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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: January 23, 2017**

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, January 23, 2017 at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; Larry Decker, Associate Commissioner; David Nunheimer, 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 12/28/16 meeting.

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 12/28/16 meeting.**

## **New Business:**

1. **Lemon Law Sticker Audit:** Inspection reports for compliance from the Office of Consumer Affairs and Business Regulation.

*Mr. Scali stated that this just for notification purposes. Copies will be placed in applicants files as the originals were sent directly to them.*

2. **Application for a One Day Wine Only License:** Application of Sannie Eva Rocheteau on behalf of Whole Foods Market, 990 Lyannough Rd., Hyannis for a one day wine only license for a Chocolate Fest – Elegant Affair. Event to take place at the store location on February 11, 2017 from 1:00 -3:00 PM.

*Sannie reviewed how the elegant evening and chocolate fest combined into this event. First Crush Winery will be dispensing the wine.*

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

3. **Application for One Day Entertainment and Beer and Wine Licenses:** Application of Kelsey Ellis on behalf of Seaside Le Mans Fund of the Cape Cod Foundation, 20 North St., South Yarmouth for one day entertainment and beer and wine licenses for the Seaside Le Mans Kickoff event. Event to take place at the Barnstable Municipal Airport, 480 Barnstable Rd., Hyannis on February 2, 2017 from 4:30-6:00PM. Entertainment to include 1 keyboard.

*Kelsey Ellis and Christian Davenport appeared for the event. This is an announcement for the September event. Bartenders from Thirwood Place will be serving the alcohol. Expecting 60 plus attendees near the baggage claim area.*

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

4. **2017 Lodging House License Renewal Discussion:** Embassy Inn, 98 High School Road, Hyannis, MA. 02601.

*Mr. Scali stated that this is a review of the issues surrounding the Embassy Inn also a continuation of the December Lodging House renewal.*

*Officer Gallant reviewed the site visit held and meetings with Regulatory personnel.*

*The discussions held with Mr. Maloney were cordial. Lt. Murphy stated the visit was successful because it opens the lines of communication for public safety issues. There are additional issues. Request that we continue the renewal of their license. Mr. Scali stated that there are building and fire department violations; overcrowding. These departments are not in favor of renewing. Ms. Hartsgrove did attend the meeting; fire directional signs were not illuminated*

*properly. The building department had a plumbing issue and the number of rooms. We should continue this meeting to discuss and then determine whether or not a show cause should be called. The BPD is concerned about the increase in service calls. Some of the police calls are security checks. Lt. Murphy feels strongly about moving forward to the next meeting and has Mr. Maloney and his representation both attend. Mr. Semprini has some concerns of the location being so close to a school and a church.*

*Mr. Burman asked requirements for the Lodging House license. Lodgers must be transient, keep records and must prove that they live elsewhere.*

**\*\*\*\*Continued to 2/13/17 Hearing\*\*\*\***

**5. Consent Agenda:**

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

**Public Hearings:**

- 1. Application for a Change of Manager for Common Victualler All Alcohol License:** Application of Chipotle Mexican Grill of Colorado LLC d/b/a Chipotle Mexican Grill #2592, 793 Hyannis Rd., Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Nathan McConatha to David Jamieson.

*David Jamieson appeared on behalf the application. He is the current general manager at Hyannis. His experience is over 5 years; all training is up to date. Mr. Scali reiterated that there are many health code violations and it appears to be a companywide issue. More stringent controls have been put in place. We are taking initiatives to have 3<sup>rd</sup> party reviews and taking extra steps. There are 22 full time employees at this time.*

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

- 2. Amendment of Beneficial Interest/Stock Transfer on Annual All Alcohol Retail Package Goods Store:** Application has been filed by A.J. Luke's of Hyannis, Inc., Tim Walker, manager, d/b/a Luke's Super Liquors, 395 Barnstable Rd., Hyannis for amendments in the individual and corporate beneficial interests and stock transfer.

*Attorney Alberich stated the Luke's are entering into a reorganization. They are running 4 different stores. The plan is setting up Luke Beverage Inc.; this will allow for more efficient management of all the stores. There are no new individuals involved at this time.*

*Mr. Scali asked the purpose? It is for estate planning and future growth also for tax purposes. The licenses are not being transferred at this time.*

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

**3. Application for a Change of Manager and Amendment of Beneficial Interest/Stock Transfer on Annual All Alcohol Retail Package Goods Store:**

Application has been filed by A.J. Luke's of 132, Inc., Arthur J. Luke, manager, d/b/a Luke's Super Liquors to change the licensed manager from Arthur J Luke to Nicholas J Barron on the Annual All Alcohol Retail Package Store, 1166 Hyannough Rd., Hyannis.

Also requested are changes in the individual and corporate beneficial interests/stock transfer.

*Mr. Baron has been the assistant manager for several years; he has been working for over 6 years with a violation free record.*

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

**4. Application for a New Annual Common Victualler License:** Application of Cape Pizzeria LLC., d/b/a Cape Pizzeria, 696 Yarmouth Rd., Hyannis, Mallexus Munroe, Manager, for a new Annual Common Victualler license. Hours of operation will be 10:00 am to 11:00 pm daily. There will be 7 interior seats only as approved by the Building Commissioner on 12-22-16.

*Mallexus Mallory appeared on behalf of the application. The family will be working at the location. Mr. Scali reviewed that the handicap spots need the signs to be posted.*

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

## **Licensing Division Updates:**

1. **Licensing Department updates:** Updates for the annual compliance meetings are presently being worked on by staff.
2. **Police Department updates:** Lt. Murphy updated the Board on the Christmas Eve Assault at Embargo and praised the Licensee on how their staff handled the situation.

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to move into Executive Session and not return to open session.**

**Executive Session:** Review of ABCC Appeal: Mitchell's Café Inc. d/b/a/ The Dockside Restaurant, 110 School Street, Hyannis, Velma Roberts; Manager.

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**

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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

**The meeting was adjourned at 10:15**

**Respectfully submitted,**

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

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**Ron Semprini, Clerk  
Town of Barnstable Licensing Authority**

**Town of Barnstable**  
**Consumer Affairs**  
Elizabeth G. Hartsgrove, Supervisor  
Licensing Authority  
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Hyannis, MA 02601  
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**BARNSTABLE LICENSING AUTHORITY**  
**CONSENT AGENDA**  
January 23, 2017

**Renewals:**

1. **Application for a One Day All Alcohol and Entertainment Licenses:**  
Application of Jacquie Newson on behalf of the Sanbar Realtors, 776 Main St., Osterville for a one day all alcohol and entertainment licenses for a fundraiser for the Sandwich and Barnstable Realtor Scholarship Fund. The event is to be held at the Cape Codder Ball Room located at the Cape Codder Resort, Hyannis on March 3, 2017 from 6:00pm to Midnight. Entertainment to include the Moonlighters, 6 piece band and four casino tables.

**Common Victualler:**

1. Whole Foods, 990 Iyannough Rd., Hyannis
2. Spoon and Seed, 12 A Thornton Dr., Hyannis
3. D'Angelo's, 793 Yarmouth Rd., Hyannis
4. Katie's Ice Cream, 568 Main St., Hyannis

**Class II Auto Dealer License:**

1. Auto Wholesalers of Cape Cod, 92 Rosary Lane, Hyannis

**Lodging House License:**

1. Sea Beach Inn, 388 Sea St., Hyannis