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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: July 30, 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

Vote to accept Minutes: Vote to accept minutes of the 6/25/12 Meeting.

Hearings:

One Day Wine and Malt License: Application of Marilyn Fuller on behalf of Sturgis Library and Barnstable Historical Society, 3087 Main Street, Barnstable, for a One Day Beer & Wine License for its annual Autumnfest to be held outside on the grounds on September 15, 2012 from 5 pm to 7:30 pm under a tent.

One Day Entertainment License (2 days): Application of Melissa Alexander for the annual TICA cat show, Cats on the Beach, to be held at Horace Mann Charter School, Marstons Mills, on September 8, 2012 from 8 am to 5 pm and September 9, 2012 from 8 am to 6 pm.

One Day All Alcohol and One Day Entertainment Licenses: Application of D. Christian Liakos on behalf of the Cam Neely Foundation for Cancer Care/Oysterville Yacht Club, PO Box 101, Osterville, for a One Day All Alcohol and One Day Entertainment License for its annual event to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville, on July 30, 2012 from 5 pm to 11 pm. Live entertainment will be provided by the Cape Cod Band and Freddie and the Maties.

Amend Common Victualler License and Add Daily Live and Daily Non-Live Entertainment Licenses: Application of Hyannis Rendezvous, Inc., d/b/a Rendezvous Cafe & Creperie, 394 Main Street, Hyannis, Dylan Jordan, Manager, to amend its Common Victualler License to a restaurant with 48 indoor seats, 12 employees, and 15

outdoor seats on a front patio, as well as a Daily Live Entertainment License for 1-3 people with acoustic and percussion instruments, amplified, and a non-live entertainment license for a radio system and a 50" T.V., all from 11 am to 10 pm daily.

New Annual All Alcohol Common Victualler License: Application of Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill #1814, 793 Lyannough Road, Hyannis, Christopher Martin, Manager, for a New Annual All Alcohol Common Victualler License: Casual Dining Mexican restaurant at 793 Lyannough Road, Hyannis serving bottled beer and Margaritas. No bar. Hours of operation 11 am to 10 pm. Total square footage is 2,200 and there are 48 seats indoors. There is a 228 sq. ft. patio consisting of 3 tables & 6 seats. The patio is enclosed by a railing with non-locking gate. Main entrance is in the Mall vestibule in front of the Mall & parking lot facing North. There is an entrance on the East side and an exit on the South side of the restaurant. There are 2 restrooms located on the East side of the restaurant close to the East entrance and South exit. Kitchen is 939 sq. ft. Alcohol is stored in a refrigerator behind the cashier station and with dry storage by the cooler in the back of the restaurant.

New Class II Auto Dealer License: Application of Casey T. and Ryan M. DeVincent, d/b/a The Car Guys, 741B Yarmouth Road, Hyannis, MA for a New Annual Class II Auto Dealer License, hours of operation to be Mon – Sat, 9 am to 5 pm, Sun 10 am to 2 pm. Maximum of 43 vehicles total on premises.

Show Cause Hearing: Show Cause Hearing on RCSJ Group, Inc., d/b/a Fresh Ketch, 460 Main Street, Hyannis, Raymond C. Roy, Manager to determine if its Seasonal All Alcohol Common Victualler License and/or Live Entertainment License should be modified, suspended, revoked or conditions imposed due to violations of the Rules and Regulations of the Licensing Authority as follows:

1. Ch. 501-3. Admissions to the premises, Section D for a failure to provide a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers;
2. Ch. 501-3. Admissions to the premises, section H. Licensees shall not permit entrance to the premises by more persons than the number approved by the Building Commissioner for the capacity of the premises minus the number of employees working in the public areas at the time. By allowing over 300 people inside the establishment at approximately 2200 hrs.;
3. Ch. 501-5. Physical premises, Section B. The licensed premises shall conform to the floor plan approved by the Licensing Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Licensing Authority and the approval of the Licensing Authority. This includes substantial changes in the arrangement of moveable furniture. By moving tables and chairs out of the dinning area to allow for space for a DJ and dancing;
4. Ch. 501-6. Business arrangements of licensees, Section C. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Licensing Authority and the salaried employees of such persons. By allowing an outside entertainment company, (AYBOI Entertainment)

to have a financial interest in the event on May 25, 2012; 5. Ch. 501-6. Business arrangements of licensees, Section G. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the approval of the Licensing Authority. By allowing a outside entertainment company, (AYBOI Entertainment) to promote and run the "Old school reunion 5" event held on May 25, 2012; 6. Ch. 501-8. Environs of licensed premises, Section A. It shall be obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances. By not adequately having staff present for the size and type of entertainment on May 25, 2012, as well as the issues listed above. By allowing a situation to exist whereby a patron was severely injured as a result of a fight inside the establishment. Continue at the request of Barnstable Police Dept. to 7/30/12.

Show Cause Hearing: Show Cause Hearing for Davester, LLC, d/b/a Embargo, David Noble, Manager, 453 Main Street, Hyannis at the request of the Barnstable Police Department, for the purpose of determining if its Annual All Alcohol Common Victualler License should be modified, suspended, revoked or conditions imposed due to violations in Police report dated June 16, 2012 (see attached) under:

1. Mass. General Laws, Ch. 138, § 70, "No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefore has been paid to the state treasury or the city or town treasury, as the case may be,"

and violation of the Town Code Rules and Regulations of the Licensing Authority as follows:

2. Ch. 501-1-D No business requiring a license from the Licensing Authority shall operate without a valid license posted as required below.

3. Ch. 501-14-C Licensees may not fail to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Licensing Authority or upon which any application or petition relating to the premises was granted by the Licensing Authority. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the Licensing Authority and with any conditions on the license.

Show Cause Hearing: Show Cause Hearing on Ferreira's Recycling, Inc. d/b/a Ferreira's, Timothy J. Ferreira, Manager, 85 Old Yarmouth Road, Hyannis, MA 02601, at the request of the Barnstable Police Department, for the purpose of determining if its Annual Junk Dealer License should be modified, suspended, revoked or otherwise conditioned due to the following violations pursuant to the Police Report dated June 18, 2012 (see attached):

1. Violation of Chapter 502-4. Record Keeping paragraph B, of the Town of Barnstable Secondhand Dealers and Secondhand Collectors Ordinance, for failure to fill out a purchase report form in all relevant aspects at the time of purchase, Nine Counts; and

2. Violation of Chapter 502-4. Record keeping paragraph D, of the Town of Barnstable Secondhand Dealers and Secondhand Collectors Ordinance, for failure to transmit

electronically to the Barnstable Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided, 52 counts.

Business Meeting:

COMM Fire Department letter requesting approval be obtained for each event at Oyster Harbors Marine.

Mass Lottery Commission letter advising of application of Cape Cod Inn/Duck Inn Pub for a Keno license.

Release of Executive Session Minutes, if any (0).

...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, WITH PROPER POSTING.

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.