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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: November 16, 2015

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

1. Vote to accept minutes of the 9/21/15 Meeting

New Business

1. **Application for a New One Day Entertainment License:** Application of Peter Czymbor on behalf of Boston Boxing Promotions for an All Star Boxing Event to be held at the Barnstable High School Gym, 744 West Main Street, Hyannis on November 28, 2015 at 7:00 PM.
2. **Application for (7) New One Day Beer and Wine Licenses:** Application of Jeff Marcotte on behalf the Cape Cod Community College for 7 one day beer and wine licenses for Cape Cod Young Professional events to be held on November 16, 2015, December 14, 2015, January 25, 2016, February 26, 2016, March 21, 2016, April 25, 2016 and May 23, 2016. All events will be held in the Commons Building at the College from 6:00 to 7:30 PM.

3. **Request to close Annual All Alcohol Common Victualler License:** Request received from Gary and Elaine Roy to close the Nor'Easter Restaurant effective November 16, 2015 through May 15, 2016.

4. **Consent Agenda**

Public Hearings

1. **Amendment of an Annual Common Victualler License:** Application of Centerville Pie Co. Inc. d/b/a Centerville Pie Co., 1671 Falmouth Rd., Centerville, Kristin Broadley, Manager, for an amendment to an existing Annual Common Victualler License to correct indoor seating to 22 interior seats as approved by the Building Commissioner on 9/24/2015. Hours of operation are 8:00 AM to 6:00 PM; Daily.
2. **Application of a New Annual Fortune Teller's License:** Application of Gina Crystal Eli Metlow, d/b/a Crystal's Psychic Gallery, 120 West Main Street, Hyannis, Gina Crystal Eli Metlow, Manager, for a New Annual Fortune Teller's License, to be operated Sunday through Saturday 9 am to 10 pm.
3. **Application of a New Annual Fortune Teller's License:** Application of Rachel Perry d/b/a Rachel Perry Psychic and Medium, 901 Main St., Osterville, MA for a New Annual Fortune Teller's License, to be operated daily from 10:00 AM to 6:00 PM.
4. **Application for Transfer of Annual All Alcohol Restaurant, Live and Non-Live Entertainment Licenses, Alteration of Premises Description and Pledge of License:** Application has been filed to transfer the Annual All Alcohol Restaurant, Live and Non-Live Entertainment Licenses from GELS LLC d/b/a The Nor'Easter, Andrew Glassman, mgr, 20 Scudder Ave., Hyannis to West End Rotary Restaurants Inc., Ruth A Barrett, mgr, d/b/a Barrett's at the Paddock, 20 Scudder Ave., Hyannis, and to Alter the Premise Description and pledge license to Clare Holmgren. Description of Premise: 6153 sq. foot building, dining room with 104 seats, 2 bathrooms. Kitchen with rear exit, front lounge area with 28 seats, bar with 12 stools, pub area with 84 seats and a bathroom, back bar with 20 seats, 1152 sq. foot outside seating area with 64 seats. Basement storage and attic office. Total seating of 312, 38 standees, 20 employees for total occupancy of 370 on first floor, as approved by the Building Commissioner on 10/14/2015. Hours of alcohol sales: 11am – 12:45am M-Sun.
Live Entertainment to include: Dancing by Patrons, Karaoke and amplified music by up to 3 performers. Non-Live Entertainment to include: 46 televisions; 5 of which are to be outside and recorded music at conversation level. Hours of both Live and Non-Live Entertainment: 11am – 12:45 am

Show Cause Hearings

1. **Show Cause Hearing for Speedway:** The Barnstable Police Department have requested a Show Cause Hearing be called before the Licensing Authority for Speedway, LLC., d/b/a Speedway, Mark Barbi, Manager, 50 Ocean Street, Hyannis for the following violations of the Town of Barnstable, MA Code:Section § 501-7I. Alcoholic Beverages Sales and Laws. (1 count – sale or delivery of an alcoholic beverage to a person under 21 years of age)
****Postponed from 9/21/2015 Hearing****
2. **Show Cause Hearing for International Inn:** The Barnstable Licensing Authority will hold a Show Cause Hearing for the International Inn Bar & Grill d.b.a. International Inn, 662 Main Street, Hyannis, MA, Ravi Ahuja, Mgr., for violation of Code of the Town of Barnstable, Massachusetts, §501-14A1, Other causes for revocation, suspension and modification due to various Health Code violations found during an on-site inspection conducted on July 16, 2015 resulting in the closure of the operation.
****Continued from 8/12/2015 Hearing****
3. **Show Cause Hearing for Quality for Less:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Maria & Segundo Calle, d/b/a Quality For Less, 235-237 Iyannough Road, Hyannis for the following violations of the Code of the Town of Barnstable, Massachusetts and Massachusetts General Laws: **§501-1D** Availability of Rules and Regulations: Operating a business without a valid license posted on the premise.**§501-19** Activity without valid license displayed prohibited: allowing activity on premise that requires a license without a valid license on display at premise.**§502-2B(9)** Issuance, Renewal and Revocation of Licenses Required: such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulations of the Commonwealth or the Town of Barnstable.**§502-10B** Violations and Penalties: violations to Town Code provisions shall be fined not more than \$300 per offense, and shall be subject to a fine of \$250 for each violation of MGL.**MGL c.140 §57, §58, §59 and §62:** For displaying secondhand vehicles without being properly licensed by the Local Licensing Authority.
4. **Show Cause Hearing for the Egg& I:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Kefaloniyes, Inc. d.b.a. Egg & I, 521 Main Street, Hyannis, MA, Panagis Kappatos, Mgr., for violation of Code of the Town of Barnstable, Massachusetts, **§501-14A1**, Other causes for revocation, suspension and modification: due to a number of Health violations, as cited in the attached Public Health Division Notice dated October 5, 2015, observed at the Egg & I located at 521 Main Street, Hyannis.**§501-5C**, Physical Premise: Portions of premise covered by the license was found unsanitary.**§501-5A**, Physical Premise: License is considered not in good standing due to failure to comply with statutory Health codes.

Show Cause Hearing for Various Licensees: 501-7 Section I. Alcoholic beverages sales and laws: for the sale or delivery of an alcoholic beverage to a person under 21 years of age. All violations occurred on either September 26 or September 27, 2015.

5. The Mill Street Tavern Inc. **D/B/A Cape Cod Inn/Duck Inn Pub**, 447 Main St, Hyannis, John Greene, mgr. (Annual All Alcohol Common Victualler, Live and Non-Live Entertainment)
6. J & T food service Inc. **D/B/A Five Bays Bistro**, 825 Main St Osterville, James Suprenant, mgr.
(Annual All Alcohol Common Victualler)
****Postponed to December 14, 2015 Hearing****
7. Ling& K Inc. **D/B/A Saga Fusion Restaurant**, 1560 Old Post Rd Unit C, Marstons Mills, Hui Ling Chen, mgr.
(Annual All Alcohol Common Victualler)
8. New England Clambake Inc. **D/B/A Wimpy's**, 752 Main St Osterville, Danielle Sisco, mgr.
(Annual All Alcohol Common Victualler)
9. Venditti Enterprises **D/B/A Mattakeese Wharf Restaurant**, 271 Mill Way, Barnstable, Paul Venditti, mgr.
(Seasonal All Alcohol Common Victualler and Live Entertainment)
10. Mad Hatter LLC. **D/B/A Greenhouse Restaurant**, 1127 Rte 132 Hyannis, Christopher Connolly, mgr.
(Annual All Alcohol Innholder)
11. Hyannis El Rodeo LLC. **D/B/A El Rodeo** 1070 Iyannough Rd Hyannis, Raul Huerta, mgr.
(Annual All Alcohol Common Victualler, Live and Non-Live Entertainment)
12. GMRI Inc. **D/B/A Olive Garden Italian Restaurant #1523**, 1095 Iyannough Rd, Hyannis, Traci Kenpaner, mgr.
(Annual All Alcohol Common Victualler)
13. Not Your Average Joe's Inc. **D/B/A Not Your Average Joes**, 794 Iyannough Road, Hyannis, Bruce Radon, mgr.
(Annual All Alcohol Common Victualler and Non-Live Entertainment)
14. Tap City Grill LLC. **D/B/A Tap City Grill**, 586 Main St Hyannis, Timothy White, mgr.
(Annual All Alcohol Common Victualler, Live and Non-Live Entertainment)

- 15. Show Cause Hearing for Beech Tree Cantina:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Beech Tree Cantina LLC. D/B/A Beech Tree Cantina 599 Main St Hyannis, Jared Pane, mgr. for violation of Code of the Town of Barnstable, Massachusetts 501-7 Section I. Alcoholic beverages sales and laws: for the sale or delivery of an alcoholic beverage to a person under 21 years of age.
- 16. Show Cause Hearing for Seaside Pub:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Seaside Pub on Main LLC, d/b/a Seaside Pub on Main, Uy Gia Phu, mgr. 615 Main St Hyannis, for violation of Code of the Town of Barnstable, Massachusetts 501-7 Section I. Alcoholic beverages sales and laws: for the sale or delivery of an alcoholic beverage to a person under 21 years of age.
- 17. Show Cause Hearing for Yings:** The Barnstable Licensing Authority will hold a Show Cause Hearing for R&Y Enterprises Inc D/B/A Ying's Sushi Bar and Lounge, 59 Center St Hyannis, Tanida Sunyawong, mgr. for the following violations:**501-7 Section I.** Alcoholic beverages sales and laws: for the sale or delivery of an alcoholic beverage to a person under 21 years of age.**501-7 Section B.** Alcoholic beverages sales and laws: failure to maintain a schedule of the prices charged for all drinks be served and drunk on the licensed premise or any room or part thereof. Such prices shall be effective for not less than one calendar week. Charged \$14.50 for a Bud Light and price not posted.

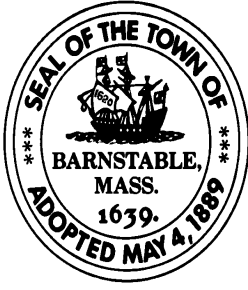
Licensing Division Updates

1. Licensing Department updates
2. Police Department updates

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



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

November 16, 2015

1. **Application for (7) One Day Entertainment Licenses:** Application of Susan Luelsen on behalf of the German American Club for 7 One Day Entertainment licenses for their monthly events social calendar. All Barnstable events will take place at the St. Mary's Church Parish Hall, Route 6A, Barnstable from 6:00 to 10:00 PM. The one exception is for a February event which will take place at the College. Following is a list of the monthly events: December 12, 2015, February 13, 2016, February 27, 2016, March 13, 2016, April 9, 2016, May 14, 2016 and June 11, 2016. Entertainment to include Dancing by patrons to a 2 piece, 2 performer band.