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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 Minutes

DATE OF MEETING: May 9, 2016

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

A meeting of the Barnstable Licensing Authority was held on Monday, May 9, 2016, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; David Nunheimer and Larry Decker, Associate Commissioners; Richard V. Scali, Director of Consumer Affairs; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy, Liaison Officer from the Barnstable Police Department; and Maggie Flynn, Recording Secretary. Ron Semprini, Clerk was absent.

Vote to accept Minutes

1. Vote to accept minutes of the 4/25/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 04/25/16 meeting.

New Business:

1. **Application for a New One Day Entertainment and Wine Only Licenses:**
Application of Matthew Palmer on behalf of St. Mary's Church for a one day entertainment license and one day wine license for the Viva l'Italia Dinner and Concert event. The event is to be held at the St Mary's Parish Hall, 3055 Main St., Barnstable on May 13, 2016 from 6:00 PM – 8:30 PM. Entertainment to include a silent auction and a 3 piece band.

Matt Palmer appeared; the event is sold out. Orleans Wine and Spirits is providing alcohol.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

2. **Application for a New One Day Entertainment and All Alcohol Licenses:**
Application of PJ Richardson on behalf of the YMCA of Cape Cod for a one day entertainment license and all alcohol for the 50th Anniversary Gala. The event is to be held at the YMCA of Cape Cod, 2245 Iyannough Rd., Hyannis on June 18, 2016 from 5:30 -11:00 PM. Entertainment to include a 2 piece band.

PJ Richardson appeared on behalf of the application. Bartending Service of New England will serve the alcohol. Tickets are \$150.00. Mr. Scali asked about parking, there will be shuttle service.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

3. **Application for a Retroactive One Day Entertainment and All Alcohol License:** Application of David Kuehn on behalf of the Cotuit Center for the Arts for a retroactive One Day Entertainment and All Alcohol license for the 3rd annual Kentucky Derby Fund Raising event. Event was held on May 7, 2016 from 3:00 to 7:00 PM at the Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit.

David Kuehn appeared on behalf of the application. Mr. Kuehn was under the impression that he was already fully licensed for this event. The event was a huge success. Mr. Scali reiterated the discussions that were held in the office. There have been neighborhood concerns, there is one gravel footpath. Classes and a caretaker only at 17 Savinelli Road; no other activity. Mr. Kuehn has stated that he has met with site plan review several times to discuss future plans.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the retroactive application as presented.

4. **Consent Agenda:**

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the Consent Agenda as presented.

Public Hearings:

1. **Application for Change of Manager for an Annual Wine and Malt Retail Package Goods Store License:** Application of Speedway of Massachusetts LLC d/b/a Speedway, 50 Ocean St., Hyannis on their Annual Wine and Malt Retail Package Store License, for a Change of Manager from Mark Barbi to Jennifer Gunderway.

Attorney Andrew Upton and Jennifer Gunderway appeared. She has been on site since March. She has gone through the Alcohol training. Mr. Burman has some concerns about the manager living in Plymouth. No manager can cover the hours the store is open. She will be on call 24 hours per day. There is a point of sale system in place. There is a shift leader available.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

2. **Application for a Seasonal Common Victualler License:** Application of Barnacle Enterprises, d/b/a The Barnacle Too, 974 Craigville Beach Rd., Centerville, Tony Ninivaggi, Manager, for a Seasonal Common Victualler License. Seven picnic tables with 4 employees all approved by the Building Commissioner. No interior seats.
Hours of operation will be 8:00 am to 8:00 pm daily.

Tony Ninivaggi appeared. No changes except for the menu.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

3. **Application for a Transfer of An Annual All Alcohol Common Victualler and New Live and Non-Live Entertainment Licenses and Karaoke:** Application has been filed to transfer the Annual All Alcohol Restaurant, Live and Non-Live Entertainment Licenses from J&S Montero LLC d/b/a Vista De Mare Diner, Sergio Montero, mgr, 430 Main St., Hyannis to Blue Moon Main Street Restaurant LLC., Daphnie C Foster, mgr, d/b/a Blue Moon Main Street Restaurant, 430 Main St., Hyannis.
Description of Premise: Front entrance and rear entrance from public lot. Four bathrooms, 38 interior seats and 24 exterior seats on outside patio with 5 employees all approved by the Building Commissioner on 4/5/16.
Hours of alcohol sales: 11am – 12:45 am M-Sun.

Live Entertainment to include Karaoke and amplified music with one performer. Non-Live Entertainment to include: 2 televisions and recorded music at conversation level. Hours of both Live and Non-Live Entertainment: 10 am – 12:45 am.

Attorney Jeffrey Johnson and Daphne Foster appeared on behalf of the application.

The menu is more West Indian with a Caribbean flavor. She will be Tips licensed. Mr. Decker asked about clarification of the hours. Alcohol will be served beginning at 11:00 AM the restaurant will be open at 7:00 AM. . Karaoke will be in side only and the noise level will be monitored.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented.

Show Cause Hearing:

1. Show Cause Hearing for a Seasonal All Alcohol Common Victualler License

∴ The Barnstable Licensing Authority has scheduled a Show Cause Hearing to consider suspension, modification or revocation of the Seasonal All Alcohol Common Victualler and Entertainment licenses be called for Robin's Nest Grill Inc., d/b/a Eclectic Cafe, Edward Rosario, Manager, 606 Main Street, Hyannis for the following violations of the Town of Barnstable, MA Code:

§501-14:

- (1) Violation by the licensee of any provision of the relevant General Laws of the Commonwealth or the relevant Ordinances of the Town of Barnstable or of any rule or regulation of any Town of Barnstable agency or of the Alcoholic Beverages Control Commission or of any rule or regulation of the Licensing Authority. ie: failure to comply with IRS payment.

Mr. Scali stated that the IRS visited the office and advised that the applicant had a tax lien issued against the Corporation. DUA and DOR are all satisfied

Edward Rosario appeared before the Authority.

******Continued until 5/23/16******

Licensing Division Updates:

1. Licensing Department updates:

Ms. Hartsgrove reviewed the new Licensing fees that were approved by the Town Council. The new category is Arts and Cultural establishments with a general on premise. Special event late filing fee was also approved. June 5th the new fees will go into effect. Mr. Scali reviewed the advertising fee issue. The

Licensing Authority now needs to add the policy of the applicant paying the advertising fee.

- 2. Police Department updates:** *Lt. Murphy stated with some regret, Officer Estey has resigned from his position. The position will be refilled. Lt. Murphy will try and fill the void. The Brito property was able to contact the owner. Two of the 3 vehicles have been removed. Tim Ferreira's superior Court case. He will be pleading guilty and will be going to the House of Correction. Scotties Pizza larceny case was given pre-trial probation also he was given until June 1st for the completion of restitution.*

Work Session: Town of Barnstable Rules and Regulations second work session.

Ms. Hartsgrove stated that the ADA and handicap has been added under policy. We have 2 compliance meetings this Wednesday. We will review both current and proposed regulations for the Class I and Class II. Mr. Nunheimer would like to have one more Rules and Regulations work session. Trying to balance the regulatory issues with the compliance issues. The ADA policy is a policy not a guideline. Applications will be amended to have a Building Commissioner approval prior to public hearing. Next work session will be June 13, 2016.

John Palmer from Luke's Liquors still concerned about the quick turnaround of 14 days we are already having a problem in Yarmouth. What is the significance of 502-1F. Mr. Scali asked are you proposing 30 days. We try to accommodate as many businesses as possible when we do our trainings. Mr. Scali has a concern of how quickly the summer goes by. Ms. Hartsgrove suggested 21 days as a compromise.

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

Town of Barnstable

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

May 9, 2016

Renewals:

1. **Application for (3) One Day All Alcohol and (3) Entertainment Licenses:** Application of David Kuehn on behalf of the Cotuit Public Library for (3) One Day All alcohol and Entertainment licenses for the following events: Entertainment Tonight (July 12, 2016, 6 pm), Americana Hootenany (September 4, 2016, 5 pm) and Brazilian Cultural Festival (September 17, 2016, 5pm). The events all will be held at the Cotuit Center for the Arts, 4404 Falmouth Rd. Cotuit.

Junk Dealer:

1. Spinnaker Records, 596 Main St., Hyannis
2. Cape Cod Jewelers, 366 Main St., Hyannis
3. Cape Cod Recycles, 142 Corporation St. #3, Hyannis
4. Jewelcraft, 585 Main St., Hyannis
5. Best For Less, 207 Iyannough Rd., Hyannis

The meeting was adjourned at 10:18

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority