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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: December 14, 2015

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

1. Vote to accept minutes of the 10/19/15 and 11/16/15 Meetings

New Business

1. **Request for Temporary Closure of Common Victualler All Alcohol License:** Request received from Susan Finegold, of the Barnstable Restaurant and Tavern, 3176 Main Street, Barnstable to close from February 1, 2016 to March 8, 2016. A modified schedule of no lunches Monday through Thursday during January and March. Remaining schedule will be to be open for dinner every night beginning at 4:00 PM, and lunches Friday, Saturday and Sunday.

2. **Request for Temporary Closure of Common Victualler All Alcohol License:** Request received from Dave Colombo, of the Roadhouse Café, 488 South St., Hyannis to close for annual maintenance and repair from January 3, 2016 to February 11, 2016.
3. **Request for Temporary Closure of Common Victualler All Alcohol License:** Request received from Dave Colombo, of The Black Cat Tavern, 165 Ocean St., Hyannis to close for annual maintenance and repair from January 3, 2016 to March 3, 2016.
4. **Request for Temporary Closure of Common Victualler All Alcohol License:** Request received from Danielle Siscoe, of Wimpy's, 752 Main Street, Osterville to close for general maintenance from January 18, 2016 to February 10, 2016.
5. **Application for a New One Day Beer and Wine License:** Application of Paula Tropeano on behalf of Spoon and Seed, 12 Thornton Dr., Hyannis for a one day beer and wine license for the Sencorp Christmas party. The event is to be held at the Spoon and Seed restaurant location on December 17, 2015 beginning at 6:00 PM.
6. **Application for a New One Day Beer and Wine License:** Application of Jessica Sylver on behalf of the Hyannis Area Chamber of Commerce for a one day beer and wine license for a Business after Hours Event. The event was held on December 9, 2015 from 5:30-7:30 PM at iCape Solutions, 973 Iyannough Rd., Hyannis.
7. **Licensing Authority Hearing Schedule for 2016**
8. **Consent Agenda**

Public Hearings

1. **Alteration of Premises of Annual All Alcohol Common Victualler License:**
 The Barnstable Licensing Authority will hold a public hearing on the application of GMRI, Inc. d/b/a The Olive Garden, 1095 Iyannough Rd., Hyannis on their Annual All Alcohol Common Victualler License, for an Alteration of premises of the licensed location.
 Proposed change is to increase the total seating from 278 to 281 seats. These changes will be indoors, outdoor seating remains at 45 seats; all changes approved by the Building Commissioner on November 3, 2015.

Show Cause Hearings

1. **Show Cause Hearing for Embargo:**

The Barnstable Police Department have requested a Show Cause Hearing be called before the Licensing Authority for Davester, LLC, d/b/a Embargo located at 453 Main St, Hyannis. Manager David Noble for the following violations of the Town of Barnstable, MA Code:**501-5G Physical premises.** Licensees are not permitted to invite members of the general public to private areas of the premise which are approved by the Licensing Authority for storage or for an office or for a Kitchen. Only owners and employees of the licensed premises may be in that area. (1 Count.) **501-12A5 Illegal activity on the licensed premises.** Calling for police assistance to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information (1 Count.) **501-13B Injuries to persons at the premises.** Licensees shall call the police and an ambulance and to take all other reasonable steps to assist patrons or persons who are injured in or on the licensed premise or whose injuries have occurred outside the premise but have been brought to the attention of the licensee. (2 Counts.)

2. **Show Cause Hearings for International Inn:**

a) The Barnstable Licensing Authority will hold a Show Cause Hearing for the International Inn Bar & Grill d.b.a. International Inn, 662 Main Street, Hyannis, MA, Ravi Ahuja, Mgr., for violation of Code of the Town of Barnstable, Massachusetts, §501-14A1, Other causes for revocation, suspension and modification due to various Health Code violations found during an on-site inspection conducted on July 16, 2015 resulting in the closure of the operation. ****Continued from 8/12/2015 and 9/21/2015 Hearings****

b) The Licensing Division has scheduled a show cause hearing before the Barnstable Licensing Authority on December 14, 2015 for violating Code of the Town of Barnstable, Massachusetts on October 31, 2015 according to attached Police Reports and photograph: **501-5G Physical premises.** The general public was in the kitchen area at the time Police responded to the incident. (1 Count) **501-6P Business arrangements of Licensees.** Restaurant portion is operating under the name "Oasis". (1 count) **501- 8A Environs of licensed premise.** Employee of International Inn overdosed in the kitchen area while working for the establishment. (1 count) **501-9C Inspections and investigations** The Manager had no knowledge of the employee's name when Police located him on the kitchen floor unresponsive. (1 count)

3. **Show Cause Hearing for Five Bay's Bistro:**

The Barnstable Police Department and Licensing Division have requested a Show Cause Hearing be called before the Licensing Authority for J&T Food Service, Inc., d/b/a Five Bays Bistro, James Suprenant, Manager, 825 Main Street, Osterville for the following violation of the Town of Barnstable, MA Code: **501-7 Section I. Alcoholic**

beverages sales and laws: for the sale or delivery of an alcoholic beverage to a person under 21 years of age.

4. **Show Cause Hearing for Brito's Auto Sales:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Jeremy Brito, d/b/a Brito's Auto Sales, 657 Yarmouth Road, Hyannis for violating the Town of Barnstable Licensing Authority Rules and Regulations for Class II Auto Dealerships and MGL c.140 §59 for displaying and storing vehicles outside of the licensed premise without being properly licensed by the Local Licensing Authority.

Licensing Division Updates

1. Licensing Department updates
2. Police Department updates

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

Town of Barnstable

Consumer Affairs

Elizabeth G. Hartsgrove, Supervisor

Licensing Authority

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

December 14, 2015

Renewals:

Common Victualler All Alcohol:

Not Your Average Joe's, Cape Cod Mall, Hyannis
Sam Diego's, 950 Iyannough Rd., Hyannis
King Grant Racquet Club, 112 Old Kings Rd., Cotuit
Kettle-Ho, 12 School Street, Cotuit
Five Bays Bistro, 825 Main Street, Osterville
Jack's Lounge, 373 West Main Street, Hyannis
Sam Diegos, 950 Iyannough Rd., Hyannis
Barbyann's, 120 Airport Rd., Hyannis
Pain D'Avignon, 15 Hinkley Rd., Hyannis

Common Victualler Wine and Malt:

Mike's Pizza, 1220 Iyannough Rd., Hyannis
Chipolte, Cape Cod Mall, Hyannis
Regina Pizzeria, Cape Cod Mall, Hyannis
The Daily Paper, 644 West Main Street, Hyannis
Golden Fountain, 203 West Main Street, Hyannis

General On Premise License:

Cotuit Center for the Arts, 4404 Falmouth Rd., Cotuit

All Alcohol Innholder:

Resort and Conference Center, 35 Scudder Ave., Hyannis

Club:

Osterville Veteran's Association, 753 Main Street, Osterville
West Barnstable Deer Club, 1800 Old Stage Road, West Barnstable
Wequaquet Lake Yacht Club, 150 Annabelle Point Rd., Centerville
Hyannisport Club, 2 Irving Ave., Hyannisport
Hyannis Yacht Club, 490 Ocean St., Hyannis

Common Victualler:

Marylou's Coffee, 1481 Iyannough Rd., Hyannis
Regina's Pizza, Cape Cod Mall, Hyannis
Honey Dew Donuts, 313 Iyannough Rd., Hyannis
Barnes and Noble, Cape Cod Mall, Hyannis
Starbucks Coffee, 655 Iyannough Rd., Hyannis
Earthly Delights, 15 West Bay Road, Osterville
Honey Dew Donuts, 313 Iyannough Rd., Hyannis
Cooke's Seafood, 1120 Iyannough Rd., Hyannis
McDonald's, 654 Iyannough Rd., Hyannis
D'Angelo, 187 Falmouth Rd., Hyannis
Papa Gino's, Bell Tower Mall, Centerville
Spoon and Seed, 12 Thornton Dr., Hyannis
BJ's Wholesale Club, 420 Attucks Lane, Hyannis
Subway #29595, 425 Iyannough Rd., Hyannis
Subway #53322, 14 West Main St., Hyannis
International House of Pancakes, Capetown Plaza, Hyannis

Lodging Houses:

Bursley Manor, 651 Main Street, West Barnstable
High Pointe Inn, 70 High Street, West Barnstable
Honeysuckle Hill B&B, 591 Main Street, West Barnstable
The Old Hundred House, 1211 Craigville Beach Rd., Centerville
Simmons Homestead Inn, 288 Scudder Ave, Hyannis
Saltwinds B&B Guest House, 319 Sea St., Hyannis

Auto Amusement:

Ryan Family Amusements, Cape Cod Mall, Hyannis
Tri-Corp Amusements, Cape Cod Mall, Hyannis

All Alcohol Retail Package Store:

Hyannis Blanchard's, 167 Corporation Street, Hyannis
Parker's Discount Liquors, 1166 Iyannough Rd., Hyannis
Moonshine Liquors, 101 Iyannough Rd., Hyannis
Willow Package, 700 Yarmouth Rd., Hyannis
Cotuit Liquors, 3858 Falmouth Rd., Cotuit
Osterville Package Store, 11 Wianno Ave., Osterville
Craigville Package Store, 2946 Falmouth Rd., Centerville
Seven G's Liquor Shoppe, 990 Route 6A, West Barnstable
Barnstable Bottle Shoppe, 10 Seaboard Lane, Hyannis

Hyannis Package Store, 775 Main Street, Hyannis

Wine and Malt Retail Package Store:

Old Village Store of West Barnstable, 2455 Meetinghouse Way, W Barnstable
Barnstable Market, 3220 Main St., Barnstable
Gol Supermarket, 55 Iyannough Rd., Hyannis

Class I Dealer:

Hyannis Honda, 405 West Main Street, Hyannis
Hyannis Honda Bodyshop, 1364 Phinney's Lane, Hyannis
Kia of Cape Cod, 1056 Iyannough Rd., Hyannis
Hyannis Toyota, 1020 Iyannough Rd., Hyannis
Audi, 270 North St., Hyannis
Premier Mazda, 141 Stevens St., Hyannis
Land Rover of Cape Cod, 100 Barnstable Rd., Hyannis
Buckler's, 116 Ridgewood Ave., Hyannis

Class II Dealer:

Executive Auto & Sales Inc., 515 West Main St., Hyannis
Ziggy's Auto Sales, 832 Bearnse's Way, Hyannis
Prime Pre-Owned, 95 Falmouth Rd., Hyannis

Live Theatre:

Barnstable Comedy Club, 3171 Main St., Barnstable