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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: September 29, 2014

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

Vote to accept Minutes: Vote to accept minutes of the 8/25/14 Meeting.

New Business:

1. **New One Day Entertainment License:** Application of Stephen Hemberger on behalf of the Historical Society of Santuit and Cotuit, PO Box 242, Cotuit, for a One Day Live Entertainment License for "Autumn in Olde Cotuit" event to be held at The Historical Society of Santuit and Cotuit, 1148 Main Street, Cotuit on October 4, 2014 from 10:00 A.M. to 2:00 P.M. Music will be provided by the Rum Soaked Crooks and there will also be a pie contest and raffle.
2. **New One Day Wine and Malt License(2) and One Day Entertainment License:** Application of Lucy Loomis on behalf of the Sturgis Public Library, 3090 Main St, Barnstable for two One Day Beer and Wine Licenses and a One Day Entertainment License; events are all part of the Vonnegut Celebration and

will be held at the Sturgis Public Library. Friday, October 10, 2014 from 5:30-7:00 PM; kick-off reception, Sunday October 12, 2014 2:00 – 3:30 PM; jazz concert and 6:00 – 8:00 PM; Chowder fest finale with an attendance of 100 people inside as approved by the Building Commissioner.

3. **New One Day Wine and Malt License:** Application of Puritan Clothing Company of Cape Cod, 408 Main Street, Hyannis for a One Day Wine or Beer License for a charity fund raisers with a maximum capacity of 100 as approved by the Building Commissioner to be held at the store location on October 2, 2014 from 5:00PM to 8:00 PM.
4. **New One Day Entertainment Licenses (6):** Application of Susan Lewsen on behalf of the German American Club of Cape Cod, PO Box 187, Hyannis, for six One Day Live Entertainment Licenses for dinner dances to support the German American presence on Cape Cod. Events to be held at St Mary's Parish Hall, Route 6A, Barnstable; on the following dates October 11, 2014, December 13, 2014, February 14, 2015, April 11, 2015, May 9, 2015 and June 13, 2015 from 6 PM to 10 PM. Music will be provided by the Vagabond and Alpenbumen bands.
5. **Forfeit of License for Outback Steak House of Florida LLC d/b/a/ Outback Steakhouse:** Common Victualler All Alcohol License, 1070 Iyannough Road, Hyannis, MA
6. **Forfeit of License for Carabelle's LLC, d/b/a/Carabelle's:** Junk Dealer's License, 86 Route 149, Marstons Mills, MA
7. **Change of Hours for Moonshine Inc d/b/a Moonshine Liquors:** Retail Package Goods Store License, 101 Iyannough Road, Hyannis, MA
8. **Change of Hours for M.A.General Inc d/b/a Sea Street Food Mart:** Retail Package Goods Store License, 231 Sea Street, Hyannis, MA

Public Hearings:

1. **New Class II Auto Dealer License:** Application of Casey T. and Ryan M. De Vincent d/b/a The Car Guys, for a new Class II Auto Dealer License at 741 Yarmouth Rd, Hyannis; changing from a d/b/a to The Car Guys, Inc. Approved footprint for a maximum of 43 used vehicles to be parked outside per approval of the Building Commissioner; 38 display, 1 handicap, and 4 customer/employee.
2. **Change of Manager on Annual Wine and Malt License:** Application of NXBP, LLC d/b/a Pizza Wave, 3864 Falmouth Road, Marstons Mills, on their Annual, Wine and Malt License, for a Change of Manager from Branko Pishev to Nestor J. Xhupi.

3. **New Officers/Directors and Change of Manager for All Alcohol Common Victualler License:** Applications of Robins Nest Grill, Inc., d/b/a Eclectic Café, 606 Main Street, Hyannis, MA, for a change in corporate Officers/Directors and a change of Manager from Robert A. Najarian to Edward A, Rosario.

4. **New All Alcohol Annual Common Victualler License:** Application of Hyannis El Rodeo LLC d/b/a El Rodeo, Raul Herta, Manager, 1070 Iyannough Rd, Hyannis. One Story brick restaurant unit with main entrance, side emergency, one take out door & kitchen entrance in the Festival Plaza at Hyannis shopping center containing approximately 7000 square feet. Dining area (3350 sq ft), bar area (960 square feet) capacity 220. Kitchen area (2500 square feet) storage includes walk-in cooler, walk-in freezer, dry goods storages & small office all part of the kitchen. 12x75 Indoor patio area accessed only from the interior, (with an emergency exit gate) capacity 50; total of 270 as approved by the Building Commissioner.

New Show Cause Hearings:

1. **Show Cause Hearing for Pain D'Avignon:** The Barnstable Police Department has requested a Show Cause Hearing be called for Pain D'Avignon II, Inc., d/b/a Pain D'Avignon Café Boulangerie, 15 Hinckley Road, Hyannis for the following alleged violations on 6/01/2014:
Code of the Town of Barnstable, MA, § 501- 5, Section D: By allowing patrons to consume beverages outside the licensed premise. § 501-10, Sections A & K: By allowing a band to perform outside in the parking lot. By having outside speakers attached to the front of the building. § 501-10, Section B: Music could be heard by the reporting party on Ridgewood Ave over half mile away and music could be heard by Officer Maher from 300 feet away. § 501-10, Section C: Patrons were dancing in a patio area that by description was for outside dining. § 501-10, Section I: By failing to apply for a license after being informed to do so on August 7, 2013. § 501-5, Section B: By moving tables and chairs out of patio area. § 501-8, Section A: By allowing the above actions to take place on August 7, 2014 after being advised of the regulations of the town in 2013.
******Postponed until 10/27/2014 Licensing Authority Hearing******

2. **Show Cause Hearing for House of Bud's:** The Barnstable Police Department has requested a Show Cause Hearing be called for House of Bud's Inc. d/b/a/ House of Bud's, Candace Chambers, Manager, 959 Bearse's Way, Hyannis for the following alleged violation on 6/03/2014: Code of the Town of Barnstable, MA, 501-10, Section B: No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the premises, by allowing the level of music to be played in such a manner that it could be heard outside the establishment at over 300 feet away.

3. **Show Cause Hearing for Bobby Byrne's:** The Barnstable Police Department has requested a Show Cause Hearing be called for Shenanigan's Inc., d/b/a Bobby Byryne's Hyannis Pub, Zeph Sage Dannewitz, Manager, Manager, 489 Bearse's Way, Hyannis for the following alleged violation on 8/28/2014: Code of the Town of Barnstable, MA, 501-7: Licensees are responsible for ensuring that minors are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by an another patron.
4. **Show Cause Hearing for Auto Smart LLC:** The Town of Barnstable Licensing Authority has requested a Show Cause Hearing be called for Auto Smart LLC, 202 Yarmouth Road, Hyannis, Darrell Fietz, Manager, for customer complaint with unsatisfactory resolution.

Continued Show Cause Hearings:

1. **Show Cause Hearing for Auto Smart LLC:** The Town of Barnstable Licensing Authority has requested a Show Cause Hearing be called for Auto Smart LLC, 202 Yarmouth Road, Hyannis, Darrell Fietz, Manager, for customer complaint with unsatisfactory resolution. There will also be a review of all complaints filed against licensee and their respective histories.
****** Continued from 8/25/2014 Licensing Authority Hearing******
2. **Show Cause Hearing for Eclectic Café:** The Barnstable Police Department has requested a Show Cause Hearing be called for Robin's Nest Grill Inc., d/b/a Eclectic Cafe, Robert Najarian, Manager, 606 Main Street Way, Hyannis for the following violation: Code of the Town of Barnstable, MA, 501-14, Section C & D: Failure to obey an order or condition of the Licensing Board. Licensee failed to appear to mandatory alcohol licensing meetings offered by the Barnstable Police Department.
****** Continued from 8/25/2014 Licensing Authority Hearing******
3. **Show Cause Hearing for Bangkok Cuisine:** The Barnstable Police Department has requested a Show Cause Hearing be called for Bangkok Cuisine Hyannis Inc., d/b/a Bangkok Cuisine, Tanapon Tanasandil, Manager, 20 Independence Drive, Hyannis for the following violation: Code of the Town of Barnstable, MA, 501-14, Section C & D: Failure to obey an order or condition of the Licensing Board. Licensee failed to appear to mandatory alcohol licensing meetings offered by the Barnstable Police Department.
****** Continued from 8/25/2014 Licensing Authority Hearing******
4. **Show Cause Hearing For Willow Package Store:** The Barnstable Police Department has requested a Show Cause Hearing be called for Bilal Corporation., d/b/a Willow Package Store, Shakeel M. Farooq, Manager, 700 Yarmouth Road, Hyannis for the following violation: Code of the Town of Barnstable, MA, 501-14, Section C & D: Failure to obey an order or condition of

the Licensing Board. Licensee failed to appear to mandatory alcohol licensing meetings offered by the Barnstable Police Department.

****** Continued from 8/25/2014 Licensing Authority Hearing******

Licensing Division Updates:

1. Class II complaints
2. Egg & I Restaurant update
3. Sunnyside Restaurant update
4. Transition to email packages
5. Consent agenda implementation
6. International Inn
7. BYOB regulations

Release of Executive Session Minutes, if any (0).

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, WITH PROPER POSTING.

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.