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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 9, 2015

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 regular meeting of the Barnstable Licensing Authority was held on Monday, January 12, 2015. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; Richard V. Scali, Director of Regulatory Services, Elizabeth G. Hartsgrove, Consumer Affairs Supervisor Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Maggie Flynn, Recording Secretary.

Vote to accept Minutes:

1. Vote to accept minutes of the 01/12/15 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 01/12/2015 meeting.

2. Vote to approve and hold Executive Session minutes of the 10/27/2014 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept and hold the minutes of the 10/27/2014 meeting.

Public Hearings:

1. **Amendment to Annual Live Entertainment License:** Application has been received from Pain D'Avignon II Inc., d/b/a Pain D'Avignon Café-Boulangerie, 15 Hinckley Road, Hyannis, Mario C Mariani, Manager, for additions to the existing Annual Live Entertainment License for outside amplified entertainment on existing patio. Entertainment to include an outdoor dance floor, live music not to exceed four performers and a 10x10 platform with an E-Z - up removable tent. Outdoor seating of 22 as approved by the Building Commissioner. Hours of entertainment are 12:00 PM to 12:45 AM.

Continued discussion from 1/12/15 Meeting with updated floor plan

Attorney David Lawler and Mario Mariani appeared on behalf of this application. This is a continuation of the prior hearing. The issue of concern was the location of the 10x10 platform in the parking lot. A meeting was held with Tom Perry, Building Commissioner, he approved the updated plan.

Mr. Burman asked does this new plan affect the parking, it does not. No spaces will be removed plus there is parking out back. The music band is staying in the tent area. Mr. Scali inquired about the direction of the speakers; they will be turned inwards towards the restaurant as to minimize noise.

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

2. **Amendment to Annual Common Victualler License:** Application of Green Lotus Café LLC, d/b/a Green Lotus Cafe, 349 Main Street, Hyannis, Nathaniel Fanara, Manager, for an amended Annual Common Victualler License. Changes include an increase of 28 interior patron seats now totaling 46. Exterior seats of 4 remain the same; all approved by the Building Commissioner.

Deborah Fanara appeared on behalf of the application. All changes have been approved by the Building and Health departments.

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

3. **New Officers/Directors and Change of Manager:** Applications of Hess Mart of Massachusetts LLC., d/b/a Hess #21243, 50 Ocean Street, Hyannis, MA, for a change in corporate Officers/Directors and a change of Manager from Heather Curtain to Mark G. Barbi.

Postponed to 3/09/2015 Hearing

4. **New Annual Common Victualler License:** Application of Audrey and Vito Marotta, d/b/a Café 75/Porky's Concessions, 75 Perseverance Way, Hyannis,

Audrey Marotta, Manager, for a New Annual Common Victualler License, with 48 interior seats to be operated 9 am to 3 pm; Monday-Friday as approved by the Building Commissioner.

Audrey Marotta appeared on behalf of this application. Her Dad was sick and paperwork was never filed for last year's renewal. This license is Audrey and her brother Vito. Mr. Hoxie asked where they are located; across from Home Depot. Basically we are there for the people in the building; lunches for Savant employees. Mr. Scali stated that the check bounced for this filing and that they need to pay for the last 2 years of renewals. Also, the Licensing Department needs to validate that the Health permits are in order.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented as long as all financial obligations to the Town of Barnstable are satisfied relative to this licensee.

5. **Amend/New Class II Auto Dealer License:** Application of Barnstable Motors Wholesale, for a new Class II Auto Dealer License at 689 Yarmouth Road, Hyannis, for a maximum of 9 used vehicles to be parked outside and 2 inside per approval of the Building Commissioner.

Greig Johnson appeared. My father has retired and I am taking his place. No changes to the license.

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

6. **Transfer of Annual All Alcohol Retail Package Goods Store License:** Application has been filed by Osterville Market Partners, Inc. d/b/a Fancy's Market 699 Main Street, Osterville, Frank J. Falcone, Manager, for transfer of an Annual All Alcohol Retail Package Goods Store License.; 699 Main Street, Osterville: Wood frame building with no basement: First floor consists of five rooms (A) front room with associated halls of approx 1580 sq ft. (B) wine room of approx 216 sq ft. (C) Kitchen of approx 352 sq ft., (D) butchers room of approx 60 sq ft. (E) Dry goods room of approx 224 sq ft for a total of approx 2432 sq ft. Two front entrances/exits and one rear entrance/exit. Second floor consists of one room (break room) of approx 241 sq ft and one entrance/exit. Third floor consists of office space totaling approx 386 sq ft. Hours of alcohol sales 8 am – 11 pm M-Sat; 10 am – 11 pm Sun.

Attorney Michael Schulz appeared on behalf of the application. Mr. Scali stated that we advertised the hearing incorrectly and must re-advertise. The new corporation was referenced as opposed to the new and the old corporations. We need to re-advertise the application and cannot make a decision today.

Transfer from Swiss Vineyards Inc to Osterville Market Partners. Currently licensed since 2002, the owners are Brian and Kathy Smith. In January assets

of the business were purchased. Only item changing on the current license is ownership. Mr. Falcone will be the licensed manager. Mr. Falcone was going to be an equity owner previously, he is now going to be the manager. There is no one new from the existing application we are changing from 3 officers to two officers. The ownership will be 50/50. Mr. Falcone will be taking a salary. There is going to be no ownership for Mr. Falcone. Ms. Hartsgrove asked is this just the one location; yes. The ABCC application needs to be amended to reflect these changes.

Continue this hearing until 3/09/2015

New Business:

1. **New One Day Beer and Wine License:** Application from Hyannis Chamber of Commerce for a networking event to be held at Balise Nissan, 322 Falmouth Road, Hyannis on February 18, 2015 from 5pm to 8pm. .

Jessica Sylver appeared for this event. Ms Sylver stated that we do this networking event every month. Mr. Scali had a conversation with Jessica on Friday to clarify how to apply and in what situations a hearing would be required for these special events. When there is an event where there is a charge, you must come in and apply. If the event has occurred before you will need to apply but not appear at the hearing. It is important to the public. Mr. Scali confirmed that is should really be the Chamber applying not the business location since the Chamber is receiving the funds from the event.

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

2. **Consent Agenda:** Vote to accept the Consent Agenda of the 02/09/2015 Meeting

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

Licensing Division Updates:

1. Licensing Department updates:

Seasonal Licenses are getting ready for renewal. In reference to tablets, a meeting is scheduled for Thursday with Dan Wood from IT. There will be a large purchase of tablets for all committees to use. Website changes have been made; this is a work in progress. The Shanghai Restaurant is officially closed. Draft goals have been included in your packet, both for the Licensing Division and the Licensing Authority.

Mr. Hoxie stated that we are already doing a lot of goals. Rules and regulations were discussed with Officer Maher. We need more regulations for enforcement and compliance. What are our expectations? The other item would be to review the fee schedule. Mr. Burman stated that we have too many regulations. Mr. Scali commented that this is the time to look at all regulations.

2. Police Department updates

Lt. Murphy informed the Licensing Authority that the Grand Jury brought forth indictments on 6 separate individuals in relation to the Shanghai Restaurant. One indictment included minors. Most of these indictments carry mandatory state prison sentences.

Lt. Murphy also stated that a search warrant was issued at the International Inn; this is an ongoing investigation with cooperative help from management at the Inn. Mr. Semprini asked if there has been a shift in drug activity/location. Lt. Murphy, no specific changes are evident. Sadly, the closing of the Shanghai will not end the drug activity.

Executive Session: Updates on the pending Court Case for 1) Ferreira's Recycling, Inc., 85 Old Yarmouth Road, Hyannis and 2) the pending ABCC appeal for The Compound Bar and Grille, 644 Main Street, Hyannis.

A request for Executive Session was made by Attorney David Houghton. A declaration was made that to hear these items in open session would be detrimental to the on-going Court cases .

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to move into Executive Session for items 1 and 2 and not return to open meeting.

Release of Executive Session Minutes, if any (0). Approved and held.

And any other new business to come before the Licensing Authority.

PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.

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. For 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 or on the municipal building in which the clerk's office is located.

The meeting was adjourned at 10:40

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Ron Semprini, Clerk
Town of Barnstable Licensing Authority

Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

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BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

February 9, 2015

Renewals:

Common Victualler:

1. Little Miss Cupcake, 388 Main Street, Hyannis
2. Burrito Loco 1, 70 Center Street, Hyannis

Auto Dealer Class II:

1. J & J Auto, 381 Camp Street, West Yarmouth/Hyannis

Special One Day Licenses:

1. **Joe Cronin Memorial Jimmy Fund Fishing Tournament:** Annual fundraising event for the Dana Farber Cancer Institute. Event is requesting a 2 day all Alcohol liquor license for August 6th and 7th. Event to be held at Nauticus Marina, 339 West Bay Road, Osterville.
2. **Paws at the Beach Festival and Walk:** Annual event to be held to benefit the Cold Noses Foundation. Event is requesting a One Day Entertainment License to be held on May 9, 2015 from 8:00 am to 5:00 pm including both set up and clean up time. Event to be held at Long Beach Road, Centerville.