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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: February 10, 2014

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

Vote to accept Minutes: Vote to accept minutes of the 1/13/14 Meeting.

Hearings:

Request of Thalia Haseotes on behalf of Cold Noses Foundation, 202 Pond Street, Ashland, to amend the One Day Entertainment License approved by the Licensing Authority on December 30, 2013 to hold a One Day Entertainment License on Sunday, May 11, 2014 from 11 am to 3 pm for a pet ownership fundraiser with demonstrations and a D.J. to be held at Craigville Beach parking lot at 997 Craigville Beach Road, Centerville, to Saturday, May 10, 2014.

New Annual Common Victualler License: Application of Peter M. Goulet, d/b/a Morning Glory Cafe, 211 Cotuit Road, Marstons Mills, MA, Peter M. Goulet, Manager, for a New Common Victualler License, with seating for 5, 3 employees as shown on plan signed by the Building Commissioner dated 12/6/13, hours to be 7 am – 3 pm.

New Annual Common Victualler License: Application of Michael Hamwey, d/b/a Sea Street Cafe, 50 Sea Street, Hyannis, Michael Hamwey, Manager, for a New Annual Common Victualler License, to be operated 7 am to 3 pm. Seating for a maximum of 48 people, 2-4 employees.

New Annual Common Victualler License: Application of Cape Cod Creamery, Inc., d/b/a Cape Cod Creamery, 655 Route 132, Hyannis, Alan M. Davis, Manager, for a New Annual Common Victualler License, to be operated 10 am to 11 pm. Seating for a maximum of 23 people indoors, 22 porch seats; 29 patio seats – total 74 seats in accord with plan signed by Building Commissioner 1/2/14 and 15 employees.

New Lodging House License: Application of Pitchers Way, LLC d/b/a Pitchers Way House, 805 Pitchers Way, Hyannis, Harry Spooner, Manager for a New Lodging House License for 8 rooms/8 lodgers.

New Junk Dealer License: Application of Catherine Dupuy and Lisa Nickerson, d/b/a Simply Vintage of Cape Cod, 1600 Falmouth Road, Centerville, for a new Junk Dealer License to be operated Sunday to Saturday, 10 am to 6 pm. (Mrs. Dupuy had a license for Simply Vintage in her name alone at a different location. Added a partner, moved and added “of Cape Cod” to establishment name).

Pledge of License (Annual All Alcohol Innholder License): Application of International Inn Bar & Grill, Inc., 662 Main Street, Hyannis, Ravi Ahuja, Manager for a pledge of the liquor license by Ocean Hospitality Group, LLC, Ravi Ahuja Individually, and International Inn Bar & Grill, Inc. to Hingham Institution for Savings. This is a refinance and monies gleaned from the transaction will be used only on and for the licensed premises.

Show Cause Hearing – International Inn Bar & Grill, Inc.: Show Cause Hearing for International Inn Bar & Grill, Inc., 662 Main Street, Hyannis, Ravi Ahuja, Manager, for violation of Ch 501 § 8 Environs of Licensed Premises, to wit: “It shall be the 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.” It is alleged that on 9/15/13 a door person/bouncer was under the influence of alcohol at 1040 hours. Continued from 1/13/14.

Show Cause Hearing: A Show Cause Hearing is called on Beech Tree Cantina/Off the Hook Sushi & Raw Bar, 599 Main Street, Brian D. Beatty, Manager, on a complaint from Unit Owners and a tenant of the Condo Association of the Residences at 615 Main Street, Hyannis in accordance with the Town of Barnstable Noise Ordinance, i.e., It shall be considered a violation whenever the noise level created by a licensed entertainment is clearly audible on property abutting the licensed premises. It shall be the responsibility of every license holder, licensed under Chapter 138 or 140 of the General Laws of the Comm. of MA to conduct entertainment, to contain the noise created by said entertainment to their own property. Failure to do so shall be sufficient grounds for revocation or suspension of their entertainment license. This regulation

requires the management to take whatever steps are necessary to ensure that the noise created by their entertainment does not disturb the neighbors. Continued from 11/18/13.

Show Cause Hearing – Shanghai Chinese Restaurant: Show Cause Hearing for Shanghai Chinese Restaurant, Inc., d/b/a Shanghai Chinese Restaurant, 11 Ridgewood Avenue, Hyannis, MA, Henry Yang, Manager, for the following violations of the Code of the Town of Barnstable, Massachusetts, Part V, Ch 501 § 8A Environs of licensed premises, Section A: It shall be the obligation of the licensee 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. It is alleged that Shanghai owner Yong Sheng Ding and his staff on November 16, 2013 did not properly supervise the premises and exhibit control over the licensed premises while their patrons were interfering with an arrest made by the Barnstable Police Department.

Request to postpone suspension imposed at Show Cause Hearing on 1/13/14: At the request of the Town of Barnstable Building Division and Barnstable Police Department, a Show Cause Hearing was held on Ferreira's, 85 Old Yarmouth Road, Timothy J. Ferreira, Manager for the purpose of determining if its Annual Junk Dealer License should be modified, suspended, revoked or otherwise conditioned due to the following violation pursuant to a Police Report dated October 25,: Violation of the restriction on its current Junk Dealer's License, to wit: "Recycling bins and related equipment to be utilized and stored within the existing building." At that hearing a 30 day suspension was imposed, of which 15 days was to be served commencing on February 13, 2014. An appeal was filed by the Attorney for Ferriera's. Request that the Board vote to postpone this suspension until the appeal is finalized or to a date certain.

Renewals:

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

Common Victuallers:

The Egg & I, 512-23 Main Street, Hyannis
Craigville Beach Grill, 974 Craigville Beach Road, Centerville

Lodging Houses:

Summer Winds of Hyannis, 511 Ocean Street, Hyannis – Discuss; is resident manager or owner occupied required?

Hostelling International – Hyannis, 111 Ocean Street, Hyannis

Business Meeting:

Release of Executive Session Minutes, if any (0).

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.

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Licensing Authority Agenda Addendum

DATE OF MEETING: February 10, 2014

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TIME: 9:30 a.m.
PLACE: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

Executive Session:

Meeting to discuss strategy with regard to litigation, Ferreira's, Inc. vs. Town of Barnstable Licensing Authority et al pursuant to MGL c. 30A § 21(a)(3).