



Town of Barnstable

Regulatory Services

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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.

May 5, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, May 5, 2008. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Requests:

Two One Day Wine & Malt Licenses, Daily Live Entertainment License and Sunday Entertainment License: Application of Karen S. Enos on behalf of The Holy Ghost Society, 53 Main Street, Cotuit, MA for two Wine & Malt Licenses and a Daily Entertainment and Sunday Entertainment License for their annual (117th) Portuguese Feast to be held on June 14, 2008 from 5 pm to 11 pm and June 15, 2008 from 12 pm to 6 pm.

Karen Enos appeared for her application; she is the Treasurer of the Society. This festival has been going on for many many years and has been very successful. Mr. Burman has just been made aware that one day licensees are supposed to obtain their alcohol from wholesale liquor distributors; asked her where they got theirs. Karen stated they get their alcohol from Cotuit Liquors. Mr. Geiler stated it is a requirement that one day licensees do the same thing as liquor licensees and obtain from wholesalers, however, it is really a widespread practice to get it from the stores and the reason for it is because most of the one day functions use such a small variety of alcohol the trucking of it is difficult. He then stated that the Authority has a meeting with the ABCC this week, and we will bring up this question. Mr. Burman went on to state that there is not a “wholesale” dealer on the Cape. Mr. Geiler stated we have never had a policy on this issue and will take the opportunity to speak with the ABCC about it. He stated it is a tough situation – didn’t want to tell the Licensee it is o.k. to purchase from a liquor store; and the transportation issue is also difficult with regard to quantities. He stated he is not in a position to state it is a number 1 priority to enforce it. It was mentioned that now Luke’s has a wholesale part to their license. Mr. Hoxie stated that Cotuit Liquors could be the “go between” for them with the wholesaler.

Dave Colombo came forward and stated Cotuit Liquors has also started a wholesale division – the Roadhouse buys from their wholesale division. It was determined today to approve the one day requests as we have been doing without qualifying where they get their alcohol but to look into it this week for future applications.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Karen S. Enos on behalf of The Holy Ghost Society, 53 Main Street, Cotuit, MA for two Wine & Malt Licenses and a Daily Entertainment and Sunday Entertainment License for their annual (117th) Portuguese Feast to be held on June 14, 2008 from 5 pm to 11 pm and June 15, 2008 from 12 pm to 6 pm.

Three One Day All Alcohol Licenses, Three Daily Entertainment Licenses, Sunday Entertainment License: Application of Constantine Conostas on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for **3 One Day All Alcohol Licenses and 3 One Day Entertainment Licenses** for its annual Greek Festival with a DJ and 5 musicians, the event to be held on July 18, 2008 from 4 pm to 11 pm, July 19, 2008 from 11 am to 12 midnight and July 20, 2008 from 11 am to 6 pm.

Mr. Conostas appeared for his application. This is their 26th event. It also has been very successful. There have been no problems with traffic, etc. and they have police detail. Mr. Burman stated he has attended regularly and thought there were more than five entertainers. He suggested we amend it to a higher number to be in compliance. They have now requested 5-7 entertainers.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Constantine Conostas on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for **3 One Day All Alcohol Licenses and 3 One Day Entertainment Licenses** for its annual Greek Festival with a DJ and 5-7 musicians, the event to be held on July 18, 2008 from 4 pm to 11 pm, July 19, 2008 from 11 am to 12 midnight and July 20, 2008 from 11 am to 6 pm.

Two One Day Entertainment Licenses: Application of Susan M. Friedman on behalf of Dance Designs, 11 Enterprise Road, Hyannis for **two One Day Entertainment Licenses** for a student dance recital to be held at the Barnstable High School Performing Arts Center, Hyannis, on June 20, 2008 at 7 pm and June 21, 2008 at 7 pm.

Susan Friedman appeared for her application. She is the Director and this is the 9th year. There are still 4-6 free tickets to each family with a participant and \$15 at the door, which is different from what she had written on her application.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Susan M. Friedman on behalf of Dance Designs, 11 Enterprise Road, Hyannis for **two One Day Entertainment**

Licenses for a student dance recital to be held at the Barnstable High School Performing Arts Center, Hyannis, on June 20, 2008 at 7 pm and June 21, 2008 at 7 pm.

Three One Day Beer & Wine Licenses: Application of Louis G. Cataldo on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit for **three One Day Beer & Wine Licensed** for a concert on May 10, 2008 from 8 pm to 11 and a Chamber of Commerce Member to Member Networking Event on May 13, 2008 from 5 pm to 7 pm and for the Pan Mass Bike Challenge, to be held on May 22, 2008 from 5 pm to 9 pm.

Mr. Cataldo appeared for the application as well as another one (late filed). TIPS will serve the liquor.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Louis G. Cataldo on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit for **three One Day Beer & Wine Licenses** for a concert on May 10, 2008 from 8 pm to 11 and a Chamber of Commerce Member to Member Networking Event on May 13, 2008 from 5 pm to 7 pm and for the Pan Mass Bike Challenge, to be held on May 22, 2008 from 5 pm to 9 pm.

Sunday Entertainment License and One Day Beer & Wine License: Application of Cathrine Macort on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis, for a **Sunday Entertainment License and One Day Beer & Wine License for the 7th Annual Cape Cod Maritime Festival** to be held at the Museum in a tent, 135 South Street, and Aselton Park, Hyannis on Sunday, May 18, 2008 from 11 am to 4 pm.

Cathrine Macort appeared on behalf of her application. This is the same type of event held last year.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Cathrine Macort on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis, for a **Sunday Entertainment License and One Day Beer & Wine License for the 7th Annual Cape Cod Maritime Festival** to be held at the Museum in a tent, 135 South Street, and Aselton Park, Hyannis on Sunday, May 18, 2008 from 11 am to 4 pm.

One Day Entertainment License: Application of Kerry P. Aylmer of Stem to Stern Sales, 92 Barnacle Road, Yarmouthport, MA, for a **One Day Entertainment License** for a choreographed oldies show with a live band and dancing to be held at the V.F.W. Hall, Iyannough Road, Hyannis on May 24, 2008 from 7 pm to 11 pm.

Robert M. Lavery appeared on behalf of this application. He is the partner of Mr. Aylmer. It has been done twice with Freddie & The Maybellines. It goes out to about 75 people. Admission is \$12/person. Officer Maher stated there were no problems last time.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Kerry P. Aylmer of Stem to Stern Sales, 92 Barnacle Road, Yarmouthport, MA, for a **One Day Entertainment License** for a choreographed oldies show with a live band and dancing to be held at the V.F.W. Hall, Iyannough Road, Hyannis on May 24, 2008 from 7 pm to 11 pm.

Hearings:

New Common Victualler License: Application of Teerapong Sathapornchaisit, d/b/a Bangkok Kitchen, 339 Barnstable Road, Hyannis, MA for a New Common Victualler License, Sunit Sathapornchaisit, Manager, hours of operation to be 11:00 am to 10:00 pm.

Both principals appeared on behalf of this application. Sunit came forward for her application. It is the existing restaurant. They will retain the same d/b/a. She has worked there almost 2 years and will now be taking over. Mr. Burman complimented the Chairman on pronunciation of the names.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Teerapong Sathapornchaisit, d/b/a Bangkok Kitchen, 339 Barnstable Road, Hyannis, MA for a New Common Victualler License, Sunit Sathapornchaisit, Manager, hours of operation to be 11:00 am to 10:00 pm.

New Class II Auto Dealer License: Application of Brito's Auto Body & Sales, Inc., d/b/a Brito's , 657 Yarmouth Road, Hyannis, Manuel J. Brito, Manager, for a **Class II Auto Dealer License**, the hours of operation to be 8:30 am to 6 pm.

Manuel Brito appeared for his application. He stated he has to apply for a new license although he had a license for many years as he did not renew it for the past couple years. Times were tough.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Brito's Auto Body & Sales, Inc., d/b/a Brito's, 657 Yarmouth Road, Hyannis, Manuel J. Brito, Manager, for a **Class II Auto Dealer License**, the hours of operation to be 8:30 am to 6 pm Monday through Saturday, with the number of vehicles to be determined by the Building Commissioner.

New Annual All Alcohol Common Victualler License: Application of Colombo's Café & Pastries, Inc., 544 Main Street, Hyannis, Martin P. Sadlemire, Manager, for a **New Annual All Alcohol Common Victualler License**, the hours of operation to be 11:00 am to 1:00 am. Proposed indoor seating for 108 plus an exterior patio seating 54.

Attorney Steven Pizzuti appeared with Mr. Colombo, Mr. Sadelmire and Mr. Pane for this application. 26 years ago Mr. Colombo founded the Roadhouse Café, evolving over the years to be one of the best in the area. Mr. Colombo also started the Naked

Oyster. Mr. Sadelmire was the restaurant manager at Wequasset Inn and before that in Orlando. Attorney Pizzuti said that Mr. Colombo wants to bring a bit of the North End flavor to Hyannis. He wants to bring this new ambience. The patio will be enclosed by vegetation & open only at the front with a hostess standing there. He hopes the baked goods will be welcomed by the people strolling down Main Street. Every single person except the cooks will be TIPS trained. The ratio of alcohol to food is very small and he stressed that it will not be a bar but a restaurant. Their focus is on the food – entertainment is not requested at this time. They may look at that possibly in the future. If all the stars line up they are looking at June 13th to open. Attorney Pizzuti stated that Mr. Colombo is very tenacious. He opened the Roadhouse on Friday the 13th and June 13th is also a Friday – which is why they are shooting for that date. Mr. Hoxie asked him to compare this venture to the Roadhouse – the Roadhouse is fine dining, table cloths etc. This will be like a bistro. There is an eleven seat bar Mr. Hoxie stated – Mr. Pizzuti mentioned that some people enjoy eating at a bar if perhaps they are alone, stating he likes it himself. Mr. Hoxie asked if maybe they'd enjoy some music in the background. Attorney Pizzuti would accept a one person acoustic if Mr. Hoxie could add it. Attorney Pizzuti then said in going over the plans, they realized there is more square footage now – they are now asking for 108 occupancy plus a staff of 11 contingent on the Building Commissioner accepting the number. Mr. Sullivan suggested the capacity be determined by the Building Commissioner to include the staff in that number. Gene Burman had a question on the outside seating – as it is a large number of seats. He asked what the minimum would be they would accept outside. Lt. Jason asked them to describe the design of the patio – Mr. Colombo stated it is 79 x 13 feet. To the north there is a 3 ½ foot wrought iron fence with gate required by the Fire Dept. for egress in emergency. East is evergreen landscaping – impossible to go through. Between the parking lot and the landscaping is a sidewalk. A 6' section of fence will be on Main Street with a hostess standing there. There will be 3 servers, the hostess and a bus person. The hostess will be very vigilant. They want to make sure everyone keeps the alcohol in the patio area and pays before leaving. Lt. Jason asked how long they want to be open serving – Mr. Colombo stated midnight or even 1 am. Lt. Jason recognized that he has run a very competitive and nice operation on South Street – she wanted to make sure he understands what goes on in the area of the new restaurant from 12:30 – 1 am. Mr. Colombo states he knows what they are in for. Mr. Burman asked about the parking lot entrance – it will function as in and out but there is quite a buffer between the lot and their restaurant. Mr. Sullivan wanted to confirm alcohol service to 1 am.

Cynthia Cole came forward from Hyannis Main Street Business Improvement District; speaking in favor of this “fabulous project.” She stated that everyone is very excited about this renovation at 544 Main and Mr. Colombo will do an excellent job. She stated nothing gets by Mr. Colombo – he is very vigilant and could deal with any issue which could be problematic.

Mr. Hoxie confirmed that the Manager is very well qualified by his background and experience.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Colombo's Café & Pastries, Inc., 544 Main Street, Hyannis, Martin P. Sadlemire, Manager, for a **New Annual All Alcohol Common Victualler License**, the hours of operation to be 11:00 am to 1:00 am. Proposed indoor seating for 108 plus an exterior patio seating 54.

Attorney Pizzuti addressed the Board stating that they are very lucky to have Chris, who was again a pleasure to work with.

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 renewals as submitted below:

Common Victuallers:

Harborside Seafood
McGee's Ice Cream

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

Junk Dealers:

Cape Cod Precious Gems & Coins
Trade Secret Antiques
Cotuit Mercantile
J. Craig Medeiros
Cape Cod Jewelers
West Barnstable Trading Company
Play It Again Sports

A second motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to continue the request to renew the Junk Dealer License of Mid Cape Metal Recycling to the 5/19/08 hearing at the request of the applicant's attorney.

Mr. Burman asked Mr. Longo from the Melody Tent to come forward to speak about the tent's Daily Live and Sunday Entertainment Licenses; Mr. Longo stated they have made many improvements to contain the sound – it has been worked on since two years ago. Mr. Burman stated it is a great asset to the community but thinks the Tent has a responsibility to the residents to allow them quiet enjoyment of their homes. Mr. Longo said they have been working with this firmly in mind. He remains available to the study

and process of containment. He also advised that they have eliminated the few bands which got them "in trouble."

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

Daily Live Entertainment:

Cape Cod Melody Tent

Sunday Entertainment:

Cape Cod Melody Tent

Other Business:

Attorney Robert Clark is substituting for Attorney Gildea who could not be present today representing Raw Bar on Ocean Street. This item was added to the agenda to read into record the expanded description of the premises and separate votes for alcohol license and entertainment (from hearing 4/14/08).

Tom Geiler stated we just need to clarify the description for the license and to separate the motions of the liquor license and entertainment license.

A Motion was duly made by Paul Sullivan seconded by Gene Burman and a unanimous vote taken to approve the application of Lobster Girl, Lobster Boy, Inc., d/b/a Raw Bar on Ocean Street, 230 Ocean Street, Hyannis, Elizabeth Westwater, Manager, for a New All Alcohol Common Victualler License.

Another motion was duly made by Paul Sullivan, seconded by Martin Hoxie, for Daily Live, Non-Live and Sunday Entertainment as approved on April 14, 2008, from 5 pm to 9 pm inclusive and inside only on the first floor with a maximum of 3 entertainers. Mr. Sullivan and Mr. Hoxie voted yes and Mr. Burman voted no. Motion passed.

Tom Geiler stated the new description was worked out with Attorney Gildea with new plans he submitted to clarify it at our request. Paul Sullivan read the description into record as follows: Two story wood frame structure located at 230 Ocean Street, Hyannis, MA consisting of two separate units. Premises exist in the west section (titled Unit B). Unit B consists of a first floor with kitchen/storage area of approximately 200 sq. ft., dining area of approximately 200 sq. ft. with seating for 16; Bar area of approximately 300 sq. ft. with seating for 5; outdoor terrace area of approximately 130 sq. ft. with seating for 12; a second floor with an equipment/storage area of approximately 150 sq. ft.; a kitchen/prep area and bar seating of approximately 300 sq. ft. with seating for 4 and an outdoor roof deck area of approximately 300 sq. ft. with seating for 22. Main entrance on the north side with exit/entrances also on the west and

south sides. Small basement area for storage. Rest rooms in common area on first floor.

Concerned citizen complaint about gambling at the Hyannis Elks. Mr. Hoxie mentioned that a letter was received which was directed to Detective Murphy at the Barnstable Police department and copied to Licensing.

Steve Lebel, Bar Manager and Trustee at Hyannis Elks came forward stating he has had no direct complaints. He stated a detective came in a year ago to investigate. They do not gamble there; they do not know where this is coming from. Mr. Lebel read the letter sent to Detective Murphy, BPD. Mr. Lebel stated they do have video machines – there is no cash prize, only “points.” Mr. Hoxie stated for the record that now Mr. Lebel is aware of the complaint, and thanked him for coming tot eh Authority.

A motion was duly made by Gene Burman at 10:30 a.m. and seconded by Paul Sullivan to move into Executive Session and not to return to the regular agenda. Christine Ade took a roll call vote asking Martin Hoxie, Gene Burman and Paul Sullivan how they voted and it was a unanimous vote to move into Executive Session.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority