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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: June 13, 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: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

A meeting of the Barnstable Licensing Authority was held on Monday, June 13, 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; Elizabeth Hartsgrove, Consumer Affairs Supervisor; CAO Therese Gallant and Lt. John Murphy liaison Police Officer and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 05/23/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 05/23/16 meeting.

New Business:

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

Application of Elizabeth Wurfbain on behalf of the Hyannis Main Street BID for a One Day All Alcohol and Entertainment license for the Long Table event. The event is to be held at 599 Main Street, Hyannis in the Beech Tree Alley on June 23, 2016 from 4:00 PM to 9:00 PM.

Elizabeth Wurfbain appeared on behalf of the application. The BID is a 501C6; non-profit.

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

2. **Application for an Extension of Premise for an All Alcohol Club License:**

Application of Michael Murphy, manager, to extend the current licensed premises to the Hyannis Yacht Club dock to have a bar for a member party to be on July 16, 2016 from 5:30-11:00 PM. This is a member's only party to be held at the Hyannis Yacht Club, 490 Ocean St., Hyannis. Event includes live music and dancing by patrons (all previously licensed).

Michael Murphy appeared for the event. This is a member's only event; occurs one time per year.

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

3. **Application for (3) One Day Entertainment Licenses:** Application of Pete Lally on behalf of Spectacle Management for (3) One Day Entertainment licenses for Concerts to be held at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis. Events will be held on the following dates: July 22, September 17 and September 18, 2016 beginning at 7:30 PM.

Jack Lally appeared on behalf of the application. Admission is \$49.00 - \$79.00.

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

4. **Application for (12) One Day Wine Only Alcohol Licenses:** Application of Nico Enriquez on behalf of Downeast Cider for (12) One Day Wine Only Alcohol licenses to sell ginger flavored cider at the Osterville Farmer's Market. The Osterville Farmer's Market takes place every Friday from 9:00 AM to 1:00 PM at the Osterville Historical Museum, 155 West Bay Rd., Osterville. Market dates run from June 24 - September 9, 2016.

Nico Enriquez appeared on behalf of the application. All samples are under an ounce and ½. All servers will be TIP certified. Mr. Scali reiterated that they need a transport license. He is aware and they have complied.

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

5. Consent Agenda:

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

Public Hearings:

1. **Application to Amend Annual Live Entertainment License on Annual All Alcohol Common Victualler License:** Application of JD Camas, LLC, d/b/a Tumi Ceviche Bar Ristorante, Angel Rodrigo Camas Calle, Manager, 592 Main Street, Hyannis.

Amend request is to include live music outdoors on the presently licensed 55 seat patio. Request is for 3 performers with 3 pieces. Hours of live music are Monday-Saturday 11:00 AM to 11:00 PM and Sunday 1:00 PM to 11:00 PM. Non-live music is to include recorded music at conversation level.

Attorney David Lawler appeared on behalf of this application. The intent is to have music keeping in style with their type of food. Mr. Scali reviewed the issue of noise control. Attorney Lawler stated that there were only commercial abutters. Lt. Murphy stated that this location backs up to an assisted living location and to be aware of potential noise complaints.

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

2. **Application for a New Annual Common Victualler License:** Application of Homemade Sausage Inc., d/b/a Homemade Sausage, 573 Main St. Hyannis, Luis Clovis Ferraz Lemos Jr., Manager, for an Annual Common Victualler License. 7 Interior seats, 16 exterior seats with 3 employees all approved by the Building Commissioner on 4/11/16. Hours of operation will be 10:00 am to 9:00 pm daily.

Luis Ferraz Lemos Jr. appeared on behalf of the application. Mr. Scali asked about the exterior seats. He is not sharing with the restaurant next store.

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

3. **Application for a New Common Victualler and Non-Live Licenses:** Akira Sushi Inc., d/b/a Akira Sushi, 575 Main St. Hyannis, Emily Marcelle Holton, Manager, for an Annual Common Victualler License. 48 Interior seats, 16 exterior seats with 5 employees all approved by the Building Commissioner on 4/11/16. Hours of operation will be 11:30 am to 11:30 pm daily. Non- Live license is for 1 TV.

Emily Marcelle Holton appeared on behalf of the application. Her father-in law will be making the sushi. Mr. Scali asked about the Board of Health requirements.

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

4. **Application to Transfer Annual All Alcohol Retail Package Store License:** Application has been filed to transfer the Annual All Alcohol Retail Package Store from Parkers Discount Liquors Inc. d/b/a, Parkers Discount Liquors Inc., Maureen B Norton, manager, 1166 Iyannough Rd., Hyannis to A.J. Luke's of 132, Inc., Arthur J. Luke, manager, d/b/a Luke's Super Liquors. Description of Premise: Three room, single story building, two rooms for retail and redemption. One rear room for storage. Two entrances, three exits on Iyannough Road. Five service emergency entrances in rear portion of building. Total square footage: 6,096. Hours of Alcohol sales: Monday – Saturday 8:00 AM to 11:00 PM and Sunday 10:00 AM to 11:00 PM.

Paul Covell appeared on behalf of this application. He was representing AJ Luke and his family. Mr. Covell asked Mr. Hoxie to poll the audience for any opposition to the application to see if it is necessary to have Attorney Alberich provide his presentation. Mr. Hoxie wants to hear the reader's digest version but it may spur someone to speak so it should be heard.

Attorney Glen Alberich gave an Executive Summary version of his previously submitted brief. The Luke's have been in business over 25 years. They never have been cited for violation of the liquor laws. One employee is a certified trainer and another is security trained. They will bring their current business plan to the Parkers location. Mr. Hoxie asked if the Barnstable road property will remain open; yes. Mr. Decker asked about access from the back of the location, will that be open. Will these barriers be removed? AJ Luke stated the barriers will be removed on the first day.

Mr. Scali asked about the traffic and delivery plans? Will you be blocking off parking spaces. Deliveries will be in the rear, not an issue. Will there be a traffic problem? Mr. Scali feels that this is a very high traffic area. The Yarmouth location is our large volume store. Maureen Norton, current owner, the barrier were placed there when Stop and Shop was open. Large trucks posed a potential problem in the parking lot. Mr. Scali asked regarding the need with another location in the area. This is a survival move due to competition. Mr. Burman does not see any potential traffic problem. Maureen Norton stated that

she is confident that AJ Luke is a qualified candidate. Attorney Nunheimer also expressed a favorable comment. Lt. Murphy stated the Barnstable Police Department has had a very positive working relationship with Luke's.

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

5. **Application for a New Annual Wine and Malt Common Victualler and Non-Live Entertainment Licenses:**

application has been filed by Ocean Street Café and Deli Inc., Fredy Chavez manager, d/b/a Ocean Street Café and Deli located at 10 Ocean Street, Hyannis, for a new Annual Wine and Malt Common Victualler, and annual Non-Live Entertainment Licenses.

Description of Premise: Three story building, first floor to be licensed, 4 rooms; 2 bathrooms (72 sq. ft.), 1 dish washing room (72 sq. ft.), 1 room subdivided into 200 sq. ft. for food preparation area and 520 sq. ft. for seating and service 1 entrance 2 exits. Basement for storage (500 sq. ft.) Total sq. ft. 1364. Seating to include 43 interior seats, no exterior seats with 3 employees all approved by the Interim Building Commissioner on 5/24/2016.

Hours of Alcohol service are 8:00 AM to 8:00 PM; daily.

Non-Live Entertainment to include: 2 televisions and recorded music below conversation level. Hours of Non-Live Entertainment: 7:00 AM – 8:00 PM

Fredy Chavez appeared on behalf of the application. The building is located next to the Cape Cod Times. Deli, pastries and some grilled items. Fredy's experience was as a manager for 9 years at Alberto's Ristorante; extensive alcohol experience. We are looking to be open the 4th of July. Mr. Decker asked about parking. Fredy responded that there is a parking lot across the street.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to approve the application as presented and to allow the use of the Common Victualler license without alcohol until approved by the ABCC.

Licensing Division Updates:

1. **Licensing Department updates:** Mr. Scali updated Board on ABCC appeals. Elizabeth Hartsgrove stated that there is a team working on the plastic bag ordinance going into effect October 3rd. Waiver for 1 year.
2. **Police Department updates:** Lt. Murphy has glowing recommendation for Officer Gallant.

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

Elizabeth Hartsgrove stated that there are 4 changes to this draft:

1. **502-1, item F.** TIPS certification; amending the amount of time to 21 days.

2. **509-4, Class I&II** regarding asphalt surfaces. This item pertains to any new, amended or transferred licenses.
3. **Policy** - The ADA policy is for common victualler licenses only.
4. **Legal Advertisement Billing:** The charge will be billed to the client.

Representatives from AJ Luke's wanted to clarify some issues with training. Mr. Scali stated that this has been an ongoing process for 6 months. The BID, Civic Associations, Town Council, The Chamber etc. in addition to mentioning at the code compliance meetings have all been notified. It is time to schedule the public hearing; August 22, 2016. Lt. Murphy recognized Ms. Hartsgrove for her hard work, the BPD would like to move forward.

Mr. Burman stated he has great concern about Orlando and the Barnstable Police Department. According to Lt. Murphy, Chief MacDonald has authorized as much strength need for public safety.

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**

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

The meeting was adjourned at 10:25

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

June 13, 2016

Renewals:

1. **Application for (2) One Day Entertainment Licenses:** Application of Jeanie Hill on behalf of the Sturgis Library for (2) One Day Entertainment licenses for the Annual Antiques Show. The event will take place on 8/19 and 8/20/ 2016 from 10:00 am to 4:00 PM at the BWB Elementary School, Route 6A, Barnstable.
2. **Application for a One Day All Alcohol and Entertainment Licenses:** Application of Stacie Hevener on behalf of the Marstons Mills Public Library for a One Day All Alcohol and Entertainment licenses for the 2nd Annual Chips for Charity Casino Night. The event will take place on 6/24/2016 from 7:00 PM to 10:00 PM at Liberty Hall, 2150 Main Street, Marstons Mills.
3. **Application for (2) One Day Entertainment Licenses:** Application of Amy De Feudis on behalf of Dance Designs for (2) One Day Entertainment Licenses for Annual Dance Recitals. The Recitals will take place on 6/18 and 6/19/2016 beginning at 4:00 PM at the Barnstable Performing Arts Center, West Main St., Hyannis.
4. **Application for a One Day Wine and Malt License:** Application of Rebecca Richardson on behalf of the Rotary Club of Osterville for a One Day Wine and Malt License for the 22nd Annual Bluefish and Striped Bass Fishing Tournament. The event will take place at the Wianno Yacht Club, 101 Bridge Street, Osterville on July 16, 2016 from 4:00 PM to 8:00 PM.

5. **Application for (6) One Day Entertainment Licenses:** Application of Susan Lewsen on behalf of the German American Club of Cape Cod for (6) One Day Entertainment Licenses (schedule attached). The events will take place at the St. Mary's Parish Hall, Route 6A, Barnstable, MA. All entertainment is for dancing by patrons with a 2 piece live band.
6. **Application for a One Day Entertainment License:** Application of Peter Rohner on behalf of the Cotuit Federated Church for a One Day Entertainment license for the Annual Crafftfest, Arts and Crafts Festival. The Crafftfest will take place on the Cotuit Town Green, Main Street, Cotuit on 8/20 and 8/21, 2016 from 10:00 – 4:00 PM. Entertainment is for a live band, to be determined.
7. **Application for (4) Wine Only Licenses and a One Day Entertainment License:** Application of Susan Carey on behalf of Gallery Artrio for (4) One Day Wine only licenses and a One Day Entertainment license for four artist receptions. The receptions will be from 6-8 pm on the following dates: 7/16, 8/6, 8/27 and 9/10/2016. Entertainment, a violinist, will only be at the 9/10/2016 reception. All receptions will be held at Gallery Artrio, 50 Pearl St., Hyannis.
8. **Application for (3) One Day All Alcohol and (3) One Day Entertainment Licenses:** Application of Catherine Di Mauro on behalf of the St. George Greek Orthodox Church for (3) One Day All Alcohol and (3) One Day Entertainment licenses for the Grecian Festival 2016. The event will take place at the St. George Greek Orthodox Church, 1130 Falmouth Rd., Centerville on 7/15, 7/16 and 7/17/2016 beginning at 10:00 AM. Entertainment will include a five piece amplified band. Police details and security will be at the event.
9. **Application of a One Day Wine and Malt and One Day Entertainment License:** Application of Jennifer Williams on behalf of the Osterville Historical Museum for a one day wine and malt and entertainment license for the annual Pigs and Pearls event. The event will take place at the Osterville Historical Museum, 155 West Bay Rd., Osterville on July 10, 2016 from 5-7 PM. Entertainment to include 3 piece jazz band.
10. **Application for a One Day Entertainment License:** Application of Meaghann Kenney on behalf of the Town of Barnstable for a one day Entertainment license for the Annual Hyannis 4th of July Parade. The event will take place on the Village Green on 7/4/16. Entertainment will be the trackless train and rides.

