



Town of Barnstable
Regulatory Services
Richard V. Scali, Interim Director
Licensing Authority

200 Main Street
Hyannis, MA 02601
www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY
LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
March 3, 2014

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 3, 2014. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Associate Commissioner; Ron Semprini, Associate Commissioner; David Nunheimer, Associate Commissioner; Richard V. Scali, Interim Director of Regulatory Services and Licensing Agent, , Lt. John Murphy and Ptl. Steven Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, and Maggie Flynn, Recording Secretaries. Paul Sullivan, Clerk was absent.

Vote to accept Minutes: Vote to accept minutes of the 2/10/14 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the minutes of the 2/10/14 Meeting.

Hearings:

Request to Close: Request of Macheras Main Street Corp., d/b/a Schooners, 372 Main Street, Hyannis, Tracy Macheras, Manager, to close until approximately March 31, 2014 to complete repairs and maintenance pursuant to Town of Barnstable Code Ch. 501 § 6L.

Sophia Macheras appeared for this request. She stated they will reopen April 1, 2014.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Macheras Main Street Corp., d/b/a Schooners, 372 Main Street, Hyannis, Tracy Macheras, Manager, to close until approximately March 31, 2014 to complete repairs and maintenance pursuant to Town of Barnstable Code Ch. 501 § 6L.

Application for One Day Entertainment License: Application of Kevin Howard on behalf of Arts Foundation of Cape Cod, 3 Patti Page Way, Centerville, for a One Day

Entertainment License for the Pops by the Sea Concert to be held at Hyannis Village Green, Hyannis. Event to be held on August 10, 2014 from 8 am to 10 pm., including setup and break down time, concert time is at 5:00.

Mr. Howard appeared this morning; they will have Charlie Rose as guest conductor. No changes from prior seasons.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Kevin Howard on behalf of Arts Foundation of Cape Cod, 3 Patti Page Way, Centerville, for a One Day Entertainment License for the Pops by the Sea Concert to be held at Hyannis Village Green, Hyannis. Event to be held on August 10, 2014 from 8 am to 10 pm., including setup and break down time, concert time is at 5:00.

Application for One Day License(2): Application of Craig Ashworth on behalf of Rotary Club of Hyannis, 138 Osterville West Barnstable Road, Osterville, for two One day Entertainment Licenses for its annual Home and Garden Show to be held at Barnstable High School, Hyannis, on 3/22 and 3/23/14 from 9 am to 5 pm.

This is the 56th year. Mr. Hoxie asked if there were any changes; there were none. Lynn Masterson appeared for the application. Mr. Scali asked about the Promoter's License; Ms. Ade confirmed it had been received.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Craig Ashworth on behalf of Rotary Club of Hyannis, 138 Osterville West Barnstable Road, Osterville, for two One day Entertainment Licenses for its annual Home and Garden Show to be held at Barnstable High School, Hyannis, on 3/22 and 3/23/14 from 9 am to 5 pm.

Amend Class II Auto Dealer License: Application of AMR Auto Holdings-TH, Inc. Inc., d/b/a Hyannis Toyota/Scion & Kia, Bryan Scarpellini, Manager, to change its existing Class II Auto Dealer License at 756 Bearses Way, Hyannis, to a Class I Auto Dealer License for 80 new vehicles to be stored at 756 Bearses Way, Hyannis and to add storage of 65 new vehicles at 77 and 83 Pineneedle Lane, Hyannis.

Bryan Scarpellini appeared for the application so they could amend the license to add the 2 locations to the Bearse's Way license. The Pineneedle parcels were not on any of the licenses. This application was needed to add those locations.

Mr. Boy asked if this precludes used cars to be stored there; he was advised by Mr. Scali it does not.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of AMR Auto Holdings-TH, Inc. Inc., d/b/a Hyannis Toyota/Scion & Kia, Bryan Scarpellini, Manager, to change its existing Class II Auto Dealer License at 756 Bearses Way, Hyannis, to a Class I Auto Dealer

License for 80 new vehicles to be stored at 756 Bearses Way, Hyannis and to add storage of 65 new vehicles at 77 and 83 Pineneedle Lane, Hyannis.

New Annual Common Victualler License: Application of Mills River LLC., d/b/a The Mills Restaurant, 149 Route 149, Marstons Mills, MA, Mark Ferro, Manager, for a New Annual Common Victualler License, to be operated 6 am to 9 pm. Seating for a maximum of 42 seats in accord with plan signed by Building Commissioner.

Mr. Ferro appeared as the new owner; they are doing scratch baking which is not being done now but otherwise essentially the same. He has grown up in the restaurant business since about 8 years old, as his family ran restaurants; most recently The Lighthouse Restaurant.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Mills River LLC., d/b/a The Mills Restaurant, 149 Route 149, Marstons Mills, MA, Mark Ferro, Manager, for a New Annual Common Victualler License, to be operated 6 am to 9 pm. Seating for a maximum of 42 seats in accord with plan signed by Building Commissioner.

Alteration of Premises: Application of Hyannis Golf Corp. d/b/a Hyannis Golf Club, 1800 Iyannough Road, Hyannis, Daniel T Keefe, Manager, for a Change in License Description to read “Wood frame structure at 1800 Iyannough Road, Hyannis, consisting of dining room approx. 1000 sq ft, lounge approx 300 sq ft, multi purpose room approx. 2100 sq ft, outside deck approx. 1500 sq ft. kitchen area, restrooms, storage and holes 1-18 on golf course inclusive of cart path. Exits: front door, multiple exits to rear deck, 2 stairways to ground snack bar on lower level with inside and outside service.”

Daniel Keefe appeared for the application.

The change to their license is to add a hospitality cart on the golf course. People will then be able to buy food and beverages on the course.

Officer Maher asked how they will control the service of alcohol. Mr. Keefe stated the cart person would be TIPS certified; they will use standard operating procedures for checking ID's etc. Officer Maher asked if 2 in a golf cart are 21 and 2 not, how will they regulate or control who is actually doing the drinking? Mr. Keefe stated it will be monitored by the person on the cart who could call for help if they see someone suspicious. Someone from inside would come out and deal with it if the cart person was not comfortable.

Mr. Scali stated that most towns do have hospitality carts on their golf courses, we have not so far. The Town Manager's Office has allowed this for Hyannis Golf Club, and there are very strict rules. Number one is that the people can no longer bring any of their own alcohol and the cart can only be on the course; not parking lots, etc.

They must comply with all the restrictions on the lease and the agreement with the Town. The cart will not be out without the Manager being present inside the Club.

Mr. Burman asked how they will handle a person bringing their own alcohol in their bag. Mr. Keefe stated their staff will have to explain to them they can no longer bring their own. They will have signs advertising they can only buy the alcohol from the cart, not bring their own. They would approach the person, advise them of the ruling of absolutely no byob, and confiscate the beverage. Mr. Burman stated that they have the responsibility to monitor this very strongly.

Mr. Semprini said he can attest to the difficulties of this – he ran Cranberry Valley Restaurant for 15 years. Their cart stayed in one central location. Mr. Keefe stated this cart will be in core areas on the course – out in the middle, not in one spot or at hole 1 or hole 18. Mr. Semprini stated they had some staff going around the course to monitor the course if necessary. Mr. Keefe stated they will appreciate any help from the golf course management with this.

Mr. Burman asked if the police department will be allowed onto the course to see how the service and monitoring of alcohol is working. Mr. Keefe stated they will absolutely be welcome on the course anytime to see how it is working.

Bruce McIntyre, Director of Golf Operations, came forward to speak on behalf of the addition of the cart. He stated we are the last on the Cape to embark on this venture. They understand the sensitivity of this and will help out in terms of policing the alcohol on the course. They have never said it is o.k. to byob; but new signage will reinforce this. He supports this because it is a very competitive field these days; competition with New Seabury, Willowbend, etc., is tough and it has been hard without the hospitality carts. There are many questions from the public whether or not alcoholic beverages are available. They used to have to say no. On the very hot days it is much nicer to have available not only cold drinks but food on the course itself. They will help make sure this is a safe and pleasant undertaking.

Mr. Burman asked if the other course in Town will then be in...Mr. Scali stated he expects so, but this is the first.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Hyannis Golf Corp. d/b/a Hyannis Golf Club, 1800 Iyannough Road, Hyannis, Daniel T Keefe, Manager, for a Change in License Description to read "Wood frame structure at 1800 Iyannough Road, Hyannis, consisting of dining room approx. 1000 sq ft, lounge approx 300 sq ft, multi purpose room approx. 2100 sq ft, outside deck approx. 1500 sq ft. kitchen area, restrooms, storage and holes 1-18 on golf course inclusive of cart path. Exits: front door, multiple exits to rear deck, 2 stairways to ground snack bar on lower level with inside and outside service."

Renewals:

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

Common Victualler:

Ben & Jerry's 352 Main Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the renewal of Ben & Jerry's, 352 Main Street, Hyannis for it's Seasonal Common Victualler License.

Business Meeting:

Release of Executive Session Minutes, if any (0). There were none.

Mr. Hoxie stated he has talked to the Chief of Police about the terrible drug problem in our town.

Lt. Murphy also wanted to speak about that issue, but first on the Shanghai and International Inn. He stated he has seen a remarkable improvement at International Inn; he has had good discussions with the new general manager. He hopes to sit down with him in the next few weeks to develop a plan. Friday night they had a large crowd for reggae night; the entire place was cleaned out by 12:30 with no problems. He did see the general manager in the lounge at closing time.

Lt. Murphy stated he has also spoken to Attorney Mills and the Shanghai has had no problems recently. They are also working on a plan as requested as part of their sanctions.

Lt. Murphy stated that there have been a very busy few weeks on the drug related crimes; the strategy is to work with the DA, Narcotics unit, street crimes unit, and DEA, etc. They do seem to see a lot of the some faces over and over again. He is fearful with the new marijuana laws that we are trending in the wrong direction. He stated he is troubled by that.

Mr. Hoxie asked about the use of Narcan by all the officers – Lt. Murphy stated it is exploratory right now but Lt. Murphy stated Chief MacDonald will do whatever they can. Mr. Hoxie asked why such a spike in the heroin overdoses? Lt. Murphy stated it is not similar to the other narcotics...it is not by dosage like the other opiates. He stated some of the things they cut it with make it more potent. It is sometimes the experience level of the people using it...there is no way to tell how much they can tolerate, or how pure the heroin is.

Mr. Hoxie stated he would think the dealers would not be happy losing so many customers to overdoses; Lt. Murphy stated sometimes the opposite is true, unfortunately. The addicts would flock to what they find out is more powerful.

Mr. Scali asked if there is something we can do with our licensees to help them understand what is going on with the drugs. Lt. Murphy stated maybe a segment at the annual police information seminar for licensees would help. It is not yet scheduled.

Mr. Semprini asked if local police work with the State Police to see where the drugs are coming from off Cape? Lt. Murphy stated Lt. Balcolm works with them almost daily and as recently as last week they were in Wareham, Taunton, Boston...trying to stop them from even coming onto the Cape. They also have a task force to do this. It is unique in local policing to have Cape Officers travel off Cape regularly – to New Bedford, Fall River, etc. It is helping.

Mr. Hoxie asked if there is any federal help? Lt. Murphy said there is the Drug Task Force run by State Police and DEA which works with local and State task forces. He stated this problem runs in cycles – back in the late 80's it was crack cocaine; now it seems to be heroin. Part of the reason is the prescription problem. Oxycodone, Oxycontin and Percocet addicted people are now moving on to heroin. It is harder to get the pills now, so the next step for the addict is heroin. Lt. Murphy stated a 30 mg Percocet would be about \$30; a bag of heroin in New Bedford would be \$5-\$6. It is a financial issue rather than just the problem of finding and getting the pills. Back when use of hypodermic needles was legalized, it helped with Aids; but the needles were important to the users. They would hide the needles for their own use then. They are now a disposable item; they are discarded everywhere. Officers are stuck by them now as the people have them in their pockets. It might be the time to arrest the people with needles who do not have a medical reason to have them. He'd like to see the Legislature turn this law around so needles are not legal for the illegal users.

Mr. Burman asked if by legalizing marijuana he senses possible legalization of other narcotics? Lt. Murphy stated he does not know the answer to this. He thinks medical use for cannabis is great; however, legalizing the use for recreational is wrong.

Mr. Hoxie asked if there is any plan for drug education in the schools. Lt. Murphy stated they have a student police academy available. There is education there. In light of the recent climate, it might be a good idea to expand their educational program in the schools. The DARE program was good and bad and logical at the time. He thinks the education needs to be done at the high school level. He stated that the "just say no" method is just not working. The Chief has identified this as epidemic. Mr. Hoxie stated this should go out to the public as news, and possibly they should be asking for suggestions as to how to handle this. Lt. Murphy will bring

the comments back to Chief MacDonald. Mr. Hoxie thanked Lt. Murphy for his input and the good work the police department is doing in Town.

The meeting was adjourned at 10:16 am.

Respectfully submitted,

Christine Ade, Recorder
Town of Barnstable Licensing Authority

Gene Burman, Vice-Chairman
Town of Barnstable Licensing Authority