

(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: November 13, 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, November 13, 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, Larry Decker, Associate Commissioner; Richard Scali, Director of Regulatory Services; Elizabeth G. 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 10/16/17 meeting.

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 10/16/17 meeting.**

## **New Business:**

1. **Application for a One Day Entertainment License:** Application of Mark Manning on behalf of Wimpy's , 752 Main Street, Osterville for a One day Entertainment License for the Osterville Christmas stroll. The event is to take place On December 8, 2017 beginning at 6 PM. at Wimpy's , 752 Main Street. Entertainment is amplified and is to include 1 performer; Colleen Marshall.

*Andrew Glassman and Mark Manning both appeared for the application.*

**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:** Request from Mad Hatter LLC d/b/a Greenhouse Restaurant, 1127 Iyannough Road, Hyannis, Christopher Connolly, manager, to close the hotel (Holiday Inn) and restaurant for renovations from December 11, 2017 to March 1, 2018.

*Christopher Connolly and Greg Horton appeared. No changes just updating. This is a complete closure.*

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

## **Public Hearings:**

1. **Application for a New Annual Common Victualler License:** Application of Bassil Brothers United, Inc., d/b/a United Gas, 199 Falmouth Rd., Hyannis, Elie Bassil, Manager, for a new Annual Common Victualler license. Hours of operation will be 7:00 AM to 11:00 PM daily. There will be 4 interior seats and 4 exterior seats, 1 of which is handicap accessible as approved by the Building Commissioner on 7-5-17.

*Elie Bassil appeared on behalf of the application. This will be take-out Mediterranean food.*

**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 Change of Manager on a Seasonal All Alcohol Common Victualler License:** Application of GA Hyannis LLC. d/b/a Blue Water Grille, 235A Ocean Street, Hyannis on their Seasonal All Alcohol Common Victualler Malt License, for a Change of Manager from Michael Scandariato to Scott W Crowley.

*Don McCall and Scott Crowley appeared on behalf of the application. My experience is over 20 years in the hospitality industry.*

**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 for a Change of Manager on an Annual All Alcohol Common Victualler License:** Application of Harborview Hotel Investors LLC. d/b/a The Thirsty Tuna, 213 Ocean Street, Hyannis on their Annual All Alcohol Common Victualler Malt License, for a Change of Manager from Michael Scandariato to Scott W Crowley.

*Don McCall and Scott Crowley appeared on behalf of the application. The menu will be light fare for the guests.*

**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 a Change of Location and manager on an Annual Wine and Malt Retail Package Goods Store:** Application has been filed to change the location and manager of the Annual Wine and Malt Retail Package Store of Speedway of Massachusetts LLC d/b/a Speedway Jennifer Gunderway manager, 50 Ocean Street, Hyannis, Hyannis. Location change is from 50 Ocean Street Hyannis to 317 Falmouth Rd., Hyannis. The Manager change is from Jennifer Gunderway to Arielle Herold.  
Description of Premise: Single floor building with 1 main entrance/exit point, 1 secondary egress point, 1 roll up door. Space consists of 2540 sq. ft. of total retail floor space, including walk-in cooler, walk in freezer (exterior, accessed via inside stock room), and storage/back of house space.  
Hours of Alcohol sales: Monday through Saturday 8:00 AM to 11:00 PM and Sunday 10:00 AM to 11:00 PM. \*\*\*\***Continued from 10/16/17 Licensing Authority Hearing\*\*\*\***

*Attorney Andrew Upton and Wayne Bartley requesting a second call.*

*Arielle Harold also appeared for this application. We have a policy of universal carding regardless of age or appearance. In-house and on-line training for the employees is conducted by the Corporation. Two coolers will be used for beer and wine of the 10 located in the store. There is a customer demand for alcohol. We believe that this is the ideal location and we have not heard any feedback from the abutters.*

*Arielle has retail experience, been with Speedway over 1 year and has experience with alcohol.*

*Mr. Hoxie asked about traffic, is there any impact? People go to Speedway for gas it is not a destination liquor store, it is a convenience; not generate additional traffic.*

*Mr. Burman has concerns about the heavy traffic area. Historically, we turned down an application from the store across the street.*

*Mr. Hoxie asked about the neighborhood. In the past there were complaints. Mr. Semprini is also in agreement with Mr. Burman. Mr. Semprini asked how do we approve a license to Speedway when we denied AM/PM. Mr. Semprini has a concern about a late night accident. Also there is a tremendous amount of pedestrian traffic.*

*Lt. Murphy stated that the previous applicant had opposition from the BPD and neighborhood relative to the Police Department. The demographics have changed. The BPD is neither endorsing nor denying the proposed location. The previous location was also a high traffic application. The BPD has concerns about all alcohol, which this is not, no nips will be served. Of the three locations of Speedway this is the best option.*

*Mr. Hoxie asked if this application is denied what you would do. The North Street location is the most desirable for the Corporation. If we are unable to use 317 Falmouth Rd. location we will need to sell the license which we believe has a value of \$150,000. The BPD would oppose this application if it was a threat to public safety.*

*Wayne Bartley is the district manager. They have been involved with the Mass DOT project. We are doing a lot to alleviate traffic. We are moving the entrance to aid in traffic congestion.*

*The police response to that area has decreased significantly over the past several years.*

*There are 2 coolers with 4 or 5 types of beer and possibly 2 types of wine. Speedway adds new products constantly. The idea to make a special trip to Speedway to buy a six pack is not realistic, we are a convenience store. Lt Murphy, the sale of single beers in tubs can be eliminated. We do not sell 40 oz. beers. At Ocean Street we did have single beer sales. There was never a grab and go tub of ice filled with beer.*

*Mr. Semprini stated that there are plenty of places to obtain beer/wine.*

*Attorney Upton stated that we are taking a license from a larger location to a smaller location. Speedway is a very different type of operator than AM/PM. We are a very different type of operator.*

*Dennis Kelly cannot see a gas station having a liquor license when there is Blanchard's across the street.*

*Mr. Hoxie understands his colleagues concerns; you did contact the police and did your due diligence. There appears to be no opposition. Mr. Hoxie is in favor of this application.*

*Mr. Hoxie referred to the Boston Globe article about selling licenses. Mr. Hoxie does not want to encourage the sale of the licenses.*

*Mr. Scali suggested that you may want to place some conditions on the license. Approval with a request to come back to the Board within 6 months was suggested by Attorney Upton.*

*Mr. Burman moved to deny the application based upon traffic.*

*Mr. Semprini added to the motion to deny due to traffic congestion, denied a license for AM/PM and do not see a need for an additional license in the village of Hyannis.*

*Motion was to deny, traffic congestion and a denial to AM/PM.*

*Ms. Hartsgrove reviewed the MASS DOT project in further detail. Speedway is adding almost ¼ million dollars into this project. Traffic reports were reviewed; we are actually reducing traffic.*

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a 2-1 vote taken to deny the application as presented.**

5. **Application for an Amendment on an Annual Wine and Malt Common Victualler License:** Application of Ricciardelli Enterprises LLC d/b/a Ricciardelli's, 575 Main Street, Hyannis, Chris S. Ricciardelli manager for an Annual Wine and Malt Common Victualler License amendment request from Annual License to a Seasonal License.

*Chris Ricciardelli appeared on behalf of the application. Open late April and close in October.*

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

6. **Application for an Amend Class I Auto Dealer License Floorplan and Change of DBA :** Application of 25 Falmouth Rd. Inc. d/b/a/ Volvo of Cape Cod, 207 North Street, Hyannis, for amendments to an existing Class I Auto Dealer License.

Amendment is to change the DBA from Volvo of Cape Cod to Volvo Cars Cape Cod. Street Inc. Additional change is a reduction in total number of spaces from 184 to 167 (69 customer and 98 storage) all approved by the Building Commissioner on May 5, 2017 and September 28, 2017.

*Attorney Jeff Ford appeared on behalf of the application. Change in DBA and reduction in # of spaces.*

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

**7. Application for an Alteration of Premises, Change of DBA, Change of Manager and Change of Beneficial Interest for an Annual All alcohol Common Victualler License:**

Aztec City LLC., d/b/a Casa Peru Fusion, 302 Main Street, Hyannis, Angel R. Camas-Calle, Manager, current licensee of an Annual All Alcohol Common Victualler license has filed an application for:

Alteration of Premises description to increase the total number of seats from 49 to 67;

Change of Manager from Angel R Camas-Calle to Maria N Calle;

Change of DBA from Casa Peru Fusion to Ristorante Milanese; and

Change of Individual Beneficial Interest from Angel Camas-Calle to Maria N Calle.

*Attorney Pizzuti is also requesting a second call.*

*Jorge Siguencia and Maria Calle also appeared. Maria has been in the restaurant industry for her whole life. The seating was reduced from 67 to 49 when he took over. A variance has been obtained to use upstairs bathrooms for employees. Jorge reviewed how both restaurants will work.*

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

**Show Cause Hearings:**

The Barnstable Licensing Authority will hold Show Cause Hearings for the following establishments violating the following: Section 502-I sections R & T (Violation of MGL c138 s34) of the Town of Barnstable, Massachusetts Code: Alcoholic Beverages Sales and Laws - sale or delivery of an alcoholic beverage to a person under 21 years of age

Officer Gallant reviewed the procees for the annual compliance checks.

- 1. Seasonal All Alcohol Common Victualler License:** 13 Lives Corp d/b/a The Black Cat Harbor Shack, Scott C Brownlee, Manager, 159 Ocean St., Hyannis. Date of violation: August 31, 2017.

*Dave Colombo and Scott Brownlee appeared on behalf of the application. Dave Colombo stated that this was at the end of the night. The bartender was busy cleaning up; she thought the female had already been carded.*

**After testimony from Consumer Affairs Officer Therese Gallant, the following motions were voted by the Licensing Authority:**

**•FINDINGS: To move that the Licensing Authority determine violation of Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations was found (3-0);**

- VERDICT:** To move that the Licensing Authority find the Back Cat Harbor Shack located at 159 Ocean Street, Hyannis, guilty in violating Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations (3-0);
- ACTION:** To move that the Licensing Authority suspend the Seasonal All Alcohol Common Victualler license for 2 days: of which you will serve a one day suspension on June 18, 2018 and have one day suspension held in abeyance for one year from date of this hearing (3-0).

2. **Seasonal All Alcohol Common Victualler License:** Cotuit Highground Golf Club d/b/a/ Cotuit Highground Golf Club, Paul M Heher, Manager, 31 Crocker Neck Rd., Cotuit. Date of violation: August 31, 2017.

*Paul Heher appeared on behalf of the application. Mr. Heher reviewed with his daughter the importance of checking ID's.*

**After testimony from Consumer Affairs Officer Therese Gallant, the following motions were voted by the Licensing Authority:**

- FINDINGS:** To move that the Licensing Authority determine violation of Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations was found (3-0);
- VERDICT:** To move that the Licensing Authority find the Cotuit Highground Golf Club located at 31 Crocker Neck Road, Cotuit, guilty in violating Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations (3-0);
- ACTION:** To move that the Licensing Authority suspend the Seasonal All Alcohol Club license for 2 days: of which you will serve a one day suspension on November 27, 2017 and have one day suspension held in abeyance for one year from date of this hearing (3-0)

3. **Annual All Alcohol Inn Holder License:** Superior Hotel Management Corp d/b/a/ Heritage House Hotel & Restaurant, Peter F Martino, Manager, 259 Main Street, Hyannis. Date of violation: September 15, 2017.

*Peter Martino and Dennis Callahan appeared.*

**After testimony from Consumer Affairs Officer Therese Gallant, the following motions were voted by the Licensing Authority:**

- FINDINGS:** To move that the Licensing Authority determine violation of Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations was found (3-0);
- VERDICT:** To move that the Licensing Authority find the Heritage House Hotel & Restaurant located at 259 Main Street, Hyannis guilty in violating Section § 502-1 (subsections r & t) of the Barnstable Licensing Authority Rules and Regulations (3-0);

•**ACTION:** To move that the Licensing Authority suspend the Annual All Alcohol Inn holder license for 2 days: of which you will serve a one day suspension on November 29, 2017 and have one day suspension held in abeyance for one year from date of this hearing (3-0).

The meeting was adjourned at 10:58 AM

Respectfully submitted,

---

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

---

Ron Semprini, Clerk  
Town of Barnstable

### Licensing Division Updates

1. **Licensing Department updates:** We are in the renewal process. We have completed a step by step process and it is available on line. Very useful and customer friendly. At the Town Manager fee hearing, a new fee for alcohol on Town property. This is being considered by the Town Manager, and updates will be provided.
2. **Police Department updates:** Lt. Murphy stated that Officer Gallant and he will be doing a debrief of the season.

- 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.