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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 Agenda

DATE OF MEETING: March 26, 2012

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**

Roll Call Vote: Roll call vote to accept Executive Session Minutes from 2/13/12 and seal.

Vote to accept Minutes: Vote to accept minutes of the 3/12/12 Meeting.

Hearings:

One Day Beer & Wine License: Application of Richard Ekross on behalf of Baybridge Clubhouse, 278 Main Street, Hyannis, for its 8th annual Dessert First – A Chocolate Soiree” fundraising event for Baybridge to be held at the JFK Museum, Main Street, Hyannis for a One Day Beer & Wine License on April 12, 2012 from 5:00 pm to 7:30 pm.

One Day All Alcohol and One Day Entertainment Licenses: Application of Bill Sykes on behalf of Promoter Line, Inc., 13 River Street, Plymouth, for a One Day All Alcohol and a One Day Entertainment License for Best Buddies Challenge Ride being held on June 2, 2012 starting at 7 am in Boston and finishing at 1014 Craigville Beach Road at 4 pm. The celebration will be held under a tent from 4 pm to 9 pm and include a lobster bake and a live band. Proceeds go to Best Buddies. Set up will be from May 31 to June 2, 2012. The event is expected to draw 1,500 people.

One Day All Alcohol and One Day Entertainment Licenses: Application of Paul J. Covell on behalf of Barnstable County Deputy Sheriffs Association, 546 Main Street, South Dennis, for a One Day All Alcohol and a One Day Entertainment License for fundraising for the Association and Sheriff's Youth programs, to be held on March 30, 2012 from 6 pm to 12 pm at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville. They will have a guitar player performing.

One Day Beer & Wine and One Day Entertainment Licenses: Application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a One Beer & Wine and a One Day Entertainment License for a fundraising event on May 5, 2012 from 4:30 pm to 7:30 pm to include wine & beer tastings and a jazz combo will perform.

One Day All Alcohol License: Application of Mary Lyons of Casual Gourmet, 31 Richardson Road, Centerville for Duffy Health Center of Hyannis, for a One Day All Alcohol License for its 3rd annual fundraising gala to be held at Rectrix Aerodrome, 730 Barnstable Road, Hyannis on May 11, 2012 from 6:00 pm to 10:00 pm.

Modification of Daily Live Entertainment License: Application of Baxter's Boathouse Club, 177 Pleasant Street, Hyannis, Samuel T. Baxter, Manager, to amend it's Daily Live Entertainment License to add additional entertainers, for a maximum of three entertainers, amplified, from 7 pm to 12:45 am Thursdays, Fridays and Saturdays.

Change of Manager: Application of Beech Tree Cantina, LLC d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, for a Change of Manager from Matthew P. Conley to Caitlyn E. Sweeney.

New Class II Auto Dealer License: Application Ana Paula Faria, d/b/a G Motors, 417A & B Yarmouth Road (vehicle storage) & 431B Yarmouth Road (office), Hyannis, MA for a New Annual Class II Auto Dealer License, hours of operation to be Mon – Fri, 8 am to 5 pm, Saturday 10 am to 2 pm. Maximum of 19 vehicles total on premises, not to exceed 12 vehicles parked outdoors. No washing of vehicles on site; no repair of vehicles on site.

New Non-Live Entertainment and Games License: Application of Oshane Brown, d/b/a Big O's Gaming Lounge, 769 Iyannough Road, CC Mall Unit W133A, Hyannis, Oshane Brown, Manager, for a New Non-Live Entertainment License for 20 games. The games are Wii and Play Station XBox games. Individuals will pay to play the games for increments of time.

New Annual All Alcohol Common Victualler License, Daily Live and Non-Live Entertainment Licenses: Application of Prova Brazil Steakhouse, LLC, d/b/a Prova Brazil Steakhouse, 415 Main Street, Hyannis, MA, Fabio Soriano De Oliviera, Manager, for a New Annual All Alcohol Common Victualler License: Premises at 415 Main Street, Hyannis consists of a 3,370 sq ft fenced-in outside service/patio area with a bar of 21

seats, 21 tables with 84 seats and 11 lounge seats – access to which is the main entrance on Main Street with alternate emergency exit to the east; one two-story structure, 1st floor of which has a kitchen with dishwasher room, walk-in cooler, storage & mop rooms & grill area, 219 sq ft men's & 275 sq ft ladies' restroom, 2,010 sq ft dining room with 33 tables & 136 seats, 560 sq ft dining/entertainment area with 9 tables & 36 seats, 533 sq ft bar area with 25 seats & 25 standees, 66 sq ft foyer & 190 sq ft area with occupancy of 20. Total patron service/access area sq footage is 3,853. Access to 1st floor is by main entrance and French doors leading to/from bar area on north side of bldg. Two additional emergency exits on east side of bldg. Kitchen/service entrance & service entrance to the rear, both on west side of bldg. 2nd floor: offices, restrooms & storage only. Maximum exterior occupancy of 145 including 116 seats, 8 shift employees & 21 standees at patio bar. Maximum interior occupancy is 290 including 225 seats, 20 shift employees & 45 standees and/or patrons waiting to be seated. Maximum occupancy total for indoor and outdoor service is 435, 341 of which are seats. Restaurant open 8 am to 1 am. Also requesting live entertainment for up to 4 entertainers, dancing (560 sq ft dance floor), non-live entertainment and 4 t.v.'s, all from 11 am to 12:45 am daily. Six tables of 4 seats ea. Will be removed during live entertainment and/or dancing.

New Seasonal Common Victualler License: Application of Cynthia J. Oliver, d/b/a Lobstahs, 569 Main Street, Unit D12, Hyannis, Cynthia J. Oliver, Manager, for a New Seasonal Common Victualler License, the hours of operation to be 10:00 a.m. to 6:00 p.m. with seating at tables outside for 18. Continued from 3/12/12.

Changes to Chapter 502 Junk Dealer Regulations: Hearing requested by the Barnstable Police Department, which has identified as an issue, and has requested the Licensing Authority consider adoption of changes to the regulations for Secondhand Dealers and Collectors as outlined in Chapter 502, Sections 4C&D, and 6E&F as follows: 4C. An individual digital photograph will be taken of each item purchased as defined under regulated property section 1-E. The photograph will be stored electronically, and are subject to the same record keeping requirements as listed in section 6-A. Copies of the photographs will be transmitted to the police department weekly, and are subject to the same rights of inspection as listed in section 8.

4D. The licensee shall cause to be transmitted electronically to the Barnstable Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided.

If, during the preceding week such Secondhand Dealers or Secondhand Collectors has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

6E. Consignment: Any of the items listed in 502-1 that are taken under "consignment" where the licensee, dealer, consignor or consignee receives any type of gain, profit, trade of property, or the recovery of expenses shall be considered regulated property and shall be reported according the established regulations.

6F. The sale or purchase of “gift cards”, store credit cards and gift certificates for other than face value is prohibited.

Show Cause Hearing Re-opened: Due to a request from Judith Eldredge, the Licensing Authority is re-opening its Show Cause Hearing for Auto Smart, LLC, Daryl Fietz, Manager, 202 Yarmouth Road, Hyannis, MA, which hearing was called for January 9, 2012 for failure to return her deposit or otherwise make her whole under MGL c. 140, §58 (c) (1) (v) (8) despite her returning the vehicle to Auto Smart, LLC for mechanical issues and higher loan payments. That hearing was closed as the Licensing Authority was advised that Ms. Eldredge was satisfied with the resolution of the matter. The Licensing Authority may cancel, suspend, revoke or further condition this Class II Auto Dealer License.

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. Continued from 8/10/11, 2/14/11, 6/20/11, 9/19/11. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011-2012 will be determined. Attorney Atwood’s Office advised they were still in Court for 9/24/11 but the matter should be wrapped up for the 10/24/11 hearing. Request was made to continue this hearing to 10/24/11 and today it was continued to January 30, 2012 as the prior Licensee is still in Court. Per request of Licensee’s attorney, this hearing will be continued to March 26, 2012.

Renewals:

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval.

Common Victualler All Alcohol:

Gringo’s, 577 Main Street, Hyannis
Blue Water Grille, 213 Ocean Street, Hyannis
Spanky’s Clamshack & Seaside Saloon, 138 Ocean Street, Hyannis
Harbor Point Restaurant, 156 harbor Point Road, Cummaquid
The Paddock Restaurant, 20 Scudder Avenue, Hyannis
Fresh Ketch, 460 Main Street, Hyannis
Mattakeese Wharf Restaurant, 271 Millway, Barnstable
Raw Bar on Ocean Street, 230 Ocean Street, Hyannis

The Dockside, 110 School Street, Hyannis

Common Victualler Wine & Malt:

Cooke's Seafood, 1120 Iyannough Road, Hyannis

Cape Cod Melody Tent, 21 West Main, Hyannis (alcohol only until schedule finalized)

Innholder All Alcohol:

Hyannis Inn Motor Hotel, 473 Main Street, Hyannis

Club All Alcohol:

Cotuit Highground, 31 Crocker Neck Road, Cotuit

Baxter's Boathouse Club, 177 Pleasant Street, Hyannis

Live Entertainment:

Blue Water Grille, 213 Ocean Street, Hyannis

Spanky's Clamshack & Seaside Saloon, 138 Ocean Street, Hyannis

Baxter's Boathouse Club, 177 Pleasant Street, Hyannis

The Paddock Restaurant, 20 Scudder Avenue, Hyannis

Fresh Ketch, 460 Main Street, Hyannis

Mattakeese Wharf Restaurant, 271 Millway, Barnstable

Raw Bar on Ocean Street, 230 Ocean Street, Hyannis

Non-Live Entertainment:

Gringo's, 577 Main Street, Hyannis

Blue Water Grille, 213 Ocean Street, Hyannis

Fresh Ketch, 460 Main Street, Hyannis

Hyannis Inn Motor Hotel, 473 Main Street, Hyannis

The Dockside, 110 School Street, Hyannis

Karaoke:

Fresh Ketch, 460 Main Street, Hyannis

Video Games:

Hyannis Inn Motor Hotel, 473 Main Street, Hyannis

Junk Dealers:

Historical Military Antiques

Business Meeting:

Release of Executive Session Minutes, if any.

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, WITHOUT FURTHER NOTICE.

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.