

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

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: April 13, 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, April 13, 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 03/23/15 Meeting

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 03/23/2015 meeting.

Public Hearings:

1. **New Annual Common Victualler Wine and Malt License, Change of Location and New Non-Live Entertainment License:** Application has been

filed by Holt Pizza Inc., d/b/a Scottie's Famous Pizza 244 Iyannough Rd, Hyannis, Stephen M. Holt Jr, Manager, for transfer of an Annual Common Victualler Wine & Malt License: to MacFraga Inc., d/b/a Scottie's Famous Pizza, Alex MacDonald, manager and change of location to 11 Ridgewood Ave, Hyannis Description of Premise: Concrete building with one entrance at the corner of Ridgewood Ave. and two exits; one to the rear and off the kitchen. Seating for 70, 12 additional at the bar, 10 standees and 5 employees for a total occupancy of 97; all approved by the Building Commissioner. Hours of alcohol sales 11 am – 11 pm M-Sat; noon – 10 pm Sun. Non-Live Entertainment to include 2 televisions and recorded music.

Attorney David Lawler appeared on behalf of this application. Alex Fraga and Alex MacDonald also appeared. Scotties has been around for 20 years. Alex Macdonald has been the manager, not liquor, for the past 4 years. The landlord chose not to renew the lease. Attorney Lawler contacted Lt. Murphy regarding the new location and the previous tenants, desire to work with the Barnstable police. This location is not a bar or lounge. It is a pizza place serving beer and wine. Requesting to close at 11:00 PM. These owners are concerned with the safety of the community, to get the location back to what it should be. These young gentlemen have a tremendous opportunity. They have developed a security plan with cameras, lighting etc. No one under the age of 21 will be served. This is a continued operation; relationships are in existence with all the vendors. Scottie's has a good history never appeared before this board. They have a fair bit of experience.

Mr. Hoxie asked if they will still have a bar. No alterations to the premises are being done, primarily due to cash flow. Intended to get a pizza and a beer not a bar room. They are being very careful about the hours of operation. The new owners have agreed to have their attorney be the contact person with the police. Want to ensure that what occurred at the location with the prior owners does not reoccur. Tremendous benefit to the community, want it to be safe and crime free. Mr. Burman, how do you handle beer and wine with your delivery service? We do not deliver. Mr. Semprini stated a shame that so much money needs to be spent on security. There will be at least 6 staff on Tuesday- Saturday, 5 on Sunday - Monday; there may be more as we get busier. All equipped with radios. Hypothetically, if something occurred will you be comfortable calling the police; yes.

The absence of alcohol and the reduction on hours will be very beneficial. Lt Murphy asked what Mr. Fraga's role is. He is 50% owner. Mr. Fraga will work in the kitchen. Mr. MacDonald is the President and responsible for the liquor license. Mr. Fraga's previous experience is in painting and cleaning businesses; also worked at Olive Garden and Regina's Pizza.

Lt. Murphy asked what are the financial interests in the business. The owners received a loan from a family member of \$10,000. The majority of the money was borrowed. They have access to a line of credit from the family members if the

need arises. They are not running a COD type of business. Patrons order at the counter and food is delivered to the dining room. We have not done waitress service in the past. Mr. Scali asked if they have gone through all inspections. Mr. MacDonald replied I have spoken to the inspectors. Stephen Holt is holding 100% paper; payments do not begin until the end of the summer.

Patty Machado, Director of Leisure Services, spoke in favor stating very few operations want to do all the Town paperwork. We have had a great relationship. This will be a better location, we are in favor.

Lt. Murphy stated that the community deserves a good business at that location His concerns are 1. This has been a problem location since 1980. 2. Concerned about their age of the applicants and the alcohol being served at this location. According to Attorney Lawler, Mr. MacDonald's father will also be at the location, he is in his 50's. To reiterate, this is not an all alcohol request, this is not a bar. They would consider 10:00 pm closing time if the Authority so chooses. These men showed the mental toughness and maturity to take over a problem location. Lt. Murphy stated he is not opposed to Scotties Pizza, I know Mr. Fraga and I do not know Mr. MacDonald.

Lt. Murphy asked Mr. MacDonald, how old is he; 24. Mr. MacDonald stated he is aware of the concerns about our ages. He has been working in restaurants since he was 16, he grew up here. It is very cool to think that we can build this corner up again.

Mr. Hoxie reiterated that you need to work with the Barnstable Police department.

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

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to operate without alcohol as soon as all permits are approved.

- 2. New Annual All Alcohol Common Victualler License, Daily Non-Live and Pool Table License:** Application of G.E.L.S., LLC d/b/a The Nor'easter, 20 Scudder Avenue, Hyannis, Andrew J. Glassman Manager, for an Annual All Alcohol Common Victualler License: 6153 sq ft building, dining room with 104 seats, 2 bathrooms. Kitchen with rear exit, front lounge area with 28 seats, bar with 12 stools, billiard room with 14 seats and a bathroom, garden room with 26 seats, a dividable banquet room with 33 and 16 seats. Basement storage and attic office; all approved by Building Commissioner. Hours of Alcohol sales are 11 am – 12:45 am daily.

Also requested are licenses for Daily Non- Live Entertainment (recorded music, radio) from 11 am to 12:45 am in the indoor dining areas as well 4 TV's and one pool table.

Attorney Kristen Greenwood appeared on behalf of the application. Andrew Glassman also appeared. The proposed restaurant was originally the Paddock; very family oriented. No live entertainment. The new applicants are working closely with the Melody Tent.

There have been some building codes improvements, new grease trap, flooring. The general appearance remains the same. Some cosmetics and painting are also being done.

Each and every employee will be Tips and crowd control certified. 50-60 new hires; functions will also be available.

We are expecting to close at 12:30 but not later than 12:45 am, 10:00 in winter months. Revenue projections are for 1.2 to 1.4 million per year. Andrew Glassman is part owner and will be manager; 10 plus years restaurant experience. Menu is Cape Cod fare and we will be open year round.

The pool room area will be separated with only 16 seats in the location. Not a typical bar type atmosphere; more for sports. The TVs will be 42 inches, 55 inch in lounge and 72 inch in billiard room.

Mr. Glassman has managed for Gary previously, at the Cape Cod Mall. We are looking for families, no charge for the pool table.

Mr. Semprini asked why T. Murphy's closed and any reason why there is no live entertainment; may be in the future. Attorney Greenwood stated the Mall location was very expensive and could not sustain itself.

Mr. Roy is not here due to a family commitment. Mr. Scali asked to explain the financials. Mr. Roy's mother provided \$150,000. She does not have an interest in the business. The investors are the landlords; they also own the Cape Cod Melody Tent. Mr. Scali reiterated that Mr. Roy is a 95% owner and he is not here; he should speak to the commissioners. How does Mr. Roy see this business venture working? Mr. Roy has owned restaurants in Nantucket and Vermont that were both successful. Mr. Scali asked how long he owned these restaurants, Attorney Greenwood was not sure.

Want to be operational on May 15th. Mr. Burman we issued his license to T. Murphy's in 2012. Shortly after that the business was up for sale. The current lease with Smith Heirs LLC is much different than the Cape Cod Mall lease. We would like to speak to Mr. Roy.

Kevin Cane, Attorney representing the Smith heirs. I interviewed and vetted 15 different groups for this restaurant. Mr. Roy was the best. The building was tired and needed many upgrades; a new roof also went in this winter. Mr. Roy has placed approximately 100,000 in the building. If we delay, my clients will be hurt financially. The lease at the Mall was approximately 4 times the expense. The location is not turn key as you state.

Mr. Scali states that there are some monetary issues. Mr. Roy has done everything he stated that he will do with respect to the location.

Mr. Semprini you need to understand our concerns at this time. There is a 30 year history at this location. The building has really been improved upon. The manager at the Melody Tent is very much behind this.

Attorney Ray Tomlinson appeared, the Mall lease had hidden costs that Mr. Roy did not investigate properly. Those hidden costs prevented the success of T. Murphy's. There is a confidentiality agreement in place at this time so no details of the settlement can be discussed.

Mr. Roy may lose some of his hires if delayed for 2 weeks. Mr. Glassman will be responsible for the day to day running of the business.

Ms. Hartsgrove, we are unable to send the application to the ABCC if continued.

*****Continued to 4/27/2015 Licensing Authority Hearing****.*

New Business:

1. **Consent Agenda:** Vote to accept the Consent Agenda of the 04/13/2015 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the Consent Agenda of the 4/13/2015 meeting with the exception of the Junk Dealer Renewal for Best for Less which will be continued until 4/27/2015.

2. **Renewal Special Entertainment License:** Best Buddies International Annual Event to be held at the Eunice Kennedy Shriver Ocean Park, 110 Craigville Beach Road, Centerville, MA 02632. The evening Entertainment event will be held Saturday May 30 2015 from 4PM-6PM. Best Buddies Challenge event is celebrating its 15th year.

Bill Sykes represents the event. Mr. Scali stated that the same individual complained at last minute, requested that the area is not appropriate and that Best Buddies hold their event at another location. Mr Sykes has stated that we try to be accommodating. Smaller tent, no Sundays, dumpsters removed on Sunday morning and other concessions (see attached).

Mr. Burman stated that he is seeing ads on television for the event before the hearing has taken place. The application was sent in early but Mr. Sykes was not able to attend an earlier hearing due to his schedule.

Normally we hear this application in January but schedules conflicted. You can apply in August for next year should you choose.

Mr. Scali has stated that you have dealt with Mrs. Capizzi repeatedly. Can you do anything more? It does take time to build the location. Equipment is turned off and not left running. I do not think we can process this any faster; try to be accommodating as possible.

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

- Ferreira's Recycling Inc., 85 Old Yarmouth Rd, Hyannis : Junk Dealer's License:** Update to pending Court case.

Mr. Scali stated that Town Officials are continuing to work with Mr. Ferreira. The site visit was very productive. Mr. Houghton will present an update on 4/27/2015.

Licensing Division Updates:

- Licensing Department updates** – Pedi-cabs is a new business for another young entrepreneur. Draft rules and regulations are being done. Enforcement will be licensing Authority and Barnstable Police Department. The Town Manager will administer. Pilot program this year; only one company with a maximum number of 5 vehicles. License each vehicle and each driver. Legal needs to give final signoff and then public hearing and then applications. Target date is June 1st. The BID is in favor.
- A number of Board of Health Updates** - 7/11 is still closed at this time. Mr. Hoxie should we have a show cause hearing; yes.
- Police Department updates**- Officer Maher scheduling mandatory Alcohol meetings. The meetings are April 29th at 9:00 and 11:00 Hyannis. April 30th meeting will be at 10:00. Officer Maher will be requesting a show cause hearing for Embargo on 5/18/2015.

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

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

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

The meeting was adjourned at 11:08

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

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

March 23, 2015

1. Forfeiture of Licenses:

1. **Common Victualler All Alcohol License** - Kisker Enterprises Inc., d/b/a The Paddock, 20 Scudder Avenue, Hyannis

2. Withdrawal of Change of Hours Service:

Hess Mart #21243, 50 Ocean Street, Hyannis

3. Renewals:

Common Victualler:

1. Coffee Table Café, 230 A Ocean St., Hyannis
2. The Barnacle, 988 Craigville Beach Road, Centerville

Junk Dealer's:

1. Diamond Perfections, 422 Main Street, Hyannis
2. New England Jewelry, 342 Main Street, Hyannis
3. Sweet Pea's Nest, 4083 Main Street, Cummaquid
4. Best For Less American Treasure, 207 Iyannough Rd, Hyannis – continued to 4/27/2015
5. Quality for Less, 235 Iyannough Rd, Hyannis

Amphibious Tours:

1. Cape Cod Duckmobile, 437 Main Street, Hyannis