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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: July 24, 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 Wednesday, July 24, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; Attorney David Nunheimer, Associate Commissioner, Larry Decker, Associate Commissioner; Richard Scali, Director of Regulatory Services; Elizabeth Hartsgrove, Consumer Affairs Officer; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 06/12/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 06/12/17 meeting.

New Business:

1. **Application for a One Day Wine License:** Application of Jordan Andreza on behalf of Bed Bath and Beyond for a One Day Wine only license for the Riedel Wine Tasting event. The event is to be held on July 27, 2017 from 4:00 PM to

8:30 PM. Location of the event is at the Bed Bath and Beyond, 65 Independence Drive, Hyannis.

Jordan Andreza appeared on behalf of the application. He is the Marketing Manager for the store. We are trying to attract tourists to the store. This is basically a workshop.

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

2. **Application for (5) One Day Entertainment Licenses:** Application of Jeffery Marcotte for (5) One Day Entertainment licenses on behalf of the Cape Cod Community College for various concerts. The events are to be held on the following days: July 25th, August 1st, 5th, 6th, and 22nd. Location of all events will be at The Tilden Arts Center, 2240 Iyannough Rd., Hyannis.

Jeffrey Marcotte appeared on behalf of these applications. We are presenting concerts as mentioned. These are new events that require attention from the Board.

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

3. **Application for a One day Entertainment and Wine and Malt Licenses:** Application of Michael Lyons on behalf of Ben and Jerry's for a One Day Entertainment and Wine and Malt licenses for the Ben and Jerry's 30th Anniversary Party. The event is scheduled to take place on August 5th from 12:00 - 8:00 PM at the Cape Cod Maritime Museum, 135 South Street, Hyannis. Entertainment will be 5 different groups totaling 15-18 people.

Michael Lyons appeared on behalf of the application. This is a celebration of our 30th year. We have rented the Mass Maritime Museum for the beer and wine. Cape Cod Beer and Devils Purse will be providing the Alcohol.

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

4. **Consent Agenda:**

1. **Application for a One Day All Alcohol and Entertainment Licenses:** Application of Jamie Bohlin on behalf of the Cape Cod Young Professionals for a One Day All Alcohol and Entertainment Licenses for the Back to Business Bash. Event to take place at the Barnstable Municipal airport, 480 Barnstable Road, Hyannis on September 28, 2017 from 5:30 PM to 8:30 PM. Entertainment to include 4 performers with 3 pieces.

2. **Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Stephen Hemberger on behalf of the Historical Society of Santuit and Cotuit for a One Day Wine and Malt and Entertainment Licenses for the Annual Taste of Cotuit Fundraiser. Event to take place at the Historical Society, 1148 Main St., Cotuit. Entertainment to include one acoustic guitar.

3. **Application for a One Day Beer and Wine and Entertainment Licenses:** Application of Judy Desrochers on behalf of the Meetinghouse Farm for a

One Day Wine and Malt and Entertainment Licenses for the annual Summer Serenade. Event to take place on July 20, 2017 from 6 PM to 8PM. Entertainment to include the Moonlighters. This is a retroactive approval.

4. **Application for (3) One Day Wine Only Licenses:** Application of Susan Carey on behalf of Gallery Artrio for 3 One Day Wine Only Licenses for Artist Receptions. Events to be held at Gallery Artrio, 50 Pearl St., Hyannis on 7/13, 8/3 and 9/9/2017 from 6 PM to 8 PM.
5. **Application for a One Day Entertainment License:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a One Day Entertainment License for the annual Art at the Museum event. The event will be held at the Osterville Historical Museum, 155 West Bay Rd., Osterville on 7/26/17 from noon to 5 PM.
6. **Application for a One Day Entertainment License:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a One Day Entertainment license for the Annual Antique Show. The event will be held at the Osterville Historical Museum, 155 West Bay Rd., Osterville on August 17, 2017 from 9 AM to 4PM.
7. **Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a One Day Wine And Malt and Entertainment Licenses for the Annual Pigs and Pearls event. The event will be held at the Osterville Historical Museum, 1550 West Bay Road, Osterville on July 16, 2017 from 5 PM to 7 PM. This is a retroactive approval.
8. **Application for a One Day Wine and Malt and Entertainment Licenses:** Application of Heidi Filner-Gallagher on behalf of the Massachusetts Audubon Society for a One Day Wine and Malt and Entertainment Licenses for the annual Summer Soiree at Long Pasture. The event will be held at the Long Pasture Wildlife Sanctuary, 345 Bone Hill Rd., Barnstable on August 3, 2017 from 5:30 PM to 9:00 PM. Entertainment will be 4 performers with 4 pieces.
9. **Application for a One Day Entertainment and Wine and Malt Licenses:** application of Lucy Loomis on behalf of the Sturgis Library for a One Day Entertainment and Wine and malt Licenses for the 150th Gala Anniversary party. The event is will be held at the Sturgis Public Library, 3090 Main Street, Barnstable on August 13, 2017 from 5-8 PM. Entertainment is to be 1 acoustic guitar player.
10. **Junk Dealer:** Cape Cod Recycles, 142 Corporation St., Hyannis

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

Public Hearings:

1. **Application for a New Live Entertainment and Karaoke Licenses on a Seasonal All Alcohol Common Victualler License:** Application of Mitchell's Café Inc. d/b/a The Dockside Restaurant, 110 School Street, Hyannis on their Seasonal All Alcohol Common Victualler License, for a new Live Entertainment and Karaoke licenses. Live Entertainment to include Dancing by Patrons, 1-3

performers with 1-3 pieces that will be amplified; also requesting a separate karaoke license. Entertainment hours will be daily from 5PM to 12:45 AM.

****Postponed until 8/14/17****

- 2. Application to Transfer Annual All Alcohol Restaurant and Live and Non-Live Entertainment Licenses:** Application has been filed to transfer the Annual All Alcohol Restaurant, and Live and Non-Live Entertainment Licenses from GSMD, LLC. d/b/a The Thirsty Tuna, Marc J Donohue, mgr, 235A Ocean Street, Hyannis to GA Hyannis LLC., Michael Lloyd Scandariato, mgr, d/b/a The Thirsty Tuna, 235A Ocean Street, Hyannis.

Description of Premise: Wood structure located at 235A Ocean Street; first floor dining room with 30 seats; bar with 29 seats and outdoor patio with 40 seats. 2 Handicap accessible bathrooms and 2 exits on first floor with kitchen, service area and three rooms off the back of the premises used for alcohol storage, ice machines and cooler. Seating 99, 9 standees, 14 employees for total occupancy of 125 on first floor. Live Entertainment to include: 3 performer's maximum, no more than one source of live entertainment in the entire building at one time, ending by 11 PM. Non-Live Entertainment to include: 6 televisions and recorded music at conversation level and a juke box ending at 12:45 AM.

Donald McCall and Michael Scandariato appeared on behalf of the application. There will be no changes from the present licenses. Mr. Scali wanted to confirm that this is separate from the Hyannis Anglers Club. Expect to be open the first week of September to coincide with the opening of the new Hotel.

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

- 3. Application for a Change of Beneficial Interest on an Annual All Alcohol Common Victualler License:** Application of H & S Entertainment LLC d/b/a Bistro de Soleil, 350 Stevens Street, Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Beneficial Interest from Tarsis Santos and Katarina Soldatov to Tarsis Santos, solely.

****Postponed until 8/14/17****

- 4. Application for a New Class II Auto Dealer License:** application of Exit Auto Inc. d/b/a Exit Auto for a new Class II Auto Dealer License at 587 Iyannough Road, Hyannis, for a maximum of 25 used vehicles to be parked outside per approval of the Building Commissioner and Fire Chief on 06/20/17. Breakdown of vehicles is as follows: 21 Display, 2 Customer, 1 Employee and 1 Handicap. Repairs of inventory vehicles will be conducted on-site.

David Lawler represented this application. These applicants also own Cash Point in Hyannis. They are very professional. They are approved for 25 vehicles. Mr. Burman questioned the repair on site; this has been existing. Lt. Murphy stated that they have a solid relationship with the owners of Cash Point. There is a learning curve process; these rae two different types of businesses. Attorney

Lawler stated learning curve issues are transferrable. Both clients have been instructed to fully understand all lemon laws and associate rules and regulations. They are mature individuals. As far as splitting time. Marat and I will oversee Cash Point and we will hire a new manager. Edgar Gregorian does not have a lot of experience selling cars, Marat has more experience. Marat worked at a used car dealership for 2 years prior to opening Cash Point. Lt. Murphy has concerns but expects these individuals will be able to learn the business. Officer Gallant urged the applicants read the Rules and Regulations. Ms. Hartsgrove reiterated the purpose of the Rules and Regulations and reminded that if Cash Point were to have a change in manager, the manager must submit a CORI that meets the requirements.

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

- 5. Application for a New Seasonal Common Victualler License:** Application of Grilled Cheese Gallery LLC., d/b/a Grilled Cheese Gallery, 569 Main Street., Hyannis, Jeffrey Thompson, Manager, for a new Seasonal Common Victualler license. Hours of operation will noon to 10:00 pm daily. There will be 24 exterior seats only as approved by the Building Commissioner on 7-11-17.

Jeffrey Thompson is presently operational. Ms. Hartsgrove reiterated that the hours are to end at 10 pm; to remain open later a change of hours request must be made and advertised.

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

Licensing Division Updates

- 1. Licensing Department updates-** Ms. Hartsgrove stated that she and Maggie are working on a welcome packet, to include the Rules and Regulations, plastic bag regulations and other information. They will present it to you when complete.
- 2. Police Department updates-** Officer Gallant is doing Compliance checks, spoken to 6 or 7 car dealerships in addition to several Alcohol licensees.

Executive Session:

- 1. Review of ABCC Appeal:** Mitchell's Café Corporation d/b/a The Dockside, 110 School Street, Hyannis; Velma Roberts; manager.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to move into Executive Session.

A unanimous Roll Call Vote and ability to reconvene was duly made by Mr. Burman, seconded by Mr. Semprini; Yea 3 and Nay 0

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to move into Open Session at 10:29am.

Chairman Hoxie asked for a motion to be made:

ACTION: that the Annual All Alcohol Common Victualler license be suspended for 3-days to be served on October 24, 25, 26, 2017 suspension to be served in accordance with 501-15 procedure; restaurant to otherwise remain open for business before the suspension and for the remainder of the season afterwards unless closed early for the season in compliance with applicable rules but not before November 5, 2017 or any sanctions for closing improperly or a different offense if any which it is earnestly hoped will not be the case; and if they close before November, the suspension will be served the week before October 24, 25, 26, 2017; in all other respects the decision dated August 22, 2016 is ratified and confirmed.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a 2-1 (Burman) vote taken to approve the above action.

The public meeting was adjourned at 10:31am

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority