



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

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BARNSTABLE LICENSING AUTHORITY
LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
April 14, 2014

A regular meeting of the Barnstable Licensing Authority was held on Monday, April 14, 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, Director of Regulatory Services and Licensing Agent, Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Maggie Flynn, Recording Secretary.

Vote to accept Minutes: Vote to accept minutes of the 3/24/14 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the minutes of the 3/24/14 Meeting.

Hearings:

One Day Beer and Wine License: Application of Renee Voorhees on behalf of The Marstons Mills Public Library, 2160 Main Street, Marstons Mills for a One Day Wine and Malt Tasting License for a charity silent auction to be held at The Marstons Mills Public Library, 260 Main Street, Marstons Mills, on May 1, 2014 from 5:30 pm to 8:30 pm.

Ms Voorhees appeared on behalf of the Library. Ms. Voorhees confirmed that this is the 10th annual event that occurs on the first Thursday in May. Roland's will be doing the catering and Cape Cod Beer and Cotuit Liquors will be providing the alcohol.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Renee Voorhees on behalf of the Marstons Mills Public Library for a one day Beer and Wine License on May 1, 2014 from 5:30 to 8:30 PM.

One Day Beer and Wine License: Application of Joanne M Stelma on behalf of The Rockland Trust Company, 442 Main Street, Hyannis for a One Day Wine and Malt License

for a Hyannis Chamber of Commerce Business After Hours to be held at Rockland Trust, 442 Main Street, Hyannis on April 16, 2014 from 5:30 pm to 7:30 pm.

Ms. Stelma appeared on behalf of the Bank. She stated that the bank is a member of the Chamber of Commerce. The Business After Hours series is a monthly Chamber event. The event requires a one day event, only open to membership. Cape Cod package and Palio Pizzeria are catering the event.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Joanne Stelma on behalf the Rockland Trust Company for a One Day Wine and Malt License on April 16, 2014 from 5:30 to 7:30 PM.

One Day Beer and Wine License (2) and One Day Entertainment License: Application of Beatrice E White on behalf of The Holy Ghost Society of Santuit & Cotuit, 53 Main Street, Cotuit for two One Day Wine and Malt Licenses for their annual Portuguese Feast to be held all outside at their premises on June 14 (5 PM to 11 PM) and June 15, 2014 (12 PM to 6 PM) and an Entertainment License for June 14, 2014 8 PM to 11 PM.

Ms White appeared on behalf of the Holy Ghost Society. She stated that this is the 123rd year of the Holy Ghost Society. No changes have been made to the event, always been a success. All are welcome to attend, free meal.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve two One Day Wine and Malt Licenses for their annual Portuguese Feast to be held all outside at their premises on June 14 (5 PM to 11 PM) and June 15, 2014 (12 PM to 6 PM) and an Entertainment License for June 14, 2014 8 PM to 11 PM.

One Day Entertainment License: Application of Elaine Grace on behalf of Wheldon Memorial Library, Meeting House Way, W Barnstable, for a One Day Entertainment License for the Spring Antiques Show and Sale to be held at BWB Elementary, Barnstable. Event to be held on April 19, 2014 from 10 am to 4 pm.

Elaine Grace appeared on behalf of the Wheldon Memorial Library. This is the seventh year of the event.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve a One Day Entertainment License for the Spring Antiques Show and Sale to be held at BWB Elementary, Barnstable. Event to be held on April 19, 2014 from 10 am to 4 pm.

Six One Day Live Entertainment Licenses: Application of Joe Bondaryk, Wackenhammer Corp., on Wackenhammer Arcade, 541 Main Street, Hyannis, for 6 One Day Live Entertainment Licenses for Friday Family Fun Nights on 7/11, 7/18, 7/25, 8/1, 8/8 and 8/15/14 from 6:00 pm to 6:30 pm and 7:00 pm to 7:30 pm as follows:

7/11	Odaiko Taoko drummers (2 or 3 performers)
7/18	Sunny the Horse (2 handlers, 1 miniature horse)
7/25	Jenny the Juggler (1 performer)
8/1	Airly Acrobats (2 performers)
8/8	Zak Morgan (1 children's musician, acoustic guitar)
8/15	Marcus the Magician and Face painter (2 performers)

Joe Bondarec, owner and Tim Burns, manager appeared on behalf Wackenhammer Arcade. These events are proposed with funding from the BID. These family friendly events will be held at the property outside in the courtyard. This will be the first year operating; opening May 1st, participating in spring on Main, then will be open full time on Memorial Day. The Arcade has new games and a vertical tread wall. Mr. Scali advised the applicant that is less expensive to get an annual entertainment license. Mr. Bondarec stated this is an experiment to bring additional tourism, see if these events are viable. Performers are expensive. In order to control noise all speakers will be pointed inward, little amplification, only 300 watts pointed in towards buildings. All events are free to the public. LT Murphy gave his support for the project.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve 6 One Day Live Entertainment Licenses for Friday Family Fun Nights on 7/11, 7/18, 7/25, 8/1, 8/8 and 8/15/14 from 6:00 pm to 6:30 pm and 7:00 pm to 7:30 pm as follows:

7/11	Odaiko Taoko drummers (2 or 3 performers)
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New Annual Common Victualler License: Application of Little Miss Cupcake, Inc. d/b/a Little Miss Cupcake, 388 Main Street, Hyannis, MA, Tonya and Taylor Stump, Managers, for a New Annual Common Victualler License, to be operated 9 am to 7 pm. Seating for a maximum of 40 seats, 5 employees, in accord with plan signed by Building Commissioner.

Tonya Stump appeared on behalf of Little Miss Cupcake. She is in partnership with her daughter. The currently empty location will be opening next to Puritans, candy, cookies, cupcakes all made on location. Mr. Scali asked if she will be applying for outside seating. Ms. Stump stated she will be applying next week for outside dining. She expects to be operational June 1st with her creative cupcake bar, no alcohol.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Application of Little Miss Cupcake, Inc. d/b/a Little Miss Cupcake, 388 Main Street, Hyannis, MA, Tonya and Taylor Stump, Managers, for a New Annual Common Victualler License, to be operated 9 am to 7 pm. Seating for a maximum of 40 seats, 5 employees, in accord with plan signed by Building Commissioner.

New Annual Common Victualler All Alcohol License: Application of JDCamas, LLC, d/b/a Tumi Ceviche Bar Ristorante, Angel Rodrigo Camas Calle, Manager, 592 Main Street, Hyannis: Renovated wood and brick structure at 592 Main Street, Hyannis consisting of 2,520 sq. ft. +/- . Entrance through brick patio (750 sq. ft. +/-) with 5 tables, 19 seats on patio. Entrance through 6' doorway. 5' hallway to the left of main dining room/bar (56' x 21' , 1,176 sq. ft. +/-) for a total of 67 seats in the main dining room/bar area (7 bar seats, 6 seats at ceviche bar & 54 seats at tables in open dining area). Total of 81 seats indoors. Two emergency exits in dining room/bar area. Private dining room to the right of the entrance (13' x 14', 182 sq. ft. +/-) with 14 seats. Kitchen in the rear (56' x 12', 672 sq. ft. +/-) with emergency exit; 4 bathrooms including one handicap. Remaining square footage is hallways and storage, as shown on plan dated 2/27/14 signed by Building Commissioner. Hours 11:30 am -11 pm. Also requested are licenses for Daily Live Entertainment for a max of 3 entertainers and Non-Live Entertainment (recorded music & t.v.) from 7 pm to 11 pm. Postponed until 4/28/2014 hearing.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to continue this hearing to 4/28/2014.

Change of D/B/A: Application of Prova Brazil Steakhouse, LLC, d/b/a Prova Brazil Steakhouse, 415 Main Street, Hyannis, Fabio DeOliveira, Manager, for a change of d/b/a on its Annual All Alcohol Common Victualler License to Toro Restaurant and Bar.

Fabio DeOliveira and Attorney Phil Coppinger appeared on behalf of Prova Brazil Steakhouse. Attorney Coppinger stated that the restaurant opened in August 2012; the request for name change is designed to reflect the change in the menu. Currently the restaurant sells more steaks than Brazilian food. Mr. Scali asked if the menu is changing. Attorney Coppinger stated that over time more steaks are being sold. Attorney Coppinger also reiterated that there is no ownership change.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Prova Brazil Steakhouse, LLC, d/b/a Prova Brazil Steakhouse, 415 Main Street, Hyannis, Fabio DeOliveira, Manager, for a change of d/b/a on its Annual All Alcohol Common Victualler License to Toro Restaurant and Bar.

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. Mr. Hoxie stated this will be continued to 4/14/14 at the request of the complainants. Prior to

the 4/14/2014 hearing the complainants notified the Licensing Group that they would like to postpone the show cause hearing until the 9/29/2014 hearing date. Mr. Scali asked Lt. Murphy to continue to monitor the location throughout the summer months. Lt. Murphy agreed; if a problem arises he will notify the Licensing Authority promptly.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the continuation of the show cause hearing until 9/29/2014.

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 3/24/14. It was voted 2-1 to further postpone this hearing to 4/14/14.

Attorney Houghton was last here 3/24 to update the Authority. The assembly of the Administrative Record has been completed. He thanked the staff. He will receive and file this week. Tim Ferreira will have 30 days to dispute or to end of May; Town of Barnstable will have 30 days, mid to end of June; then assignment to a hearing, actually moving ahead of time. Discussed entering into stipulation not to engage in conduct that led to the situation. In fairness, not to engage in this conduct. There are some questions as to what is a violation. Some materials stored not even licensed for these types of materials will not engage. If they do so they will enforce suspension. So again on track for the case proceeding through the courts. Nothing outside if so will enforce suspension immediately. Extend suspension date Friday following July 28th hearing as long as no other violations occur. Mr. Burman inquired as to what is the condition is now as opposed to when the violation took place. Officer Maher stated that there is disagreement of violations pertaining to the license. No more stored cardboard. His interpretation is that he is still in violation. This is what the appeal is about. Building and Police Department say no storage outside. Need to define and let appeal go forward. Certainly cannot store anything outside and only store for what he is licensed. Officer Maher stated that he is up for renewal he suggested that we extend for 4 months.

A motion was duly made by Gene Burman, seconded by Mr. Boy to continue this hearing to Friday, August 1, 2014

Renewals:

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

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Seasonal Common Victualler Licenses listed below:

Seasonal Common Victualler:

Coffee Table Cafe, 230A Ocean Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Seasonal All Alcohol Common Victualler Licenses listed below:

Seasonal All Alcohol Common Victuallers:

The Islander, 330 West Bay Road, Osterville
Eclectic Cafe, 606 Main Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Daily Live Entertainment Licenses listed below:

Daily Live Entertainment:

Eclectic Cafe, 606 Main Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Daily Non-Live Licenses listed below:

Daily Non-Live Entertainment:

Eclectic Cafe, 606 Main Street, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the Junk Dealer renewals listed below:

Junk Dealers:

Sweet Pea's Nest, 4083 Main Street, Cummaquid
Diamond Perfections, 422 Main Street, Hyannis
Historical Military Antiques, 1127 Route 132, Hyannis
Newbury Comics, Cape Cod Mall, Hyannis

JCM Metals, Inc., 142 Corporation Street, Hyannis
Best for Less American Treasures, 207 Iyannough Road, Hyannis
Atomic Dimestore, 187 C West Main Street, Hyannis
Cash Point, 640 Main Street, Hyannis
Quality For Less, 235 Iyannough Rd., Hyannis
Hannoush Jewelers, Cape Cod Mall, Hyannis
Gamestop, Inc. Cape Cod Mall, Hyannis

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the restricted approval of four months for Ferreira's Recycling Junk Dealer's License listed below:

Ferreira's Recycling, Inc., 85 Old Yarmouth Road, Hyannis

Business Meeting:

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

Request from Michael Macheras on behalf of Macheras Main Street Corp., d/b/a Schooner's, to extend its timeframe for closing until April 30, 2014 to repair roof leaks, causing damage to the ceiling and wall. Mr. Scali stated that he continues to open later and later, concerned that the 2 week rule has been extended over and over. This served as his notification to the board.

Lt. Murhpy updated the Licensing Authority on the recent heroin arrests; 110 grams both at local hotels. The Street Crime Unit is placing more focus at these properties; dealers are using local residents to facilitate their distribution. Mr. Burman inquired about a recent Time magazine article about synthetic drugs. Lt. Murphy is not seeing locally, but we are seeing it as 100% Fentenol. Mr Semprini asked if these arrests are local individuals that reside here or are they an element. According to Lt. Murphy, it is a little of both, for last weeks arrests both suspects have pending cases. One suspect posted \$10,000 bail and is out. The second suspect tried to flee and was shot that case is still pending with 20 grams of heroin. Drugs not manufactured here, Cape Cod has some affluence, and dealers view this as an ability to make some profit. Barnstable Police is extending over the bridge; the narcotics unit is over the bridge on a daily basis. Mr. Semprini inquired if it is pulling resources from the BPD, better for chief but as a supervisor the more work you do it is a hard to budget. 90 and 20 gram arrests and a home invasion are hard to budget. Mr. Scali stated that there is a concern regarding these licensed premises, also some that are not licensed that should be. We need to review the BPD ability and the Town of Barnstable ability to monitor all the hotels and motels in town. The

dealers are using smaller hotels to live and distribute, enforcement falls to the Board of Health to monitor, looking to move to licensing venue for public safety and enforcement.

May 12, 2014 ABCC Hearing Barbyann's Unemployment Issues

June 12, 2014 ABCC Hearing Island Merchant Unemployment Issues

The Licensing Authority will be updated by the ABCC as to their findings.

The meeting was adjourned at 10:12 AM

Respectfully submitted,

Margaret Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority