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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: November 14, 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, November 14, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; David Nunheimer, Associate Commissioner, Richard Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Lt. John Murphy attended after introductions.

Vote to accept Minutes

1. Vote to accept minutes of the 10/17/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 10/17/16 meeting.

New Business:

1. **Request for Closure for Annual All Alcohol Common Victualler Licensee:** Request from Beech Tree Cantina LLC to close the Beech Tree Cantina LLC d/b/a/ Beech Tree Cantina, 599 Main Street, Hyannis until April 1, 2017 for renovations and re-branding.

Benjamin Surro appeared on behalf of the application. The goal is to ask for a temporary closure to rebrand. Interior and exterior renovations will be done over the next several months. The name will be changed in a future hearing; possibly a Southwestern Sea Grille concept for the restaurant. Capacity will remain the same. Permitting process has not even begun. Mr. Scali reviewed the process to make sure that the applicant is aware of all the paperwork for the Authority in the coming months.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the request for closure.

2. **Application for a One Day Wine Only License:** Application of Chelsea Hayes on behalf of Chelsea's Swimwear and Apparel for a One Day Wine Only License for an after-hours event. The event is to take place on December 1, 2016 from 7:00-9:00 PM at Chelsea's Swimwear and Apparel, 584 Main Street, Hyannis.

****** Applicant failed to appear******

3. **Consent Agenda:**

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

Public Hearings:

1. **Application to Amend Annual Live Entertainment License to include Live Music on Upstairs Deck:** Application of Lobster Girl Lobster Boy, Inc. , d/b/a Raw Bar on Ocean Street, Elizabeth Westwater, Manager, 230 Ocean Street, Hyannis. Amend request is to include live music on the upstairs deck. Request is for 1 performer with 1piece. Hours of live music are Thursday-Sunday 5:00 PM to 8:00 PM.

******Continued from September 19, 2016 Hearing******

****** Application withdrawn per Applicant's Attorney 11/14/16******

2. **Application for a New Annual Fortune Teller License:** Application of Amy Marino, d/b/a The Sanctuary of Cape Cod, 3284 Main Street, Barnstable, Amy

Marino, Manager, for a New Annual Fortune Teller's License, to be operated Monday through Friday 10 am to 5 pm and Saturday-Sunday 10 am to 4 pm.

****** Applicant failed to appear******

- 3. Application for a Change of Manager on an Annual Wine and Malt Retail Package 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 Jennifer Gunderway to Heather Borden.

Attorney Andrew Upton and Heather Borden appeared for this application. Mr. Scali asked about the dispensers; there is a possible underground leak; contamination. The beer is now fully stocked. Mr. Semprini stated that there has been a significant number of management transitions. There will be four total employees. She has attended the training courses through Speedway, she stated she has no previous alcohol experience. There is a video training of ½ hour. The cash registers do request birth date information. Ms. Hartsgrove reviewed that the newly approved Rules and Regulations require that all managers on record are TIPS trained. There have been several underage drinking issues at this location. Attorney Upton stated that the Corporate training program is extensive. The employees have demonstrated responsibility and have passed through the compliance checks from Speedway. Lt. Murphy instructed Heather to pay attention to the parking lots and please call the Police Department with any issues.

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

- 4. Notice of ABCC Decision Review International Inn:** The Barnstable Licensing Authority will hold a public hearing to review the ABCC decisions dated July 29, 2016 and September 20, 2016 and to consider the ABCC recommendation that no further action be taken against this Licensee as any penalty or sanction would be discrepant with the Commission's decision disapproving the other violation changes. (July 29, 2016).
To consider the ABCC recommendation that no further action be taken against this Licensee as any penalty or sanction would be discrepant with the Commission's decision disapproving the violation findings. (September 20, 2016)

Mr. Scali reviewed the status of the two decisions. Attorney Lawler asked that the Board accept the misuse of a name and file as guilty as the ABCC determined.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the ABCC decisions.

Licensing Division Updates:

- 1. **Licensing Department updates:** The rules and regulations will be active as of November 17, 2016. The Town Manager is working on revising Private Parking Lot regulations. This has a timeline to be accomplished by May 1, 2016. Comments will be requested from the Licensing Authority. Mr. Scali also reviewed the Rules and Regulations process that we will be administering fairly.
- 2. **Police Department updates:** Lt. Murphy assured the Board that these Rules and Regulations will be administered with discretion.

Release of Executive Session Minutes, if any (0).And any other new business to come before the Licensing Authority.

The meeting was adjourned at 10:04

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable 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

November 14, 2016

Renewals:

1. **Application for (2) One Day Beer and Wine Alcohol Licenses:**
Application of Stacie Hevener on behalf of Marstons Mills Public Library for two One Day Beer and Wine licenses for Author talks. Both events will be at the Liberty Hall, 5 Main Street, Marstons Mills Ma. The first event will be on November 28, 2016 from 4:30-7:00 PM. The second event will be on December 2, 2016 from 5:30 -7:30 PM.