



Town of Barnstable
Regulatory Services
Richard V. Scali, Interim Director
Licensing Authority

200 Main Street
Hyannis, MA 02601
www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY
LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
July 28, 2014

A regular meeting of the Barnstable Licensing Authority was held on Monday, July 28, 2014. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Associate Commissioner; Ron Semprini, Associate Commissioner; Richard V. Scali, Director of Regulatory Services and Licensing Agent, Lt. John Murphy and Patrolman Steve Maher Liaison Officers from the Barnstable Police Department, and Maggie Flynn, Recording Secretary.

Vote to accept Minutes: Vote to accept minutes of the 6/23/14 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 6/23/14 Meeting.

Hearings:

New One Day Beer and Wine and Entertainment Licenses: Application of Elizabeth Butler on behalf of the Centerville Public Library, 585 Main St, Centerville for a One Day Beer and Wine and Entertainment Licenses for a fundraiser wine tasting and auction to be held inside and outside at the Centerville Library.. Event to be held on August 16, 2014 from 4:30 to 7:30 PM with an attendance of 204 people inside and 45 people outside as approved by the Building Commissioner.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

New One Day Entertainment License: Application of Stephen Hemberger on behalf of the Historical Society of Santuit/Cotuit, PO Box 242, Cotuit, for a One Day Live Entertainment License for "Cotuit 375th year celebration". Event to be held at Cotuit Green, Main Street, Cotuit on August 9, 2014 from 5:00 P.M. to 7:00 P.M. Music will be provided by the Rum Soaked Crooks; food provided by Boy Scout Troop #52.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

New One Day Entertainment Licenses (2): Application of Betsy Newell on behalf of the Sturgis Library, PO Box 606, Barnstable, for two One Day Live Entertainment Licenses for an annual Antique Fair. Event to be held at Barnstable West Barnstable Elementary School, 2463 Main Street, Barnstable on August 15, 2014 from 8:00 A. M. to 4:00 P.M and August 16, 2014 from 9:00 A.M to 6 P.M .

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

New One Day Entertainment Licenses (18): Application of Kim Corben on behalf of the Cape Symphony, 1060 Falmouth Rd, Suite A, Hyannis, for 18 One Day Live Entertainment Licenses for various symphony concerts. Events are to be held at the Barnstable High School Performing Arts Center, 744 West Main St., Hyannis from September 20, 2014 to May 10, 2015(see below). Each concert is approximately 2 hours.

September 20, 2014 – 7:30 PM	January 1, 2015 – 3:00 PM
September 21, 2014 – 3:00 PM	January 17, 2015 – 7:30 PM
October 11, 2014 – 3:00 PM and 7:30 PM	January 18, 2015 – 3:00 PM
October 12, 2014 – 3:00 PM	February 14, 2015 – 3:00 & 7:30 PM
November 8, 2014 -7:30 PM	February 15, 2015 – 3:00 PM
November 9, 2014 – 3:00 PM	April 11, 2015 – 7:30 PM
December 5, 2014 – 4:00 PM and 8:00 PM	April 12, 2015 – 3:00 PM
December 6, 2014 - 3:00 PM and 7:30 PM	May 9, 2015 – 7:30 PM
December 7, 2014 – 1:00 PM and 5:00 PM	May 10, 2015 – 3:00 PM

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

New One Day All Alcohol License: Application of Daniel Chamberlain on behalf of Cape Cod Young Professionals, PO Box 634, Barnstable, for a One Day All Alcohol License for an annual Back to Business fundraiser on September 18, 2014 from 5:30 pm to 8:30. Event to be held at the Rectrix Aerodome at the Barnstable Municipal Airport.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

New One Day Entertainment License: Application of Michael Leona on behalf of Hyannis Sound Reunion Show, 14 Franbill Road, Hyannis, for a One Day Live Entertainment License for a 20th Reunion Concert. Event to be held at the Barnstable Performing Arts Center, 744 West Main Street, Hyannis on August 2, 2014 from 7:00 PM to 10:00 PM. Music will be provided by various groups from 1994-2014 playing one song.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Change of Manger on Annual 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 John R. Schuler to Michael W. Murphy.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Change of Annual Beer and Wine Common Victualler License to an All Alcohol Common Victualler License: Application of J&S Montero, LLC, d/b/a/ Vista de Mare Diner, Sergio Montero, Manager, 430 Main Street, Hyannis, MA 02601, Building with 1800 sq. ft., front entrance and rear entrance from public parking lot. Four restrooms, 38 seats inside and 24 seats on front outside patio; sidewalk dining valid only with License from Town Manager; hours during which alcoholic beverages may be sold are weekdays: 8:00 a.m. to 12 Midnight and Sundays: 11:00 a.m. to 12 Midnight for Change of Annual Beer and Wine Common Victualer License to an All-Alcohol Common Victualer license.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Show Cause Hearing for Auto Smart : the Town of Barnstable Licensing Authority has requested a Show Cause Hearing be called for Auto Smart LLC, 202 Yarmouth Road, Hyannis, Darrell Fitz, Manager, for customer complaint with unsatisfactory resolution; to show cause why the Class II Auto Dealer License at 202 Yarmouth Road, Hyannis should not be modified, suspended or revoked. This hearing is called pursuant to M.G.L. c 140 §58 (c)(v) and M.G.L. c. 140 §58 (c).

** Attorney Freeman requested a continuance until July 28, 2014 hearing due to a scheduling conflict**

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Show Cause Hearing for Burger King : The Barnstable Police Department has requested a Show Cause Hearing be called for LBK, LLC, d/b/a Burger King #664, 184 North Street, Hyannis: Eliana Hamelburg, Manager, for the following alleged violations on 6/22/2014: Code of the Town of Barnstable: violation of the 1:00 a.m. to 3:00 a.m. ordinance and MGL. 140 sections 2-9, violation of the closing hour condition; and actions that took place on June 22, 2014 after being advised of the regulations of the Town on at least three different occasions.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Show Cause Hearing for Alcohol Meetings: The Barnstable Police Department has requested a Show Cause Hearing be called for the list of alcohol licensees referenced below 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. Licensees failed to appear to mandatory alcohol licensing meetings offered by the Barnstable Police Department.

Big Daddy's Pizza, 4120 Falmouth Rd, Cotuit
Willow Package Store, 700 Yarmouth Rd, Hyannis
Craigville Mexican and Pizza, 618 Craigville Beach Road, Centerville
Eclectic Café, 606 Main Street, Hyannis
Bangkok Cuisine, 20 Independence Dr, Hyannis
The Beach Club, 27 Long Beach Road, Centerville
Blue Water Grill, 213 Ocean Street, Hyannis
Hyannisport Club, 2 Irving Ave, Hyannisport
King Grant Raquet Club, 12 Old Kings Road, Cotuit
The Paddock, 20 Scudder Ave, Hyannis
Pan D'Avignon Café – Boulangerie, 15 Hinkley Rd, Hyannis
Shanghai Chinese Restaurant, 11 Ridgewood Ave, Hyannis
Wimpy's, 752 Main Street, Osterville

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve

Business Meeting:

Election of Officers for the Licensing Authority:

Request to postpone suspension imposed at Show Cause Hearing on 1/13/14 and Extension of License approval:

At the request of the Town of Barnstable Building Division and Barnstable Police Department, a Show Cause Hearing was held on Ferreira's, 85 Old Yarmouth Road, Timothy J. Ferreira, Manager for the purpose of determining if its Annual Junk Dealer License should be modified, suspended, revoked or otherwise conditioned due to the following violation pursuant to a Police Report dated October 25,: Violation of the restriction on its current Junk Dealer's License, to wit: "Recycling bins and related equipment to be utilized and stored within the existing building." At that hearing a 30 day suspension was imposed, of which 15 days was to be served commencing on February 13, 2014. An appeal was filed by the Attorney for Ferriera's. Request that the Board vote to postpone this suspension until the appeal is finalized, or to 3/24/14. It was voted 2-1 to further postpone this hearing to 4/14/14. License approved to 8/14/2014.

*** Attorney Houghton to provide an update. Junk Dealer License for Ferreira's expires on 8/14/2014.

Request to Move October 20, 2014 Licensing Authority Hearing to October 27, 2014 :

Release of Executive Session Minutes, if any (0). There were none.

The meeting was adjourned at

Respectfully submitted,

Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority

Martin Hoxie, Chairman
Town of Barnstable Licensing Authority