

(clock in stamp)

(TIMESTAMP ALL 3 COPIES IN TOWN CLERK'S OFFICE –
LEAVE ONE TO FILE FOR OUR RECORDS -ONE TO POST IN
TOWN HALL - KEEP ONE COPY FOR YOUR RECORDS).

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 16, 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, September 16, 2019. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced; Ron Semprini, Vice-Chairman, Larry Decker, Associate Commissioner, , Richard Scali, Licensing Director; Officer Therese Gallant; Lt. John Murphy and Maggie Flynn, Recording Secretary. David Nunheimer, David Hirsch and Nancy Karlson-Lidman were absent.

Vote to accept Minutes

1. Vote to accept minutes of the 08/19/19 meeting.

A motion was duly made by Mr. Semprini, seconded by Mr. Decker and a unanimous vote taken to accept the minutes of the 09/16/19 meeting.

New Business:

1. **Informational Discussion:** Murphy's on Main LLC, d/b/a Murphy's on Main, Scott S Weichel, Manager, 644 Main Street, Hyannis. By request from Kenneth Ford, 8/8/19 and 9/6/19 regarding sound emissions from 644 Main Street, Hyannis.

Mr. Scali stated that this is an informational hearing.

Mr. Kenneth Ford is the representative for the building; the issue is that Murphy's on Main is both a commercial and residential building. There are 11 of us in the building. Every Thursday and Saturday we receive 30 to 70 decibels of sound into our apartments. Mr. Hoxie commented that your peace and quiet is disturbed. Mr. Weichel started as considerate in the beginning. We are not asking that his Entertainment license be removed; the tenant (Scott Weichel) must sound proof.

Lt. Murphy asked how long he has lived there; 3 years. Have you discussed this with the landlord? The landlords, Max and Kelly do not have much to do with the building. Lt. Murphy stated the hard part is how the police department gets involved with sound that travels up and not out. The police are not willing to help per Mr. Ford. Lt. Murphy stated the Police Department is stuck in the middle. This should be mediated between the landlord and tenant.

Officer Gallant asked how did you measure your decibels; with a sound meter that I bought on-line. Officer Gallant reviewed the history of the location. Mr. Weichel went into business last May. Mr. Weichel does not have a band every Saturday night.

Mr. Ford confronted Mr. Weichel about the August 3rd incident.

Mr. Scali, in regards to the petition, we need more information. Clear names and addresses are required for proper certification. Regarding the noise decibel level, it does require a certified outside entity. Mr. Scali asked the Building Commissioner, Brain Florence to be here regarding the CMR.

Brain Florence, 780 CMR concludes that there are no provisions to require upgrade of the building. This is a pre-existing building. There is nothing that can compel me or my office to force the building department to have them upgrade the premises.

The Health Department is required under EPA regulations to monitor sound. In order to do so an outside company needs to be contracted to conduct an investigation.

Officer Gallant stated that if he moves the bands in the corner we would not have this problem

Mr. Hoxie asked if he thinks this is going to continue. Mr. Ford stated I think he is going to be going out of business.

Mr. Hoxie stated if this continues, notify our office and we can take action as a show cause hearing. Mr. Hoxie commented that he is being disturbed.

Lt. Murphy suggested Mr. Ford., Mr. Weichel and the landlord all get together. The board should not be the babysitter in this process. The landlord has a stake in this process.

Mr. Semprini reviewed the live entertainment process. He started off breaking your rules to begin with according to Mr. Ford.

2. Consent Agenda:

A motion was duly made by Mr. Semprini, seconded by Mr. Decker and a unanimous vote taken to accept the Consent Agenda as printed.

Public Hearings:

- 1. Application for a New Annual Common Victualler and Non-Live Entertainment Licenses:** Application of S-L Snacks MA, LLC. d/b/a Cape Cod Potato Chips, 100 Breeds Hill Rd., Hyannis, Stephen Winters, Manager, for a new Annual Common Victualler license. Hours of operation will be Monday - Friday 9:00 AM to 5:00 PM. Seating is for 8 picnic tables approved by the Building Commissioner on 02-21-19. Non-Live Entertainment is for 3 TV's. Entertainment hours are the same as operational hours. ****Continued from 8/19/19****

Applicant failed to appear.

****Continued to 10/07/19****

- 2. Application for a Change of Hours on an All Alcohol Club License:** Application for a change of hours has been filed from Wianno Club Inc. d/b/a Wianno Club, 107 Seaview Ave, Osterville, Darin Crippen manager. Change of hours is for an earlier Sunday opening and service time to 10:00 AM from 12:00 PM.

Amanda Zimmerman appeared on behalf of the application. This is the formal request for change of hours.

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

3. **Application for an Alteration of Premises on an All Alcohol Common Victualler License:** Application of 769 Iyannough, Inc. d/b/a Tenpin Eatery, 769 Iyannough Rd., E139A, Hyannis, Emily A Page, Manager for an Alteration of Premises description of the existing premises. Alteration of premise is for reduction of seats to construct a golf simulator in the restaurant/bar area.

New Description: Premise is located at 793 Iyannough Road, Hyannis comprising 25,128 square feet. Alcoholic beverages will be dispensed from the Bar(1,254 sq. ft.), for service and consumption in the restaurant (1,662 sq. ft.), Community Seating Area(1,926 sq. ft.), VIP Flex Suite(818 sq. ft.), Game Room (3,879 sq. ft.), Lobby(661 sq. ft.) and Golf Simulator(300 sq. ft.). No service or consumption is allowed in the Laser Tag Room, Briefing Room, Restrooms and areas not open to the public. Alcohol will be stored in bar and kitchen. Beer and wine will also be stored in 2 exterior walk-ins (271 sq. ft.)

Proposed occupancy is 540 with total seating of 252 at 48 tables as follows: Restaurant 15 tables, 68 seats, Bar- 3 tables, 12 seats, bar seats- 38. Community seating- 14 tables, 98 seats, - 32 of which are bowling seats, VIP Flex – 4 tables, 32 seats- 12 are bowling seats. Five emergency exits.

All changes approved by the Building Commissioner on 8/23/19.

Mike Crowley appeared on behalf of the application. We are also introducing a library wall with Board games. We will miss the seats on Saturday evenings. The golf simulator will be 15x15 sq. ft. Musical entertainment is very limited. Mr. Scali asked how the nighttime closing was working for them; it is working very well. It was a difficult summer but we expect improvements once Target opens.

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

Show Cause Hearing:

1. The Barnstable Licensing Authority has requested a Show Cause Hearing be called before them for Missako Bakery & Cafe, Matheus Tanaka, Manager at 357 Main St. Hyannis, for the following violation of MGL c. 140, s.2-9 and the Town of Barnstable, MA Code:

•**Section 504-2(a).** Common Victualler (Violation of MGLc140, s. 2): General Provisions-(a) Every food service establishment in the Town of Barnstable with capabilities for cooking, preparing and serving food with seating and/or eating on premise is required to have a common victualler license.

•**Section 501-2(a).** Requirements for Licensure: No individual or establishment may conduct any business which requires a license without first obtaining a valid license. ****Continued from 08/19/19****

Mr. Scali updated the Board as to the status to date. Matheus has completed the abutter notification process and all other requirements to be licensed.

The disposition of the show cause hearing will be made after the application for the common victualler license has been heard.

After hearing the application, the following motion was made.

A motion was duly made by Mr. Semprini, seconded by Mr. Decker and a unanimous vote taken to place the Show Cause on file.

Public Hearing:

1. Application for a New Annual Common Victualler and Non-Live Entertainment Licenses: Application of Missako Hashimoto d/b/a Missako Bakery & Cafe, 357 Main St., Hyannis, Matheus Tanaka, Manager, for a new Annual Common Victualler license. Hours of operation will be 7:00 AM to 6:00 PM Monday-Saturday.. Seating is 34 in total, 20 interior and 14 exterior as approved by the Building Commissioner on 5/20/19.

Non-Live Entertainment is for recorded music and 1 TV..

Non-Live Entertainment hours are the same as operational hours.

******Postponed from 6/10/19**** and ****Continued from 08/19/19******

Mr. Scali asked if you have changed the sign yet. No it is still being made. The sign should be available mid next week. His Mother is the applicant and Matheus is the manager. As far as the lease, they will be meeting in October. Mr. Scali is suggesting that they require the new lease prior to any renewal approval.

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

An amended motion was duly made by Mr. Semprini, seconded by Mr. Decker and a unanimous vote taken to include a new lease prior to approving the annual renewal in December.

Licensing Division Updates:

- 1. Licensing Department updates-** Discussion regarding retroactive approvals.
Mr. Scali forwarded an emergency regulation from the ABCC regarding inducement.
There is a new process going on with short term rental regulations. The Licensing Authority may come in to play, possibly disciplinary in nature. Everything is still in the development stages. We are adding additional inspections for approved licenses and for the One Day process. Retroactive policy, will we be allowing Officer Gallant asked what will the plan be for the future. Mr. Hoxie stated that it is quite simple; if they go forward they are in violation.
- 2. Police Department updates-** *Lt. Murphy stated he spent the previous afternoon at Gene Burman's 90th birthday party.*

The meeting was adjourned at 10:22 AM

Respectfully submitted,



Margaret D. Flynn, Recorder
Town of Barnstable Licensing Authority



Martin Hoxie; Chairman
Town of Barnstable Licensing Authority

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

Town of Barnstable

Licensing Authority

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY

CONSENT AGENDA

September 16, 2019

Renewals:

1. **Application for (3) One Day Extensions of Licensed Premise:** Application of Michael Crowley on behalf of Ten Pin Eatery for three One Day Extension of Licensed premises for Corn Hole Tournaments. This extension includes the corridor between Tenpin Eatery and Ryan's Virtual Reality; Cape Cod Mall. The events are to take place on September 29th, October 13th and November 10th from 6:00 PM to 11:00 PM. The Mall will not be open at this time.
2. **Application for A One day Entertainment License:** Application of Kip Diggs on behalf of the Kraig Andre Diggs Scholarship for a One Day Entertainment License for the Kraig's Dodgeball Tournament. The event is to take place at the Barnstable High School, 744 West Main Street, Hyannis on September 28, 2019 from 8:00 AM to 6:00 PM