



# Town of Barnstable

## Regulatory Services

Thomas F. Geiler, Director

### Licensing Authority

200 Main Street

Hyannis, MA 02601

[www.town.barnstable.ma.us](http://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, 2<sup>nd</sup> Floor Hearing Room, Hyannis, MA – 9:30 a.m.  
December 7, 2009

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 7, 2009. 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.

#### Hearings:

**One Day All Alcohol and One Day Entertainment Licenses:** Application of William H. Sykes on behalf of Best Buddies International, 100 SE 2<sup>nd</sup> Street, Suite 2200, Miami, FL for its annual event to be held at 1014 Craigville Beach Road, Centerville (outside in a tent) with a band, for a One Day All Alcohol from 12 pm to 9 pm and One Day Entertainment License from 6 pm to 9 pm on June 5, 2010.

Mr. Sykes appeared for their annual event. It has now been run for 10 years and five at this location at the Shriver property. Generally there is a nationally known entertainer. They raised 3.5 million dollars last year for this charity. Mr. Burman asked, based on our policy, where the band faces? It is inside a tent facing north. Mr. Burman's concern is the residential area and he wondered if there had ever been complaints. There have not been that Mr. Sykes knows of.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of William H. Sykes on behalf of Best Buddies International, 100 SE 2<sup>nd</sup> Street, Suite 2200, Miami, FL for its annual event to be held at 1014 Craigville Beach Road, Centerville (outside in a tent) with a band, for a One Day All Alcohol from 12 pm to 9 pm and One Day Entertainment License from 6 pm to 9 pm on June 5, 2010 subject to the knowledge that the alcohol must be purchased from a licensed wholesaler of alcohol.

**Request to Close:** Request of WKC, Inc., d/b/a Misaki, 379 West Main Street, Hyannis, Karen L. Butler, Manager, for a closing of the restaurant from January 4, 2009 through February 2, 2009.

Karen Butler appeared for her request. This is for general maintenance and freshening up, things of that nature.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the request of WKC, Inc., d/b/a Misaki, 379 West Main Street, Hyannis, Karen L. Butler, Manager, for a closing of the restaurant from January 4, 2009 through February 2, 2009.

**Alteration of Premises:** Application of Superior Hotel Management Corp., d/b/a Heritage House Hotel, 259 Main Street, Hyannis, MA, Jan Daale, Manager, for a change in license description on its Annual Innholder All Alcohol License to add the following to the existing description: "Additional outside patio dining with 10 tables of four and two tables of two, totaling 44 seats and adding room service to all 143 rooms throughout the property."

They have done extensive work to the building in front this past year and are requesting the above. They did not have room service in the past and now have a nice patio in front.

Mr. Burman asked about the stage for entertainment outside. Mr. Daale stated there would be acoustic music only. Outside entertainment is monitored closely, including the hotel guests. It is only a one person type entertainment. They have a live entertainment license at present. Mr. Sullivan asked about the schematics for 11 tables of 4; it should have been changed to 10 tables. Mr. Daale stated that is correct.

Edina Ross & Maria Ferreira came forward as being concerned with the noise; what time is the music being played outside. Mr. Daale stated the plan is from 4 pm to 7 pm outside. Ms. Ferreira stated the hour of 7 pm would be fine if it stopped then; she is concerned with alcohol after 7 pm. Mr. Hoxie stated that we do not have an outside entertainment application before us and Officer Maher stated that their entertainment license now does NOT include the outside areas. Mr. Hoxie stated they would have to apply separately to extend the entertainment to outside and we could look at it then. Mr. Hoxie stated to the women concerned that this alteration today does not include outside entertainment, and told them to check with Licensing to see when they apply, if they do, for the outside entertainment.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Superior Hotel Management Corp., d/b/a Heritage House Hotel, 259 Main Street, Hyannis, MA, Jan Daale, Manager, for a change in license description on its Annual Innholder All Alcohol License to add the following to the existing description: Additional outside patio dining with 10 tables of four and two tables of two, totaling 44 seats and adding room service to all 143 rooms throughout the property.

**Change of Officers/Directors:** Application of TGI Fridays, Inc., Cape Cod Mall, Route 132, Hyannis, Donald James Raymond, Manager, for a Change in Officers and Directors of the corporation only.

Al DiNapoli, Esq. came forward for the corporate change filed with the ABCC. Nothing is changing with the Hyannis management – it is corporate only. The new officers are now listed in the file. This is a national change.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of TGI Fridays, Inc., Cape Cod Mall, Route 132, Hyannis, Donald James Raymond, Manager, for a Change in Officers and Directors of the corporation only.

**New Automatic Amusement (Video Games) License:** Application of TGI Friday's, 769 Iyannough Road, Hyannis, Donald Raymond, Manager, for An Automatic Amusement License for 4 video games.

Al DiNapoli, Esq. appeared for this request as well. This is something being done to all the restaurants in Mass. A jukebox is one and others are games. They already have the non-live license. No money is paid out. Officer Maher stated none are gambling devices? Officer Maher stated that recently this company has come to the attention of the BPD and gambling is not allowed. Attorney DiNapoli assured him it is not any of those type games. Mr. Sullivan stated the entertainment must end at 12:45 am.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of TGI Friday's, 769 Iyannough Road, Hyannis, Donald Raymond, Manager, for An Automatic Amusement License for 4 video games.

**New Junk Dealer License:** Application has been made by Michel Mangalo, d/b/a New England Jewelry, 342 Main Street, Hyannis, MA, Michel Mangalo, Manager, for a new Junk Dealer License, hours of operation to be 10:30 am to 7:30 pm, Monday through Sunday.

Mr. Mangalo appeared for his application. He has been on Main Street for 23 years except the last five years he moved across the street and did not get the junk dealer license.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Michel Mangalo, d/b/a New England Jewelry, 342 Main Street, Hyannis, MA, Michel Mangalo, Manager, for a new Junk Dealer License, hours of operation to be 10:30 am to 7:30 pm, Monday through Sunday.

**Request to Close:** Request of Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, to close from January 3, 2010 to April 2, 2010 for repairs and renovations.

Mr. Vo appeared for this application. Mr., Hoxie asked what will he be doing that takes 3 months? Mr. Vo stated renovations and repairs – especially the lack of business. Mr. Hoxie asked if he considered getting a seasonal license...he wants to keep the annual and hope not to have to close for such extended periods of time. Mr. Burman stated that when we issue an annual license we expect it to be open to serve the customers annually. Mr. Burman stated maybe 30-45 days is the norm; 90 days is excessive. Mr. Hoxie asked how long they were closed last year; Mr. Vo stated until 3/17 last year. Mr. Hoxie stated at some point he needs to look at a seasonal license. Mr. Hoxie stated he does not object because of the economy.

A motion was duly made by Gene Burman, and not seconded to deny request of Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, to close from January 3, 2010 to April 2, 2010 for repairs and renovations.

A second motion was made by Mr. Sullivan to approve the closing of Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, from January 3, 2010 to April 2, 2010 for repairs and renovations. It was seconded by Mr. Hoxie. Mr. Burman voted nay. Mr. Sullivan and Mr. Hoxie voted to approve.

### **Renewals:**

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

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Common Victualler All Alcohol Renewals:

### **Common Victualler All Alcohol:**

Alberto's  
Fazio's  
Jack's Lounge  
Wimpy's  
99 Restaurant/Pub  
Dragonlite Restaurant  
UNO Chicago Grill  
Tiki Port  
The Olive Garden  
Kobi House  
Barbyann's  
Shanghai Chinese Restaurant  
Misaki  
British Beer Company  
TGI Friday's

Regatta of Cotuit  
Five Eighty Six Bistro & Bar  
Barnstable Restaurant & Tavern  
Ardeo on Main  
Outback  
Philbrick's  
Bud's Place  
Seaside Pub on Main  
The 19<sup>th</sup> Hole  
DJ's Wings  
Hyannis Golf Club  
Not Your Average Joe's  
Brazilian Grill  
Wianno Grille  
Tommy Doyle's  
The Island Merchant  
The Naked Oyster  
Barolo  
Up the Creek Again  
Pavilion Indian Cuisine  
Mallory Dock  
Schooner's  
Bobby Byrne's Hyannis Pub  
Il Maestro  
Harry's  
Ying's  
Embargo  
Sam Diego's  
Roadhouse Café  
Colombo's Café & Pastries  
Five Bays Bistro  
The Dolphin  
North Street Steakhouse

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Common Victualler Beer and Wine Renewals:

**Common Victualler Beer & Wine:**

Craigville Pizza & Mexican  
Scottie's Famous Pizza  
Palio Pizzeria  
Pizza Wave  
Pinocchio Pizza  
Mike's Pizza

Golden Fountain  
The Original Gourmet Brunch  
Caffe e Dolci  
Sabino's Restaurant & Family Pizzeria  
Pain D'Avignon  
New England Pizza House  
Café at the Airport  
B2 Burrito Bistro  
The Daily Paper  
Perry's Main Street Deli  
Thai House

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Club All Alcohol Renewals:

**Club All Alcohol:**

Oyster Harbors Club  
Hyannis Yacht Club  
King's Grant Racquet Club  
Wianno Club – Parker Rd.  
Wianno Club – Seaview Ave.  
Cummaquid Golf Club  
Hyannisport Club  
Wequaquet Lake Yacht Club  
West Barnstable Deer Club  
Osterville Veteran's  
Hyannis Elks  
Hyannis Angler's Club

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following General on Premise All Alcohol Renewals:

**General on Premise All Alcohol:**

Puff the Magic  
Dennis F. Thomas Post #2578 VFW  
Quarterdeck Lounge  
Pufferbellies  
Ryan Family Amusement – 441 Main Street (GOP W&M)

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Innholder All Alcohol Renewals:

**Innholder All Alcohol:**

Cape Codder Resort  
Cape Cod Inn  
Resort & Conference Center at Hyannis  
Heritage House Hotel  
Courtyard by Marriott  
Greenhouse Restaurant  
Radisson Bistro  
International Inn

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Package Store All Alcohol Renewals:

**Package Store All Alcohol:**

Osterville Package Store  
Parker's Discount Liquors  
Luke's Liquors  
Cotuit Liquors  
Fancy's Farm Market  
Hyannis Blanchard's  
Cape Cod Package Store  
Seven G's Liquor Shoppe  
Hyannis Package Store  
Craigville Package Store  
Barnstable Bottle Shoppe  
Barnstable News Store  
Willow Package Store

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Package Store Beer and Wine Renewals:

**Package Store Wine & Malt:**

Mini Food Mart  
Willow Tree Market  
Hess Mart 21243  
Old Village Store  
Grain & Vine  
Sea Street Market  
The Wine List  
Big Daddy's Pizza

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Daily Live Entertainment Renewals:

**Daily Live Entertainment:**

Oyster Harbors Club  
Puff the Magic  
UNO Chicago Grill  
Hyannis Yacht Club  
British Beer Company  
Wianno Club – Seaview Ave.  
Cape Codder Resort  
Dennis F. Thomas Post #2578 VFW  
Hyannisport Club  
Regatta of Cotuit  
Five Eighty Six Bistro & Bar  
Barnstable Restaurant & Tavern  
Cape Cod Inn  
Ardeo on Main  
Resort & Conference Center at Hyannis  
Heritage House Hotel  
Courtyard by Marriott  
Radisson Bistro  
Wequaquet Lake Yacht Club  
Barnstable Comedy Club  
Bud's Place  
West Barnstable Deer Club  
Hyannis Golf Club  
Brazilian Grill  
Tommy Doyle's  
The Island Merchant  
Hyannis Elks  
Up the Creek Again  
Schooner's  
Harry's  
Ying's  
Embargo  
Roadhouse Café  
Colombo's Café & Pastries  
Hyannis Angler's Club  
International Inn  
North Street Steakhouse

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Daily Non Live Entertainment Renewals:

**Daily Non-Live Entertainment**

Jack's Lounge  
Craigville Pizza & Mexican



Cape Codder Resort  
Dennis F. Thomas Post #2578 VFW  
Hyannisport Club  
TGI Friday's  
Regatta of Cotuit  
Barnstable Restaurant & Tavern  
Resort & Conference Center at Hyannis  
Ryan Family Amusement – 441 Main Street  
Radisson Bistro  
New England Pizza House  
Bud's Place  
The 19<sup>th</sup> Hole  
Osterville Veteran's  
Not Your Average Joe's  
Tommy Doyle's  
Hyannis Elks  
Up the Creek Again  
Mallory Dock  
Schooner's  
Bobby Byrne's Hyannis Pub  
International Inn  
North Street Steakhouse  
Papa Gino's – Bell Tower Mall

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Automatic Amusement/Video Games Renewals:

**Automatic Amusements/Video Games**

Craigville Pizza & Mexican  
British Beer Company  
Cape Codder Resort  
TGI Friday's  
Quarterdeck Lounge  
Resort & Conference Center at Hyannis  
Ryan Family Amusement – 441 Main Street  
New England Pizza House  
Bud's Place  
The 19<sup>th</sup> Hole  
Osterville Veteran's  
Tommy Doyle's  
Hyannis Elks  
Up the Creek Again  
Bobby Byrne's Hyannis Pub  
Papa Gino's – Bell Tower Mall

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Pool Table Renewals:

**Pool Tables**

Quarterdeck Lounge  
The 19<sup>th</sup> Hole  
Osterville Veteran's  
Hyannis Elks

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Sunday Entertainment Renewals:

**Sunday License:**

Oyster Harbors Club  
Jack's Lounge  
Puff the Magic  
UNO Chicago Grill  
Hyannis Yacht Club  
British Beer Company  
Cape Codder Resort  
Dennis F. Thomas Post #2578 VFW  
Hyannisport Club  
TGI Friday's  
Regatta of Cotuit  
Five Eighty Six Bistro & Bar  
Cape Cod Inn  
Pufferbellies  
Quarterdeck Lounge  
Resort & Conference Center at Hyannis  
Heritage House Hotel  
Ryan Family Amusement – 441 Main Street  
Courtyard by Marriott  
Barnstable Comedy Club  
Bud's Place  
West Barnstable Deer Club  
The 19<sup>th</sup> Hole  
Osterville Veteran's  
Hyannis Golf Club  
Not Your Average Joe's  
Barzilian Grill  
Tommy Doyle's  
The Island Merchant  
Hyannis Elks  
Up the Creek Again

Mallory Dock  
Schooner's  
Harry's  
Ying's  
Embargo  
Colombo's Café & Pastries  
Hyannis Angler's Club  
International Inn  
North Street Steakhouse  
Papa Gino's – Bell Tower Mall

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Cinema/Theatre Renewals:

**Cinema/Theatre**

Barnstable Comedy Club

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Class I Auto Dealer Renewals:

**Auto Dealer Class I:**

Hyannis Marina  
Saturn of Hyannis  
JMR Honda

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Class II Auto Dealer Renewals:

**Auto Dealer Class II:**

Jack Ellis Foreign Auto  
All Cape Auto Sales  
Robert J. Trapp, Inc.  
Blackburn's Auto Sales  
Cape Motors  
Cape Auto Sales  
Liberty Motors  
Cape Cod Cars and Trucks

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Common Victualler Renewals:

**Common Victualler:**

Craigville Beach Grill  
The Mills Restaurant  
Acai Berry Juice Bar  
Ardeo at the Rink  
White Hen Pantry – 426 Main  
Ruby Thai  
Bangkok Kitchen  
Four Seas Ice Cream  
Maria Preta Cafe  
Old Village Store  
White Hen Pantry – 2946 Falmouth Rd.  
Sunnyside Restaurant  
Cape Cod Chocolatier  
Brown Bag Bagels & Deli  
The Egg & I  
Casual Gourmet Express – CCH  
Casual Gourmet Express – CC Mall  
Casual Gourmet – Richardson Rd  
Common Ground Cafe  
Subway – 251 Iyannough Road  
Coffee Table Café  
Aegean Pizza  
Barnes & Noble  
Burger King 2145 Iyannough Road  
Burger King 187 North St.  
McDonald's – 654 Iyannough Road  
McDonald's – 175 North Street  
McDonald's – CC Mall  
The Little Sandwich Shop  
Noah's Wrap  
Papa Gino's – Bell Tower Mall  
D'Angelo's – 187 Falmouth Road  
D'Angelo's – 793 Iyannough Road

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the following Lodging House Renewals:

**Lodging House:**

Flaherty's Two  
Long Dell Inn  
Green Mountain Inn  
Acworth Inn  
Walker Lodging House  
Yarmouth Road Lodging House  
The Embassy Inn

Craigville Conf. Ctr. – 208 Lake Elizabeth Dr.  
Craigville Conf. Ctr. – 1 Bluff Ave.  
Craigville Conf. Ctr. – 39 Prospect Ave.  
Craigville Conf. Ctr. – 125 Ocean  
Craigville Conf. Ctr. – 19 Vine Ave.  
Edmund J. Flynn  
Craigville Beach House  
Captain Bearse Lodge

Christine Ade announced that we have all of the required State Safety Certificates for the alcohol establishments.

### **Business Meeting:**

Sgt. John Murphy, Barnstable Police Department Detective, appeared to request that the Licensing Authority revoke one of our existing Junk Dealer Licenses. Mr. Burman stepped down. After a month long investigation and a search warrant issued for 12//4/09 for stolen property at Cape Cod Precious Gems purchasing merchandise “off the books” and not reporting items on the weekly report. An 18 year old in Yarmouth stole thousands of items from a family member and he sold them to Mr. Marchetti. Some were recorded, some were not – an autographed photo of Larry Bird and Gucci bag. Sgt. Murphy observed a transaction where a young woman parked at Play It Again Sports; he stopped the car and the woman and man denied selling anything to Mr. Marchetti, but the adult male had \$280 on his person. Several weeks later the same man and woman were arrested for a housebreak of up to 12 homes in Falmouth; and cooperating with the police, the male made a statement that all of the items stolen were sold to Mr. Marchetti at Cape Cod Precious Gems. The November 19<sup>th</sup> record did not show some of the items supposedly sold to Mr. Marchetti. Mr. Marchetti denied buying the autographed photo and a set of silver flatware over \$250 in value. These items were found at the shop. An investigation is ongoing. He was arrested on 12/4, released on bail and open again Saturday, 12/5. Mr. Hoxie asked for questions from the board. Mr. Sullivan had no questions except the location of the business – Sgt. Murphy stated 48 Iyannough Road, Hyannis. Mr. Hoxie stated this licensee has had problems in the past, limiting the license approved; and stated he believes the existing license is good until 4/30/09. He had questions of due process and revocation procedures.

Mr. Hoxie duly recommended we immediately suspend the license and that at our next meeting on 12/28 we will hold a show cause hearing to revoke it permanently. Dick Boy seconded the motion. There was a unanimous vote of Mr. Sullivan, Mr. Hoxie and Mr. Boy to suspend and call the show cause hearing.

Mr. Hoxie asked that the police department pull the license and deliver it to the Licensing Office right away. Licensing will prepare a letter stating the license is suspended immediately and a letter calling a hearing to be held 12/28 regarding revocation as to illegal activity on the premises.

The next discussion was as to determining the total number of vehicles on each car lot. Tom Perry, Building Commissioner, stated he would like to get together with the board and determine how to standardize these numbers as well as seating at restaurants, etc. Mr. Geiler did not have an objection; he believes this makes the most sense to get us to a place where it works to everyone's satisfaction. The danger is if needing a full site plan review, the cost can be up to \$1500. Certainly the intent here is not to cause someone to have to spend this type of money; its purpose is to solve the total vehicle problem for BPD. Mr. Hoxie appointed Mr. Burman to work with Mr. Geiler and Tom Perry to get this accomplished.

Respectfully submitted,

---

Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

---

Paul Sullivan, Clerk  
Town of Barnstable Licensing Authority