



Town of Barnstable

Regulatory Services

Thomas F. Geiler, 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.

March 29, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 29, 2010. 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, Kim Connors, Licensing Agent, Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Lt. JoEllen Jason was absent.

Hearings:

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. This hearing was continued again as the police sergeant who called for this hearing could not attend this morning due to an emergency last evening.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue this Show Cause Hearing to May 3, 2010.

Two One Day Beer and Wine and a One Day Entertainment License:

Application of John Maher on behalf of Holy Ghost Society of Santuit and Cotuit, 53 Main Street, Cotuit, for its annual Portuguese Feast for two One Day Beer & Wine Licenses (Saturday and Sunday) and an Entertainment License for Saturday only for a 4-5 entertainer band from 5 pm to 11 pm (June 19th) and June 20, 2010 with beer and wine from noon to 6 pm.

Mr. Maher appeared for this application. It is the 119th annual feast. He stated he has not been there that long. No questions were posed by the Board.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Holy Ghost Society of Santuit and Cotuit, 53 Main Street, Cotuit, for its annual Portuguese Feast for two One Day Beer & Wine Licenses (Saturday and Sunday) and an Entertainment License for Saturday only for a 4-5 entertainer band from 5 pm to 11 pm (June 19th) and June 20, 2010 with beer and wine from noon to 6 pm.

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 event to include wine tastings and food from local restaurants and caterers. The event will be held on May 15, 2010 from 4:30 pm to 7:30 pm at the Library.

Elizabeth Butler appeared for her application. She is the Library Director. This is their big fundraiser – they raise about \$15K. Cape Cod Package Store and Cape Cod Beer provide the tastings and will do the pouring. Mr. Hoxie verified they have a State Safety Certificate for the first floor only.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Centerville Public Library, 585 Main Street, Centerville for a one day Beer & Wine License for a fundraising event to include wine tastings and food from local restaurants and caterers. The event will be held on May 15, 2010 from 4:30 pm to 7:30 pm at the Library.

One Day Entertainment License: Application of John J. Welsh on behalf of St. Francis Xavier Church, 370 South Street, Hyannis, MA for a One Day Entertainment License for a performance of sacred and secular choral music by the 30+ voice choir, We Are the Men, on Friday, April 9, 2010 from 7:30 pm to 9:00 pm.

John Welsh appeared for his application. He represents the church and the choir. They think they are pretty good. Admission is \$15.00.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of John J. Welsh on behalf of St. Francis Xavier Church, 370 South Street, Hyannis, MA for a One Day Entertainment License for a performance of sacred and secular choral music by the 30+ voice choir, We Are the Men, on Friday, April 9, 2010 from 7:30 pm to 9:00 pm.

Change of D/B/A: Application of North Street Steakhouse and Sports Bar, 72 North Street, Hyannis, Edmund M. Richardi, Jr., Manager, for a change of d/b/a to The Steak House Sports Bar.

Barbara Komenda appeared for this application.

Officer Maher stated there have been no problems with this licensee since they opened.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of North Street Steakhouse and Sports Bar, 72 North Street, Hyannis, Edmund M. Richardi, Jr., Manager, for a change of d/b/a to The Steak House Sports Bar.

Amend Daily Non-Live Entertainment License: Application of Seaside Pub on Main, 615 Main Street, Hyannis, Uy Phu, Manager, for permission to amend its Daily Non-Live Entertainment License to allow outside speakers (non-amplified) on their front patio during the sidewalk café season (April 1 to November 15) from noon to midnight.

Mr. Phu appeared for the application. It will not be amplified. There will be a regulated zone for the patio area. He is aware of the letter from Mr. Forman and stated that they have come to an agreement. They have each compromised, as the owner has tenants there year around now. They have agreed to a “tester” entertainment for closing at 11 pm; agreed to by Mr. Forman. Mr. Sullivan states that they want this from April 1 to November 15th. Their request if this goes smoothly, is for permission to have this until midnight if the unit owner, Mr. Forman, agrees. Mr. Burman asked how you could hear it without amplification; Mr. Phu stated that this zone is a separate low volume zone for ambient dining music only. The volume is constant. Mr. Burman asked how the police can judge how disturbing the volume is. Ptl. Maher stated there are 5-6 places with outside speakers of different types. They check to see how loud it is by driving down the street; if they can hear it - it is too loud. He stated with this one, we will find out right away that there is a problem from Mr. Forman. Mr. Sullivan wanted him to know the individual who wrote in is the same one who wrote in while the last owner ran the restaurant. Mr. Phu stated he is aware of that and even Mr. Forman’s letter states he is in agreement if it is kept low and outside. Mr. Burman reiterated his license is in jeopardy if they violate what they are granted today. Mr. Hoxie stated he has no objections. Mr. Geiler stated we do not have any authorized outside speakers on the sidewalk; a few are on their own property, and we have had problems because of that. Mr. Geiler asked the Board if we want these outside speakers up and down Main Street everywhere. Officer Maher stated Fresh Ketch and Schooner’s do it already. Mr. Hoxie suggested we give them a chance, and that it will enhance the ambience of this restaurant and downtown. Mr. Geiler asked what type of music? Mr. Phu advised it will be the same as inside; a constant low volume outside during the season for attracting people to the restaurant. They will be consistent by having it on all the time. Mr. Geiler stated that he is not sure having these speakers dueling up and down the street is a good idea. He said that they do not have room on their own property for it not to be heard off the property. Mr. Phu said that the speakers will angle downward, and there is a Harley shop nextdoor which is in agreement too. The BID is in favor. Mr. Sullivan stated if others are doing it, he is comfortable. Mr. Burman asked if speakers will be on Sea Street? Mr. Phu stated they will not.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Seaside Pub on Main, 615 Main Street, Hyannis, Uy Phu, Manager, for permission to amend its Daily Non-Live Entertainment License to allow outside speakers on their front patio during the sidewalk café season (April 1 to November 15) from noon to midnight.

Mr. Geiler asked to have the wording “non-amplified” removed from the motion. The Board agreed.

New All Alcohol Common Victualler License, Daiuly Live, Non-Live and Sunday Entertainment Licenses: Application of Buksport, Inc., d/b/a Timmy B’s Bar & Grill, 415 Main Street, Hyannis, MA, Timothy Buchanan, Manager, for a New Annual All Alcohol Common Victualler License (total interior seating for 227, outside seating for 84), Daily Live, Non-Live and Sunday Entertainment Licenses Licenses (M, T, W, Th 5 pm – 12:45 am; F, Sat, Sun 3 pm – 12:45 am with 2-5 entertainers; 1-2 entertainers on outside patio).

Tim Buchanan appeared for his application. This was Asa Grill and formerly Grille 16. He ran Keepers in Osterville and stated it is a great opportunity for him and for the landmark building on Main Street. He hopes to be an asset to the BID and Main Street. He stated he will be an edge up from the old Starbuck’s – an American Bistro; not upscale pricing; \$14.95 - \$24.95 entrees. It will cater to a 30+ demographic and so will the entertainment. He feels Star City Grill was never replaced for the people in Hyannis and all the folks who used to go there were displaced. This will serve for these people. Not too pricey and fun for a little older folks. He would like to stay open year round.

Mr. Geiler stated there is financial information missing from the application. Mr. Buchanan stated the place is turn-key. He is going in on a shoestring. Everything is operable. The 1st month’s rent is not due until the approval comes from the ABCC. His agreement with the landlord is great; he will be on site all the time – in the kitchen; and out front. Every server will be TIPS trained. His lease is for one year with a 6 year option. The landlord is giving him a break on the rent. The landlord does not want to turn the property over every year. Mr. Buchanan would love to buy the building in the future if he can swing it. He is using his own money to supply the alcohol to open. He said he has a great relationship with the wholesalers; was never late with their payments (due in 60 days – he usually paid within 7). Mr. Hoxie stated he has one OUI; are there others? He stated this is the only one and he owns it, will not do it again, he is very conscious of it.

Mr. Burman asked about the potential problem with the outside seating; how will he control the service of alcohol on the patios? He stated he will be out there consistently. Everyone under 30 will be asked for ID at least twice. He does want families on the patio. He will be vigilant and his staff will be vigilant as well especially for the patio. Mr. Burman stated he wanted them to know the servers are

at risk as well as the owners if a drink is handed to a customer underage. They should be checking IDs.

Mr. Buchanan stated in hiring, he will stay away from foreign people who do not speak English for positions of servers of alcohol; he will commit to the bartenders all being TIPS trained. There are products out there which he will invest in once he gets going to help identify and monitor people who do not have valid ID. He had no problems at Keepers. He told Mr. Burman he understands the concern. He wants the health department to be proud of the kitchen. He wants good service, no loud music. Wants to be a valuable part of the community. Mr. Buchanan does not intend to serve upstairs – right now it is storage and paperwork. He will eventually keep his realty office up there as well. Does not want people going up and down those stairs.

Mr. Sullivan states it is a busy patio; he wanted to make sure they are careful of passing drinks to people on the sidewalk. Mr. Buchanan said he wants what was pre-existing for hours. He stated 12:45 entertainment per Licensing. He is asking for 11-1 am for alcohol. They will be open for lunch.

Mr. Geiler would like the financial report submitted because of the history of this place. It is hard to believe he is going in with no \$\$\$. Mr. Buchanan repeated that he owes no rent until after ABCC approval. He does have a brother-in-law he can call upon to make a few improvements; he has done the painting, etc. already. Mr. Geiler stated there is staff, insurance and suppliers; and a lot of “baggage” – probation for an alcohol violation and no money, but he has said he will run a fine upscale place. He is worried that this will not work. Mr. Buchanan said he bought a brand new system (\$24K system with \$8k on his credit card); chef he hired understands the first few weeks he will get nothing, but after they open payment to him will start.

Mr. Hoxie stated we need something in writing for financial information to show a plan of how he will be able to meet all his expenditures. Mr. Buchanan asked for a week to provide this plan.

Mr. Burman stated that there is to be no-one who has a percentage of the business who is not on the license; in other words, the license would be violated if there was someone else contributing financially. Mr. Buchanan repeated that this is a lease and not like the financial dealings at Keepers. He will pay one check for rent and then all the bills.

Mr. Geiler stated everything he is looking at tells him no. Why does the landlord insist on knowing everything he is making? Mr. Buchanan stated the landlord had a bad relationship with the prior tenants and that is something eh does not want to repeat. Mr. Buchanan has no problem with that request, and Article 21 is really used in case he defaults – the landlord will only look at his incoming monies if he does not pay the rent. The landlord does not want to chase anyone for rent.

Mr. Hoxie asked what he will do for signage – he stated he has been to Historic; using the existing sign with their name on it. BID and a website will be promoting them. Mr. Hoxie is willing to give him the opportunity; believes it is much better than having an empty building.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Buksport Inc., d/b/a Timmy B's Bar & Grill, 415 Main Street, Hyannis, MA, Timothy Buchanan, Manager, for a New Annual All Alcohol Common Victualler License (total interior seating for 227, outside seating for 84), Daily Live, Non-Live and Sunday Entertainment Licenses Licenses (M, T, W, Th 5 pm – 12:45 am; F, Sat, Sun 3 pm – 12:45 am with 2-5 entertainers; 1-2 entertainers on outside patio). The business will be open from 11 am to 1 am **subject to getting a satisfactory financial plan to the Town.**

Mr. Geiler stated it will not be sent to Boston without this financial plan.

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:

Katie's Homemade Ice Cream

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 Seasonal:

Harbor Point Restaurant
The Paddock
Spanky's Clam Shack & Seaside Saloon
Gringo's
Trader Ed's
Kian n' Rylees
Fresh Ketch
Eclectic Cafe
La Paz Surf Cantina
Raw Bar on Ocean Street

Salty Cod
The Islander
The Dockside
Mattakeese Wharf

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

Common Victualler Beer & Wine Seasonal:

Cooke's Seafood
Cape Cod Melody Tent (will file for entertainment license after play list is complete as always)

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 Seasonal:

Cotuit Highground
Baxter's Boathouse Club
The Beach Club

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

Innholder All Alcohol Seasonal:

Hyannis Inn Motor Hotel

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 listed below:

Daily Non-Live Entertainment:

Hyannis Inn Motor Hotel
Gringo's
Fresh Ketch
Eclectic Cafe
La Paz Surf Cantina
Salty Cod
The Dockside

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 listed below:

Daily Live Entertainment

Harbor Point Restaurant
The Paddock
Spanky's Clam Shack & Seaside Saloon
Hyannis Inn Motor Hotel
Trader Ed's
Fresh Ketch
Eclectic Cafe
Raw Bar on Ocean Street
Baxter's Boathouse Club
Salty Cod
The Beach Club
Mattakeese Wharf

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

Sunday Entertainment:

Harbor Point Restaurant
The Paddock
Spanky's Clam Shack & Seaside Saloon
Gringo's
Hyannis Inn Motor Hotel
Trader Ed's
Fresh Ketch
Eclectic Cafe
La Paz Surf Cantina
Raw Bar on Ocean Street
Baxter's Boathouse Club
Salty Cod
The Beach Club
Mattakeese Wharf

Business Meeting:

Mr. Geiler stated we received information from the BPD about issues at Blackburn's property at Cit Avenue. Licensing sent a letter to him asking what he plans to do.

He has a Class II License on Bearses Way not being used and vehicles on Cit Avenue which are unregistered. Mr. Hoxie stated we will hold this. Mr. Geiler stated we are trying to clarify before going on to the next step.

Adjourned at 10:30 am.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority