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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: September 11, 2017

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, September 11, 2017. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Larry Decker, Associate Commissioner; Richard Scali, Director of Regulatory Services; Elizabeth Hartsgrove, Consumer Affairs Officer; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Chairman Hoxie asked for a moment of silence for the tragedy of 16 years ago.

Vote to accept Minutes

1. Vote to accept minutes of the 08/14/17 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 8/14/17 meeting.

Action Item:

1. **Change of Beneficial Interest Amendment on an All Alcohol Common Victualler License:** Application of 99 Restaurants of Boston LLC d/b/a 99 Restaurant, 1600 Falmouth Rd., Centerville, Thomas Hamm, manager for a change of beneficial interest. This is an expedited application through the ABCC for an officer and a director leaving the Corporation.

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

New Business:

1. **Application for a One Day Entertainment License:** Application of Donna Giberti on behalf of Independence House and Cape Cod Synagogue, 160 Basset Lane, Hyannis for a One day Entertainment License for the Simply Diamond- Neil Diamond Tribute Concert. The event is to take place On October 28, 2017 from 2 pm to 8 pm at the Barnstable Performing Arts Center, West Main Street, Hyannis. Entertainment to include 5 performers.

Donna Gilberti appeared on behalf of the application.

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

2. **Application for a One Day Entertainment and Wine and Malt Licenses:** Application of Matthew Auger for a One Day Entertainment and One Day Wine and Malt License for the Cape Cod Fall 50 Event. The event is to take place at the Craigville Beach Association Parking Lot, 915 Craigville Beach Rd., Centerville on September 30, 2017 from 3:00 PM to 8:00 PM. Entertainment to include recorded music and dancing by patrons.

Matt Auger appeared on behalf of the application. There are a few improvements to the application; specifically security.

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

3. **Application for a One Day Entertainment License:** Application of Robin Orbison on behalf of CapeSpace for a one day Entertainment license for a music concert for Houston Flood victims. The event is to take place at CapeSpace, 100 Independence Drive, Hyannis on 9/23/17 from 7:00 PM to 10:00 PM. Entertainment is to include 5-6 performers with 4 to 5 pieces.

Robbin Orbison appeared on behalf of this application. This is a benefit concert for the flood victims of Hurricane Harvey. Tickets are \$50.

A motion was duly made by Mr. Burman, seconded by Mr. Decker and a unanimous vote taken to amend and approve the application to include a One Day Beer and Wine license also.

- 4. Application for a One Day Entertainment License:** Application of Jessica Lachey on behalf of Habitat for Humanity for a One day Entertainment license. The event is to take place at Veterans Beach Park, 480 Ocean Street, Hyannis on October 1 from 1:00 PM to 4:00 PM. Entertainment to include recorded music from a DJ.

Jessica Lachey appeared on behalf of the application. There will be a registration fee in place.

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

Public Hearings:

- 1. Application for a Change of Location and Manager for an Annual Wine and Malt Retail Package Goods Store:** Application has been filed to change the location and manager of the Annual Wine and Malt Retail Package Store of Speedway of Massachusetts LLC d/b/a Speedway Jennifer Gunderway manager, 50 Ocean Street, Hyannis, Hyannis. Location change is from 50 Ocean Street Hyannis to 317 Falmouth Rd., Hyannis. The Manager change is from Jennifer Gunderway to Arielle Herold.
Description of Premise: Single floor building with 1 main entrance/exit point, 1 secondary egress point, 1 roll up door. Space consists of 2540 sq. ft. of total retail floor space, including walk-in cooler, walk in freezer (exterior, accessed via inside stock room), and storage/back of house space.
Hours of Alcohol sales: Monday through Saturday 8:00 AM to 11:00 PM and Sunday 10:00 AM to 11:00 PM.
****** Postponed until 10/16/17 Licensing Authority Hearing******
- 2. Application for a New Annual Fortune Tellers License:** Application of Helen Eli d/b/a Psychic Reading and Counseling, 23 West Bay Road, Osterville, Helen Eli, Manager, for a New Annual Fortune Teller's License, to be operated 10:00am to 10:30 PM; daily.

Helen Eli appeared on behalf of the application. She stated that she intends to operate by appointment only. Mr. Scali reiterated that the Fortune Teller license is only for entertainment.

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

- 3. Application for a New Class II Auto Dealer License:** Application of Leadership Motors Inc., for a new Class II Auto Dealer License at 455 Yarmouth Road, Hyannis, for a maximum of 25 used vehicles to be parked outside per approval of the Building Commissioner and Fire Chief on 08/08/17. Breakdown of vehicles is as follows: 18 Display, 4 Customer, 2 Employee and 1 Handicap.

Julya and Rafael Oriques appeared on behalf of the application. They are taking over the Rich Covington location on Yarmouth Road. They have another dealership in Chelsea.

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

- 4. Application for a New Annual Common Victualler License:** Application of Stewart's All American CCM LLC., d/b/a Stewart's All American Grill, 793 Iyannough Rd., Hyannis, Gerry Pelissier, Manager, for a new Annual Common Victualler license. Hours of operation will be Mon-Sat 11:00 am to 9:00 pm and Sun 11 am - 6:00 pm. Seating is provided at the Food Court located at the Cape Cod Mall, 793 Iyannough Road, Hyannis.

Gerry Pelissier appeared on behalf of the application. We will be located in the Mall in the old Burger King location.

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

- 5. Application for Amendments on an Annual Live and Non-Live Entertainment Licenses:** Application of Prova Brazil Steakhouse LLC d/b/a Torino Restaurant and Bar, 415 Main Street. Hyannis, for an amendment to their current Annual Live and Non-Live Entertainment licenses. Amendments include: Non-Live- Request is to increase the number of outside TV's from 2 to 4. Live- To add 2 outside performers with one amplifier to perform from noon to 11 PM.

Attorney Steven Pizzuti and Fabio DeOliveira appeared on behalf of the application. Attorney Pizzuti reviewed the history behind the current application. He stated that they are applying for 2 entertainers and regardless of the number of performers there will be only one amplifier. Mr. Scali visited the site several times and it was agreed upon by all parties that the amplifier will be set at 4. Mr. Scali confirmed that the plan has been signed off by the Building Commissioner. There are still some outstanding issues with the Fire Department and the Deputy Chief has outlined to the applicant what needs to be completed by month end.

Attorney Pizzuti stated there have been no residential complaints to the best of his knowledge. Lt. Murphy confirmed that there have been no complaints to date regarding the One Day licenses that were issued. However he also stated that this there needs to be a coordinated effort between the BID, Consumer affairs, HyArts, Businesses and the PD moving forward. The BPD cannot and will not be the noise police. The Noise ordinance was not designed to monitor outdoor entertainment. The requests for outdoor

- 6. Application for a New Annual Common Victualler License:** Application of Island Café and Grill LLC., d/b/a Island Café and Grill, 251 Iyannough Rd., Hyannis, Erica and Patrick Sterling, Managers, for a new Annual Common Victualler license. Hours of operation will be 6:00 AM to 1:00 AM daily. There will be 40 interior seats only as approved by the Building Commissioner on 8-18-17.

Erica and Patrick Sterling appeared on behalf of this application. They will be applying for alcohol and non-live entertainment in the future. They are taking over the past Monty's Roast Beef location.

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

The meeting was adjourned at 10:28 AM

Respectfully submitted,

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

**Martin Hoxie, Chairman
Town of Barnstable**

Licensing Division Updates

1. **Licensing Department updates:** Ms. Hartsgrove stated we are beginning to get organize for the renewal process. We have a new Building commissioner that we will begin training on the renewal process. Mr. Scali updated the Authority on the Alcohol Task Force.
2. **Police Department updates:** Lt. Murphy reiterated the need for a season ending meeting regarding live entertainment on Main Street and to include all of the necessary entities. A business partner from Scotties Pizza was involved in a Federal arrest. This involves many different Agencies and Lt. Murphy will advise the Board when they may need to take action.

- 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.