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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 Agenda

DATE OF MEETING: June 25, 2012

Check below which one applies:

The Clerk's office has this meeting date already posted

This is a special meeting which has not been posted

TIME: 9:30 A.M.

PLACE: 367 Main St., Hyannis (Town Hall Bldg.), 2nd Floor Hearing Room

Vote to accept Minutes: Vote to accept minutes of the 6/4/12 Meeting.

HEARINGS:

One Day Entertainment License: Application of Rachel Sanders on behalf of Wicked Dance Academy, 316 Route 28, West Yarmouth, MA for a One Day Entertainment License for a dance recital to be held on June 30, 2012 from 5 pm to 9 pm at Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis.

One Day All Alcohol and One Day Entertainment Licenses: Application of Todd Walantis, for Cape Cod Child Development, 83 Pearl Street, Hyannis for a One Day All Alcohol License and a One Day Entertainment License for its annual Cape Cod 5000 Fishing Tournament to be held on July 1, 2012 from 5:00 pm to 7:00 pm at Oyster Harbors Marine, 182 Bridge Street, Osterville.

One Day Entertainment License: Application of Kevin Pidgeon on behalf of Hyannis Sound, 14 Franbill Road, Hyannis for a One Day Entertainment License for its annual Alumni Reunion Show followed by a group from 1997 singing tunes from their summer, on August 4, 2012 at Barnstable High School Auditorium from 5 pm to 11 pm.

One Day Beer & Wine and One Day Entertainment: Application of Jennifer Williams on behalf of Osterville Historical Museum, 155 West Bay Road, Osterville for a One Day Beer & Wine License and a One Day Entertainment License for its second Pigs & Pearls event to be

held on July 8, 2012 from 5:00 pm to 7:00 pm outside in a tent on the grounds, with a small jazz group entertaining.

Alteration of Premises and Amend Daily Live and Non-Live Entertainment

Licenses: Application of Beech Tree Cantina, LLC, d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, Caitlyn Sweeney, Manager for Alteration of Premises to change the premises description to read: Premises located at 599 Main Street, Hyannis, includes one two-story wooden structure containing a restaurant with bar area and coffee shop with two secure exterior patios. The front exterior patio has 38 seats. Interior restaurant on the first floor has a total of 113 seats which includes a bar having 27 seats and two couches with seating for 8 persons. The interior coffee shop consists of 50 seats for a total of 163 interior seats on the first floor. There exists a waiting area on the second floor with 8 seats. The rear courtyard consists of a bar with 13 seats and 87 table seats for a total of 100 rear courtyard seats. There are three handicap accessible bathrooms on the 1st floor and one man's and one ladies' bathroom located on the 2nd floor. The first floor has 11 means of egress and the second floor has one means of egress. Also requested is a change in the Daily Live Entertainment License with a maximum of 3 performers, 3 pieces, amplified, 7 T.V.'s and a Daily Non-Live entertainment license inside, each to have music from 4 pm to midnight rather than to 11 pm; the addition of 1 musician between 4 pm to 8 pm on the rear patio outside with light amplification with 2 small speakers at ground level.

Transfer of Stock and Change of Manager: Application of H&S Entertainment, LLC, d/b/a Bistrot de Soleil, 350 Stevens Street, Constantinos Mitrokostas, Manager, for a Transfer of Stock, 33.34% to Tarsis Santos and 33.33% to Katarina Soldatov, and for a Change of Manager to Katarina Soldatov.

Change Sunday Alcohol Service Opening Time: The Mill Street Tavern, Inc., d/b/a Cape Cod Inn/Duck Inn Pub, 447 Main Street, Hyannis, John Greene, Manager, has requested to amend the opening hour of their alcohol service on Sundays for brunches to 10:00 am.

New Common Victualler License: Application of Kevin Richards, d/b/a K K & G Ventures, 309 Mystic Drive, Marstons Mills, for a New Seasonal Common Victualler License for Kalmus Beach Concession, Kathy Gianno, Manager, 670 Ocean Street, Hyannis, MA to be operated from 9:30 am to 6:30 pm. Seating all outdoors at picnic tables.

Show Cause Hearing: Show Cause Hearing on RCSJ Group, Inc., d/b/a Fresh Ketch, 460 Main Street, Hyannis, Raymond C. Roy, Manager to determine if its Seasonal All Alcohol Common Victualler License and/or Live Entertainment License should be modified, suspended, revoked or conditions imposed due to violations of the Rules and Regulations of the Licensing Authority as follows:

1. Ch. 501-3. Admissions to the premises, Section D for a failure to provide a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers; 2. Ch. 501-3. Admissions to the premises, section H. Licensees shall not permit entrance to the premises by more persons than the number approved by the Building Commissioner for the capacity of the premises

minus the number of employees working in the public areas at the time. By allowing over 300 people inside the establishment at approximately 2200 hrs.; 3. Ch. 501-5. Physical premises, Section B. The licensed premises shall conform to the floor plan approved by the Licensing Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Licensing Authority and the approval of the Licensing Authority. This includes substantial changes in the arrangement of moveable furniture. By moving tables and chairs out of the dining area to allow for space for a DJ and dancing; 4. Ch. 501-6. Business arrangements of licensees, Section C. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Licensing Authority and the salaried employees of such persons. By allowing an outside entertainment company, (AYBOI Entertainment) to have a financial interest in the event on May 25, 2012; 5. Ch. 501-6. Business arrangements of licensees, Section G. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the approval of the Licensing Authority. By allowing a outside entertainment company, (AYBOI Entertainment) to promote and run the "Old school reunion 5" event held on May 25, 2012; 6. Ch. 501-8. Environs of licensed premises, Section A. It shall be obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances. By not adequately having staff present for the size and type of entertainment on May 25, 2012, as well as the issues listed above. By allowing a situation to exist whereby a patron was severely injured as a result of a fight inside the establishment. Continue at the request of Barnstable Police Dept. to 7/30/12.

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. Continued from 8/10/11, 2/14/11, 6/20/11, 9/19/11. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011-2012 will be determined. Attorney Atwood's Office advised they were still in Court for 9/24/11 but the matter should be wrapped up for the 10/24/11 hearing. Request was made to continue this hearing to 10/24/11 and today it was continued to January 30, 2012 as the prior Licensee is still in Court. Per request of Licensee's attorney, this hearing was continued to March 26, 2012.

No-one appeared for, nor did anyone call about this hearing. Mr. Hoxie asked that this matter be continued to the June 25, 2012 hearing as it is still in Court.

Renewals:

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval.

Common Victuallers:

The Egg & I, 521-23 Main Street, Hyannis (late filed)

Business Meeting:

Release of Executive Session Minutes, if any (1). Vote to release Minutes of the 2/13/12 Executive Session.

And any other new business to come before the Licensing Authority.

PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.

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. For 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 or on the municipal building in which the clerk's office is located.