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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

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**DATE OF MEETING: May 23, 2016**

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: 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA**

A meeting of the Barnstable Licensing Authority was held on Monday, May 23, 2016. 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; and Maggie Flynn, Recording Secretary.

### **Vote to accept Minutes**

1. Vote to accept minutes of the 5/09/16 meeting.

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 05/09/16 meeting.**

### **New Business:**

1. **Consent Agenda:**

**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. **Application for Change of Manager for an Annual All Alcohol Common Victualler License:** Application of Chipotle Mexican Grill of Colorado LLC d/b/a Chipotle Mexican Grill #2592, 793 Iyannough Rd., Hyannis on their Annual All Alcohol Common Victualler License, for a Change of Manager from Christopher Martin to Nathan McConatha.

*Nathan McConatha appeared on behalf of the application. Mr. Scali asked about the nationwide Health issues; Chipotle has had 2 Health Department inspections with no issues. We did not have a large drop in sales as we are very seasonal.*

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

2. **Application for a New Annual Common Victualler, Non-Live and Karaoke Licenses:** Application of Mikey Mikes Inc., d/b/a Mikey Mikes/Sweet Kiwi, 793 Iyannough Rd., Hyannis, Michael Putnam, Manager, for an Annual Common Victualler License. 20 Interior seats with 5 employees and 10 standees all approved by the Building Commissioner. Hours of operation will be 9:00 am to 9:00 pm daily. Non-Live Entertainment to include recorded music and 2 TV's; also requesting a Karaoke License.

*Mike Putnam appeared on behalf of the application. Ms. Flynn stated that the General Manger at the Cape Cod Mall will not allow Karaoke. Application was approved without karaoke.*

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented without karaoke.**

3. **Application for a New Class II Auto Dealer License:** Application of Nicholas Harmansky, d/b/a/ Hyannis Foreign Auto Sales for a new Class II Auto Dealer License at 91 Rear Falmouth Rd., Hyannis, for a maximum of 15 total vehicles. Six interior display spaces and 9 exterior display spaces; 2 of which are employee and 3 of which are customer. All approved by the Building Commissioner on 3/24/16.

*Attorney Michael Pierce appeared along with Nicholas Harmansky. There was not a Class II license at the location previously. Nick reviewed the map as to how he will display and store the cars for sale. Mr. Scali has asked what the benefit of having used cars way out back, this my attempt at selling without frontage. Nick stated that he has a large client base. Mr. Scali asked about the condition of the lot? There are no lines at this time; the building needs some painting and work. Nick has operated his current business for over 35 years without any complaints. Lt. Murphy stated that they have never had an issue with this applicant. Mr. Scali reiterated that we do not need another used car lot. Lt. Murphy again reiterated that he is in favor of this application. Mr. Burman reiterated that he feels we have too many used car licenses. Mr. Hoxie stated that this is not an alcohol license that needs to demonstrate a public need. Mr. Semprini also agreed with Mr. Scali and Mr. Burman.*

**A motion was duly made by Mr. Semprini, seconded by Mr. Hoxie and a 2-1 vote taken to accept the application as presented.**

4. **Application for as New Junk Dealer's License:** Application has been filed by Ellen Mead, d/b/a Thrifty Stylist, 1678 Falmouth Rd., Centerville, Ellen Mead, Manager, for a New Annual Junk Dealer License. Hours of operation to be 9 am to 5:00 pm, Tuesday through Thursday.

*Ellen Mead to sell used women's clothing and used furniture. There will be iron racks and an L shaped counter. Mr. Scali asked that the plan be updated. Lt Murphy reviewed the weekly and monthly reporting requirements. The dates are Thursday through Tuesday.*

**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 to Amend Hours of A Seasonal All Alcohol Common Victualler License:** The Barnstable Licensing Authority will hold a public hearing on the application of Cotuit Harbor Enterprises Inc., d/b/a Gringo's to amend the business hours on its Seasonal All Alcohol Common Victualler License to 7 am to 1 am daily, from 8 am-1 am Monday – Saturday and Sunday 10 am – midnight.

*Jim Carey appeared on behalf of the application. Amend the licenses to 12:45 AM and they are adding breakfast. 7:00 AM opening for 7 days per week.*

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

## **Show Cause Hearings:**

1. **Show Cause Hearing for a Class II Auto Dealer License** : The Barnstable Licensing Authority will hold a Show Cause Hearing for Jeremy Brito, d/b/a Brito's Auto Sales, 657 Yarmouth Road, Hyannis for violating the Town of Barnstable Licensing Authority Rules and Regulations for Class II Auto Dealerships and MGL c.140 §59 for displaying and storing vehicles outside of the licensed premise without being properly licensed by the Local Licensing Authority.

*Jeremy and Manny Brito appeared. They have submitted a new plan to zoning. They have to go in front of site plan review. They need to tear the house down first. Want to give the tenant 14 days to remove all vehicles form the back. Mr. Scali cannot close the show cause hearing; you must adhere to a plan on that lot. There was not a TSA fine, it was a warning. Lt Murphy thanked the Board for their patience and to the Brito family. To comply with their license a new plan was submitted. We will be required to provide an engineered plan.*

**\*\*\*\*Continued to July 18, 2016\*\*\*\***

2. **Show Cause Hearing for a Seasonal All Alcohol Common Victualler License** : The Barnstable Licensing Authority has scheduled a Show Cause Hearing to consider suspension, modification or revocation of the Seasonal All Alcohol Common Victualler and Entertainment licenses be called for Robin's Nest Grill Inc., d/b/a Eclectic Cafe, Edward Rosario, Manager, 606 Main Street, Hyannis for the following violations of the Town of Barnstable, MA Code: §501-14: (1) Violation by the licensee of any provision of the relevant General Laws of the Commonwealth or the relevant Ordinances of the Town of Barnstable or of any rule or regulation of any Town of Barnstable agency or of the Alcoholic Beverages Control Commission or of any rule or regulation of the Licensing Authority. i.e.: failure to comply with IRS payment.

*Mr. Scali stated the applicant is in compliance.*

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to place in the file.**

### **Licensing Division Updates:**

1. **Licensing Department updates:** Mr. Scali reviewed the compliance meetings. Rules and Regulations are still in process; next work session is June 13, 2016.
2. **Police Department updates:** Lt. Murphy stated we are advertising for a replacement to the Consumer Affairs Officer. Lt. Murphy added thoughts and prayers for Ronald Tarrantino; the Auburn Police officer killed this week. Mr. Burman recognized Lt. Murphy for his good job with last week's compliance meetings.

**Work Session:** Town of Barnstable Rules and Regulations second work session.

**\*\*\*\*Continued to June 13, 2016\*\*\*\***

Mr. Decker recognized Mr. Logan in the Audience and that the Sea Street Deli signage has been corrected. Mr. Semprini also recognized Mr. Logan. He has been going to several restaurants.

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

▪ **Matters not reasonably anticipated by the Chair**

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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 in

# **Town of Barnstable**

## **Consumer Affairs**

**Elizabeth G. Hartsgrove, Supervisor**

**Licensing Authority**

**200 Main Street**

**Hyannis, MA 02601**

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### **BARNSTABLE LICENSING AUTHORITY**

# **CONSENT AGENDA**

**May 23, 2016**

#### **Renewals:**

1. **Application for (2) One Day All Alcohol and (2) Entertainment Licenses:** Application of Dean White on behalf of the Holy Ghost Society of Santuit and Cotuit for (2) One Day All Alcohol and Entertainment licenses for the following event: 125<sup>th</sup> Annual Portuguese Fest, 53 Main Street, Cotuit. Fest will be held on June 18<sup>th</sup> and 19<sup>th</sup>. Entertainment to include a 5 piece/performer band.
2. **Application for a Retroactive One Day Entertainment License:** Application of Elizabeth Wurfain on behalf of the Hyannis Main St. BID for a One Day Entertainment license for the little train rides at the Spring on Main event on the Hyannis Village Green. Event took place on Saturday May 14, 2016 from 12:00-4:00 PM.
3. **Application for a One Day Entertainment License:** Application of Cristan Vineis on behalf of the Waldorf School of Cape Cod for a One Day Entertainment license for the annual Summerfest in Cotuit event. The event is to be held at the Waldorf School, 140 Old Oyster Road, Cotuit on July 4, 2016 from 11:00 AM to 3:00 PM. Entertainment is for 1 performer with amplified music.
4. **Application for a One Day All Alcohol and Entertainment License:** Application of Bill Abbott on behalf of Sail Cape Cod for a One Day all Alcohol and One Day Entertainment license for the annual Night at the Museum II fundraiser. The event is to be held at the Cape Cod

Maritime Museum, PO Box 1954, Hyannis on 6/3/16 from 5:30 – 8:30 PM. Entertainment is to include amplified recorded music and DJ.

5. **Application for (9) One Day Entertainment, (2) One Day Beer and Wine with Entertainment and 1 All Alcohol with Entertainment Licenses:** Application of Maryann Colombo on behalf of the Osterville Village Library for 12 various one Day applications for the Annual Concert Series events that are held at the Osterville Village Library, 43 Wianno Ave., Osterville. Events run from June 30, 2016 – September 24, 2016 (scheduled attached). Entertainment to include non- amplified recorded music.

**Common Victualler:**

1. RTPK Associates, 590 Sandynneck Rd., West Barnstable

The meeting was adjourned at 10:20

Respectfully submitted,

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

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Ron Semprini, Clerk  
Town of Barnstable Licensing Authority