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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: August 14, 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, August 14, 2017. Chairman Martin Hoxie called the meeting to order 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 Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 07/24/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 07/24/17 meeting.

New Business:

1. **Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Anthony Zombas on behalf of St. George Greek Church for One Day Wine and Malt and Entertainment licenses for the Comedy Night with Ellen Karis event. The event is to be held on August 19, 2017 beginning at 8:00 PM. Location of the event is at the St George Greek Church, 1130 Falmouth Rd., Hyannis.

Anthony Zombas appeared on behalf of this application. We have 6 or 7 individuals that are TIP certified.

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

2. **Request for Closure of an All Alcohol Common Victualler License:** Request of Fazio's Trattoria, Inc. d/b/a Fazio's Trattoria, 294 Main St., Hyannis, Thomas E. Fazio, manager to close on September 5, 2017 and remain closed through December 31, 2017. The license will remain active as to facilitate a transfer.

This is just a notification.

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

3. **Application for a One Day Entertainment License:** Application of Stephanie G. Kelly on behalf of Samaritans of Cape Cod for a One Day Entertainment license for an evening with Darrell Hammond. The event is to take place on September 7, 2017 beginning at 6:30 PM at the Barnstable Performing Arts Center, West Main Street, Hyannis.

Ed Wirtanen appeared on behalf of this application. This is outreach event on behalf of the mentally ill.

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 for (21) One Day Entertainment Licenses:** Application of Fabio de Oliveira on behalf of Prova Brazil Steakhouse LLC d/b/a/ Torino Restaurant and Bar for (21) One Day Entertainment Licenses for amplified live entertainment on the outside patio. All entertainment will be on the outside patio at the Torino Restaurant and Bar, 415 Main Street, Hyannis from 6 PM to 11PM on the following dates: August, 17,18,19,24,25,26 and 31st and September 1,2,7,8,9,14,15,16,22,23,28,29 and 30th. Entertainment to include 1 performer with 1piece.

Attorney Stephen Pizzuti and Fabio de Oliveira appeared on behalf of this application. This came as a surprise as the licensee has had outside live entertainment for 5 years according to attorney Pizzuti. Attorney Pizzuti also added that Regulatory Services has been very cooperative. Outside entertainment deals with noise; we must be sensitive. Amplification should be set outside at a level that is acceptable and to ensure that the by-law is met. Elizabeth Wurfain from the BID, some of the licensees were unaware what entertainment licenses were held by their own establishments. It is great to have vibrancy on the street and how we can all work together.

Mr. Burman asked if there has been entertainment for some time outside; yes. There have not been complaints from residents but competitors have some issues. Mr. Semprini asked if there is an ongoing communication with other establishments. The answer to that by Attorney Pizzuti was no.

Mr. Scali wants to mention the conditions:

- 1. Comply with Town of Barnstable noise by-law.*
- 2. Amplification to be monitored to comply with the by-law*
- 3. Outdoor entertainment to cease at 11 PM.*
- 4. One entertainer with one piece*
- 5. Approved capacity on outdoor patio must be maintained.*

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application with the above five conditions.

Public Hearings:

- 1. Application for a Change of Beneficial Interest and Change of Manager on an Annual All Alcohol Common Victualler License:** Application of H & S Entertainment LLC d/b/a Bistro de Soleil, 350 Stevens Street, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Beneficial Interest from Tarsis Santos and Katarina Soldatov to Tarsis Santos, solely. Also a change of manager from Katarina Soldatov to Tarsis Santos.

Tarsis Santos and Katarina Soldatov both appeared. This is best for the future of the restaurant Tarsis stated; Katarina will still be working at the location.

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 a New Live Entertainment and Karaoke Licenses on a Seasonal All Alcohol Common Victualler License:** Application of Mitchell's Café Inc. d/b/a The Dockside Restaurant, 110 School Street, Hyannis on their Seasonal All Alcohol Common Victualler License, for a new Live Entertainment and Karaoke licenses.

Live Entertainment to include Dancing by Patrons, 1-3 performers with 1-3 pieces that will be amplified; also requesting a separate karaoke license. Entertainment hours will be daily from 5 PM to 12:45 AM.

******Application Withdrawn originally posted on 7/24/17 Agenda******

Licensing Division Updates

1. **Licensing Department updates: Election of Officers:** Reappointment of Martin Hoxie to the Licensing Authority and Election of Officers

Two motions were made with unanimous votes taken to approve Martin Hoxie to the Licensing Authority and the Election of Officers as follows: Martin Hoxie, Chairman, Gene Burman, Vice Chairman and Ron Semprini, Clerk.

Mr. Scali updated the Board as to his appointment to the State group reviewing Chapter 138 on behalf of the Treasurer's Office. Meetings will be held at the ABCC location every Tuesday for the next following months.

2. **Police Department updates:** Lt. Murphy commented that based on the earlier hearings there is a degree of frustration on behalf of the Police Department. The plan is moving forward to have a meeting with Consumer Affairs, Officer Gallant and licensees to ensure that they understand and comply with their entertainment licenses. The BPD does not want to become the Entertainment police.

The public meeting was adjourned at 9:55

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority