

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

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: May 08, 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: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, April 10, 2017. 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 Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Lt. John Murphy attended after introductions.

Vote to accept Minutes

1. Vote to accept minutes of the 4/24/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 04/24/17 meeting.

New Business:

1. Application for a One Day Wine and Malt and One Day Entertainment

License: Application of Jessica Lachey on behalf of Habitat for Humanity of Cape Cod for a One Day Wine and Malt and One Day Entertainment license for the Hook for Homes Awards Celebration. The event will take place on July 15, 2017 from 5:00-8:00 PM at the Cape Cod Maritime Museum, 135 South St., Hyannis. Entertainment to include a 5 piece band.

Jessica Lachey and Wendy Cullinane appeared on behalf of the application. Cape Cod Beer will be serving the beer.

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

2. Application for (2) One Day Wine and Malt Licenses: Application of Jeff Marcotte on behalf of Cape Cod Community College for 2 One Day Wine and Malt Licenses for the Rock of Ages event. The event will be held on 5/13/17 at 7 PM-9PM and 5/14 at 1PM-3PM. All performances will be held at the Tilden Arts Center, 2240 Iyannough Rd., Hyannis.

******Did not appear, will appear at 5/22/17 Hearing******

3. Application for a One Day Extension of Live Entertainment Hours:

Application of Michael Gannon on behalf of Kelly's on Main, 644 Main St., Hyannis to extend their Live Entertainment hours to Midnight on Sunday May 28, 2017 from currently licensed 8:00 PM.; Licensed performers and pieces will remain at 3.

Michael Gannon appeared on behalf of the application. This is the Sunday of Memorial Day weekend. We would like to have music from 9PM to midnight; this is our first request. Mr. Weber and I have been getting along very well over the years; there is open communication between us.

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

4. Consent Agenda:

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

Public Hearings:

1. Application for New Annual Farmer Brewery License: Barnstable Brewing LLC d/b/a Barnstable Brewing has filed an application for a new Annual Wine and Malt Farmer Brewery Pouring License, 485 West Main Street, Hyannis, MA, with

Peter M Connor, Manager. Pouring service would be from 10:00 a.m. to 6:00 daily.

Interior seating is 36 at tables and 12 at the bar; totaling 48 plus 20 standees for the rail/bench area, no exterior seating at this time; all approved by the Building Commissioner on 3-31-17.

Attorney James Quirk and Peter Connor represented the application. Attorney Quirk reviewed the history of the applicant over the past 3 years trying to obtain all necessary licenses.

Mr. Scali asked about experience, safety precautions etc. We have safety as an utmost responsibility according to Mr. Connor.

Mr. Semprini asked about the distance to the Hyannis West Elementary. Roughly speaking the distance to the school is approximately 400-500 feet. Mr. Semprini asked about the shared spots with Steve and Sue's. There are an additional 12 spots.

We have accepted any conditions that were deemed necessary for traffic safety. There is an exit on Straightway and 2 exits on West Main Street. Mr. Hoxie asked how this will this establishment work? There will be a tasting room; there is the ability to get a pint of beer. This is a not a bar. The product will be brewed on site. Mr. Burman has some concerns regarding the proximity to 2 schools. We did appear at a School Committee meeting according to Mr. Connor.

Mr. Semprini has a concern with the traffic area. Possibly have all traffic leave onto Straightway.

Mr. Connor stated we are TIP certified. The current hours are 10:00 am to 6 Pm.

Margeaux Weber and Meg Mayo Brown appeared on behalf of the School Committee and Hyannis West Schools. We did have some notice issues in the beginning. We did have an informative meeting with the Connors. Initially this was a smaller seating amount of 12-15. Initial vote was to vote against by the School Committee.

Meg Mayo Brown is concerned due to the potential increase in traffic flow, what measures are in place for impairment. Also, will this be a cut through at Hyannis West. Parents stated this will greatly impact picking up children. Increased overtime to bus guards, teachers etc.

We have a signed letter from the former superintendent that they received our request, we are happy to understand the busing schedules; we have spent thousands of dollars on traffic flow. As far as inebriation, that is not lawful.

The updated license is for 48 not 68 seats. There are 20 standees. We increased due to the 12 additional parking spots. Three employees are what are presently in place.

Mr. Hoxie has concerns of this because of the School Committee. Mr. Burman is concerned about the safety of the children being dismissed from the School.

Mr. Connor stated a lot of your concerns that we are not going to conform to the laws of the Commonwealth. We are very serious about safety.

Mr. Hoxie stated that our concern is the proximity to the school. Mr. Nunheimer said that the patronage numbers changed from 2014 to now. Possibly a discussion between yourself and the School personnel is in order. The ZBA

addressed all these concerns in their decision. The approval was unanimous of the Special Permit.

Mr. Hoxie stated that perhaps a vote of the School Committee would be beneficial. Mr. Scali suggested looking at your business model. The School Committee will absolutely be open to another presentation. The previous application was opposed by the School Committee.

Lt. Murphy, we are dealing with 2 reasonable entities. Each seems to be working in the same common goal. The BPD says that we are penalizing them for things that may happen. The BPD will feel happy should they go forward to the School Committee.

******Continue to June 12, 2017. Applicant to appear at June 7, 2017 School Committee Meeting. ******

2. Application for a Change of Beneficial Interest and Manager on an Annual

All Alcohol Common Victualler License: Application has been filed by New England Clambake Inc., Daniele Siscoe manager, d/b/a Wimpy's Seafood Café and Market located at 752 Main Street, Osterville, for a change of beneficial interest on an Annual All Alcohol Common Victualler License and a change of manager from Daniele Siscoe to Mark Guerin Manning. Also requested is a new non-live entertainment license.

Description of Premise: One story building of 8,212 sq. ft which includes a full kitchen, seafood market, 5 dining areas which seat 60, 16, 24, 68 and 60 for a total of 228 seats and a bar for 10 seats; 238 total. There are two public entrances/foyers one from Main street and the other from the rear parking lot, 5 exits and 4 restrooms.

100 summer and 60 year round employees all approved by the Building Commissioner on 4/7/17.

Hours of Alcohol service are: 9:00 AM to 12:45 AM Monday – Saturday; Sunday 11:00 AM – Midnight.

Non-Live Entertainment to include: 2 televisions and recorded music at conversation level. Hours of Non-Live Entertainment: 10:00 AM – Midnight.

Jeff Lindsey and Mark Manning appeared on behalf of the application. The new manager has 30 years of experience. Mr. Semprini clarified that they are just buying the Corporation not the Real Estate.

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

3. Application to Transfer Seasonal All Alcohol Common Victualler and New

Live and Non-Live Licenses: Application has been filed to transfer the Annual All Alcohol Restaurant, and Live and Non-Live Entertainment Licenses from Manny's Dad, Inc. d/b/a Blue Water Grille, Timothy Gaudette, mgr, 213 Ocean

Street, Hyannis to Harborview Hotel Investors LLC., Michael Lloyd Scandariato, mgr, d/b/a Blue Water Grille, 213 Ocean Street, Hyannis.

Description of Premise: Outdoor Restaurant with a total of 162 seats: 2,140 sq. ft tent area with 44 seats at tables and 20 at the bar and 3,258 sq. ft. patio area with 98 seats. 1,350 sq. ft Indoor function room with 90 seats. 336 sq. ft Kitchen area. 14 Employees, with hours of operation from 7 am to midnight and entertainment hours are noon to midnight, daily; all approved by the Building Commissioner on 4/7/17.

Live Entertainment to include: 3 performers with 3 pieces. Non-Live Entertainment to include: 3 televisions and recorded music at conversation level. Hours of both Live and Non-Live Entertainment: 12 pm – 12:00 am.

Don McCall is the CFO for the hotels and was representing this application. The Hotel is just taking back the restaurant. The manager has worked in 3 of our other hotels. Mr. Scali clarified that everything is remaining the same; yes.

Mr. Semprini asked about the Live entertainment, we most likely will not use but want to be licensed. We are hotel operators. We are trying to balance the two, quiet for hotel guests and entertainment for the visitors.

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

4. **Application of a New Annual Shooting Gallery License, Pool Table License and Non-Live License:** Application for a new Shooting Gallery License for Downrange Inc., d/b/a Cape Cod Gun Works, 96 Airport Road, Hyannis, Ma.; Toby Leary Manager.

Hours of operation will be 9:00 am to 9:00 pm daily.

Non-Live Entertainment will include 5 TV's. There will also be one pool table; all approved by the Building Commissioner on 4-7-17.

Attorney Mark Boudreau, Toby Leary and Brendan Brickland appeared on behalf of the application. The proposed conditions were reviewed.

Ms. Hartsgrove stated that the proposed conditions would be added to the license. On another effort Rules and Regulations are being prepared for a Public Hearing.

Mr. Hoxie asked about procedure. This is regulated by the Bureau of Alcohol, Tobacco and Firearms. These 9 conditions were brought up last minute, understandably we have not had time to review. There is a pent up demand for classes. The requests for amendment are minor. Any managers will be approved by the Town (BPD).

Ms. Hartsgrove suggested that a temporary license be put in place.

Mr. Hoxie requests a temporary license until June 12, 2017

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to issue a temporary license until June 12, 2017.

Licensing Division Updates

- 1. Licensing Department updates;** Ms. Hartsgrove stated the staff will begin working on the Shooting Gallery Rules and Regulations. Municipal Licensing is having the 20th anniversary annual meeting; all are welcome. Mr. Scali discussed an alternative program to be offered to the Board for something other than suspensions. Alternatives to being closed benefit to the Community.
- 2. Police Department updates:** Officer Gallant is back from vacation.

Executive Session:

The Licensing Authority may vote to enter into executive session pursuant to G. L. c. 30A s. 21(a)(3) to discuss strategy with respect to the following litigation if the chair declares that discussion in an open meeting may have a detrimental effect on the litigating position of the Authority.

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

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

May 08, 2017

Renewals:

Junk Dealer Licenses:

1. Cash Point, 640 Main St., Hyannis
2. Spinnaker Records 596 Main St., Hyannis
3. Best For Less, 207 Iyannough Rd., Hyannis

Common Victullar:

1. Egg & I, 521-523 Main Street, Hyannis
2. RTPK Associates, Sandy Neck Snack Shack, West Barnstable
3. CBA Snack Bar, 915 Craigville Beach Rd., Hyannis

The meeting was adjourned at 10:38

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority