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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: February 13, 2017

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, February 13, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk, Larry Decker, Associate Commissioner; Richard Scali, Director of Regulatory Services; Elizabeth Hartsgrove, Consumer Affairs Supervisor; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary. David Nunheimer, Associate Commissioner did not attend the meeting.

Vote to accept Minutes

1. Vote to accept minutes of the 1/23/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 2/13/17 meeting.

New Business:

1. **Update on Hyannis Wine and Spirits Inc. All Alcohol Retail Package Goods Store:** Update on the construction status and subsequent opening of Hyannis Wine and Spirits Inc. d/b/a/ Kappy's Fine Wine & Spirits, 333 Iyannough Rd., Hyannis.

Attorney Kenney reviewed the history of the Kappy's approval and appeal periods. In November, 2016 Kappy's decided to move forward with the purchase. Building construction should be completed by today, requesting a copy of the license to order inventory. Attorney Kenney will have the distributors contact Ms. Flynn for update/approval to order.

2. **Update on AztecCity LLC All Alcohol Common Victualler License:** Update on the opening status of Aztec City LLC d/b/a Casa Peru Fusion, 302 Main Street, Hyannis.

Attorney Pizzuti and Jorge Fernandez appeared. He intends to be open by the end of next week. The Health department needs to come back out prior to open. We can also do a walkthrough for Licensing to verify compliance.

3. **Update on South Sea Village Inc All Alcohol Common Victualler License:** Update on the opening status of South Sea Village Inc. d/b/a Bamboo, 574 Iyannough Rd., Hyannis.

Attorney Pizzuti and Eric Wang appeared for the application. The problem is construction. Everything that could go wrong has gone wrong; plumbing, roof, HVAC etc. Expect to be open the end of March. Mr. Scali asked if there is any type of legal matter. They have 7 locations including this one and number 8 will be opening in Lexington. Mr. Semprini advised on an outdoor sign to capture airport traffic.

4. **Request for Late Renewal and Update on Annual Common Victualler License:** Homemade Sausage Inc. d/b/a Homemade Sausage, 573 Main St., Hyannis.

Luis Lima stated we opened on February 1st. Ms. Hartsgrove clarified that the restaurant opened as take out only with no seats and this is a late renewal.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the renewal.

5. **Request for Forfeiture of Annual All Alcohol Common Victualler License:** Request from GELS Inc. d/b/a Nor 'Easter Restaurant to forfeit the All Alcohol Common Victualler Liquor License.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the forfeiture of their license.

6. **2017 Lodging House License Renewal Discussion:** Embassy Inn, 98 High School Road, Hyannis, MA. 02601.

****Continued from 1/23/17 Hearing****

Officer Gallant reviewed the history to date. There were some minor concerns in the registry. Site visit on Thursday, February 2, 24 hour notice was given. Police Department concern is the number of responses there in the last year. Tom McKean stated they found 6 violations. The deck needs to be addressed ASAP. Mr. McKean reviewed the 6 violations in brief. Another concern is to limit each room to 2 beds; specifically 2 occupants. Captain Rex reviewed his inspection history. All violations have been corrected according to Fire Dept. Lt. Murphy said concern is public safety. Why the police activity increase. 2016 showed a straight increase.

Attorney Hopkins stated that people come and people go. Some reside according to rules and regulations. Maloney tires to have compliance and the tenant have filed restraining order against him. Eviction for noncompliance is very frustrating. Mr. Maloney has some health issues; he calls the police rather than dealing himself. No drinking, no guests after 10PM. Hopefully within a month the major problem will be resolved, thus, involving the Police Department less and less. Lt. Murphy acknowledged Mr. Maloney's hard work and dedication; possibility of hiring another resident manager. He would like to see you take a more positive approach. Encourage you to have a working relationship with the Police Department. Mr. Maloney is actively trying to sell the property. Mr. Maloney is willing to cooperate.

Mr. Scali noted that inspector Jeffrey Lauzon is present. The main concern is with the deck; it is a means of egress. They do not have a valid COI. Mr. Maloney has purchased the materials to rebuild the deck. He has made 2 calls to contractors, once work is done then there would be a certification by a structural engineer to be in compliance. Attorney Hopkins reviewed the steps Mr. Maloney has taken to repair all the violations. Each room will have a posting of number of applicants. Removal of beds may be more of an issue. Mr. Scali wants to work together as a team and prevent a show cause in the future. In order to renew the license these items need to be corrected.

Officer Gallant will remain the contact person. Mr. Burman inquired about the second location which has now been registered with the Board of Health. The amount of activity and police requests is disturbing according to Mr. Burman. Mr. Semprini asked about the rental occupants themselves. Mr. Maloney has a four page rental agreement.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to issue a temporary license until 3/6/17.

7. **Application for a One Day Entertainment License:** Application of Mark Halvorsen on behalf of the Cape Cod Times for a one day Entertainment license for the Prime Time of Your Life Expo. The event is to be held at the Barnstable High School Field House, 744 West Main Street, Hyannis on April 29, 2017 from 8:00 am to 5:00 pm.

Pat Switchenko, marketing coordinator for the Cape Cod Times appeared on behalf of the application. Mark Spitz will be the keynote speaker.

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

8. **Application for a One Day Beer and Wine License:** Application of Olive Chase on behalf of the Casual Gourmet for a One Day Beer and Wine license for the Hyannis Chamber Business After Hours event. The event will be held at 866 Main St., Osterville on 2/15/17 from 5 pm to 7 pm.

Ms. Hartsgrove represented the application. Ms. Chase is feeding the Eversource crews.

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

9. **Consent Agenda:**

1. **Application for a One Day All Alcohol and Live Entertainment License:** Application of Bill Sykes on behalf of Best Buddies International, 13 River St., Plymouth for a one day all alcohol and entertainment licenses for the Best Buddies Challenge. Event to take place on June 3, 2017 from 3:00 -6:00 PM at the Eunice Kennedy Shriver Ocean Park, 110 Craigville Beach Rd., Centerville. Entertainment is to be determined.

2. **Class II Auto Dealer License:**

Rotary Collision Center of Hyannis, 345 Barnstable Rd., Hyannis

3 **Common Victualler License:**

Ben and Jerry's, 352 Main St., Hyannis

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. **Amend the Town of Barnstable Licensing Rules and Regulations:** The Barnstable Licensing Authority will hold a public hearing in accordance with Chapter 138 and 140 of the General Laws, and Barnstable Town Code, to hear the merits of adopting proposed amendment to 502-6a3 of the Town Code as follows:

Licensing Rules and Regulations:

502-6. Additional Provisions for Package Store Licenses

a)Hours of Operation

3) No license may sell or deliver any alcoholic beverages on (delete) Memorial Day, Thanksgiving Day or Christmas Day, **(add) before 12:00 noon on Memorial Day.**

Amendment is being considered due to change in legal holidays and dates of observance issued by the Alcoholic Beverage Control Commission dated, October 18, 2016.

Ms. Hartsgrove updated the Board on the ABCC change.

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

2. **Application to Amend Class II Auto Dealer License:** Application of Robert Trapp Inc., for amendments to an existing Class II Auto Dealer License at 123B Falmouth Rd, Hyannis. Amendments include: decreasing the number of vehicles from 41 to 6 total vehicles and a change of location to 120 Old Yarmouth Road Unit C, Hyannis as follows: 2 outside and 4 inside spaces for wholesale purposes only. All amendments approved by the Building Commissioner and Fire Chief on 1/17/17 with the following condition of no repairs for Unit 120C.

Rob Trapp appeared on behalf of the application. He reviewed the details and his move from Falmouth Road.

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

3. **Application to Amend Class II Auto Dealer License:** Application of AMRHoldings Inc., for amendments to an existing Class II Auto Dealer License at 95 Falmouth Rd, Hyannis. Amendments include: the addition of 123 Falmouth Road to the license. Breakdown for 123 Falmouth Rd as follows: 73 Display, 0 employee, 2 handicap and 7 customer spaces. Breakdown of 95 Falmouth Rd as follows: 50 display, 36 employee, 2 handicap and 36 customer spaces; increasing the number of vehicles from 100 to 206 total vehicles. All amendments approved by the Building Commissioner and Fire Chief on 1/17/17 and all conditions per site plan review letter dated January 19, 2017 must be adhered to.

Rob Trapp appeared on behalf of the application .Ms Hartsgrove clarified what happened with the two parcels.

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

4. **Application for a New Lodging House License:** Application of DMAG LLC d/b/a Bursley Manor, 651 Main St, W Barnstable, David Gardner and Michelle Johnson, Managers for a New Lodging House License for 3 rooms/ 6 lodgers – as approved by ZBA Decision recorded 12/28/16.

Michelle Johnson and Dave Gardner appeared for the application. Mr. Scali asked about the business and who is resident manager. We are new innkeepers. This is a lifelong dream. We will have a working register for the public to see. We will both manage the property and live on the property.

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

5. **Application for a New Seasonal All Alcohol Common Victualler License and Live and Non-Live Entertainment Licenses:** Application has been filed for a new Seasonal All Alcohol Common Victualler License and Live and Non-Live Entertainment Licenses for Sunny Boy Inc. d/b/a Downtown Bistro, Timothy Gaudette, manager, 372 Main Street, Hyannis.

Description of Premise: 372 Main St., Hyannis wood frame building with entrances on Main Street and North Street. Interior space approximately 2450 sq. feet. Total Seating is 145. Interior seating of 81, dining room - 66 and bar - 15. Outdoor seating is 64, front – 28 and rear – 36. All approved by the Building Commissioner on 01/18/17.

Hours of alcohol sales: 11 AM – 12:30 AM Daily.

Non-Live Entertainment to include: 3 televisions and recorded music at conversation level; live entertainment to include 2 performers with two pieces.

Hours of entertainment: 4:00 pm -10:30 pm daily.

Tim Gaudete appeared on behalf of this application. This will be the old Schooners location. Entertainment will be out back if at all. Hope to open mid-May. Mr. Gaudete is the former owner of the Blue Water Grille. Mr. Semprini stated that Mr. Gaudete will run a fabulous operation.

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

6. **Application for a Seasonal All Alcohol Retail Package Store:** Application has been filed by Cotuit Grocery d/b/a Cotuit Fresh Market, 737 Main St., Cotuit for a new Seasonal All Alcohol Retail Package Store license. Steven Gould, manager. Description of Premise: Wood frame 3 story building with 3600 sq. feet on ground floor with two exterior exits. All liquor display and storage in one area of 790 sq.

feet as approved by the Building Commissioner. 50 ml. bottles (NIPS) will not be sold on premise at any time.

Hours of Alcohol sales: Monday through Saturday 8:00 AM to 8:00 PM and Sunday 10:00 AM to 8:00 PM.

Commissioner Hoxie wants to continue until March 6, 2017. Attorney Sabbatt questioned the continuance dates. Confirmed to 3/6/2017.

******Continue to 3/6/2017******

Licensing Division Updates:

1. **Licensing Department updates:** Nothing at this time.
2. **Police Department updates:** Christmas Eve incident at Embargo has resulted in criminal charges. Commend Embargo for taking proactive steps. Tiki Port had 2 underage drinkers precipitated by a call to the Police Department. Show Cause Hearing on 3/6/17.

Executive Session:

1. **Review of ABCC Appeal:** Mitchell's Café Inc. d/b/a/ The Dockside Restaurant, 110 School Street, Hyannis, Velma Roberts; Manager.
2. **Review of ABCC Appeal:** New England Clambake Inc. d/b/a/ Wimpy's, 752 Main St., Osterville, Ma., Daniele Siscoe, Manager.

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

The meeting was adjourned at 10:43

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority

A motion was made to move that the Licensing Authority enter into Executive Session and not return to open meeting. Roll call (Hoxie, Burman, Semprini – yea)