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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: June 12, 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, May 22, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Clerk; Larry Decker, Associate Commissioner; David Nunheimer, Associate Commissioner; Richard Scali, Director of Regulatory Services; Elizabeth Hartsgrove, Consumer Affairs Supervisor; CAO Officer Therese Gallant, and Maggie Flynn, Recording Secretary. Gene Burman and Lt. John Murphy did not attend the meeting.

Vote to accept Minutes

1. Vote to accept minutes of the 05/22/17 meeting.

New Business:

1. **Application for a One Day Malt Only and One Day Entertainment License:**
Application of W. Patrick Lentell on behalf of SEMC Sports for a One Day Malt

only and One day Entertainment licenses for the Firecracker 5K event. The event is to be held on July 5, 2017 from 6:00 PM to 8:30 PM. Location of the event is at the Lowell Park and Barnstable Land Trust Land, 0 Putnam Ave., Cotuit. Entertainment is a 4 piece band.

Patrick Lentell appeared on behalf of this application.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 5/22/17 meeting.

2. Application for a One Day All Alcohol and Entertainment Licenses:

Application of Chris Galazzi on behalf of the Cape Cod Maritime Museum for a One Day all Alcohol and Entertainment licenses for the CCMM Pirate's Ball. The event is to be held on July 29, 2017 from 7:00pm to 10:00 PM at the Cape Cod Maritime Museum, 135 South Street, Hyannis. Entertainment is to include a DJ for Dancing.

Chris Galazzi and Amanda Converse appeared on behalf of this application. This is an event that was held in previous years and we are bringing back. The Pour Guys will be serving the alcohol. Tickets are \$50.00.

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

3. Discussion: Failure to Attend Annual Alcohol Compliance Meeting:

- a) Bistrot de Soleil, 350 Stevens Street, Hyannis
- b) Duck Inn Pub, 447 Main Street, Hyannis
- c) Scotties, 11 Ridgewood Ave, Hyannis

Therese Gallant updated the Board as to the current status of the above Licensees. Recent history of 2 years was reviewed in order to decide course of action.

Bistrot de Soleil – *Katarina Soldatov brings her apologies. My partner and I did not have clear communication for attendance at the earlier meeting. This year I was sick. She stated that she did watch the meeting and will share with her staff. Letter will be placed in the file.*

Duck-In Pub *has failed BPD compliance sting and an ABCC sting and subsequently missed mandatory meeting meeting.*

Mr. Greene is very agitated; yelling at the Board that he is a tax payer. We had an outage on Main Street, spent time to repair and I forgot about the meeting, did not remember until the next day. It is human nature to forget. This was unintentional. Chairman Hoxie asked for a recommendation. Officer Gallant

recommended placing a letter in the file. Mr. Hoxie stated that perhaps a show cause hearing should have been requested.

***Scotties** has a pending larceny case from 2015 without a payment being made since 2016. They did not make meeting and Officer Gallant did not hear from them. Attorney Lawler stated that this is an allegation not a larceny case. The balance payment of this will be handled through my IOLTA account. The company is finally getting back on its feet. Alex MacDonald will be stepping down as manager and his father is taking over. Recommendation is the same as others, a letter in the file.*

4. Consent Agenda:

Tina Carey appeared, asked the Authority to pay attention to who they give Entertainment Licenses to. As for Compliance meetings, she has never been, however they are a good training tool. She also recommended using email addresses for communication.

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

Public Hearings:

1. Application for Amendment of an Annual Non-Live Entertainment License:

Application of Hearth 'N Kettle of Hyannis Inc. d/b/a Cape Codder Resort, 1225 Hyannough Rd., Hyannis, for an amendment to their current Annual Non-Live Entertainment license.

Amendment: Request is to increase the number of games from 29 to 42; no other changes are being requested at this time. The plan has been approved by the Building Commissioner on 4/24/17.

Leo Massi appeared on behalf of the application. Increasing the number of video games from 29 to 42 in the game room.

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

2. Application to Amend Seating on an annual Common Victualler License:

Application of El Mariachi Loco Inc., d/b/a El Mariachi Loco, 569 Main St., Hyannis to amend the outdoor seating on their annual common victualler license from 22 seats to 26 seats. Total seating will be 32 seats; 6 interior and 26 exterior as approved by the Building Commissioner on 5-12-17.

Katarina Hernandez appeared on behalf of the application. All outside seating is on private property.

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

3. **Application for an Alteration of Premises for an Annual all Alcohol Common Victualler License:** Application of Aztec City LLC., d/b/a Casa Peru Fusion 302 Main Street, Hyannis, Angel R Camas-Calle, Manager, for an Alteration of Premises description to change the existing premises description to:

Wood frame building with one entrance and one exit, main floor total of 1750sqft with two bathrooms, Kitchen area of 400sqft. Basement area of 450sqft. IOFF SEASON SEATING (September 16-May 31): 49 seats, 20 standees and 9 employees all indoors. IN SEASON SEATING (June 1 – September 15): 41 seats, 20 standees and 9 employees inside, and 2-75sqft outdoor dining areas on each side of front entrance with 4 seats in each area.

Attorney Pizzuti and Jorge Siguencia appeared on behalf of the application. Attorney Pizzuti stated that Jorge is trying to become more competitive. Move seats from inside to outside; no additional. We have approval from landlord. We will be receiving the Town Manager approval too. Ms. Hartsgrove stated the Town Engineer needs to approve. Décor has already been approved by historic.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the application as presented subject to private property and/or Town Manager Agreement.

4. **Application for a New Annual Shooting Gallery License, Pool Table License and Non-Live License:** The Barnstable Licensing Authority will hold a public hearing in accordance with Chapter 140 §56A of the General Laws, for a new Shooting Gallery License for Downrange Inc., d/b/a Cape Cod Gun Works, 96 Airport Road, Hyannis, Ma.; Toby Leary Manager. Hours of operation will be 9:00 am to 9:00 pm daily. Non-Live Entertainment will include 5 TV's. There will also be one pool table; all approved by the Building Commissioner on 4-7-17. ****Continued from 5/8/17 Hearing****

Attorney Mark Boudreau and Brendan Briklin appeared on behalf of the application. We have worked with the Town personnel and we now have a list of conditions that we can work with.

Mr. Scali, thank you for your patience. The conditions are acceptable to all, we try to take regulations from other towns and adapt them to Barnstable. These conditions are specific to Cape Gun Works. There will be an open Public Hearing for Rules and Regulations in general for Shooting Galleries. .

Therese Gallant wants to stress on behalf of Lt. Murphy that the video surveillance equipment must be kept in good working order.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Decker and a unanimous vote taken to accept the application subject to the conditions of memorandum dated June 12, 2017 including approval of a Non-Live and Pool Table Licenses. (Attachment)

5. **Application for New Annual Farmer Brewery License:** Barnstable Brewing LLC d/b/a Barnstable Brewing has filed an application for a new Annual Wine and Malt Farmer Brewery Pouring License, 485 West Main Street, Hyannis, MA, with Peter M Connor, Manager. Pouring service would be from 10:00 a.m. to 6:00 daily.

Interior seating is 36 at tables and 12 at the bar; totaling 48 plus 20 standees for the rail/bench area, no exterior seating at this time; all approved by the Building Commissioner on 3-31-17.

****Continued from 5/8/17 Hearing****

Attorney Jim Quirk and Peter Connor appeared. This is a continuation of the last hearing. We met with the School committee and have received approval. Modifications to the original application have been made, restricting pouring hours to be in tandem with school hours. We will also have food available. (attached)

Seating plan has been reduced to 26 seats and 4 employees. Mr. Scali stated that there will be no standees at all, total occupancy will be 30. Food will be food trucks, pre-packaged snacks and B&B Pizza.

Margeaux Weber (School Committee President) updated the Board regarding the application. Mrs. Amato (principal) and the Connors met additionally. Operation of the premises cannot be detrimental to the Educational Activities of Hyannis Elementary according to Ms. Weber.

Mr. Semprini attended the School Committee meeting. The big picture is the parking, comingling with 2 businesses. Alcohol and ice cream bring kids. There is only about 11 feet for someone to back up their vehicle. Waiting for something to happen is not acceptable. The brick area will be parking. Phase 2 parking will be near the Laundry mat. The main crux is the congestion of the parking. The parking was approved by Site Plan and Zoning Board of Appeals. We are all about safety, we will be placing curb cuts, bumps etc. We have done a traffic study, we are less detrimental use. Steve and Sue's ice cream court case has been resolved; they do not oppose the application. We are trying to keep a lot of traffic in the back of the building. This is not going to be a bar.

Hours are 10-6, 4-6 PM pouring when school is in session. Ms. Hartsgrove reminded Mr. Connor to come see Regulatory Services before undertaking any Special Events. The School Department requested to be notified of any special events.

A motion was duly made by Mr. Decker, seconded by Mr. Hoxie and a 2-1 vote taken to accept the application subject to the conditions of

memorandum from the Barnstable School Committee dated June 12, 2017.
Semprini opposed. (Attachment)

Licensing Division Updates

1. **Licensing Department updates-** Mr. Scali, the Annual Municipal Licensing meeting was held in New Bedford. The ABCC did attend over 100 cities and towns also attended. They are revamping their e-permitting system. Deb Goldberg, State Treasurer, has created an alcohol coalition, a panel going around the state soliciting and discussing possible changes to chapter 138. The Task Force will be gathering this information and then hold meetings. There will be a report coming out referencing potential legislation. There is also a Barnstable County coalition meeting, a list of recommendations specifically for the Cape.
2. **Police Department updates – There** was an incident with one of the on premise licensees. As a result a letter was sent regarding over-service.

- 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

The meeting was adjourned at 10:29 AM

Respectfully submitted,

**Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority
Authority**

**Ron Semprini, Clerk
Town of Barnstable Licensing**

Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

June 12, 2017

Renewals:

1. **Application for (2) One day Beer and Wine and Entertainment Licenses:**
Application of Dean White on behalf of the Holy Ghost Society of Cotuit and Santuit for (2) One day Beer and Wine and Entertainment Licenses for the 126th Annual Portuguese Feast. Event to take place at the Holy Ghost Society, 53 Main St., Hyannis on June 16, 2017 from 5 PM to 11 PM and June 17, 2017 from noon to 5PM. Entertainment to include a five piece band.
2. **Application for a One Day All Alcohol and Entertainment Licenses:**
Application of Gail Dunford on behalf of the Cape Conservatory for a One Day All Alcohol and Entertainment Licenses for the 2017 Artini Sock-Hop. Event to take place at the Cape Conservatory, 2235 Iyannough Rd., West Barnstable on June 23, 2017 from 5:30 PM to 8:30 PM. Entertainment to include 6 performers with 6 pieces.
3. **Application for (2) One Day Beer and Wine and (2) Entertainment Licenses:**
Application of Amanda Converse on behalf of LoveLiveLocal for a One Day Beer and Wine and Entertainment Licenses for the 2017 LoveLocal Fests. Events to take place on Aselton Park and the Cape Cod Maritime Museum, 135 South Street, Hyannis on July 30, 2017 and September 24, 2017 from 11 AM to 7 PM. Entertainment to include 2-3 bands, 1-2 solo artists with 4 pieces at a time.
4. **Application for a One Day All Alcohol Extension of Premise:** Application of Michael Murphy on behalf of the Hyannis Yacht Club for an All Alcohol One Day Extension of licensed premise for the Annual Dock Party event. The event is to be held on the Dock at the Hyannis Yacht Club, 490 Ocean St., Hyannis on July 15, 2017 from 5:30 PM to 11:00 PM. Entertainment to include a 5 piece band.

5. **Application for a One day entertainment License:** Application of Meaghann Kenney on Behalf of the Town of Barnstable for a One Day Entertainment license for the Hyannis 4th of July Parade. The event is to be held on the 4th of July beginning at 11:00 AM. Entertainment will be trackless train rides on the Village Green.
6. **Application for a One Day Beer and Wine and Entertainment License:** Application of Rebecca Richardson on behalf of the Rotary Club of Osterville for a One Day Beer and Wine and Entertainment Licenses for the 23rd Annual Bluefish and Striped Bass Fishing Tournament. The event will be held at the Wianno Yacht Club , 101 Bridge street, Osterville on July 15, 2017 from 4 PM to 8 PM. Entertainment is to be easy listening with 3 performers and 3 pieces.
7. **Application for a One Day Entertainment License:** Application of Kevin Shanley on behalf of the Arts Foundation of Cape Cod for a One day entertainment license for the 32nd Annual Citizens Bank Pops by the Sea. The event is to take place on August 13, 2017 at the Village Green, 367 Main Street, Hyannis. Entertainment is the Boston Pops and pre-show bands.
8. **Application for a One Day Beer Only and Entertainment License:** Application of W. Patrick Lentell on behalf of SEMC Sports for a One Day Beer only and Entertainment licenses for the annual Miles for Megan event. The event is to take place at Lowell Park and the Barnstable Land Trust, 0 Putnam Ave., Cotuit on October 14, 2017. The event is set to begin at 10:00 AM and entertainment is to include a 4 piece band.
9. **Application for a One Day Day Wine Only and Entertainment License:** Application of Amy DeFeudis on behalf of Dance Designs for a One day entertainment license for the "Onstage 2017" Annual dance Recital at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis on June 17, 2017 from 1 PM to 6 PM.
10. **Application for a One Day Wine and Beer and Entertainment Licenses:** Application of Elizabeth Wurbain on behalf of the Hyannis BID for a One day Beer and Wine and Entertainment Licenses for the Annual Long Table event. The event will be held in the alley at 599 Main Street, Hyannis on June 22, 2017 beginning at 5:30 PM. Entertainment is 3 performers with 3 pieces.
11. **Application for (3) One Day All Alcohol and (3) One Day Entertainment Licenses:** Application of Catherine DiMauro on behalf of the St. George Greek Orthodox Church for (3) One Day All Alcohol and (3) One Day Entertainment Licenses for the Grecian Festival 2017. The event will be held at the Greek Orthodox Church, 1130 Falmouth Rd., Centerville on July 14th -16th , 2017. Entertainment will be 5 performers with five pieces.