



# Town of Barnstable

## Regulatory Services

### Licensing Authority

Thomas F. Geiler, Director

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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.

October 4, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, October 4, 2010. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk, was absent.

#### **Hearings:**

#### **Six One Day Beer & Wine Licenses and Six One Day Entertainment Licenses:**

Application of Pamela Brimmer on behalf of the German-American Club of Cape Cod, P.O. Box 187, Hyannis, MA for six One Day Beer & Wine Licenses and six One Day Entertainment Licenses for non-profit club events with beer and wine and a two piece band (3 on October 9) with inside amplification only and dancing by patrons to be held at the Fraternal Lodge, Route 28, Centerville from 6 pm to 10 pm on the following dates: October 9, 2010, December 11, 2010, February 12, 2011, April 9, 2011, May 14, 2011 and June 11, 2011. Continued from 9/20/10.

Charles Firnhaber appeared for this application. The events are held at the Fraternal Lodge in Centerville – they have been doing this for 10-12 years and have never had any difficulties. The age group is older folks.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Pamela Brimmer on behalf of the German-American Club of Cape Cod, P.O. Box 187, Hyannis, MA for six One Day Beer & Wine Licenses and six One Day Entertainment Licenses for non-profit club events with beer and wine and a two piece band (3 on October 9) with inside amplification only and dancing by patrons to be held at the Fraternal Lodge, Route 28, Centerville from 6 pm to 10 pm on the following dates: October 9, 2010, December 11, 2010, February 12, 2011, April 9, 2011, May 14, 2011 and June 11, 2011.

**New Lodging House License:** Application of Vincent J. Toreno, for a new Lodging House License for 3660 Main Street, Barnstable, Vincent J. Toreno, Manager, for a

maximum of 12 lodgers (6 lodging rooms) and 8 parking spaces dedicated to the business.

Mr. Toreno appeared for his application. This is not his first year; he did not renew his license this past year – didn't know if he misplaced it or never received the renewal package. He said they did the building, fire and health inspection part of things but not the license with the Licensing Authority evidently. It was not their intention to overlook it.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Vincent J. Toreno, for a new Lodging House License for 3660 Main Street, Barnstable, Vincent J. Toreno, Manager, for a maximum of 12 lodgers (6 lodging rooms) and 8 parking spaces dedicated to the business.

**New Sunday Hours:** A request has been submitted by Cotuit Harbor Enterprises, Inc., d/b/a Gringo's, 577 Main Street, Hyannis, James Carey, Manager, for Sunday alcohol service to begin at 10:00 a.m.

Mr. Carey appeared for this request. It might come into play a few times a season but they want the right to have it.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Cotuit Harbor Enterprises, Inc., d/b/a Gringo's, 577 Main Street, Hyannis, James Carey, Manager, for Sunday alcohol service to begin at 10:00 a.m.

**New Sunday Hours:** A request has been submitted by Scottish Rock, LLC, d/b/a The Quarterdeck Lounge, 247 Iyannough Road, Hyannis, Errol Thompson, Manager, for Sunday alcohol service to begin at 10:00 a.m.

Mr. Lucas appeared for this application as he stated that Mr. Thompson had a drive through window wedding in Las Vegas and is on his honeymoon.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Scottish Rock, LLC, d/b/a The Quarterdeck Lounge, 247 Iyannough Road, Hyannis, Errol Thompson, Manager, for Sunday alcohol service to begin at 10:00 a.m.

**New Sunday Hours:** A request has been submitted by Country Club Elite, Inc., d/b/a Philbrick's, 1460 Route 149, Marstons Mills, Ian Philbrick, Manager, for Sunday alcohol service to begin at 10:00 a.m.

Ian Philbrick appeared for his application.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Country Club Elite, Inc., d/b/a Philbrick's, 1460 Route 149, Marstons Mills, Ian Philbrick, Manager, for Sunday alcohol service to begin at 10:00 a.m.

**New Annual All Alcohol General on Premises License, Daily Live and Non-Live Entertainment Licenses, Sunday Entertainment License & Automatic Amusement License (2 video games):**

Application of H&S Entertainment, LLC, d/b/a Harry & Sally's, 350 Stevens Street, Hyannis, MA, Constantinos Mitrokostas, Manager, for a New Annual All Alcohol General on Premises License, Daily Live Entertainment License (8 am to 12:45 am, 3-5 entertainers, amplified music, dancing by patrons), Non-Live Entertainment License (8 am to 12:45 am), Sunday entertainment License (1 pm to 12 am) and an Automatic Amusement License for two video games.

Mr. Mitrokostas appeared with his attorney, David Nunheimer, for a new license at the location of the prior Harry's. Attorney Nunheimer stated he believes Mr. Mitrokostas and his family are well known throughout the area – New England Pizza, Dino's, etc. The application requests are as stated in the agenda. They plan to serve lunch and dinner most days. The building is in good shape and they have been working on it since the prior tenant vacated, and there is adequate parking. Mr. Hoxie confirmed that the license is a new license. Attorney Nunheimer stated that the DOR has seized the old license; and that Licensing has paperwork from the DOR on this. Mr. Mitrokostas stated they ended up cleaning and stripping the whole place. Pending the outcome of this hearing they will place an order for equipment and furniture needed. They want to be open year round and hope to open by Thanksgiving. They will be open 5 days in the winter and 7 in the summer. They are asking for 8 am daily and the 10 am service on Sundays. Officer Maher has concerns with the General on Premises license – saying this is basically a nightclub license. Considering there are condos nearby he does not recommend it but recommends we issue a Common Vic License. He stated they don't necessarily have to serve food every day. Mr. Mitrokostas wants this for events or functions – they would not then have to do food if they got it for special events. He said he is more trying to cover the bases; they will be serving food. The intent is not to be a nightclub but to give them flexibility. Mr. Burman asked if we were to grant a Common Victualler License would it work with their plans? Mr. Burman said he thinks there is some leniency in a CV License. Officer Maher stated there are no other General on Premise Licenses on Main Street, and is also in favor of having it be a restaurant license. Attorney Nunheimer stated they will be vigilant with the entertainment. Mr. Hoxie stated the Board might be more comfortable with a Common Victualler License. Mr. Geiler stated there is still a small cloud here about the surrender of the Harry's license as being "revoked," it has not.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of H&S Entertainment, LLC, d/b/a Harry & Sally's, 350 Stevens Street, Hyannis, MA, Constantinos Mitrokostas, Manager, for a

New Annual All Alcohol Common Victualler License, Daily Live Entertainment License (8 am to 12:45 am, 3-5 entertainers, amplified music, dancing by patrons), Non-Live Entertainment License (8 am to 12:45 am), Sunday entertainment License (1 pm to 12 am) and an Automatic Amusement License for two video games.

**New Common Victualler License:** Application of Hye Suk Olden, d/b/a Freshens of Cape Cod, 793 Iyannough Road, Hyannis (Cape Cod Mall), Hye Suk Olden, Manager, for a New Common Victualler License, hours to be 10 am to 9 pm.

Fred Singman appeared with his wife, Hye Suk Olden. He stated that this is just a transfer of ownership from the existing food court licensee.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Hye Suk Olden, d/b/a Freshens of Cape Cod, 793 Iyannough Road, Hyannis (Cape Cod Mall), Hye Suk Olden, Manager, for a New Common Victualler License, hours to be 10 am to 9 pm.

**Transfer of Stock:** Application of SL UNO of Hyannis, Inc., d/b/a UNO Chicago Grill, 574 Iyannough Road, Hyannis, MA, Josh Sylvester, Manager, for a **Transfer of Stock** as filed with the ABCC.

The General Manager appeared representing UNO. The Board had no questions.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of SL UNO of Hyannis, Inc., d/b/a UNO Chicago Grill, 574 Iyannough Road, Hyannis, MA, Josh Sylvester, Manager, for a **Transfer of Stock** as filed with the ABCC.

**New Sunday Hours:** A request has been submitted by Superior Hotel Management Company, d/b/a Heritage House Hotel, Inc., 259 Main Street, Hyannis, Peter Martino, President, for Sunday alcohol service to begin at 10:00 a.m.

Peter Martino appeared with Jan Daale, listed Manager. They want Sunday 10 am service. Mr. Geiler said they went the whole summer without the outside set up or used – he complimented them on the nice renovation which greatly improved the looks of that corner.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Superior Hotel Management Company, d/b/a Heritage House Hotel, Inc., 259 Main Street, Hyannis, Peter Martino, President, for Sunday alcohol service to begin at 10:00 a.m.

**New Daily Live Entertainment License:** Application of New Sedgewick, Inc. d/b/a Puff the Magic, 649 Main Street, David Wood, Manager, for a Daily Non-Live Entertainment License for a radio system, player piano and TV's, hours to be noon to 12:45 am daily.

David Wood appeared for his application. It is a player piano. He asked for outside low volume speakers at the prompting of Officer Maher. There are no neighbors to speak of anyways. The Board asked if he wanted 10 am Sunday service - he said he did not want to ask for Sunday 10 am service.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of New Sedgewick, Inc. d/b/a Puff the Magic, 649 Main Street, David Wood, Manager, for a Daily Non-Live Entertainment License for a radio system, player piano and TV's, hours to be noon to 12:45 am daily and outside speakers.

**Show Cause Hearing:** Show Cause Hearing for GX Automotive, Myanota Allen, Manager. 87 Enterprise Road, Unit A, Hyannis, holding a Class II Auto Dealer License as a result of cancellation of its Class II Auto Dealer Surety Bond.

No-one appeared for this hearing. Christine Ade stated that the Liensee had called in early July stating the bond would be reinstated and he would fax a copy by 7/6/10; but nothing ever showed up.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken for findings that the license holder has been served as to cancellation of his bond, there has been no response of any kind.

A second motion was made by Mr. Burman and seconded by Mr. Boy that he be found guilty and the license revoked forthwith. There was a unanimous vote to confirm the revocation of the Class II Auto Dealer license of GX Automotive, Myanota Allen, Manager. 87 Enterprise Road, Unit A, Hyannis.

### **Business Meeting:**

A letter from the Weights & Measures section of the Consumer Affairs Division. to The Little Sandwich Shop (holds CV license) was presented. Mr. Geiler stated this is one of two letters that have been sent out – notice that they were not eligible for renewal; the Board does not need to take action now but at renewal time there will be a request from W&M under Town of Barnstable Code, Chapter 121-2 to not renew this license.

A letter from the Weights & Measures section of the Consumer Affairs Division to Barnstable News Store (holds Pkg. Store All Alcohol License) was presented. Mr. Geiler stated this is one of two letters that have been sent out – notice that they were not eligible for renewal; the Board does not need to take action now but at renewal time there will be a request from W&M 121-2 to not renew this license.

Police sting discussion. Officer Maher stated they used 2 different 21 year old people. Out of the 69 visited, 9 did not pass. He stated that they went right back in

to the places that failed to advise them they failed. With the exception of 2, everybody was contrite. One in particular stated, well he was 21, we don't have to card him. The people who failed did so because of not asking for an I.D. There was no doorman at the places the sting people were served. Mr. Geiler asked if this was a new direction they are taking – using someone who WAS 21 instead of underage. Officer Maher stated other places have used it and it works to notify all whether they were doing well or not doing well. Mr. Geiler asked where the motivation is to do the right thing? Officer Maher stated that the 9 who failed were advised that the police might be coming back with someone under 21.

Auto Dealer with cancelled bond – no response to letter from Licensing. The Board asked for him to be brought in for a Show Cause Hearing.

Notice of ABCC Hearing – given to the Board as an FYI.

Adjourned at 10:10 a.m.

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