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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: April 08, 2019

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, April 08, 2019. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Vice-Chairman, David Nunheimer, Clerk; Larry Decker, Associate Commissioner, Nancy Karlson-Lidman, Associate Commissioner, Richard Scali, Licensing Director; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary. David A Hirsch was absent.

Vote to accept Minutes

1. Vote to accept minutes of the 03/18/19 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 03/18/19 meeting.

New Business:

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

Application of Mary Lyons on behalf of the casual Gourmet for a One day all Alcohol and Entertainment licenses for the Duffy Center Annual Gala. The event is to take place on May 3, 2019 from 5:00 PM to 9:00 PM at the Barnstable Municipal Airport, 480 Barnstable Rd., Hyannis. Entertainment is for a jazz trio.

Sara Grambach appeared on behalf of the application. This is an annual event; tickets are \$195.00. There will be approximately 300 guests. There will be two bars and there is an approved floor plan signed by the Building Commissioner. Thursday morning will have a final walkthrough with Building and Fire. The hours are corrected to 6:00 PM to 9:00 PM.

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

2. Consent Agenda:

A motion was duly made by Mr. Semprini, seconded by Mr. Nunheimer and a unanimous vote taken to accept the Consent Agenda as printed with the exception of AJ Marks. This license will need to be amended due to a change in location.

Public Hearings:

1. Application for a New Annual All Alcohol Common Victualler License and New Non-Live Entertainment License:

Application of Blue Moon at 430 Main Street, Inc., d/b/a Blue Moon, 430 Main Street, Hyannis, MA, Aubrey Foster, Manager, for a new All Alcohol Common Victualler License and a new Non-Live Entertainment License.

Premise Description: Building is at street level, consisting of front and rear entrance and exit, interior seating (38 seats), bar seating (6 seats) and patio seating (24 seats) for a total seating capacity of 68 seats. 4 bathrooms (2 staff, 2 customer), basement storage, kitchen area, wash area and total square feet of 1800.

Hours of operation are 10:00 AM to 1:00 AM daily.

Non-Live entertainment includes: recorded music below conversation level and 2 T.V.'s. Non-Live hours are 10:00 AM to 12:45 AM. ****Continued from 3/18/19****

Aubrey Foster and Attorney Jeffrey Johnson appeared on behalf of this application. The landlords also appeared. This restaurant was not operational last year.

Officer Gallant asked about his plans. Is this going to be a restaurant, yes, not nightlife? She asked if David Adams will be there, not sure yet. In the past there were problems with the numbers, there was smoking both inside and outside. This cannot take place. Mr. Semprini asked about his experience. Have you been in the liquor business before? Not in America. Is three employees enough? There is concern about the back hallway, would you consider cameras? Yes, already on that. Mr. Semprini suggested reading the guidebook. Mr. Scali asked about the plan, under the occupancy there is not standing around the bar. There are no investors, correct as they were going to be investing previously. They asked to open for food only.

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 for a New Annual Wine and Malt Common Victualler License:

Application of Ronny's Pizza Inc. d/b/a Ronny's Pizza, 11 Ridgewood Ave., Hyannis, Ronaldo Fraga manager for a new Annual Wine and Malt Common Victualler License.

Premise Description: Mortar concrete building with one entrance on the corner of Ridgewood Avenue and two exits; one to the rear and off the kitchen. Premises contain seating for 70 plus 12 at the bar totaling 82 seats and total occupancy of 97. Two bathrooms located in the rear of the dining room. Basement storage area approx. 540 sq. ft., kitchen approx. 600 sq. ft, dining area and bar approx 1200 sq. ft.

All approved by the Building Commissioner on 1/22/19.

Hours of operation and entertainment are 11:00 AM to 1:00 AM, Daily******Continued from 3/4/19******

Ronald Fraga appeared on behalf of this application.

Mr. Fraga apologized for Mr. Christos outburst last time. I am trying to make a living. There are cameras everywhere. We need to try and survive; we need wine and beer. I am there every day. We are closed on Mondays, because no one can do my job in the front. You need to be able to speak both Portuguese and English. I work the front and my wife works in the back.

Mr. Hoxie asked who is in charge if he must leave; my wife. Sunday we open at 3pm. Mr. Hoxie asked that a beer and wine license would easily double his business. I am behind at this time. I am 3 months in arrears in rent, Are your customers asking for beer and wine, yes. Personally, I do not drink. I am there every day, have never had a problem with the police.

Lt. Murphy stated you do not need to apologize for Mr. Christo. This is not personal. For the Board, you were involved with Scotties from Dec16. Can you give the board how much alcohol Scotties was able to sell? \$400-600/ day.

Mr. Hoxie asked is there a public need at this location? Ronny replied that people want a beer and glass of wine with their food. Mr. Hoxie asked how his relationship with BPD is. Good as far as I know. I have 2 very close friends in the department.

Lt. Murphy stated it is true that there have been few if any calls to his establishment. Did you say I sit outside your building? No, the cops do in the Chevy Dealership. There is no directed patrol of Ronny's pizza.

Mr. Semprini asked about his painting business as a very successful. Why would you leave the business? I invested money in Scotties and it was losing money. I was in Nantucket, not near my family. All of 2017 he was at Scotties, I was there every day. As being an investor and at the establishment how could you not know what was going on? Nothing happened inside the establishment. I was a single father raising my sons by myself. There is a huge concern at that location. I am there to make a change.

Lt. Murphy has respectfully requested that we go into executive session.

Mr. Hoxie has to declare that this is detrimental to the Town. Attorney Charlie McLaughlin stated there is an exemption to open meeting law. It must relate to charges that have been filed. Lt. Murphy clarified that it has no bearing on a criminal nature to Mr. Fraga.

A recess was requested for 5 minutes at 10:20 AM. We are not going into executive session. 10:38 returned to open session; does not qualify for an executive session.

Nancy Karlson-Lidman asked about 4 employees on the application; who will be handling the beer/wine? Just me responded Mr. Fraga.

Lt. Murphy stated that he does not want to taint Mr. Fraga's reputation but the Board asked him to look into the background of Scottie's Pizza. Mr. Fraga stated that Scottie's is in the past, not in the present. I am open to discuss, anyone can come into the restaurant. The investment I the business is the nexus. Ronald Fraga was an investor in this business. In December 2016 he worked 40 hours/week as adjunct manager to help support his business/son. In December 2016, the DEA initiated narcotics investigation. The central figure was Alex Fraga.

Mr. Nunheimer asked if there is anything other than his presence in the building that leads him to believe that he was involved. Lt. Murphy commented that there is nothing that indicates that Ronald Fraga sold at his residence or business. However, surveillance of the business in 2017 there were transactions taking place. You were managing the restaurant at that time.

Per Lt. Murphy, during 2017, the investigation centered on several residences and Scottie's; Alex Fraga was involved in drug transactions while he was at Scottie's Pizza. He did receive phone calls. At 45 Murphy Road, Ronald Fraga's residence, 4 kilograms of heroin/fentanyl that was located in a trailer was sold. The US Attorney elected not to charge Ronald Fraga. The cooperation of Ronald Fraga post-arrest, he had no knowledge of drugs in the trailer. He cooperated to the extent that he no knowledge of the drug activity; nor did he participate in any drug activity.

Mr. Semprini commented that he empathizes with him; He stated that he was appointed to this Board to try and make the best decisions for the Town. I have tremendous concern for what is happening in our community. This is based upon public need we do not have to grant them.

Mr. Fraga said that he thinks he will do better but may not. He needs the opportunity to make it work. He is 3 months behind on his rent.

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

3. **Application to Amend a Live Entertainment License and Change of Hours on an Annual All Alcohol Common Victualler License:** Application of 959 Bearse's Inc. d/b/a Gannon's Tavern, 959 Bearses Way, Hyannis, Michael S. Gannon manager, to amend a live Entertainment License and change of hours. Live Entertainment is to include the previously approved 28 seat outdoor deck. Request is to have 3 performers with 3 pieces. Entertainment hours are: noon - 12:45 AM; Daily
Change of hours is for an earlier Sunday opening and service time to 10:00AM from 11:30 AM.

Mike Gannon appeared on behalf of this application. This is to formally update the change of hours that have been temporarily approved. The deck is a dining area, not a smoking area. The music is not late night it will be more like 4-7pm and -8 pm. Mr. Scali asked about outdoor entertainment hours, better to narrow down the hours. This will be more of a background type of music. Officer Gallant suggested reaching out to the hotel about noise levels. There is a picket fence as a buffer. The deck is covered with a metal structure. Mr. Scali clarified that it is 3 pieces amplified.

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

4. **Application for a Change of Manager on an Annual All Alcohol Common Victualler License:** Application of GMRI Inc. d/b/a The Olive Garden Italian Restaurant #1523, 1095 Iyannough Rd., Hyannis on their Annual All Alcohol Common Victualler Malt License, for a Change of Manager from David M McCaffrey to Jaye M Peura.

Jaye Peura appeared on behalf of the application. Mr. Scali asked about staffing levels, empty tables with lines. Mr. Nunheimer recused himself from this application.

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

Licensing Division Updates:

1. **Licensing Department updates**-Seasonal renewals and patio applications. Looking at COI being signed off in July.
2. **Police Department updates** – Officer Gallant has approximately 30 responses to date for her voluntary alcohol meetings.

- **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

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
April 8, 2019

Renewals:

1. **Application for (2) One Day Extension of Licensed Premise:** Application of Michael Crowley on behalf of Ten Pin Eatery, Cape Cod Mall, for 2 One Day Extension of Licensed premise to hold Corn Hole Tournaments. The events will take place on April 14 and May 26th from 6 PM to 11 PM in the pedestrian corridor directly outside the restaurant. The remainder of the Mall is closed during these times. Alcohol will be served using the existing license.
2. **Application for a One day Entertainment and Wine and Malt Licenses:** Application of Joe MacKinnon on behalf of Cape Cod Community College for a One day Entertainment and Wine And Malt Licenses for the Garcia Project event. The event is set to take place at the Tilden Arts Center, Cape Cod Community College, 2240 Iyannough Rd., Hyannis on April 27, 2019 beginning at 7:30 PM. Entertainment will be for five performers.

Junk Dealer Licenses:

1. 009-016 Cotuit Mercantile, 45 Main St., Cotuit
2. 327-002 Cape Cod Jewelers, 366 Main St., Hyannis
3. 118-013-A03 Silva Jewelers, 1112 Main St., Osterville
4. 328-237 Best for Less American Treasures, 207 Iyannough Rd., Hyannis
5. 293-022 JCM Metals Inc., 142 Corporation St., Hyannis
6. 294-026 AJ Marks Jewelers, 973 Iyannough Rd., Hyannis **(change of location application needed to 1481 Iyannough Rd) issue Temporary license.**
7. 293-024 Gamestop #4225, 793 Iyannough Rd., Hyannis
8. 308-073-001 Spinnaker Records, 596 Main Street, Hyannis
9. 293-024 Hannoush Jewelers, Cape Cod Mall, 793 Iyannough Rd., Hyannis

Seasonal All Alcohol Common Victualler with Entertainment Licenses:

1. 301-007 Mattakeese Wharf Restaurant, 271 Millway, Barnstable
2. 290-100 Cape Cod Melody Tent, 41 West main St., Hyannis
3. 326-121 The Dockside Restaurant, 110 School St., Hyannis
4. 308-113 Tequila Charlie's, 577 Main St., Hyannis
5. 326-039 The Black Cat Harbor Shack, 159 Ocean St., Hyannis
6. 326-035-OEG Blue Water Grille, 213 Ocean St., Hyannis
7. 326-142 Trader Ed's, 11 Willow Street, Hyannis
8. 308-111 Kian & Rylee's, 561 Main St., Hyannis

Seasonal All Alcohol Club License with Entertainment:

1. 206-016 The Beach Club, 27 Long Beach Rd., Centerville

Seasonal Wine and Malt Alcohol License with Entertainment:

1. 294-075 Cooke's Seafood, 1120 Route 132 , Hyannis

Seasonal Common Victualler Licenses:

1. 226-005 The Barnacle, 988 Craigville Beach Rd., Centerville
2. 226-006 The Barnacle Too, 974 Craigville Beach Rd., Centerville

Auctioneer License:

1. Luiz Gonzaga. 16 School Street, Hyannis

Shooting Gallery License with Entertainment:

1. 294-071 Cape Gun Works, 96 Airport Rd., Hyannis

Common Victualler License:

1. 326-069 Coffee Table Café, 230 Ocean St., Hyannis

The meeting was adjourned at 11:03 AM

Respectfully submitted,

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

**David Nunheimer; Clerk
Town of Barnstable**