Department received no issues and Mr. Sykes has been more than accommodating.

A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to accept the application as presented with previously agreed upon conditions. (Attached)

4. **Consent Agenda:**

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

Public Hearings:

1. **Application for a New Annual Common Victualler License:** Application of Aral Management Group of Hyannis, Inc. d/b/a Friendly's Ice Cream, 1090 Iyannough Rd., Hyannis, Robert Arruda, Manager, for an Annual Common Victualler License.

Interior seats total 132 with 12 employees all approved by the Building Commissioner on 1/5/2016. No exterior seats. Hours of operation will be 7:00 AM to 10:00 PM Sunday through Thursday and 7:00 AM to 11:00 PM on Friday and Saturday.

Robert Arruda appeared on behalf of this application. We have been involved with Friendly's for over 25 years. He was on the corporate side of Friendly's and now taking over. We have 10 restaurants in total. This is a new franchisee; the staff will remain the same.

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

2. **Application of an Amendment to an Existing Class I Auto Dealer License:** Application of 499 Route 6A Inc., d/b/a Premier Cape Cod, Joseph Laham, Manager, for an amendment to the existing Class I Auto Dealer License. The existing Class I license is located at 460 Yarmouth Road Hyannis; currently licensed for 696 total parking spaces. The amendment will add 600 Yarmouth Road and 93 Rosary Lane for an additional 309 spaces; 250 retail and 59 employee/customer spaces. The new total will be 1005 spaces for the following locations: 460 Yarmouth Road, 600 Yarmouth Road and 93 Rosary Lane.

Attorney Jeff Ford appeared on behalf of this application. Attorney Ford reviewed the details of the application. The intent is to use as an expansion of the existing license.

Mr. Scali, purchase of the Cadillac lot; no changes the space amount, correct. Yes, the intent is to use the Premier license. If a Class I opportunity arises, it may be applied for in front of this authority. The license has 3 different brands and that he will need 1000 cars on a lot. The street is very small for all these cars. There is already an approved site according to Attorney Ford.

Mr. Burman, reiterated the concerns regarding the narrow road with 2000 plus vehicles. Recommend the Board postpone. Ms. Hartsgrove asked how Mr. Laham intends to use the site. Mr. Laham intends to utilize all brands at all sites. Ms. Hartsgrove recommended to Attorney Ford to verify if RAM needs to be added to the license since it separated from Dodge a few years ago, and RAM is not listed on the license. Mr. Burman expressed concerns regarding the

movement of personnel and vehicles between the sites. Mr. Hoxie stated that this is an amendment to an existing Class I and is not an uncommon request; no reason to scrutinize. Lt. Murphy echoed Chairman Hoxie's comments. Mr. Decker stated his concern is in shuffling 1000 automobiles will create confusion on the roadway. Attorney Ford stated Mr. Laham wants to utilize it as service and storage. It is not anticipated that there will be daily moving of many vehicles.

A motion was duly made by Mr. Burman to postpone for the next meeting for Legal and Growth Management comment; motion did not carry.

A second motion was duly made by Mr. Decker, seconded by Mr. Hoxie and a 2-1 vote taken to accept the application as presented.

3. **Application of New Officers and Directors for An Existing All Alcohol Common Victualler License:** Application of Not Your Average Joe's Inc., 793 Iyannough Rd., Hyannis, Bruce Radon, Manager for new Officers and Directors.

****Request of applicant to be heard at a later date****

4. **Application for a Transfer of a Seasonal Common Victualler Wine and Malt License and a New Annual Common Victualler License:** Application has been filed to transfer the Seasonal Common Victualler Wine and Malt license, from Cooke's Seafood Hyannis Inc., d/b/a Cooke's, Frank Whelan, mgr, 1120 Iyannough Rd., Hyannis to The Whole Fish LLC., d/b/a Cooke's Seafood, Michael J. Haidas, mgr, 1120 Iyannough Rd., Hyannis, and for a new annual common victualler license application, Michael J. Haidas mgr., 1120 Iyannough Rd., Hyannis.

Description of Premise: One story wood frame building with front entrance on Route 132, rear access for deliveries and rear emergency exit door. Also an exterior exit from basement to provide second means of exit therefrom. Building is approx. 4,400 sq. ft. with seating for 150 in dining area. Two restrooms, kitchen, storage and a small office account for the balance of space. Outside dining area of 52' x 15' with seating for 32.

Total seating 182 with 25 employees as approved by the Building Commissioner on 12/29/2015. Hours of alcohol sales: 8am – 12:45 am M-Sat.; Sunday 12-12

Michael Haidas and Van Haidas appeared on behalf of the application. The current owners; Frank and Denise Whelan, are in the audience showing support. We propose no changes. Our father and uncle originally started the business. Mr. Hoxie asked if your experience includes alcohol. Lt. Murphy, commented on the well prepared statement. My question is your license for alcohol goes to 12:45? No, we propose no changes we will keep the same hours to 12:00. Mr. Scali asked about the schedule. Close the Sunday after Thanksgiving, opening date is early to mid-March.

Licensing Division Updates :

1. **Licensing Department updates:** Review of the Rules and Regulation; copy being provided. Red markings reference new additions. This will be available for one month and then back to a meeting on March 21, 2016. This will be a work session. The public will be able to comment as well. Lt. Murphy stated that Chief MacDonald has read the document and complimented Elizabeth on all of her hard work.
Mr. Scali informed the Board that the ABCC dismissed the appeal of the taxpayers in reference to Kappy's. They do have an opportunity to open at their own risk. International Inn and 3 stings reviews will happen in March, 2016. Scotties will be heard in April or May. Ferreira's has been cleaned up, have heard that it has been sold; no applications to date.
2. **Police Department updates:** Lt. Murphy informed the board the Superior Court case regarding Ferreira's is moving through the courts. No updates on Scotties. Officer Estey reported that the grant was received again this year. All suspensions have been served except the 3 being appealed. Lt. Murphy updated that the Alcohol meetings will be required by all; anticipated that the meetings will be held in early April. Ms. Hartsgrove updated that the Class I and II and Private Parking lots will also have meetings.

Release of Executive Session Minutes, if any (0).And any other new business to come before the Licensing Authority.

- **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 in

Town of Barnstable

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

February 8, 2016

Renewals:

1. **(2) New One Day Entertainment License:** Application of Cecilia Carey on behalf of the Rotary Club of Hyannis for a one day entertainment license for the Annual Home and Garden Show. The event is to be held on March 19 and 20, 2016 from 8:00 AM to 5:00 PM at the Barnstable High School, West Main Street, Hyannis. Set-up is on March 18, 2016.
2. **New One Day Entertainment License:** Application of Susan Belekewicz on behalf of the Osterville Public Library for a one day entertainment license for the St. Patrick's Day celebration. The Irish Step Dancing event is to be held at the Osterville Public Library, 43 Wianno Avenue, Osterville on March 12, 2016 from 1:00 – 2:30 PM.

Common Victualler:

1. The Box Lunch, 357 Main St., Hyannis
2. Ben and Jerry's, 352 Main St., Hyannis

Lodging House:

1. Beechwood Inn B&B, 2839 Main Street, Barnstable

The meeting was adjourned at 10:20 AM

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority