



# Town of Barnstable

## Regulatory Services

Thomas F. Geiler, Director

### Licensing Authority

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### 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.

June 7, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 7, 2010. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Dick Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services, Kim Connors, 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 License:** Application of Katherine Pina on behalf of St. Anthony's Charity Club, Old Mill Road, Osterville, MA, for a One Day All Alcohol License for Saturday, June 12, 2010 for its annual Feast Day of St. Anthony of Padua held outdoors only from noon to 6 pm.

Katherine Pina appeared for her application. This is a yearly event for the children. A tree is filled with fruit. They have had no problem for years.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Katherine Pina on behalf of St. Anthony's Charity Club, Old Mill Road, Osterville, MA, for a One Day All Alcohol License for Saturday, June 12, 2010 for its annual Feast Day of St. Anthony of Padua held outdoors only from noon to 6 pm.

**One Day & Sunday Entertainment Licenses:** Application of Linda Mawhinney on behalf of Cape Cod Symphony Orchestra, 712A Main Street, Yarmouth Port, for 11 One Day Entertainment Licenses and 8 Sunday Entertainment Licenses to be held at Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis for the following dates and times:

Friday: December 3, 2010	4 pm & 8 pm	Sundays:	September 26, 2010	3 pm
Saturdays:	September 25, 2010	8 pm	October 10, 2010	3 pm
	October 9, 2010	8 pm	November 7, 2010	3 pm
	November 6, 2010	8 pm	December 5, 2010	3 pm
	December 4, 2010	3 pm & 8 pm	January 23, 2011	3 pm

January 1, 2011	3 pm	April 10, 2011	3 pm
January 22, 2011	8 pm	May 8, 2011	3 pm
February 12, 2011	8 pm		
February 26, 2011	8 pm		
April 9, 2011	8 pm		
May 7, 2011	8 pm		

Mrs. Sheehy appeared for Cape Cod Symphony Orchestra. These events will be at the high school. This is their 49<sup>th</sup> season. Admission is \$23-\$60 depending on seats.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Linda Mawhinney on behalf of Cape Cod Symphony Orchestra, 712A Main Street, Yarmouth Port, for 11 One Day Entertainment Licenses and 8 Sunday Entertainment Licenses to be held at Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis for the following dates and times:

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	December 4, 2010	3 pm & 8 pm		January 23, 2011	3 pm
	January 1, 2011	3 pm		April 10, 2011	3 pm
	January 22, 2011	8 pm		May 8, 2011	3 pm
	February 12, 2011	8 pm			
	February 26, 2011	8 pm			
	April 9, 2011	8 pm			
	May 7, 2011	8 pm			

**One Day Entertainment (Sunday):** Application of Donald Roycroft on behalf of the Marine Corps. League, Cape & Islands Det 955, 8 Main Street, Orleans, MA for a benefit concert to be held at the West Villages School, 760 Osterville-West Barnstable Road, Marstons Mills, MA from 2:30 pm to 3:30 pm on Sunday, October 17, 2010.

The Marine Corps League is having a benefit concert to raise funds for battle color ceremony. Dudley Thomas appeared with Mr. Roycroft as well. It is just for entertainment.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Donald Roycroft on behalf of the Marine Corps. League, Cape & Islands Det 955, 8 Main Street, Orleans, MA for a benefit concert to be held at the West Villages School, 760 Osterville-West Barnstable Road, Marstons Mills, MA from 2:30 pm to 3:30 pm on Sunday, October 17, 2010.

**One Day Entertainment License:** Application of George Kennedy on behalf of the Barnstable - Yarmouth Lions Club, 238 Bank Street, Harwich, MA for a benefit concert with a 7 piece band and a Rod Stewart Impersonator to be held on the Village Green, Hyannis, MA from noon to 6 pm on Saturday, July 10, 2010 (rain date July 17, 2010).

Mr. Kennedy appeared for this application. The admission is \$25; it is done through telephone sales.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of George Kennedy on behalf of the Barnstable - Yarmouth Lions Club, 238 Bank Street, Harwich, MA for a benefit concert with a 7 piece band and a Rod Stewart Impersonator to be held on the Village Green, Hyannis, MA from noon to 6 pm on Saturday, July 10, 2010 (rain date July 17, 2010).

**One Day All Alcohol, 2 One Day Beer Only and 3 Entertainment Licenses:** Application of Janet Preston, Director, on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis for a Pirate's Ball on June 11, 2010 in a tent behind the museum from 7 pm to 11 pm with live entertainment and dancing; for two One Day Beer Only Licenses on June 12, 2010 (10 am to 4 pm) and June 13, 2010 (noon to 4 pm) for its outdoor 9<sup>th</sup> Annual Cape Cod Maritime Festival under a tent outside the museum with live entertainment from 10 am to 4 pm each day.

Janet Preston appeared for her application. She has a couple changes – the pirate's ball is all alcohol and the other two are beer and wine. They anticipate the people will come into Hyannis and shop as well. It is partially under the tent and partially in the park. They have had no problems in the past – had 8,000 people last year.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Janet Preston, Director, on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis for a Pirate's Ball on June 11, 2010 in a tent behind the museum from 7 pm to 11 pm with live entertainment and dancing; for an all alcohol license on June 11 and two One Day Beer Only Licenses on June 12, 2010 (10 am to 4 pm) and June 13, 2010 (noon to 4 pm) for its outdoor 9<sup>th</sup> Annual Cape Cod Maritime Festival under a tent outside the museum with live entertainment from 10 am to 4 pm each day. Mr. Burman granted the license provided they have the necessary shuttle for parking.

**Three One Day All Alcohol Licenses, Daily & Sunday Entertainment Licenses:** Application of Patricia Trepelas, on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for an All Alcohol License and Entertainment License for its annual Grecian Festival to be held at the church on July 16, 2010 (4 pm to 11 pm), 7/17/10 (11 am to 12 midnight), and 7/18/10 (11 am to 6 pm), with

recorded music with DJ "Nikos Musical Sound," live music (5 member band "Ta Pethia"), and Greek folk dancing by St. George Youth Dance Troupe.

Nick Atsalis appeared with Tony Zombas for this application. They are a non profit registered group and this is their annual fundraiser. Parking is the same as the past years; parking next to CVS. It has worked out well. Police detail is there Friday and Saturday.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Patricia Trepelas, on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville for an All Alcohol License and Entertainment License for its annual Grecian Festival to be held at the church on July 16, 2010 (4 pm to 11 pm), 7/17/10 (11 am to 12 midnight), and 7/18/10 (11 am to 6 pm), with recorded music with DJ "Nikos Musical Sound," live music (5 member band "Ta Pethia"), and Greek folk dancing by St. George Youth Dance Troupe.

#### **One Day All Alcohol License:**

Application of Olive Chase, of The Casual Gourmet, 31 Richardson Road, Centerville, for a One Day All Alcohol License on behalf of Save Our Sound, 4 Barnstable Road, Hyannis for an event in a tent (all outdoors) at 299 Sea View Avenue, Osterville on June 26, 2010 from 5:30 pm to 7:30 pm.

This will be a fundraiser in a tent. All her servers are TIPS trained. Save Our Sound is a 501 C3. They anticipate about 70 people.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Olive Chase, of The Casual Gourmet, 31 Richardson Road, Centerville, for a One Day All Alcohol License on behalf of Save Our Sound, 4 Barnstable Road, Hyannis for an event in a tent (all outdoors) at 299 Sea View Avenue, Osterville on June 26, 2010 from 5:30 pm to 7:30 pm.

**New Annual Retail Wine & Malt Package Store License:** Application of Victoria & Alexandria West Main St., LLC, d/b/a Sav-On Gas, 300-326 West Main Street, Hyannis, MA, Jay Imad, Manager, for a New Annual Retail Wine & Malt Package Goods Store License. A fax was received on 6/4/10 requesting that this hearing be continued to 6/21/10.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue the application of Victoria & Alexandria West Main St., LLC, d/b/a Sav-On Gas, 300-326 West Main Street, Hyannis, MA, Jay Imad, Manager, for a New Annual Retail Wine & Malt Package Goods Store License to the Licensing Authority hearing on 6/21/10.

**Amend Daily and Sunday Non-Live Entertainment Licenses to Add Outside**

**Speakers:** Application of TGI Fridays, Inc., 796 Lyannough Road, Hyannis, Donald James Raymond, Manager, for a Daily Non-Live Entertainment License for stereo music with speakers outside on the patio located between each awning (3 speakers in all).

Attorney DiNapoli appeared for this application. The manager of record is also at the hearing, recently changed on record to Teresa Coppinger. They have had these speakers for years; however, they have not had them on their license. This is for the outdoor patio area. Jukebox and stereo system only – has a separate volume control for the front. There is a parking lot and a large wall and loading dock on one side and the front; there is another seating area without a speaker at the section towards the Mall entrance. Leo Fine has no objection; might make it here today. It is not loud enough to disturb anyone. There are 3 speakers – between each but the one near the Mall entrance.

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., 796 Lyannough Road, Hyannis, Donald James Raymond, Manager, for a Daily Non-Live Entertainment License for stereo music with speakers outside on the patio located between each awning (3 speakers in all).

**Alteration of Premises:** Application of Wianno Club, 107 Sea View Avenue, Osterville, MA to change the license description as follows: Wooden structure with 11 rooms on first floor, 22 rooms on second floor, 16 rooms on 3<sup>rd</sup> floor. Ocean front deck, terrace and basement for storage. Entrance/Exit on Sea View Avenue.

Albert Schultz, Esq. and Peter Davies, Director, appeared for the Wianno Club application. Mr. Hoxie stated everything seems to be in order.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Wianno Club, 107 Sea View Avenue, Osterville, MA to change the license description as follows: Wooden structure with 11 rooms on first floor, 22 rooms on second floor, 16 rooms on 3<sup>rd</sup> floor. Ocean front deck, terrace and basement for storage. Entrance/Exit on Sea View Avenue.

Mr. Geiler stated the description does not include the property on the north side; he wondered if the cottages across the street are included; there are 3 cottages and one on the ocean side. He suggests if there is room service these should be included on the license – 4 cottages. Mr. Burman made a motion to include the 4 cottages and it was unanimously voted to include these – they will call Licensing to add the addresses of the cottages to the request to the ABCC.

**New Common Victualler Licenses:** Applications (two) of McBee Enterprises, LLC, d/b/a McDonald's, for locations at 654 Lyannough Road, Hyannis (60 seats),

Ana Melo, Manager, and 175 North Street, Hyannis (60 seats), Renata Barboza, Manager, for a new Common Victualler License, hours of operation of each to be 5 am to 1 am Monday – Sunday.

Jeffrey Senterman appeared for this application – everything remains the same; they are just purchasing from Keppler.

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A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the applications of McBee Enterprises, LLC, d/b/a McDonald's, for locations at 654 Lyannough Road, Hyannis (60 seats), Ana Melo, Manager, and 175 North Street, Hyannis (60 seats), Renata Barboza, Manager, for a new Common Victualler License, hours of operation of each to be 5 am to 1 am Monday – Sunday.

**Change of D/B/A on Seasonal All Alcohol Common Victualler License:**

Request of Manny's Dad, Inc., d/b/a Salty Cod, 213 Ocean Street, Hyannis, MA, Timothy Gaudette, Manager, for a change of d/b/a to Blue Water Grille.

Dana Heilman, one of the owners, appeared for this application. Over the winter they did a renovation there and this new name suits it better.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Manny's Dad, Inc., d/b/a Salty Cod, 213 Ocean Street, Hyannis, MA, Timothy Gaudette, Manager, for a change of d/b/a to Blue Water Grille.

**New Annual All Alcohol Common Victualler License:** Application of Pain D'Avignon II, Inc., d/b/a Pain D'Avignon Cafe - Boulangerie, 15 Hinckley Road, Hyannis, MA, Mario Mariani, Manager, for a New Annual All Alcohol Common Victualler License. Continued from 5/17/10.

Mario Mariani appeared for this application. They are changing the license from beer and wine. There are no other changes. They have had many requests for the all alcohol license. They have added enough seats to accommodate more people. Mr. Sullivan asked how late they are open for dinner – they serve until 11 pm. He requested closing of 1 am.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pain D'Avignon II, Inc., d/b/a Pain D'Avignon Cafe - Boulangerie, 15 Hinckley Road, Hyannis, MA, Mario Mariani, Manager, for a New Annual All Alcohol Common Victualler License, with a closing time of 1 am.

**New Officers/Directors:** Application of 99 Restaurants of Boston, LLC d/b/a 99 Restaurants/Pubs, 1600 Falmouth Road, Centerville, MA, Thomas Hann, Manager, for a **Change in Officers/Directors** as filed with the ABCC.

Mr. Hann appeared for this change – it is corporate only. Chief Manager and President resigned, another two officers also changed titles.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of 99 Restaurants of Boston, LLC d/b/a 99 Restaurants/Pubs, 1600 Falmouth Road, Centerville, MA, Thomas Hann, Manager, for a **Change in Officers/Directors** as filed with the ABCC.

**Renewals:**

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

**Junk Dealers:**

Play It Again Sports

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Play It Again Sports for renewal of its annual Junk Dealer License.

**Lodging House:**

The Pilot House

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of The Pilot House for renewal of its annual Lodging House License.

**Common Victualler:**

CBA Snack Bar

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of CBA Snack Bar for renewal of its Common Victualler License.

**Business Meeting:**

BPD – Lodging House non-renewals?

It was suggested they be sent letters to see if they are still operating.

BPD – follow-up on complaint filed?

Mr. Geiler stated that the photo sent to the Licensing Board which came in an email complaint shows containers; we would like it looked at as our license shows a restriction that nothing be outside. Officer Maher will check on that.

Discussion on Special Licenses: Mr. Geiler stated sometimes a day or two before an event we see it in a paper; many are ones that are non profits, but it seems to be growing...none of these people have come in for licenses. It is difficult to anticipate who will do this. There is some confusion when a business invites the public versus a private function where a license is not required. **If the public is invited**, there is a license required from us. Even if they don't charge, with alcohol, if the public is invited there is a license required. A private party does not need a license – it is private (by invitation only). Mr. Burman brought up Margo's in Osterville, which is the most recent one noticed in a paper. There is a charge so they would require a license. Mr. Geiler stated he thinks we should make them aware by letter that if the place they are having the event is not licensed, they would have to come to us to get that license to operate with alcohol legally. If something was to draw the attention of emergency crews, it could be a problem for instance. Lt. Jason agreed.

Mr. Geiler also stated we have a restaurant which has opened without renewal of its Common Victualler license. We have attempted to reach them by mail and phone – to no avail and we would like to send them a notice to close until they come in to get our license. They have a Health Food Service Permit but have not filed our application or gotten the building and fire inspections. There is no alcohol.

Mr. Hoxie stated they should be notified to close until their renewal is taken care of and inspections conducted.

Adjourned at 10:20.

Respectfully submitted,

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Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Town of Barnstable Licensing Authority