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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: July 18, 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: 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA**

A meeting of the Barnstable Licensing Authority was held on Monday, July 18, 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 Scali, Director of Regulatory Services; Elizabeth Hartsgrove, Consumer Affairs Supervisor; CAO Therese Gallant and Lt. John Murphy liaison Police Officer and Maggie Flynn, Recording Secretary.

### **Vote to accept Minutes**

1. Vote to accept minutes of the 6/13/16 meeting.

**A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 06/13/16 meeting.**

## **New Business:**

1. **Lemon Law Sticker Audit:** The Office of Consumer Affairs and Business Regulation conducted an audit regarding sticker compliance for several Barnstable Class I and Class II licensees.

*Mr. Scali stated that this is informational for the Commissioners and copies of letters will be placed in the files. No vote required.*

2. **Application for a New Pedicab Operator's License:** Application of Seth A. Heuiser, 37 Sam Ryder Rd., Chatham for a Pedicab Operator's License.

*Seth Heuiser has applied for the license. He is a first time pedicab operator, career as a tour guide. Temporary permits were issued until this hearing. Mr. Scali asked if the riders are still requesting a \$5 minimum from the public; yes. Night time is very busy. Mr. Burman asked about insurance. The pedicabs are insured; copies of insurance binders have been provided to Licensing.*

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

3. **Application for a One Day All Alcohol and One Day Entertainment Licenses:** Application of Jamie Bohlin on behalf of the Cape Cod Young Professionals for one day all alcohol and entertainment licenses for the Back to Business Bash networking event. The event will be taking place at the Barnstable Municipal Airport, 480 Barnstable Road, Hyannis on 9/29/16 from 5:00 PM to 10:00 PM. Entertainment to include four performers with four pieces.

*Ann VaVleck appeared on behalf of the event. Cape Cod Beer will be serving along with 2 other vendors. School of Bartending personnel will also be serving.*

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

4. **Application for One Day Beer Only and Entertainment Licenses:** Application of Amanda Converse on behalf of LoveLiveLocal for a one day beer only and one day entertainment license for the LoveLocal Fest. The event will be taking place on two separate occasions on 7/31/16 and 9/25/16. They will be located at the Aselton Park and the Cape Cod Maritime Museum, 135 South Street, Hyannis beginning at 9:00 AM. Entertainment to include live music with 8 pieces and 8 performers.

*Amanda Converse and Beth Marcus appeared on behalf of this application. This is our 4<sup>th</sup> season this is our first year serving beer with Cape Cod Beer. Beth Marcus has experience at this location. Mr. Burman asked about parking, encourage people to park at the town lots.*

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

- 5. Application for One Day Beer Only and Entertainment Licenses:** Application of W Patrick Lentell on behalf of SEMC Sports for a one day beer only and one day entertainment license for the Green Run Event. The event will take place on 8/7/16 at the Lowell Park Woodlands, 0 Putnam Avenue, Cotuit from 7:30 AM to 11:30 AM. Entertainment to include amplified music for 4 performers with 4 pieces.

*Pat Lentell appeared on behalf of this application. This is an annual event but we would like to serve beer this year. This is a benefit for the Barnstable Land Trust. Mr. Scali wants the letter from the Land Trust updated to include the beer service and by whom. The insurance needs to be updated to include BLT and the Town of Barnstable.*

**A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to accept the application as presented with the following conditions: a letter from the Barnstable Land Trust approving beer sales. An updated insurance Binder and finalized alcohol server information.**

- 6. Application for (2) One Day Entertainment Licenses:** Application of David Kuehn on behalf of the Cotuit Center for the Arts for (2) one day entertainment licenses for the Musical Theatre Dance Workshop Class Performances. The events will take place on 7/29 and 7/30/2016 beginning at 8:00 PM at the Cotuit Center for the Arts, 4404 Falmouth Rd., Cotuit. Entertainment is to be non-amplified theatre/puppet show for approximately one hour.

*David Kuehn appeared and explained the event to the Commissioners. The program is four different vignettes that will walk through the properties on the campus. Everything should be completed before dusk. There are a number of discussions going on with the campus expansion. Mr. Scali is recommending a hold put on this application. There has been ongoing interaction at 17 Savinelli Road. The issue is the allowed use for 17 Savinelli Road, it's only for education. Expanded use and being open to the general public, the use changes and it is not approved at that location. It was suggested that the program take place on the currently licensed premises.  
The request for two One Day Entertainment Licenses was not approved.*

- 7. 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 Non Intoxicating Beverages License:**  
Application of The Local Juice Inc., d/b/a The Local Juice, 539 South St. Hyannis, Jen Villa, Manager, for an Annual Non Intoxicating Beverages License. Hours of operation will be 8:00 am to 5:00 pm daily. There will be no seating.

*Jen Villa appeared on behalf of the application. Fruit and vegetable juices and smoothies will be served at the location; 6 different recipes. We are also at farmers markets.*

**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 for a Change of Location for Annual Class 1 Auto Dealer License:** Application of 25 RTE 28, Inc., d/b/a Audi of Cape Cod, Joseph Laham, Manager, for a Change of location for a Class I Auto Dealer License from its current location at 270, 278 and 258 North Street, Hyannis. Licensee to be located at 25 Falmouth Road 28 Hallet Road, 49 Bearse Road, 29 Bearse Road and 28 Bearse Road, Hyannis, for 89 customer, employee and handicap vehicle spaces and 115 vehicle storage spaces for a combined total of 204 parking spaces all approved by the Interim Building Commissioner on 6/27/16.

*Attorney Jeff Ford appeared on behalf of this application. This will be a principal dealership for Audi alone. Two separate site plan reviews have been completed for this site.*

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

## **Show Cause Hearings:**

1. **Continuation of Show Cause Hearing for Brito's Auto Sales:**  
The Licensing Authority held a continued show cause hearing update, on April 11, 2016, from December 14, 2015 for violating Code of the Town of Barnstable, Massachusetts, §228-1, Town of Barnstable's Class I & II Regulations and M.G.L. c.140 §59 as cited in letter dated October 20, 2015, at the Brito's Auto Sales located at 657 Yarmouth Road, Hyannis and on Town property located at 629 Yarmouth Road.

*Elizabeth Hartsgrove and Therese Gallant made two site visits recently. The area has been significantly improved. They are suggesting that weekly visits are to be done and to close their Show Cause Hearing. Mr. Scali asked for details. He does*

*not agree with this. There is someone living on the property. An engineered plan is required, your plan was rejected. Jeremy stated that he did not hear back from Robin Anderson until July 1, 2016. Mr. Scali suggested that suspensions are in order. There are a number of issues on the property. This is one lot, it is only one parcel. A plan was submitted in April and June and they were denied by Building. Mr. Britto stated that he was going to demolish.*

*Mr. Britto is making headway but there are still over 16 cars on the property. Mr. Scali stated that this has been going on since January. Lt Murphy stated there is a level of frustration on both ends. The Britto's have a long history and Jeremy is a new business owner. He did not anticipate some of the pitfalls especially following rules and regulations. Part of your responsibility of holding a license is to comply with the Board and the Consumer Affairs office.*

*Manny Britto has been there since 1949, now there are so many changes.*

*Bud Breault, the airport manager has concerns with trash on the property. We are prepared to put in a fence on the property lines. There have been some TSA issues.*

*There are no cars allowed on town property but he is over the 16 cars. 8 display spaces and 8 customer spaces that must be open for customers.*

*Mr. Hoxie is inclined to give one more month. Something needs to happen in this next month. An engineered plan is required and the Britto's must work with the Consumer Affairs office to make significant progress.*

**\*\*\*\*Continued to August 22, 2016 without further notice\*\*\*\***

**Licensing Division Updates:**

1. **Licensing Department updates:** Rules and Regulations will be on a public hearing on August 22, 2016. The Plastic Bag ordinance is being worked on; implementation by October 3<sup>rd</sup>. Mr. Decker asked about the Licensing Authority to take over the Private Parking lots; still an open issue.
2. **Police Department updates:** Officer Gallant has hit the ground running. Compliance checks were done. We did have some failures as compared to the previous year. A very tumultuous time in our country at this time. We have a Town Manager and a Police Chief that are ahead of the curve. We are a community according to Lt. Murphy.

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

**The meeting was adjourned at 10:38**

**Respectfully submitted,**

\_\_\_\_\_  
**Margaret D. Flynn, Recorder**  
**Town of Barnstable Licensing Authority**

\_\_\_\_\_  
**Martin Hoxie, Chairman**  
**Town of Barnstable 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

## Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

200 Main Street

Hyannis, MA 02601

[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)

Telephone: (508) 862-4674

Fax: (508) 778-2412

### BARNSTABLE LICENSING AUTHORITY

# CONSENT AGENDA

July 18, 2016

#### Renewals:

1. **Application for a One Day Wine Only One Day Entertainment License:** Application of Stephen Hemberger on behalf of the Historical Society of Santuit and Cotuit for a one day wine only and one day entertainment license for the annual Taste of Cotuit Fundraiser. Event to be held at the Historical Society, 1148 Main St., Cotuit on 7/23/16 from 6:00 PM to 8:00 PM. Entertainment to include one acoustic guitar.
2. **Application for (2) One Day All Entertainment License:** Application of Jennifer Williamson behalf of the Osterville Historical Museum for a one day entertainment license for the annual Art at the Museum Event. The event is to be held at the Osterville Historical Museum, 155 West Bay Road, Osterville on 7/20/16 from 12:30 PM to 5:00 PM. The second event is the 25<sup>th</sup> Annual Antiques Show also located at the Osterville Historical Museum, 155 West Bay Road, Osterville on August 18, 2016 from 9:00 AM to 4:00 PM.
3. **Application for a One Day Entertainment and a One Day Wine and Malt License:** Application of Heidi Filmer-Gallagher on behalf of the Mass Audubon Long Pasture for a one day entertainment and one day wine and malt license for the annual Summer Soiree at Long Pasture. The event will take place at the Long Pasture, 325 Bone Hill Road, Cummaquid on August 11, 2016 from 5:30 PM to 10:00 PM. Entertainment to include five performers with 4 pieces.

4. **Application for (2) One Day Entertainment Licenses and a One Day Wine and Malt License:** Application of Amanda Converse on behalf of Love Yoga Co for (2) one day entertainment licenses and a one day wine and malt license for the annual Love Yoga Fest. Events will take place at Aselton Park and the Cape Cod Maritime Museum, 135 South Street, Hyannis on 8/6 and 8/7/16 from 9:00 AM to 6:00 PM. Entertainment to include African Drummers, recorded music and dancing by patrons.
5. **Application for (1) One Day Entertainment License:** Application of Joseph Izzo on behalf of the Town of Barnstable HYCC for (1) one day entertainment license for a boxing event. Event will take place on August 6, 2016 at the Hyannis Youth & Community Center, 141 Bassett Lane, Hyannis from 6pm – 10pm.

**Pedicabs:**

1. Dan Scandurra, 541 Main Street, Hyannis
2. Brian Kilcoyne, 541 Main Street, Hyannis

Lt. Murphy stated that they have operated properly. The Police Department made a suggestion to improve the lighting on the cab. Dan stated that all the drivers are all insured. Brian appeared and is very happy.