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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: March 7, 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, March 7, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Clerk; Richard V. Scali, Director of Regulatory Services; Elizabeth G. Hartsgrove, Consumer Affairs Supervisor; Lt. John Murphy and Patrolman Stephen Estey, Liaison Officers from the Barnstable Police Department; and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 2/16/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 2/16/16 meeting.

New Business:

1. Consent Agenda:

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

Public Hearings:

- 1. Application for a New Annual Common Victualler License:** Application of Centerville Pie Co. Inc. d/b/a Centerville Pie Co., 1671 Falmouth Rd., Centerville, Kristin Broadley, Manager, for a new Annual Common Victualler License to be located at the Barnstable Municipal Airport, 480 Barnstable Road, Hyannis. Indoor seating of 34 as approved by the Building Commissioner on 1/15/16. Hours of operation are 6:00 AM to 3:00 PM; Daily.

Kristin Broadley appeared on behalf of the application. Hopefully make the new Airport even better. Looking before the end of April to be operational. Mr. Semprini asked about beer and wine; no. Mr. Burman asked why restrict the hours; Lt. Murphy agreed. Ms. Hartsgrove stated to notify the Licensing Authority via email when they are closed. Keep the hours at 6:00-3:00 until further notice.

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

- 2. Application of a New Class II Auto Dealer License:** Application of Cape Cod Auto Brokers Inc., d/b/a/ Cape Cod Auto Brokers for a new Class II Auto Dealer License at 155 Rosary Lane, Hyannis, for a maximum of 15 total vehicles. Eight spaces inside to be used as display, 7 exterior spaces; 2 of which are employee and 3 of which are customer, the remaining 2 spaces are display; all approved by the Building Commissioner on 12/30/15.

Luis Couhtino appeared for the application. This is a new location; formerly an electronic supply store. Own a location in Somerville, no mechanics, no washing. Mr. Semprini stated that the lease is for 3 years. Mr. Scali asked what is the need for another Class II Dealer in Hyannis?

Only 2013 and 2014 cars; will look nice. How are you different? Mr. Scali recommends continuing until the discussion regarding Rules and Regulations. He currently has customers coming up to Somerville to obtain cars. Mr. Hoxie stated it would be unfair to deny this application based upon no quotas being referenced in Chapter 140.

Mr. Burman said we discussed this last session regarding the congestion on Yarmouth Road and Rosary Lane. The location will be beautiful according to Mr. Coutinho. Mr. Scali stated that you sign your lease at your own risk.

Lt. Murphy stated that he recognizes both sides of this issue. There would be more of a concern if this was being opened in a different location versus where all the car dealers are presently located. The site has been vacant for 3 years.

He stated that he has invested \$20,000. Would you allow CAO Estey to visit your location?

Ms. Hartsgrove reminded the Board that the Rules and Regulations is just a work session, it requires a work session.

Mr. Scali requested direction to staff to hold all applications. Mr. Decker stated that as a member of the Consumer Assistance Council, auto dealer complaints are high.

3. **Application for New Auto Amusement Device License:** Application of D&D Music Inc., Inc. d/b/a D&D Music, Melissa Chaput, Manager, PO Box 548, Cummaquid, MA 02637. Application is to add five coin-operated machines at 2145 Iyannough Rd, Hyannis, MA; central food court location at exit 6. Hours of operation are 6:00 AM to 12:45 AM daily.

This is to correct a licensing issue for not having an Auto Amusement license for these 5 machines. Ms. Hartsgrove stated that there are no records in our Licensing files.

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

4. **Application for Four New Lodging House Licenses:** Application of United Camps Conferences and Retreats Inc., d/b/a Craigville Retreat Center, 39 Prospect Ave., Centerville, Cynthia Diggs, Manager for 4 New Lodging House Licenses as follows:
Grove House, 125 Ocean Ave., Centerville - 12 rooms
Lodge, 45 Prospect Ave., Centerville – 44 rooms
The Inn, 208 Lake Elizabeth, Centerville – 63 rooms
Manor, 19 Prospect Ave – 23 rooms
A total of 142 rooms all approved by the Building Commissioner.

Cynthia Diggs appeared on behalf of these applications. Some of the counts are not correct. The Zoning enforcement officer and Health department are looking into the discrepancies. Ms. Hartsgrove recommended approval; Mr. Scali recommends that this be continued. Mr. Scali informed Ms. Diggs that the Director of the Health department will contact her directly to resolve the lack of inspections and room discrepancies. Ms. Diggs reviewed the history of the Center.

******Continued until 3/21/16******

5. **Application for a New Wine and Malt Innholder License and Non-live Entertainment License:** Application of K Hyannis Hospitality LLC, d/b/a Fairfield Inn & Suites Hyannis, 867 Iyannough Road, Hyannis, MA, Andrew Quinto, Manager for a New Annual Wine and Malt Innholder License and Non-Live Entertainment License, alcohol to be served at check in/check out counter

and hotel guests permitted to bring to rooms. Hours of alcohol service are 11:00 am to 12:45 am. First floor breakfast room, lobby , elevator lobby, two elevators, corner market, office, work area, multi-purpose room, laundry, men's & women's restrooms, food preparation room, employee break room, corridors, staircases and 31 guest rooms. Second floor: Storage room, housekeeping room, two elevators, elevator lobby, corridors, staircases and 45 guest rooms. Third floor: maintenance/electrical room, storage room, two elevators, lobby corridors, staircases and 49 guest rooms. Guest rooms totaling 125 and 153 parking spaces, 2 dedicated handicap spaces all approved by the Building Commissioner. Non-Live entertainment consists of 1 Flat screen television in the lobby area and recorded music at conversation level from 6:00 am to 12:45 am.

Attorney Dan Chamberlain appeared on behalf of this application. Last year we were approved by this Authority and by the ABCC. There are no substantive changes. The manager Andrew Quinto is here. Alcohol is a single serving poured at the desk. All clerks will be TIP certified. The concern about alcohol consumption in parking lots; this will not be allowed. The doors are alarmed and cameras will be in place. Mr. Semprini asked how long this type of operation has been in effect in your other locations; probably 5-7 years. Mr. Scali asked about the delay of construction. Last winter was not helpful; very confident that we will be open by the end of May.

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 Hearings:

1. **Show Cause Hearing for Brito's:** 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.
****Continued from 1/11/16 Hearing****

*Jeremy and Manny Brito appeared for the Show Cause hearing. Ms. Hartsgrove stated that Officer Estey did a site visit today. All wood was removed, debris and cars remain. The floor plan was submitted; site plan is required. The vehicles need to be removed. Lt. Murphy stated that there is a good faith effort on you part. Jeremy asked for help with abandoned vehicles. Manuel Brito stated that the cleanup problem is not his sons. Mr. Perry signed off on current plan but not the expansion as of yet. Mr. Scali stated he can apply for expansion. ****Continued to 4/11/16*****

Licensing Division Updates:

1. **Licensing Department updates:** None
2. **Police Department updates:** None

The Executive Session of the Licensing Authority was called to order at approximately 9:45 a.m. by Chairman Martin Hoxie at the Barnstable Town Hall Hearing Room. Roll call: Hoxie, Burman, Decker and Semprini Absent). Also Attending: Town Counsel David Houghton, Regulatory Services Director Richard Scali, Consumer Affairs Supervisor Elizabeth Hartsgrove, Police Department Liaisons Lt. John Murphy and CAO Stephen Estey and Administrative Assistant Margaret Flynn.

Executive Session:

1. Update on Ferreira's Recycling Inc., 85 Old Yarmouth Road, Hyannis Court case.- **Strike from record per Attorney Houghton**
2. Discussion of Legal proposal for the three compliance check cases.
New England Clambake Inc. d/b/a Wimpy's, 752 Main Street, Osterville
Tap City Grill LLC d/b/a/ Tap City Grill, 586 and 586A, Hyannis
Venditti Enterprises d/b/a Mattakeese Wharf, 271 Mill Way, Barnstable

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 9:45

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

March 07, 2016

Renewals:

Application for a One Day Entertainment License: Application of Kevin Shanley on behalf of the Arts Foundation of Cape Cod for a One Day Entertainment license for the 31st Annual Pops by the Sea Concert. Event is to be held on the Barnstable Town Hall Village Green, 367 Main St., Hyannis on August 14, 2016 from 1:00 PM to 7:00 PM. Set up for the event will take place August 8th through August 15.

Common Victualler:

1. Gold 'N Memories, 959 Bearses Way Hyannis