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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: September 17, 2018

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, September 17, 2108. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Vice-Chairman; Larry Decker, Associate Commissioner; David Nunheimer, Associate Commissioner; Nancy Karlson-Lidman, Associate Commissioner; Richard Scali, Licensing Director; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Recording Secretary.

Vote to accept Minutes

1. Vote to accept minutes of the 08/13/2018 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 8/13/18 meeting.

New Business:

1. **Update on Discussion of Alcohol on Town Property:** Cotuit Harbor Enterprises, Inc., d/b/a/ Tequila Charlie's, 577 Main Street, Hyannis, MA.

Assistant Director of Planning Elizabeth Hartsgrove stated that the Town Manager stated it is too early to make any amendments. We have had nothing but positive feedback for the 2 events that have been held to date. However some updates have been approved and are referenced on the last page of the policy document. Ms. Hartsgrove reviewed the newly added amendments. Mr. Semprini asked about the original locations. The new location to be added is Aselton Park that will be instead of the Hyannis Overlook.

2. **Amend of location for previously approved One Day Wine and Malt licenses:** A request has been received from Amanda Converse on behalf of LoveLiveLocal, 539 South Street, Hyannis for a change of location from the Cape Cod Maritime Museum to Aselton Park for the alcohol portion of the event. The LoveLocal Fest was previously approved on 7/9/18 and will take place on September 30th from 11:00 AM to 6:00 PM.

Amanda Converse appeared on behalf of the application. This event has been ongoing for about 6 years and we are formally requesting that Alcohol can be served at Aselton Park based upon the last discussion.

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

3. **Application for a One Day Entertainment License:** Application of Kip Diggs on behalf of KTZD Corporation for a One Day Entertainment license for Kraig's Dodgeball Tournament/Kraig Andre Diggs Scholarship Fund event. The event is to be held on September 29, 2018 from 10 AM to 4 PM at the Barnstable High School, 744 West Main St., Hyannis.

Kip Diggs appeared on behalf of the application. This is in honor of his son that passed away. Hopefully this will grow and be epic; hopefully a scholarship in every high school. We have 32 dodgeball and 32 corn-hole teams.

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

4. **Officer Elections:** David Nunheimer, Associate Member to Regular Member. Election of Vice- Chairman and Secretary/Clerk.

A motion was duly made by Mr. Semprini, seconded by Mr. Hoxie and a unanimous vote taken to approve Mr. Nunheimer as a Full Time member from Associate Member.

A motion was duly made by Mr. Semprini, seconded by Mr. Hoxie and a unanimous vote taken to approve Mr. Nunheimer as the Secretary/Clerk.

5. Consent Agenda:

Mr. Scali updated the Board that the Board of Health stated that the Best For Less location has been 99% cleaned up from the complaint. Their license can now be renewed.

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

Public Hearings:

- 1. Application for a New Annual Lodging House License:** Application of Margaret's at Bursley Manor LLC d/b/a Bursley Manor, 651 Main St, W Barnstable, Margaret Rankin, Manager for a New Lodging House License for 3 rooms/ 6 lodgers. Approved by the Building Commissioner on 8/3/18.

Margaret Rankin appeared on behalf of the application. The license will be issued after the appeal period from Planning Board decision.

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

- 2. Application to Amend Non-Live Entertainment License:** Application of Murphy's on Main LLC., d/b/a Murphy's on Main, Scott Weichel, manager, 644 Main Street, Hyannis to amend their existing non-live entertainment license. Amendment to existing license is to include 2 pool tables as approved by the Building commissioner on 8/10/18.
Hours of Non-Live Entertainment: 11 AM to 12:45 AM

Scott Weichel appeared on behalf of the application. The seat numbers remain the same. The space was available to add the pool tables without removing seats.

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

- 3. Application to Transfer an Annual Wine and Malt Common Victualler License:**

Application of Taste of Siam Inc., 304-306 Main Street, Hyannis, Nootcharee Sukwiset , Manager, for a transfer of an Annual Wine and Malt Common Victualler License from Jomkwan Inc d/b/a Thai House, Saithip Atiwethin, manager to Taste of Siam Inc., 304-306 Main Street, Hyannis, Nootcharee Sukwiset , Manager.

Premise Description: Premise is located at 304-306 Main Street, Hyannis on the first floor; approximately 900 sq. ft. Premise consists of dining room with 12 tables, seating for 48, kitchen, storage, 3 restrooms, 1 entrance and 2 exits.

All approved by the Building Commissioner on 8/21/18.

Hours of operation are 11:00 AM to 10:00 PM, Tuesday-Sunday.

Mr. Scali updated the Board regarding the application Ms. Sukwiset reviewed her experience. She expects to have 3-5 employees. She is also requesting to open with just food until the Alcohol license is approved by the ABCC.

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

- 4. Application for a New Annual Junk Dealer License:** Application has been filed by Regalia Jewelry Inc., 342 Main Street, Hyannis, Marwan Harb, Manager, for a New Annual Junk Dealer License. Hours of operation will be 9 AM to 9 PM; daily.

Attorney Jim Dillon and Marwan Harb appeared on behalf of the application. This is a new store. Mr. Hoxie asked about the regulations that are required for reporting from the Police Department, they are aware of all the reporting requirements.

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

- 5. Application for a Change of Manager on an All Alcohol Club License:** Application of Hyannis Yacht Club, 490 Ocean Street, Hyannis on their Annual All Alcohol Club License, for a Change of Manager from Michael William Murphy to Brian P. Mullins.

Brian P Mullins appeared on behalf of the application, he stated he grew up in the Country Club world. Mr. Scali asked about parking. It appears that the relationship with the Town and the purchasing of stickers/passes seems to be working.

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

- 6. Application for a New Class I Auto Dealer License:** Application of AMR Auto Holdings-SH LLC., d/b/a Prime Subaru Hyannis, Bryan Scarpellini, Manager, for

a new Class I Auto Dealer License to be located at 24 Ridgewood Avenue, Hyannis and also at 20, 25 and 58 Ridgewood Avenue for a total of 105 spaces. Breakdown is as follows: 27 customer, 46 display, 27 employee, 3 showroom and 2 handicap vehicle spaces.

Attorney Scott Silverman and Brian Scarpellini appeared on behalf of these applications. The licenses are to be separated out due to manufacturing agreements. There are now 2 separate entities but two licenses were now required. Addressing has been assigned to respective dealerships. Significant time was dedicated through the informal site-plan review process to properly ensure this location.

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

- 7. Application for a New Class I Auto Dealer License:** Application of AMR Auto Holdings-CH LLC., d/b/a Prime Chevrolet, Bryan Scarpellini, Manager, for a new Class I Auto Dealer License to be located at 22 Ridgewood Avenue, Hyannis and also at 20, 25 and 58 Ridgewood Avenue for a total of 181 spaces. Breakdown is as follows: 44 customer, 88 display, 40 employee, 6 showroom and 3 handicap vehicle spaces.

Attorney Scott Silverman and Brian Scarpellini appeared on behalf of these applications. According to attorney Silverman, the properties have been segregated and referenced within the package Closing is a week from today. The employees will remain the same.

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

Executive Session:

The Licensing Authority may vote to enter into executive session pursuant to G. L. c. 30A s. 21(a)(3) to discuss strategy with respect to the following litigation if the chair declares that discussion in an open meeting may have a detrimental effect on the litigating position of the Authority.

Discussion of an ABCC Appeal: Speedway of Mass LLC d/b/a/ Speedway, 50 Ocean St., Hyannis to 149 North Street and Change of Manager for an Annual Wine and Malt Package store License.

The Licensing Authority agreed to go into Executive Session and to not return to Open Session.

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

Licensing Division Updates:

1. **Licensing Department updates:** Mr. Scali asked the Commissioners to review the 2019 Calendar dates. He also advised the Board that he has been given a project by the Town Manger to create a handbook/training classes for new Board Members. Any suggestions/comments will be incorporated. Ms. Flynn gas been working on streamlining the Annual Renewal Package to eliminate redundancies.

2. **Police Department updates:** Lt. Murphy stated that we have reached the end of the summer without any major incidents on Main Street. He is looking at using this forum as a way to reach out to Main street licensees for a summer wrap-up meeting- non-mandatory. This may also create some ideas for the 2019 Annual Meetings.

- 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

The meeting was adjourned at 10:15 AM

Respectfully submitted,

**Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority**

**David Nunheimer, Clerk
Town of Barnstable Licensing
Authority**

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
September 17, 2018

Renewals:

1. **Application for a One Day Entertainment License:** Application of Donna Giberti on behalf of Independence House and Cape Cod Synagogue for a One Day Entertainment License for the Captain Fantastic-The Magic of Elton John event. The annual fundraising event is to be held at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on October 20, 2018 beginning at 7:00PM.
2. **Application for a One Day Wine and Malt License:** Application of Stacie Hevener on behalf of the Marstons Mills Public Library for a One Day Wine and Malt License for the 15th Annual Oktoberfest Beer & Wine Tasting and Silent Auction event. The event is to take place on October 20, 2018 from 7:00 PM to 9:30 PM at the Marstons Mills Public Library, 2160 Main Street, Marstons Mills.
3. **Application for a One Day Malt only License:** Application of Stephen Hemberger on behalf of the Historical Society of Santuit and Cotuit for a One Day Malt only license for their annual Oktoberfest Fall Festival. The event is to take place on October 3, 2018 from 12:00 to 3:00 PM at the Historical Society, 1148 Main Street, Cotuit.

Junk Dealer Licenses:

1. Cape Cod Recycles, 142 Corporation Street, Hyannis
2. Best for Less, 207 Iyannough Rd., Hyannis