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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 Agenda

DATE OF MEETING: February 14, 2011
TIME: 9:30 A.M.
PLACE: 367 Main St., Hyannis (Town Hall Bldg.), 2nd Floor Hearing Room

Hearings:

One Day & Sunday Entertainment License: Application of Cecelia Carey on behalf of Hyannis Rotary Club, for a One Day Entertainment License and Sunday Entertainment License for its annual Home and Garden Show to be held on March 26 and March 27, 2011 from 8 am to 4 pm each day at Barnstable High School, 744 West Main Street, Hyannis, MA 02601.

Six One Day Wine & Malt Licenses: Application of David Kuehn on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for six one day wine and malt licenses for the following concerts and an art gallery opening:

2/16/11	6 pm to 7:30 pm	wine & music reception
2/19/11	5 pm to 7 pm	Art Gallery Opening
2/26/11	8 pm to 10:30 pm	George Gritzbach jazz concert
3/4/11	5 pm to 7 pm	Johnny Hoy concert
3/5/11	8 pm to 10:30 pm	Tedi Marsh cabaret concert
3/6/11	7 pm to 9 pm	Clezmer Swing Band concert

Cotuit Center also requests that as they are applying for a year-round Wine & Malt General on Premises license, that if granted, these fees be applied toward that yearly license fee.

New Common Victualler License: Application of Felipe Lopes, d/b/a Acai Berry Juice Bar, 14 West Main Street, Hyannis, Paul Yee, Manager, for a New Common Victualler License, with total seating for 25 at 4 tables and 9 at counter, the hours of operation to be 7 am – 1 am.

New Common Victualler License: Application of Mark Lawrence and Vito Marotta d/b/a Porky's Barbeque & Grill, 12A Thornton Drive, Hyannis, Vito Marotta, Manager, for a New Common Victualler License, hours to be 6 am to 9 pm Mon – Sat and 9 am to 9 pm Sun.

Change Manager: Application of Wequaquet Lake Yacht Club, 150 Annable Point Road, Centerville, for a Change of Manager on its annual Club All Alcohol License from James Dunnett to Ronald N. Chevalier.

New Annual General on Premise Wine & Malt License: Application of Cotuit Center for the Arts, Inc., a non-profit organization, for a **new Annual Wine & Malt General On Premise License**, 4404 Falmouth Road, Cotuit, MA, David Kuehn, Manager. Alcohol service would be from 10 a.m. to 11:59 p.m.

Change Manager: Application of Outback/NewEngland-I Limited Partnership, d/b/a Outback Steakhouse, 1070 Iyannough Road, Hyannis, for a Change of Manager on its annual Common Victualler All Alcohol License from Justin Schwarz to Thomas Ward.

Class II Auto Dealer License: Application of Cape Cod Lincoln Mercury, Inc., d/b/a Langway Cape Cod Pre-Owned Center, 556 Yarmouth Road, Hyannis, MA, Keith Sexton, Manager, to change the existing Class I Auto Dealer License to a Class II Auto Dealer License. The hours of operation are 9 am to 6 pm, Monday, Tuesday, & Thursday through Saturday. The total number of vehicles is to be determined from the plan by the Building Commissioner.

Show Cause Hearing: Show Cause hearing for R&Y Enterprises, Inc., d/b/a Ying's Sushi Bar & Lounge, 59 Center Street, Hyannis, Tanida Suriyawong (formerly Sunun Chaloeicheep), Manager as a result of the Barnstable Police Department report to the Licensing Authority that: 1) It is in violation of the General Laws of the Commonwealth of Massachusetts, Chapter 140, Section 183A whereby the entertainment of the establishment and the activities of the licensee along with its patrons did adversely affect the health, safety and order of the public by causing disruptive and criminal activity which was also alleged in two written complaints from a citizen of the Town who lives in the area; 2) It allowed an increase in the noise level in the area though the entertainment provided, the patrons entering and exiting the establishment and an increase in vehicle traffic along with vehicles being parked on the area of the premises; 3) It violated the Town of Barnstable Code, Rules and Regulations of the Licensing Authority Chapter 501, Section 8 by failing to ensure a high degree of supervision over the conduct of the licensed establishment at all times; 4) It violated the Town of Barnstable Code, Rules and Regulations of the Licensing Authority, Chapter 501-9B by hindering or delaying a Police Officer in the performance of his/her duties during the investigation of the shooting on January 6, 2011; and 5) It allowed the entertainment at the licensed premises to be heard outside the boundaries of the licensed premises (violation of Town of Barnstable Code, Rules and Regulations of the Licensing Authority Chapter 501-10).

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. Continued from 8/10. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011 will be determined.

Renewals:

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval:

Lodging House:

Hostelling International – Hyannis

Common Victualler:

Blue Dog

Business Meeting:

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, WITHOUT FURTHER NOTICE.

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