



Town of Barnstable
Regulatory Services
Richard V. Scali, Interim 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.
June 23, 2014

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 23, 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, Commissioner; Richard V. Scali, Director of Regulatory Services and Licensing Agent, Lt. John Murphy and Ptl. Steven Maher, Liaison Officers with Barnstable Police Department, and Maggie Flynn, Recording Secretary.

Vote to accept Minutes: Vote to accept minutes of the 5/19/2014 and 6/09/14 Meetings.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the minutes of the 5/19/14 and the 6/09/14 meetings.

Hearings:

New One Day Beer and Wine License: Application of Rebecca C. Richardson on behalf of the Rotary Club of Osterville, PO Box 705, Osterville for One Day Beer and Wine License for the 20th annual Bluefish/Striped Bass Fishing Tournament to be held at the Wianno Yacht Club, 101 Bridge Street, Osterville. Event to be held outside on July 12, 2014 from 4-8 PM with a maximum of 150 attendees as approved by the Building Commissioner.

Rebecca Richardson appeared for the Rotary Club of Osterville. No difficulties in 19 years.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Rebecca C. Richardson on behalf of the Rotary Club of Osterville, PO Box 705, Osterville for One Day Beer and Wine License for the 20th annual Bluefish/Striped Bass Fishing Tournament to be held at the Wianno Yacht Club, 101 Bridge Street, Osterville. Event to be held outside on July 12, 2014 from 4-8 PM with a maximum of 150 attendees as approved by the Building Commissioner.

New One Day Live Entertainment Licenses (2): Application of Peter Rohner on behalf of Cotuit Federated Church, Cotuit, for two One Day Live Entertainment Licenses for an outdoor craft fest. Event to be held on the Cotuit Town Green on August 16th & 17th, 2014 from 10:00 to 4:00. Music will be provided by various singers throughout the day.

Peter Rohner appeared on behalf of the Cotuit Federated Church this is the largest fundraiser for the Church; very successful event.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Peter Rohner on behalf of Cotuit Federated Church, Cotuit, for two One Day Live Entertainment Licenses for an outdoor craft fest. Event to be held on the Cotuit Town Green on August 16th & 17th, 2014 from 10:00 to 4:00. Music will be provided by various singers throughout the day.

New One Day Beer and Wine and Entertainment Licenses: Application of Stephen Hemberger on behalf of the Historical Society of Santuit & Cotuit, 1148 Main St, Cotuit, for One Day Wine and Entertainment License for the annual Taste of Cotuit fund raising event. Event to be held outside on July 26, 2014 from 6-8 PM at the Dottridge Homestead and Museum with a maximum of 150 attendees as approved by the Building Commissioner. Music will be provided by a solo guitarist.

Stephen Hemberger appeared for the Santuit and Cotuit Historical Society; he is the liaison for the society. The Taste of Cotuit is the annual fundraising event, sampling of the community vendors and restaurants, with a solo guitarist. Admission is \$50.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Stephen Hemberger on behalf of the Historical Society of Santuit & Cotuit, 1148 Main St, Cotuit, for One Day Wine and Entertainment License for the annual Taste of Cotuit fund raising event. Event to be held outside on July 26, 2014 from 6-8 PM at the Dottridge Homestead and Museum with a maximum of 150 attendees as approved by the Building Commissioner. Music will be provided by a solo guitarist.

New One Day Beer and Wine and Entertainment Licenses: Application of Peggy J Warren of Four Seas Ice Cream on behalf of the Children's Cove, PO Box 427, Barnstable for One Day Beer and Wine and Entertainment Licenses for a dessert making fundraiser to be held outside at the St. George Greek Church, 1130 Falmouth Road, Centerville. Event to be held outside on August 3, 2014 from 1:00 to 4:00 PM with an attendance of 750 - 1000 people as approved by the Building Commissioner. Music will be provided by the Bart Weisman Jazz Band.

Peggy Warren appeared for the application. This is a fundraiser for the coolest desert contest. Beer and wine will be tastings only. Admission will be about 12-15 dollars per person; has not been finalized. Cape Cod Broadcasting will be running 3 weeks of advertising. Mr. Scali asked who will be serving the alcohol. Cape Cod Beer and the Package store will be serving only in designated areas only.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Peggy J Warren of Four Seas Ice

Cream on behalf of the Children's Cove, PO Box 427, Barnstable for One Day Beer and Wine and Entertainment Licenses for a dessert making fundraiser to be held outside at the St. George Greek Church, 1130 Falmouth Road, Centerville. Event to be held outside on August 3, 2014 from 1:00 to 4:00 PM with an attendance of 750 - 1000 people as approved by the Building Commissioner. Music will be provided by the Bart Weisman Jazz Band.

New One Day Beer and Wine and Entertainment License: Application of Jennifer Williams on behalf of the Osterville Historical Museum, 155 West Bay Road, Osterville for a One Day Beer and Wine and Entertainment License. The Annual Summer Sampler Will be held outside on July 13, 2014 from 5-8 pm; entertainment to be a five piece jazz band. Capacity for this event is not to exceed 200 people. The twenty third annual Antique Sale will be held on August 14, 2014 from 9 am – 4 pm with a rain date of August 15, 2014.

Jennifer Williams appeared on behalf of the Historical Society; we have 2 events. Summer sampler ticket prices are \$55, for the antique show the ticket price is 6 dollars. Two separate applications were presented on behalf of the Historical Society.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Jennifer Williams on behalf of the Osterville Historical Museum, 155 West Bay Road, Osterville for a One Day Beer and Wine and Entertainment License. The Annual Summer Sampler Will be held outside on July 13, 2014 from 5-8 pm; entertainment to be a five piece jazz band. Capacity for this event is not to exceed 200 people.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Jennifer Williams on behalf of the Osterville Historical Museum, 155 West Bay Road, Osterville for an Entertainment License for the twenty third annual Antique Sale. Event to be held on August 14, 2014 from 9 am – 4 pm with a rain date of August 15, 2014.

New One Day Beer and Wine and Entertainment License: Application of Catherine M. Dimauro on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for 3 One Day Beer and Wine Licenses and Entertainment Licenses for annual Grecian Festival 2014. Live entertainment will consist of a live band and Dance Troupe performing throughout the three days.

July 18 2014	4 pm – 11pm
July 19, 2014	11 am – 12 am
July 20, 2014	11 am – 6pm

Catherine Dimauro appeared for the 3 day event. Free admission. Free shuttle service. We are in good shape for all the permits. Mr. Hoxie asked if the hours will be the same for the 3 days; yes. New this year is offsite parking at the Barnstable Intermediate School. Two vans from the Capabilities will be provided for shuttle service. Additionally, we will have police detail and security present at night.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Catherine M. Dimauro on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for 3 One Day Beer and Wine Licenses and Entertainment Licenses for annual Grecian Festival 2014. Live

entertainment will consist of a live band and Dance Troupe performing throughout the three days.

July 18 2014	4 pm – 11pm
July 19, 2014	11 am – 12 am
July 20, 2014	11 am – 6pm

New One Day Live Entertainment License: Application of Meaghann Kenney on behalf of Town of Barnstable, 367 Main Street Road, Hyannis, for a One Day Live Entertainment License for an outdoor trackless train on the Village Green after the Fourth of July parade. Event to be held on the Hyannis Village Green on July 4, 2014 from 2:00 to 4:00.

Meaghann Kennedy appeared for the Town of Barnstable 4th of July parade, she is the chair. New this year is a Trackless train that goes all over New England. The request is to have the Train on the Green; holds 27 passengers; 2-3 dollar per ride. Structures will review. Mr. Scali inquired about the inspection process; Meaghann stated that he has all insurances required. For clarification, the train will start before the 4:00 parade amend motion to 2-8 PM.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve Application of Meaghann Kenney on behalf of Town of Barnstable, 367 Main Street Road, Hyannis, for a One Day Live Entertainment License for an outdoor trackless train on the Village Green after the Fourth of July parade. Event to be held on the Hyannis Village Green on July 4, 2014 from 2:00 to 8:00. Documentation of all safety inspections/insurances must be provided before license issuance. Documents received 6/23/2014.

New One Day Beer and Wine and Entertainment Licenses: Application of Jaci Barton on behalf of the Barnstable Land Trust, 407 North St, Hyannis for One Day Beer and Wine and Entertainment Licenses for a fundraiser auction and lawn party, Gifts from the Sea to be held outside at the Ropes Field, 58 Putnam Ave, Cotuit. Event to be held outside on July 20, 2014 from 3:30 to 7:00 PM with an attendance of 300 people as approved by the Building Commissioner.

Jaci Barton appeared for Barnstable Land Trust. This is the 20th annual Gifts from the Sea event. It is earlier this year due to the Kettleers game. Mr. Hoxie inquired who will be serving the beer and wine; the Lamb and Lion Inn is serving. The charge is \$145; high-end fund raising event.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of Jaci Barton on behalf of the Barnstable Land Trust, 407 North St, Hyannis for One Day Beer and Wine and Entertainment Licenses for a fundraiser auction and lawn party, Gifts from the Sea to be held outside at the Ropes Field, 58 Putnam Ave, Cotuit. Event to be held outside on July 20, 2014 from 3:30 to 7:00 PM with an attendance of 300 people as approved by the Building Commissioner.

New One Day Wine and Beer License: Application of Donald Brenner on behalf of Veterans of Foreign Wars, 480 Barnstable Road, Hyannis, MA for a One Day Wine and Malt License for a membership dinner. Event to be held at the Barnstable Municipal Airport , from 5:00 pm to 8:00 pm on June 25, 2014 with a maximum of 60 attendees as approved by the Building Commissioner.

Donald Brenner appeared on behalf of the event. This is an attempt to reestablish a dinner that has been held for many years at our old location. The Airport has given permission to hold meetings there. Hopefully if the event is successful, it will continue. Mr., Hoxie asked will one of the members serve the alcohol; yes. Mr. Hoxie asked can you attract some younger members. Mr Brenner stated that returning veterans have other priorities, employment, reestablishing family ties etc. Mr. Semprini asked who will be catering this event, we have an in house chef, the Mad Platter will assist. The Mad Platter will not be open at this time.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the Application of Donald Brenner on behalf of Veterans of Foreign Wars, 480 Barnstable Road, Hyannis, MA for a One Day Wine and Malt License for a membership dinner. Event to be held at the Barnstable Municipal Airport , from 5:00 pm to 8:00 pm on June 25, 2014 with a maximum of 60 attendees as approved by the Building Commissioner.

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

Fabio De Oliveira appeared. The name of Toro is a trademark in New York State. Mr. Scali questioned the outside band; he stated that he does not recall an amplified singer allowed on the outside patio. Lt Murphy stated that there are no outside complaints. Lt Murphy stated that all outside bars that have entertainment need to pay attention to the amplification issues as the summer gets into full swing. Mr DeOliveira agreed to comply with the rules.

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

New Annual Live and Non Live Entertainment Licenses: Application has been received from JDCamas LLC., d/b/a Tumi Ceviche Bar Ristorante, 592 Main Street, Hyannis, Angel Rodrigo Camas Calle, Manager, for a New Annual Live Entertainment License for a maximum of 3 performers, 2 pieces, from 7 pm to 10 pm on Wednesday and Sunday to introduce Peruvian Folklore entertainment. Non-live entertainment of 2 TV's and a CD player is also requested.

Jorge and Angel appeared on behalf of the application. They are only requesting entertainment for Wednesday and Sundays, also a CD player for background music. Expect to be open the last week of July. Mr. Hoxie inquired about getting a sign on the street, we

were approved. Mr. Scali reiterated to be sure to understand the noise level, cannot be heard at the street. The applicants stated that the music is merely background music.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application received from JDCamas LLC., d/b/a Tumi Ceviche Bar Ristorante, 592 Main Street, Hyannis, Angel Rodrigo Camas Calle, Manager, for a New Annual Live Entertainment License for a maximum of 3 performers, 2 pieces, from 7 pm to 10 pm on Wednesday and Sunday to introduce Peruvian Folklore entertainment. Non-live entertainment of 2 TV's and a CD player is also requested.

Change of Corporate Name : Application of Hess Mart Of Massachusetts, LLC, d/b/a Hess #21243, 50 Ocean Street, Hyannis, MA, Heather Curtain, Manager, for a Change of Corporate Name to Hess Retail Operations, LLC.

Heather Curtain, Peter Fraterola appeared on behalf of this application. This is simply just a change in entity name. This is a corporate structure change in an effort to spin off the Hess Retail Operations, LLC. Mr. Scali stated that he is not sure if this is a change in corporate name. Mr. Scali stated the he thinks this has been advertised incorrectly; it is actually a transfer application. Cannot be heard again until the August hearing; we will reschedule. Applicants need to reapply.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to table this application at this time and that the applicants need to be reapply as a transfer.

New Officers/Directors: Application of SL Uno Hyannis, Inc., d/b/a Uno Chicago Grill, 574 Iyannough Road, Hyannis, MA, Blair Wells, Manager, for a change in corporate Officers/Directors

Blair Wells appeared on behalf of this application. Mr Scali confirmed that this is a change in one person who resigned and another person is being appointed. Mr. Wells stated that is correct.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application of SL Uno Hyannis, Inc., d/b/a Uno Chicago Grill, 574 Iyannough Road, Hyannis, MA, Blair Wells, Manager, for a change in corporate Officers/Directors

Change of Manager: Application of Tommy Doyle's Hyannis, LLC, d/b/a Tommy Doyle's Irish Pub, 334 Main Street, Hyannis, holding an Annual All Alcohol Common Victualler License, for a Change of Manager to Ryan Blaney.

Alain O'Sullivan and Ryan Blaney appeared. The existing manager is Sean Doherty. Mr. O'Sullivan stated that Ryan has bar experience and is a trained chef. Hope to open in two weeks. Mr. Scali confirmed that there is no ownership change at this time; running as same entity.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a

unanimous vote taken to approve the application of Tommy Doyle's Hyannis, LLC, d/b/a Tommy Doyle's Irish Pub, 334 Main Street, Hyannis, holding an Annual All Alcohol Common Victualler License, for a Change of Manager to Ryan Blaney.

New One Day Beer and Wine and Entertainment License: Application of Elizabeth Wurfbain on behalf of the Hyannis Main Street Business Improvement District, PO Box 547 Hyannis, for One Day Beer and Wine License and Entertainment License for the annual Long Table Event to be held at the Beechtree Cantina, 599 Main Street, Hyannis. Event to be held outside in the walkway on June 26, 2014 from 5-9 PM as approved by the Building Commissioner.

Elizabeth Wurfbain stated that this is the same event as the previous two; a few more people than last. Mr. Scali asked if the Sushi part of the restaurant is now closed. It will not be open during the event we will have the alley to ourselves. Ms. Wurfbain stated that she is unaware of what is in the sushi restaurant. Mr. Scali stated that The Beechtree may be in violation if the sushi restaurant is not open or has changed in any way. Ms. Wurfbain stated that all she knew was that she could add 24 individuals to the Long Table event. .

Show Cause Hearing for Auto Smart : the Town of Barnstable Licensing Authority has requested a Show Cause Hearing be called for Auto Smart LLC, 202 Yarmouth Road, Hyannis, Darrell Fitz, Manager, for customer complaint with unsatisfactory resolution. A show cause hearing will be held by the Town of Barnstable Licensing Authority on Monday, June 23, 2014 at 9:30 a.m. or as soon thereafter as practical, in the second floor Hearing Room, Town Hall, 367 Main Street, Hyannis, to show cause why the Class II Auto Dealer License at 202 Yarmouth Road, Hyannis should not be modified, suspended or revoked. This hearing is called pursuant to M.G.L. c 140 §58 (c)(v) and M.G.L. c. 140 §58 (c).

*** This has been continued to the July 28, 2014 Hearing. ***

Renewals: (0)

Business Meeting:

Alcohol Meetings - Officer Maher, mailings were sent to all Sec 12 and 15 license holders, after several attempts there are still 13-14 that did not attend. No return mail was received so all addresses should be correct and letters should have been received. The letters indicated mandatory attendance and there was a possibility of a show cause hearing if they did not attend. Mr. Hoxie stated that there should be a show cause hearing for all on the same day.

International Inn – Mr Daniels and Mr Martinez did notify the Town Licensing office immediately as to Mr. Keston's firing. Mr. Scali stated that they were asked to come in today to the hearing. There is still a lot of concern, how to operate and money

issues. Trash is in the basement, \$10,000 to remove. Mr. Hoxie asked Lt. Murphy his thoughts on the location, Lt. stated he is still concerned, seems to be the same old thing; no improvements. There has been education of ownership about all issues but the Board needs to keep a close eye on that. Mr. Burman inquired are there any further police issues, LT Murphy, no relatively quiet. The bar is quiet, no increased activity.

Lt Murphy, updated the Board on two significant arrests pertaining to the stabbing at the Quarterdeck, there will be more arrests. This was a mob attack. The issue is that these groups are basically banned from every liquor establishment in Hyannis. This is highlighting new issues. This group has been seen elsewhere now in the Town of Barnstable. It is very important that all liquor licensees attend meetings to remain up to date on all of these occurrences.

Rear parking lot behind 586, problems there, groups are congregating there. 586 is doing their best to mitigate and disperse. Some arrests have been made back there. Mr. Burman asked if there is a lack of Supervision at the quarterdeck, it is still evolving. They are assisting us in this investigation. The BPD may be coming back to the Board, the Quarterdeck cooperation has been outstanding.

Mr. Scali stated a gentleman who has been banned from premises came in to our office to ask if this is this legal. Lt stated as long as they are not banning based on race, creed, color or sexual identity it is legal. That is why we need to have attendance at these alcohol meetings, these are the types of problems we are addressing. Mr. Semprini asked if these groups that are congregating, are they a local element; yes.

Special meeting: 1:00 on July 9.

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

The meeting was adjourned at 10:30

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority