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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: December 28, 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 Wednesday, December 28, 2016. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; David Nunheimer, Associate Commissioner, Larry Decker, Associate Commissioner; Richard Scali, Director of Regulatory Services; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary. Elizabeth Hartsgrove and Ron Semprini did not attend the meeting.

Vote to accept Minutes

1. Vote to accept minutes of the 12/12/16 meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to accept the minutes of the 12/12/16 meeting.

New Business:

1. **Request for Closure:** Request from GSMD LLC d/b/a The Thirsty Tuna, 235 Ocean Street, Hyannis; Marc Donohue, Manager to temporarily close for 30 - 60 days for minor updates. Requested closure dates are from 11/20/16 – 1/18/17.
Continued from 12/12/16 Hearing

Marc Donohue appeared on behalf of the request. Renovations and commercial cleaning will take place during this period. Updated request to stay closed until February 1, 2017. A sale of the restaurant is still a possibility.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to approve the request with the update until February 1, 2017.

2. **Consent Agenda:**

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to approve the Consent Agenda with the following two conditions: Brito's Auto Body and the Embassy Inn. Brito's is renewed to 1/23/17 with a mandatory appearance unless required tax amounts are paid prior to the meeting. The Embassy Inn is not renewed and an appearance is required at the January hearing. Lamberts Market was renewed as all payments were made.

Public Hearings:

1. **Application for a New Annual Fortune Teller License:** Application of Amy Marino, d/b/a The Sanctuary of Cape Cod, 3284 Main Street, Barnstable, Amy Marino, Manager, for a New Annual Fortune Teller's License, to be operated Monday through Friday 10 am to 5 pm and Saturday-Sunday 10 am to 4 pm.
****Postponed from 11/14/16****

Amy Marino appeared for this application. Hours will be adjusted to 9:30 AM – 9:30 PM, daily to accommodate seasonal schedules. Mr. Scali reiterated that this license is for entertainment purposes only; Ms. Marino agreed.

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

2. **Application for a New Annual Common Victualler License:** Application of Hyannis Pancakes Inc., d/b/a IHOP, 790 Iyannough Rd. Hyannis, Ronald Richardson, Manager, for a new Annual Common Victualler License. Hours of

operation will Sunday – Thursday 6:00 AM- 10:00 PM. Saturday and Sunday 6:00 AM – 12: 00 AM. Indoor seating totaling 116, with 22 employees and no exterior seating all approved by the Building Commissioner on 11-7-16.

****Continued from 12/12/16 Hearing****

Ron Richardson appeared on behalf of the application. Clarification of hours to the following: Winter hours are 7:00AM – 10:00 PM and summer hours' are 6:00 AM – 12:00 AM.

Mr. Scali reviewed the issue of the handicap parking spot.

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

- 3. Application for a New Annual Common Victualler License:** Application of Cape Everest Nepal Inc, d/b/a Kebab N Curry, Cape Cod Mall, 793 Iyannough Road, Hyannis, Kuber Bindukar, Manager, for a New Annual Common Victualler License; hours of operation to be regular Cape Cod Mall hours, food court seating.

Kuber Bindukar appeared on behalf of the application. He reviewed his previous experience. Mr. Scali asked about the Health code violations; all resolved.

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

- 4. Application for a Change of Manager for an Annual Wine and Malt Club License:** Application of Wequaquet Lake Yacht Club Inc. d/b/a Wequaquet Lake Yacht Club, 150 Annable Point Road, Centerville on their Annual Wine and Malt Club License, for a Change of Manager from Ronald N Chevalier to Michael Richard Donovan.

Brad Parker and Mike Donovan appeared on behalf of the application.

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

- 5. Application for a New Seasonal All Alcohol Common Victualler License and Non-Live Entertainment License:** Application has been filed for a new Seasonal All Alcohol Common Victualler License and Non-Live Entertainment Licenses for CRAC, Inc. d/b/a Chart Room at Crosby's, Thomas J Gordon Jr. ,manager, 21 Crosby Circle, Osterville.

Description of Premise: First floor of 3 story wood frame building. One front Entrance/Exit. Two side Entrances/exits, 1500 sq. ft. open area containing a dining area seating 36, bar seating 12; 400 sq. ft. storage area; 100 sq. ft. walk-in refrigerator and dry storage shed on Northwest side; 420 sq. ft. patio/ deck/ outdoor seating 21. All approved by the Building Commissioner on 11/22/16.

Hours of alcohol sales: 11 AM – 12:45 AM Daily.
Non-Live Entertainment to include: 2 televisions; hours of entertainment 11:00 am -12:45 pm daily.

******Postponed until a further date******

6. **Application to Amend Class II Auto Dealer License:** application of Gilbert Wood d/b/a Harbor Auto Sales., for amendments to an existing Class II Auto Dealer License at 380 Yarmouth Road, Hyannis. Amendments include increasing the number of vehicles from 75 to 89 total vehicles at 380 Yarmouth Road as follows: 66 outside display, 2 employee, 6 customer, 1 handicap, and 14 tenant all approved by the Building Commissioner and Fire Chief on 11/10/16. Another amendment is for a: New 4 bay building totaling 7400 square feet which replaces an existing 1700 sq. ft. building also approved by the Building Commissioner and Fire Chief.

Gilbert Wood appeared on behalf of this application. This hearing is to amend the license to include the new building that was completed this year. Mr. Scali reviewed the new process for Car Dealers.

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

7. **Application to Amend Class II Auto Dealer License:** Application of Willow Street Motors Inc., for amendments to an existing Class II Auto Dealer License at 519 Yarmouth Road, Hyannis. Amendments include increasing the number of vehicles from 48 to 52 total at 519 Yarmouth Road as follows: 32 outside display, 15 inside display, 2 employee, 2 customer and 1 handicap all approved by the Building Commissioner and Fire Chief on 12/05/16.

Rob Trapp appeared for this application. Another amended application. Officer Gallant stated that Mr. Wood and Mr. Trapp have been very cooperative with the new process.

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

8. **Application for a New Class II Auto Dealer License:** Application of Cape Motors Inc., for a new Class II Auto Dealer License at 477B Yarmouth Road, Hyannis, for a maximum of 34 used vehicles to be parked outside per approval of the Building Commissioner and Fire Chief on 12/05/16. Breakdown of vehicles is as follows: 29 Display, 2 Customer, 2 Employee and 1 Handicap.

James Mullen appeared for this application.

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

9. **Application for a New Annual Common Victualler License:** Application of Cumberland Farms Inc., d/b/a Cumberland Farms #2326, 389 West Main Street. Hyannis, Cheryl Sims, Manager, for a new Annual Common Victualler license. Hours of operation will be 5:00 am to 12:00 am daily. There will be 12 outside seats only as approved by the Building Commissioner on 12-02-16.

Brian Walker and Cheryl Sims appeared on behalf of the application. This Cumberland Farms was a raise and rebuild.

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

10. **Application for a New Annual Common Victualler License:** Application of The Green Lotus Café Inc., d/b/a The Green Lotus Café and More, 349 Main Street. Hyannis, Teresa Stigura, Manager, for a new Annual Common Victualler license. Hours of operation will be 7:45 am to 4:00 pm daily. There will be 40 interior seats and 6 exterior seats as approved by the Building Commissioner on 12-07-16.

Keith and Teresa Stigura appeared on behalf of the application. Teresa reviewed her previous experience.

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

11. **Application for a New Class II Auto Dealer License:** Application of Bayside Auto Sales Inc., for a new Class II Auto Dealer License at 20 Bearse Road, Hyannis, for a maximum of 14 used vehicles to be parked outside per approval of the Building Commissioner. Breakdown of vehicles is as follows: 12 Display, 1 Customer, and 1 Handicap.

Michael Brooks appeared on behalf of the application. The floor plan has been updated and approved to the following: 14 total: 11 display, 1 customer, 1 handicap and 1 employee.

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

12. Application for Change of Hours for Annual All Alcohol Common Victualler

License: Application of Not Your Average Joe's Inc., d/b/a Not Your Average Joe's to amend the Sunday business hours on its Annual All Alcohol Common Victualler License to 10 am to 12:45 am from 12:00 pm – 12:45 am.

Bruce Randon appeared on behalf of the application. They would like to do a brunch menu, therefore requesting the earlier opening time.

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

Licensing Division Updates:

1. **Licensing Department updates:** Currently in the renewal process. Also working on the Private Parking Lot Regulations.
2. **Police Department updates:** Lt. Murphy stated on behalf of the Chief that he is very aware of the strong working relationship within the departments.

Release of Executive Session Minutes, if any (0). And any other new business to come before the Licensing Authority.

The meeting was adjourned at 10:15

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable 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 28, 2016

Renewals:

Common Victualler:

1. 7-Eleven, 426 Main Street, Hyannis
2. A Brasileira Café, 225 Iyannough Road, Hyannis
3. Blue Plate Diner, 3226 Main Street, Barnstable
4. Amie Bakery, 3 Wianno Ave., Osterville
5. Café 75/Porky's Concession, 75 Perseverance Way, Hyannis
6. Common Ground Café & Juice Bar, 420 Main Street, Hyannis
7. Cooke's Seafood Hyannis, 1120 Route 132, Hyannis
8. D'Angelos, Cape Cod Mall, Hyannis
9. Dunkin Donuts, 751 West Main St., Hyannis
10. El Mariachi Loco, 569 Main Street, Hyannis
11. FAME Food Management, 2240 Iyannough Road, W.B.
12. Four Seas Ice Cream, South Main Street, Centerville
13. Gracie Fitness, Barnstable Rd., Hyannis
14. KFC/Taco Bell, Barnstable Rd., Hyannis
15. McDonalds, North Street, Hyannis
16. McDonalds, 654 Iyannough Road, Hyannis
17. Monty's Roast Beef, 251 Iyannough Road, Hyannis
18. Nutrition & Food Services, 27 Park Street, Hyannis
19. Osterville Fish Too, 275 Mill Way, Osterville
20. Persy's Place, 247 Main Street, Hyannis
21. Pizza1 Subs II, 2954 Falmouth Rd., Osterville
22. Regina's Pizzeria, Cape Cod Mall, Hyannis
23. Rendez Vous Café & Creperie, 394 Main Street, Hyannis

24. Ruby Thai, Cape Cod Mall, Hyannis
25. Sarku Japan, Cape Cod Mall, Hyannis
26. Scudder Family Café, 141 Bassett Lane, Hyannis
27. Willow Tree Market, 15 Charles Street, Hyannis
28. Papa Gino's, 1600 Falmouth RD., Centerville
29. Sunnyside Restaurant, 282 Main St., Hyannis
30. The Daily Paper on Main, 546 Main St., Hyannis
31. Subway, 2145 Iyannough Rd., Hyannis
32. Burger King, 2145 Iyannough Rd., Hyannis
33. Little Country Pizza, 700 Yarmouth Rd., Hyannis

Lodging Houses:

1. 900 Realty Trust, 961 Pitchers Way, Hyannis
2. 900 Realty Trust, 975 Pitchers Way, Hyannis
3. 900 Realty Trust, 989 Pitchers Way, Hyannis
4. Ashley Manor B&B, 3660 Main St., Barnstable
5. Our Child, 80 Yarmouth Road, Hyannis
6. Our Child, 18 Quaker Rd., Hyannis
7. Our Child, 150 Main Street, Hyannis
8. Our Child, 164 Main Street, Hyannis
9. Centerplate, 300 Sea Street, Hyannis
10. Cape Cod Ocean Manor, 543 Ocean Street, Hyannis
11. Cape Cod Yoga Retreat B&B, 2415 Meetinghouse Way, W Barnstable
12. Craigville Conference Center – The Inn, 208 Lake Elizabeth Drive, Centerville
13. Craigville Conference Center –Grovers Cottage, 125 Ocean Ave, Centerville
14. Craigville Conference Center –The Manor, 25 Prospect Ave, Centerville
15. Craigville Conference Center – The Lodge, 39 Prospect Ave, Centerville
16. Friends of Prisoners, 84 Bearse's Way, Hyannis
17. Honeysuckle Hill &B&, 591 Main Street, W.B.
18. Hostelling International, 111 Ocean St., Hyannis
19. Memories by the Sea, 162 Sea Street, Hyannis
20. Pitchers Way House, 805 Pitchers Way, Hyannis
21. Saltwinds B&B, 319 Sea Street, Hyannis
22. Simmons Homestead Inn, 288 Scudder Ave, Hyannis
23. Tidewater Inn, 275 Ocean Street, Hyannis
24. Yarmouth Rd Rooming House, 34 Yarmouth Road, Hyannis
25. Summerwinds of Hyannis, 511 Ocean St., Hyannis
26. The Embassy Inn, 98 High School Rd. Ext., Hyannis- **DO NOT RELEASE UNTIL FIRE APPROVAL**

Common Victualler All Alcohol

1. Il Maestro, 297 North St., Hyannis
2. Kobi House, 489 Bearse's Way, Hyannis

3. Misaki, 379 W. Main Street, Hyannis
4. Pavilion Indian, 511 Main St., Hyannis

Common Victualler All Alcohol with Entertainment:

1. Wimpy's, 750 Main St., Osterville
2. Ying's Sushi Bar & Lounge, 59 Center St., Hyannis
3. Tumi Ceviche Bar Ristorante, 592 Main St., Hyannis
4. Tiki Port Restaurant, 790 Iyannough Rd., Hyannis
5. Torino Restaurant & Bar, 415 Main St., Hyannis
6. Duck Inn Pub, 447 Main Street, Hyannis
7. Embargo, 453 Main Street, Hyannis
8. Seaside Pub on Main, 615 Main Street, Hyannis
9. Saga Fusion, 1560 Old Post Road, Marstons Mills
10. The Black Cat, 165 Ocean St., Hyannis
11. Brazilian Grill, 676 Main Street, Hyannis
12. Bistrot de Soleil, 350 Stevens St., Hyannis
13. Barnstable Tavern, 3176 Main St., Barnstable
14. B&B Pizza, 10 Seaboard Lane, Hyannis
15. Alberto's, 360 Main St., Hyannis
16. Beechtree Cantina, 599 Main St., Hyannis
17. Portside Tavern, 72 North St., Hyannis
18. Tap City Grill, 586 Main Street, Hyannis
19. The Nor'Easter, 20 Scudder Ave., Hyannis
20. The Nineteenth Hole, 11 Barnstable Rd., Hyannis
21. Villaggio, 4631 Falmouth Rd., Cotuit
22. DJ's Wings, 165 Yarmouth Rd., Hyannis
23. Kelly's On Main, 644 Main Street, Hyannis
24. Original Gourmet Brunch, 517 Main Street, Hyannis
25. El Rodeo, 1070 Iyannough Rd., Hyannis
26. Five Bays Bistro, 825 Main Street, Osterville
27. Hyannis Golf Club, 1800 Iyannough Road, Hyannis
28. Jack's Lounge, 37 W, Main Street, Hyannis
29. KKatie's, 334 Main Street, Hyannis
30. Kettle Ho, 12 School Street, Cotuit
31. Not Your Average Joes, 793 Iyannough Road, Hyannis
32. Thirsty Tuna, 235 Ocean Street, Hyannis
33. Olive Garden, 1095 Iyannough Road, Hyannis
34. Blue Moon, 430 Main Street, Hyannis
35. Casa Peru Fusion, 302 Main Street, Hyannis
36. Chipotle, 793 Iyannough Road, Hyannis
37. Raw Bar on Ocean, 230 Ocean Street, Hyannis

Common Victualler Wine and Malt:

1. Bangkok Cuisine, 20 Independence Dr., Hyannis

2. Palio Pizzeria, 435 Main St., Hyannis
3. Pinocchio Pizza, 1661 Falmouth Rd., Centerville
4. Pizzeria Barbone, 390 Main St., Hyannis
5. Pizza Wave , 3864 Falmouth Rd., Marstons Mills
6. Thai House, 304-06 Main Street, Hyannis
7. Crisp Flatbread, 791 Main St., Osterville
8. B2 Burrito, 790 Iyannough Rd., Hyannis
9. New England Pizza House, 187 West Main Street, Hyannis
10. Ocean St. Café and Deli, 10 Ocean St., Hyannis
11. Mike's Pizza, 1220 Iyannough Rd., Hyannis
12. Golden Fountain, 203 W Main St., Hyannis
13. Scottie's Famous Pizza, 11 Ridgewood Ave., Hyannis

All Alcohol Innholder:

1. Cape Codder Resort & Spa, 1225 Iyannough Rd., Hyannis
2. Courtyard by Marriot, 707 Iyanough Rd., Hyannis
3. Doubletree Bistro, 287 Iyannough Rd., Hyannis
4. Greenhouse Restaurant, 1127 Iyannough Rd., Hyannis
5. Fairfield Inn, 867 Iyannough Rd., Hyannis
6. International Inn, 662 Main St., Hyannis

All Alcohol Club:

1. Cummaquid Golf Club, 35 Marstons Lane, Cummaquid
2. Wianno Club, 389 Parker Rd., Osterville
3. Wianno Club, 107 SeaView, Osterville
4. Oyster Harbors Club, 170 Grand Island Ave., Osterville
5. West Barnstable Deer Club, 1800 Old Stage Rd., W Barnstable
6. Wequaquet Lake Yacht Club, 150 Annable Point Rd., Centerville
7. Osterville Veterans Assoc., 753 Main St., Osterville
8. Kings Grant Racquet Club, 12 Old Kings Rd., Cotuit
9. Hyannis Yacht Club, 490 Ocean Street, Hyannis
10. Hyannisport Club, 2 Irving Ave, Hyannis Port
11. Hyannis Elks, 852 Bearnse's Way. Hyannis
12. Hyannis Anglers Club, 235 Ocean Street

All Alcohol Package Store:

1. Cape Cod Package Store, 1495 Falmouth Rd., Hyannis
2. Craigville Package Store, 2946 Falmouth Rd., Osterville
3. Fancy's Market, 699 Main Street, Osterville
4. Luke's Liquors, 395 Barnstable Rd., Hyannis

Wine and Malt Package Store:

1. Mini Food Mart, 252 Main St., Hyannis
2. Pepper's Pantry, 4120 Falmouth Rd., Cotuit
3. Sea Street Food Mart, 231 Sea Street, Hyannis
4. Speedway, 50 Ocean Street, Hyannis
5. Willow Tree Market, 15 Charles St., Hyannis
6. Barnstable Market, 3220 Main St., Barnstable
7. Peppers Pantry, 4120 Falmouth Rd., Cotuit
8. Lambert's Rainbow Fruit, 1000 West Main Street, Centerville - **DO NOT RELEASE UNTIL TAX COLLECTOR APPROVAL**

General On Premise with Entertainment:

1. Puff the Magic, 649 Main Street, Hyannis
2. Quarterdeck Lounge, 247 Iyannough Rd., Hyannis
3. Ryan's, 441 Main Street, Hyannis
4. Cotuit Center for the Arts, 4404 Falmouth Rd., Cotuit

Farmer Brewery Pouring All Alcohol

1. Cape Cod Beer, 1336 Phinney's Lane, Hyannis

Fortune Tellers:

1. Deborah Metlow, Crystal's Psychic Gallery, 120 W Main St., Hyannis
2. Donna Eli, Crystal's Psychic Gallery, 120 W Main St., Hyannis
3. Dino Metlow, Crystal's Psychic Gallery, 120 W Main St., Hyannis
4. Gina Crystal Eli Metlow, Crystal's Psychic Gallery, 120 W Main St., Hyannis

Class II Auto Dealer License:

1. Image Motors, 491 Iyannough Rd, Hyannis
2. Hyannis Collision, 478 West Main St., Hyannis
3. Cape Cod Auto Connection, 152 Ridgewood Ave., Hyannis
4. Brico Autoworks, 178 Thornton Dr., Hyannis
5. Nantucket Auto Sales, 89 Bassett Lane, Hyannis
6. Cape Auto Sales, 58 Willow Ave., Hyannis
7. Cape Cod Auto Brokers, 155 Rosary Lane, Hyannis
8. Brito's Auto Sales, 657 Yarmouth Rd., Hyannis – **DO NOT RELEASE UNTIL TAX COLLECTOR APPROVAL**

Cinema and Theatre Licenses:

1. Barnstable Comedy Club, 3171 Main St., Barnstable
2. Interstate Theater's Corp, Cape Cod Mall, Hyannis
3. Lightening Falls Mini Golf, 455 West Main St., Hyannis

4. Tri-Corp Amusements, Cape Cod Mall, Hyannis
5. Wackenhammer Corp., 541 Main St., Hyannis

Auto Amusement Licenses:

1. Ryan Family Amusements, Cape Cod Mall, Hyannis
2. Pioneer Billiards, 2145 Iyannough Rd., Hyannis

Paul Logan : Mr. Logan stated he is appreciative of the Licensing Authority efforts in 2016 to make changes specifically to adherence of handicap parking in respect to ADA. In relationship to the ADA the new application of today (IHOP) will correct the pole situation by February 1, 2017.

Mr. Scali stated plans are reviewed as they come in for compliance. This will require site visits. Officer Gallant will follow up on the February 1st date.