



Town of Barnstable

Regulatory Services

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Licensing Authority

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BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

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

March 31, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 31, 2008. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Thomas Geiler, Director of Regulatory Services and Licensing Agent was absent.

Requests:

One Day Beer & Wine License: Application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville for a **One Day Beer & Wine License** for a fundraising wine tasting event with live auctions at the library on May 17, 2008 from 4 pm to 8 pm.

Elizabeth Butler appeared for her application. This will be a wine fundraising event with live auctions and a wine tasting. They need to raise 40-50% of their budget themselves. Mr. Burman asked about the service of alcohol by a package store. Mrs. Butler said they have done it for them before at Alberto's – they portion out 2 oz. for each cup. Mr. Burman just wanted it read into record that he had a concern about a package store serving.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville for a **One Day Beer & Wine License** for a fundraising wine tasting event with live auctions at the library on May 17, 2008 from 4 pm to 8 pm.

Hearings:

Amendment to New Annual All Alcohol Common Victualler License: Country Club Elite, Inc. d/b/a Philbrick's, 1460 Falmouth Road, Marstons Mills, Ian Philbrick, Manager, due to a miscommunication, has requested to add to its license description approved at the 3/17/08 Licensing Authority Hearing, "seating for 48 in the lower level. "

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken with regard to the Annual Common Victualler All Alcohol License granted to Country Club Elite, Inc. d/b/a Philbrick's, 1460 Falmouth Road, Marstons Mills, Ian Philbrick, Manager on 3/17/08, to add to the license description, "seating for 48 in the lower level."

New Annual Wine & Malt Package Goods Retail License: Application of Christy's of Cape Cod, LLC, d/b/a **Christy's of Cape Cod**, 50 Ocean Street, Hyannis, MA 02601, Christy Mihos, Manager, for a **New Annual Wine & Malt Package Goods Store License**. Continued from 1/15/08. Continued from 1/15/08. Continued again to 3/17/08 for appeal period to end for Special Permit. Continued again to 3/31/08.

Mr. Hoxie requested a further continuance to 4/14/08 as Mr. Mihos is unable to attend today's hearing.

Bill Cronin appeared for the hearing – he stated he was here February 25, March 17 and now again today and asked how many times they are allowed to continue it. Mr. Hoxie stated that the hearing was continued first for determination whether it needed Planning Board approval. The hearing itself was already held. He then stated we will allow additional testimony at the next hearing. On the 14th it will be determined if it should be withdrawn if they do not go forward. Mr. Cronin stated he was very unhappy about missing another morning's work.

New Common Victualler License: Application of Timothy Gaudette/Stinky Inc. d/b/a The Black Bean Cafe, 50 Sea Street, Hyannis, MA, Timothy Gaudette, Manager, for a **New Common Victualer License**, the hours of operation to be 6 am to 6 pm.

Mr. Gaudet appeared for his application. It will be a 15 seat restaurant – mostly lunch menu with a breakfast burrito, muffin menu. They will be open 7 days. They plan to be open by May 1 at the latest.

Mr. Sullivan asked where it is? It is south of Sea St. Mr. Burman mentioned he had seen people working there this morning.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Timothy Gaudette/Stinky Inc. d/b/a The Black Bean Cafe, 50 Sea Street, Hyannis, MA, Timothy Gaudette, Manager, for a **New Common Victualer License**, the hours of operation to be 6 am to 6 pm.

Increase in # of Entertainers on Daily Live Entertainment License: Application of RCSJ Group, Inc., d/b/a Fresh Ketch, 462 Main Street, Hyannis, Raymond C. Roy, Manager, holding an Annual All Alcohol Common Victualler License and a Daily Live,

Non-Live, and Sunday Entertainment Licenses for 3-4 entertainers, for an increase in their live entertainment and Sunday entertainment license to 5 entertainers to accommodate a band they have had for years.

Mr. Roy appeared for his application. He owns Fresh Ketch. They have had a 3-4 piece license for the past few years; they would like to increase it to 5. He stated there are 4 other places within 500 yards which have 5 entertainers on their licenses. They have a band who will not play for them again unless they have permission for all 5 pieces. He stated there are others who have 5-6. He will not name them unless asked. They want to remain competitive.

Mr. Sullivan asked about inside, outside or both? Mr. Roy stated inside only. Officer Maher said Shango Axe does amplify. Mr. Roy stated they do not amplify in their restaurant. Officer Maher stated all other places he has seen them they do amplify. Officer Maher also stated that Fresh Ketch had 6 noise complaints this past season – and also had a tendency not to close down the entertainment at the proper time. He agreed that others in the area do have the 5 pieces. He stated with the windows they have at Fresh Ketch it adds to the noise problem. Mr. Roy stated the only violation they have had is when the police walked by and heard it. The only violation they were brought in for was for a violation on operating at 12:33. That was the only one the Board heard, and they were issued a warning. They are planning to operate it until 12:30 only – not 12:45 when the Board standardized the time to 12:45.

Mr. Hoxie stated the applicant is aware of the police concerns. He does not see a problem with adding an entertainer.

Lt. Jason stated there are a lot of complaints from the hotel nearby – Mr. Roy stated that they have asked the motel owner to call them immediately if there is noise which is bothering them. Lt. Jason is looking for the police not to have to monitor it or have the hotel have to call. She wants THEM to monitor their own noise so it does not disturb the motel.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of RCSJ Group, Inc., d/b/a Fresh Ketch, 462 Main Street, Hyannis, Raymond C. Roy, Manager, for an increase in their live entertainment and Sunday entertainment license to 5 entertainers.

Mr. Roy then asked, “off the record” for permission to serve alcohol on the patio until 11:30 rather than 10:30 as he had represented he would do last season. Lt. Jason stated the patios were very well managed last year. Mr. Roy stated there is no limit on his license. He would like to change it to 11:30. The Board, Martin Hoxie and Gene Burman and Paul Sullivan agreed to grant him permission to serve alcohol until 11:30 outside on his patios.

Renewals:

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

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Common Victualler All Alcohol Seasonal renewals as submitted below:

Common Victualler All Alcohol:

Gringo's
Mattakeese Wharf
Joe's Twin Villa*
Keeper's
The Black Cat

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Club All Alcohol Seasonal renewals as submitted below:

Club All Alcohol:

The Beach Club

A motion was duly made by Gene Burman and seconded by Paul Sullilvan and a unanimous vote taken to approve the Innholder All Alcohol Licenses as submitted below:

Innholder All Alcohol

Hyannis Harbor Hotel

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Daily Live Entertainment renewals as submitted below:

Daily Live Entertainment:

Trader Ed's
Kian n Rylee's
Mattakeese Wharf
The Beach Club
Joe's Twin Villa*
Hyannis Harbor Hotel
The Black Cat

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Daily Non-Live Entertainment renewals as submitted below:

Daily Non-Live Entertainment:

Gringo's
Joe's Twin Villa*
Hyannis Harbor Hotel

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Pool Table Licenses as submitted below:

Pool Tables:

Joe's Twin Villa*

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Coin-Operated Machine Licenses as submitted below:

Coin Operated Amusements:

Joe's Twin Villa*

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Sunday Entertainment renewals as submitted below:

Sunday Entertainment:

Trader Ed's
Gringo's
Mattakeese Wharf
The Beach Club
Joe's Twin Villa*
Hyannis Harbor Hotel
The Black Cat

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Common Victualler renewal as submitted below:

Common Victualler:

Ben & Jerry's

* Joe's Twin Villa licenses will be approved but not issued because they do not have a State Safety Inspection Certificate signed by the Building Commissioner and Fire Chief. If or when this is received, we will renew their license with the ABCC and issue the licenses.

Other Business:

Mr. Burman stated he would like to appoint Mr, Hoxie for Chairman of the Licensing Authority for the coming year. It was unanimously voted to approve that nomination. Mr. Hoxie stated he would like to nominate Mr. Burman as Co-Chair of the Licensing Authority for next year and it was unanimously voted to approve that nomination. Mr. Burman then nominated Mr. Sullivan as Clerk of the Licensing Authority for next year and it was unanimously voted to approve that nomination. Mr. Burman made a motion to double their salaries.

The meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority