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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

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**DATE OF MEETING: June 08, 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: 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA**

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 8, 2015. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; David Nunheimer, Associate Commissioner; Richard V. Scali, Director of Regulatory Services, Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department; and Maggie Flynn, Recording Secretary.

### **Vote to accept Minutes:**

1. Vote to accept minutes of the 05/18/15 Meeting

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 05/18/2015 meeting.**

### **Public Hearings:**

**1. Amendment of Daily Live License, Change of Manager and Change of DBA for an All Alcohol Common Victualler License:**

Application of Country Saloon Products, Inc. d/b/a The Compound Bar & Grille, 644 Main Street, Hyannis, Sara Keville, Manager, for an Annual All Alcohol Common Victualler License.

Requesting a change of Manager from Sara Keville to Michael S Gannon. Change of D/B/A from Compound Bar and Grille to Kelly's on Main. Hours of Alcohol sales are 11 am – 12:45 am daily.

Also requesting an amendment to existing Live Entertainment License to increase the number of performers from two to four and the current hours of 8 am -11pm Mon-Thurs, 8am – 12:45 am Fri and Sat and 2 pm – 5 pm on Sunday be changed to 11 am – 12:30 am, daily.

*Attorney David Lawler, David Keville and Michael Gannon appeared on behalf of this application. Three separate issues being presented today, first is the name change, trying to do more of a restaurant/tavern. The second is the manager change; Mike Gannon has a very strong resume. Fully trained knows the restaurant business inside and out. The last issue is the increase in Entertainment. Michael Gannon has spoken with Mr. Weber directly. Want to alter request to a 3 piece band from the 4 piece that were requested. The band was moved away from Mr. Weber's apartment as far as possible. We will be willing to go to 7 pm on Sunday instead of 12:45 AM as requested. 3 piece music groups are normally played in a Tavern. Mr. Gannon is trying to address all issues immediately with any of the tenants. Three to four nights per week we have entertainment with 2 pieces. It is not the intention to have entertainment 5-6 nights per week. On Sunday's we are looking for mid to late afternoon entertainment. We are not looking for a full band we are a small place. Mr. Hoxie asked if there have been any recent complaints. Mr. Weber and I discussed a base issue last week, the vibration of the base. We have spoken three different times. Mr. Semprini stated he has a concern about moving from 2-3 pieces. It is a very competitive market out there.*

*Mr. Paul Weber stated we are developing a relationship with Michael Gannon. There are 7 tenants that occupy above the Compound. Mr. Weber is not necessarily opposed against increasing from 2-3 players. Mr. Weber is willing to give it a try; we will work on the sound. To clarify, the Entertainment licenses are as follows: Monday-Thursday 8:00 am to 11:00 pm, Friday-Saturday 8:00 am – 12:45 am and Sunday 11:00 am – 7:00 pm.*

**A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented with the following changes to the Entertainment License: Request modified for 3 piece bands instead of four. Hours of Entertainment are as follows: Monday-Thursday 8:00 am to 11:00 pm, Friday-Saturday 8:00 am – 12:45 am and Sunday 11:00 am – 7:00 pm.**

2. **New Annual Common Victualler License:** Application of Gold 'N Memories Inc. d/b/a Gold 'N Memories of Cape Cod, 959 Bearse's Way, Hyannis, Carol J. Ecklund, Manager, for an Annual Common Victualler License. Interior seats total 28 with 2 employees and 15 exterior seats all approved by the Building Commissioner. Hours of operation will be 9:00 am to 9:00 pm daily.

*Carol Ecklund appeared on behalf of the application. This is for the locals and the tourists. Old fashioned ice cream bars. The main part of the building will be the crafts. Just ice cream, pastries and coffee.*

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

3. **New Annual Common Victualler License:** Application of Spoon and Seed Inc., d/b/a Spoon and Seed, 12 Thornton Dr, Hyannis, Matthew Tropeano, Manager, for a New Annual Common Victualler License, to be operated 7:30 am to 3 pm, daily. Total seating of 50 patrons: 42 dining area, 3 counter and 5 at the patio area with 20 parking spaces as approved by the Building Commissioner.

*Matthew Tropeano appeared. We will be doing breakfast and lunch, this is the old Murph's Recession. This has been a work in progress. Will be open within a week; we like the ides of farm to table. Mr. Semprini asked if alcohol is in the future; yes. Dinner is not in the future.*

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

4. **New Annual Common Victualler License:** Application of 7 Eleven Inc, d/b/a 7 Eleven #34380H, 426 Main Street, Hyannis, Roberta Smith, Manager, for a New Annual Common Victualler License, to be operated daily 3 am to 1 am. Interior seating to include 22 seats as approved by the Building Commissioner; no exterior seating.

\*\*\*Continued from 5/18/2015 Hearing\*\*\*

*Blake Cruckshank and Roberta Smith appeared on behalf of the application. Ms. Smith stated her experience; have worked in convenience for the last 3 years, 7-Eleven for two. Cleaner atmosphere, bathrooms are now locked. Training of staff is important. Additional cameras need to be approved by Corporate.*

*Mr. Scali asked what the effect would be seats versus no seats. Peak time will need seats; this will help people spend more at the location. We can limit the hours. Not having seats will hurt business. Mr. Scali asked how difficult is it for you to move people along; this is second nature for me. Police calls have been minimized. Monitoring the outside we do not recommend, we cannot do this and leave the store. The summer hours will have double coverage of staff. There will*

*be 2 people on all summer. This is a diverse work crew; responsible work crew. Lt. Murphy stated you have a big challenge in front of you. This is a unique location, school, homeless shelter, tourists and regular population. Two workers create a safer environment. You will not be penalized for calling the police department for help. Mr. Burman asked if Ms Smith is living on the Cape, she lives in New Bedford. There are 12 employees, three of which are in training. Mr. Semprini stated that we are concerned that you will not be there when needed. Ms. Smith is required to work all shifts. The assistant manager does a good job to step up when Roberta Smith is not in the store. Blake will be in the store 2-4 times per week. Lt. Murphy about your table service, the hours are an issue; specifically late night. Ms. Hartsgrove asked is it busier in the summer or school year. Pretty consistent during school year; much busier in the summer. Lt. Murphy's concern is the late night crowd, public safety issue. Mr. Semprini still has an issue with the back alley by the bathrooms; is corporate aware of the problems. Lt. Murphy offered to craft a letter for his corporate offices for more cameras. Elizabeth Wurf Bain is quite concerned. The congregating becomes a problem. Notice a big difference with the tables being removed; it has been a success in terms of Main Street.*

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

### **New Business:**

1. **Consent Agenda:** Vote to accept the Consent Agenda of the 06/08/2015 Meeting.

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

2. **New One Day Entertainment License:** Application of Joseph Izzo on behalf of the Hyannis Youth and Community Center for a Boxing Event to be held at the Hyannis Youth and Community Center, 141 Bassett Lane , Hyannis, Ma. Event to be held on August 8, 2015 with boxing from 6:00 to 11:00 PM.

*Joseph Izzo appeared on behalf of the application. The event will take place in the gymnasium. The HYCC is charging a rental rate. The tickets are being handled by the event itself. The capacity is 800. Mr. Scali suggested that we look into an Entertainment license for the HYCC. The legal department is reviewing at this time.*

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

## **Show Cause Hearing :**

1. **Show Cause hearing for The Island Merchant:** The Barnstable Licensing Authority will hold a Show Cause Hearing for Ocean Partners, Inc., d.b.a. The Island Merchant, 302 Main Street, Hyannis, MA, Joseph P. Dunn, II, Mgr., for violations of the Code of the Town of Barnstable, Massachusetts: Section § 501-3 Admissions to the Premise, over capacity and Section § 501-10 Entertainment at premise which serve food or beverages to be consumed on the premises, noise heard outside premise.

\*\*\*Per Mr. Dunn's request, continued to June 22, 2015\*\*\*

## **Licensing Division Updates:**

1. Licensing Department updates- Pedi cab applications applicants will appear June 22.
2. Police Department updates- Will offer another alcohol meeting: June 25, 2015 at 9:00 am.  
Consumer affairs officer will be posted in the near future. Cooperative effort with the Police department.

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.**

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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 building in which the clerk's office is located the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal

The meeting was adjourned at 10:35

Respectfully submitted,

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Margaret D. Flynn, Recorder  
Town of Barnstable Licensing Authority

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Ron Semprini, Clerk  
Town of Barnstable Licensing Authority

# **Town of Barnstable**

## **Consumer Affairs**

**Elizabeth G. Hartsgrove, Supervisor**

**Licensing Authority**

**200 Main Street**

**Hyannis, MA 02601**

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### **BARNSTABLE LICENSING AUTHORITY**

# **CONSENT AGENDA**

**June 8, 2015**

#### **Renewals:**

- 1. Application of Rebecca Richardson on behalf of The Rotary Club of Osterville for a One Day Beer And Wine License:** Annual Fishing Tournament event to be held on July 18, 2015. Barbeque , auction and raffle to be held after fishing at the Wianno Club from 4-8 pm. Capacity for seating is 150 seats as approved by the Building Inspector.
- 2. Application of Amy DeFeudis on behalf of Dance Designs for (2) One Day entertainment Licenses:** Annual Dance recitals to be held at the Barnstable High School Performing Arts Center, 744 West Main St, Hyannis on June 20<sup>th</sup> from 4:00 - 6:00 pm and June 21<sup>st</sup> from 4:00 – 7:00 pm.
- 3. Application of Ellen Hurley on behalf of the Cape Cod Symphony for (18) One Day Entertainment Licenses:** Concerts will be held at the Barnstable Performing Arts Center, 744 Main St., Hyannis from September 19, 2015 to May 8, 2016 (see attached schedule).
- 4. Rockwell Amusement Carnivals time change request:** The Carnivals have already been approved; they are requesting time changes of one hour earlier to open and close to coincide with Police details. (see attached request). The carnivals will end every day by 10:00 Pm except fro 7/18/2015 which will run from 3Pm to 11PM.
- 5. Application of Meaghann Kenney on behalf of the Hyannis 4<sup>th</sup> of July Parade for a One Day Entertainment License:** The request is to operate a trackless train on the Hyannis Village Green for both children and adults after the Hyannis Parade.

- 6. Application of Maryann Colombo on behalf of Osterville Village Library for 9 One Day Entertainment Licenses and 5 various all alcohol and beer and wine licenses:** All events are to be held at the Osterville Village Library, 43 Wianno Ave., Osterville. The events are all renewal events beginning June 20, 2015 to September 18, 2015. Events range from worker appreciation receptions to author receptions.
- 7. Application of Stacie Hevener on behalf of the Marstons Mills Public Library for 2 One Day Wine Only Licenses:** Annual wine and cheese receptions for local Authors. Events are to be held at the Marstons Mills Public Library, 2160 Main St., Marstons Mills, Ma. on June 11th and June 17<sup>th</sup> from 6:00-7:30 PM.
- 8. Application of Elizabeth Wurfbain on behalf the Hyannis Main Street Business Improvement District for a One Day Wine only and One Day Entertainment Licenses:** The Long Table event is the fourth annual fundraiser for Main Street marketing. The event will be held on June 25<sup>th</sup> from 5:30 - 9:00 PM at the Beech Tree Cantina Alley located at 599 Main Street, Hyannis.
- 9. Common Victualler:**
  1. RTPK Associates, 590 Sandy Neck Road, West Barnstable
  2. The Broken Cone, 569 Main Street, Hyannis