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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 04, 2019

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 04, 2019. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Ron Semprini, Vice-Chairman; David Nunheimer, Clerk; Larry Decker, Associate Commissioner; Nancy Karlson-Lidman, Associate Commissioner; David A Hirsh, Associate Commissioner;; CAO Officer Therese Gallant, Lt. John Murphy and Maggie Flynn, Licensing Assistant. Richard Scali, Director of Licensing was absent.

Vote to accept Minutes

1. Vote to accept minutes of the 02/11/19 meeting.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Semprini and a unanimous vote taken to accept the minutes of the 02/11/2019 meeting.

New Business:

1. Application of (2) One Day Entertainment and Beer Only Licenses:

Application of Todd DeLuca on behalf of the Greater Hyannis Chamber of Commerce for a One day Entertainment and Beer Licenses for the Father's Day Car Show Picnic. The event is to take place on 6/15/19 from 11:00 am to 9:00 pm and 6/16/19 from 11:00 am to 4:00 pm on the Hyannis Village Green. Entertainment to include 10 different bands.

Todd Deluca appeared on behalf of this application. This event usually had a craft show and it was time to change it up. Alcohol will be served to the left of the bandstand in an enclosed area. There will be wristbands and tickets to ensure no minors are served and monitors will also be present. There will be 10 bands throughout the event.

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

2. Request for Earlier Hours on an All Alcohol Common Victualler License:

Request from 959 Bears's Inc. d/b/a/ Gannon's Tavern for an earlier opening with alcohol service on Sundays during March and April. The request is to open at 10:00 AM and serve alcohol at 10:00 AM on Sunday's to accommodate brunch service. The Tavern is currently licensed to open at 11 AM and begin serving at 11:30 AM on Sunday's. A formal request for a permanent change of hours will be heard on the 4/8/19 Licensing Authority hearing.

Mike Gannon appeared on behalf of this request. He has submitted a formal application to be heard on April 8, 2019. The request is to move Sunday hours to 10:00 Am to accommodate brunch service.

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

3. Consent Agenda:

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 Wine and Malt Common Victualler License:

Application of Ronny's Pizza Inc. d/b/a Ronny's Pizza, 11 Ridgewood Ave., Hyannis, Ronaldo Fraga manager for a new Annual Wine and Malt Common Victualler License.

Premise Description: Mortar concrete building with one entrance on the corner of Ridgewood Avenue and two exits; one to the rear and off the kitchen. Premises contain seating for 70 plus 12 at the bar totaling 82 seats and total occupancy of 97. Two bathrooms located in the rear of the dining room. Basement storage area approx. 540 sq. ft., kitchen approx. 600 sq. ft, dining area and bar approx 1200 sq. ft.

All approved by the Building Commissioner on 1/22/19.

Hours of operation and entertainment are 11:00 AM to 1:00 AM, Daily

Lt. Murphy began the discussion by requesting a continuance until April 8, 2019 to obtain background information. He stated that Mr. Fraga did not want alcohol initially.

Mr. Fraga commented that he tried to survive without alcohol but he cannot. Since 2016 the police have never been to his establishment. Lt. Murphy is against me; he is trying to punish me for the mistake of my kids. He stated that I all do is work and go to church; he feels that this is personal.

Lt. Murphy apologized for the continuance and stated that this is not personal and that he has the utmost respect for him as a business man. The location at Ridgewood Avenue has had problems when it was the Shanghai and the Scotties. The BPD wants to be sure that this alcohol license was issued on solid ground.

Mr. Fraga stated that it is not the business but the owner; I am there every day.

*Mr. Christo, the property owner, accompanied Mr. Fraga to the hearing. He became very upset and claimed that his property is being discriminated against by the BPD. **** Continued until 04-08-2019*****

- 2. Application for a New Class II Auto Dealer License:** Application of Yannis Foreign Auto Repair LLC, d/b/a Hyannis Foreign Auto Sales, Janis Krauklis, Manager, for a new Class II Auto Dealer License to be located at 91 Rear Falmouth Rd., Hyannis for a total of 19 spaces. Breakdown is as follows: 3 customer, 13 display, 2 employee, and 1 handicap vehicle spaces. Six of the display vehicles will be inside, all approved by the Building Commissioner and Deputy Fire Chief on 1/15/19.

Attorney Michael Pierce represented the applicant. Janis Krauklis also appeared. Attorney Pierce provided the Board with a history of the purchase of the repair business and now a request for the Class II license.

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

- 3. Application for a New Annual Common Victualler License:** Application Aaria Hospitality LLC. d/b/a Heritage House Hotel, 259 Main Street., Hyannis, Dhaval Prajapati, Manager, for a new Annual Common Victualler license. Hours of operation will be daily for hotel guests. Seating is for a maximum of 133 seats

approved by the Building Commissioner on 1-30-19. ****Continued until 3-18-19****

4. **Application for a New Annual Common Victualler License:** Application of 3 Wianno Inc. d/b/a 3 Wianno, 3 Wianno Ave., Osterville, MA , Beth Melchiono, Manager, for a new Annual Common Victualler license. Hours of operation will be 6:00 AM to 4:00 PM, Monday thru Saturday. Sunday hours 6:00 AM to 2:00 PM. There will be a maximum of 9 total occupants per the Building Commissioner on 2/5/19.

Beth Melchiono appeared on behalf of this application. She requested that the hours be increased to Monday-Saturday 6:00AM to 9:00 PM and Sunday 6:00 AM to 4:00 PM. This location is the old Amie Bakery. We will be returning the restaurant back to the old newsstand format; the Town is very excited. Also there are 9 total seats, not 9 occupants.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Semprini and a unanimous vote taken to accept the application as presented with the increase in hours and correction of seat count.

5. **Application to Transfer an Annual All Alcohol Common Victualler License and New Live and non-Live Entertainment Licenses:** Application of Barnstable Diner Inc., d/b/a Barnstable Tuscan Cuisine, 3176 Main Street, Barnstable, MA, Luis R. Montero, Manager, for a transfer of An All Alcohol Common Victualler License from Barnstable Restaurant and Tavern and a new Live and Non-Live Entertainment Licenses.

Premise Description: 1 full kitchen, 2 public restrooms, reception area, tavern dining room with seating for 10 bar seats, 18 dining, total 28 wine bar seats, dining room 60 seats total interior 98. Outside patio seating is 32 for a total seating of 130, two public entrances off Main Street, one public entrance from back deck and lower landing entrance.

Hours of operation are 11:00 AM to 12:00 midnight, Sunday thru Thursday. Friday and Saturday 11:00 AM to 1:00 AM.

Live Entertainment is 6:00 – 12 midnight; Daily, 2 live performers amplified, Non-Live entertainment includes: recorded music at conversation level. Non-Live hours are 6:00 PM to 12 Midnight.

Luis Montero appeared on behalf of this application. The restaurant is currently closed. Mr. Decker asked about the Board of health requirement. It is an exterior grease trap that will be installed prior to opening; hope to be open by May 1. Mr. Semprini asked about his experience, he has over 20 years. Mr. Semprini also asked about the Entertainment, it will be inside towards the bar, will not interfere with the neighbors; just background music.

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

- 6. Application for a New Annual All Alcohol Common Victualler License and New Non-Live Entertainment License:** Application of Blue Moon at 430 Main Street, Inc., d/b/a Blue Moon, 430 Main Street, Hyannis, MA, Aubrey Foster, Manager, for a new All Alcohol Common Victualler License and a new Non-Live Entertainment License.

Premise Description: Building is at street level, consisting of front and rear entrance and exit, interior seating (38 seats), bar seating (6 seats) and patio seating (24 seats) for a total seating capacity of 68 seats. 4 bathrooms (2 staff, 2 customer), basement storage, kitchen area, wash area and total square feet of 1800.

Hours of operation are 10:00 AM to 1:00 AM DAILY.

Non-Live entertainment includes: recorded music below conversation level and 2 T.V.'s. Non-Live hours are 10:00 AM to 12:45 AM.

******Continued until 3/18/19******

The meeting was adjourned at 10:02 AM

Respectfully submitted,

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

**David Nunheimer; Clerk
Town of Barnstable**

Licensing Division Updates:

1. **Licensing Department updates-** None
2. **Police Department updates** – Officer Gallant updated the Board regarding the car dealership at the Cape Cod Mall. Cape Cod Mitsubishi of Yarmouth had approximately 100 cars parked on display at the Mall. Officer Gallant explained that display is a function of a Class II license which they do not have in the Town of Barnstable and it was also a zoning code violation. The Building department did send a letter for the record.

- **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

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BARNSTABLE LICENSING AUTHORITY
CONSENT AGENDA
March 04, 2019

Renewals:

Class II Auto Dealer Licenses:

1. 327-067 Cape Auto Sales, 58 Willow Ave, Hyannis