



Town of Barnstable

Regulatory Services

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Licensing Authority

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BARNSTABLE LICENSING AUTHORITY LICENSING HEARING AGENDA

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.

April 13, 2009

Hearings:

One Day Entertainment and Sunday Entertainment Licenses: Application of Linda Mawhinney on behalf of Cape Symphony Orchestra, 712A Main Street, Yarmouth Port, MA for 10 One Day Entertainment licenses and 8 Sunday Entertainment Licenses for performances by on the following dates and times at Barnstable High School, 744 West Main Street, Hyannis:

<u>Saturdays</u>		<u>Sundays</u>	
May 30, 2009	8 pm	September 27, 2009	3 pm
September 26, 2009	8 pm	October 11, 2009	3 pm
October 10, 2009	8 pm	November 8, 2009	3 pm
November 7, 2009	8 pm	December 6, 2009	3 pm
December 5, 2009	3 pm & 8 pm	January 24, 2010	3 pm
January 23, 2010	8 pm	February 14, 2010	3 pm
February 13, 2010	8 pm	April 11, 2010	3 pm
April 10, 2010	8 pm	May 2, 2010	3 pm
May 1, 2010	8 pm		

And Friday, December 4, 2009 at 8 pm.

One Day Beer & Wine License: Application of Beth Marcus on behalf of Cape Cod Beer & Edible Cape Cod Beer Brewery, 1336 Phinney's Lane, Hyannis for a **One Day Beer & Wine License** for a Business After Hours event with Cape Cod Beer and wine from Truro Vineyards to be held on May 20, 2009 from 5:30 pm to 7:30 pm.

One Day Beer and Wine and One Day Entertainment License: Application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a **One Day Beer & Wine License and a One Day Entertainment License** for a fundraising event to be held on May 16, 2009 from 4:30 pm to 7:30 pm at the library

with a wine tasting by Cape Cod Package Store, a beer tasting by Cape Cod Brewery and entertainment by the John Dirac and Clayton March Duo.

3 One Day All Alcohol, 2 Entertainment and One 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, 2 One Day Entertainment Licenses and a Sunday Entertainment License** for a fundraising event to be held at the church on July 17, 2009 from 4 pm to 11 pm, July 18, 2009 from 11 am to midnight and July 19, 2009 from 11 6 pm (alcohol on Sunday to be offered after 12 noon).

Two One Day Entertainment Licenses: Application of Peggy and Douglas Warren on behalf of Four Seas Ice Cream, 360 South Main Street, Centerville, MA for 2 One Day Entertainment licenses for their 75th Anniversary and for the Randall Mark Warren Scholarship Fund on June 18, 2009 from 6 pm to 8 pm and June 20, 2009 also for 2 hours.

One Day All Alcohol and One Day Entertainment Licenses: Application of Michael Brooks on behalf of Cape Cod Synagogue, 145 Winter Street, Hyannis, for **a One Day All Alcohol License and One Day Entertainment** for a fundraising event to be held at the synagogue on May 9, 2009 from 7 pm to midnight.

One Day Beer & Wine License: Application of Carol A. Williams on behalf of Cape Cod Community College, 2240 Iyannough Road, West Barnstable, for **a One Day Beer & Wine License** for a fundraising event for the Zammer Institute of Hospitality to be held at the college in the Upper Commons, Grossman Building on May 6, 2009 from 5 pm to 9 pm.

New Common Victualler License: Application of Fernando de Almeida Fonseca, d/b/a Maria Preta Café, 425 Iyannough Road, Hyannis, MA, Francisco de Almeida Fonseca, Manager, for a new Common Victualler License, the hours of operation to be 7 am to 5 pm, with a total of 49 seats including 4 at a counter.

Transfer of Annual All Alcohol Package Store License: Application of Cotuit Grocery Co., Inc., All Alcohol Package Store License, 737 Main Street, Cotuit, MA, Steven Gould, Manager for transfer to Cotuit Fresh Market, LLC, Raffe Yagjian, Manager, the hours of operation to 7 am to 7 pm, with alcohol sold from 8 am to 7 pm Monday through Saturday and noon to 7 pm Sundays.

Alteration of Premises: Application of Country Club Elite, Inc., d/b/a Philbrick's, 1480 Route 149, Marstons Mills, MA, Ian Philbrick, Manager, **to alter the premises description** to include: "and 18 holes on golf course." Continued from 3/16/09.

Transfer of All Alcohol Common Victualler License and New Non-Live and Video Game Licenses: Application of Phu Bros., Inc., d/b/a Hannah's Fusion Bar and Bistro,

615 Main Street, Units 13&14, Hyannis, MA, Binh Phu, Manager, for Transfer of its All Alcohol Common Victualler License to Seaside Pub on Main, LLC, Uy G. Phu, Manager, and for a new Non-Live Entertainment License and Video Game License (1 game).

Amendment to Rules and Regulations of the Licensing Authority Ch 501-15:

Public hearing on the Rules and Regulations of the Licensing Authority Ch 501 § 15, Service of Suspension Orders. A copy of the full text may be obtained at the Licensing Office at 200 Main Street, Hyannis, MA and on line at town.barnstable.ma.us under Department Menu/Regulatory Services/Consumer Affairs Division /Licensing Authority/General Information/Proposed Rules and Regulations of the Licensing Authority Amendment to Ch 501 § 15, Service of Suspension Orders.

Show Cause Hearing: Show Cause Hearing for Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 31 G&H Thornton Drive, Hyannis, at the request of the Barnstable Police Department relative to violations of the restrictions incorporated as part of, and printed on his Junk Dealer's License to wit: "No unregistered vehicles may be left outdoors on the property, no motor vehicles may be bought or sold under this license, no hazardous materials may be stored except minimal amounts required for normal building cleaning or maintenance, no storage of junk, old metals or scrap metals or secondhand articles outside the building and no storage containers outside of the building on the property except for one trash container. These restrictions must be adhered to even if the activities are allowed under any other permits or licenses you may hold." The alleged violations are as follows: 11/26/08: One unregistered vehicle; three storage containers filled with scrap metal outside on the licensed property; 11/30/08: One storage container filled with scrap metal on the licensed property; 12/2/08: One storage container filled with scrap metal on the licensed property; 12/6/08: Three full containers filled with scrap metal on the licensed property including a vehicle frame in one of them and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/12/09: Two storage containers filled with scrap metal on the licensed property; 12/18/08: Two storage containers filled with scrap metal, scrap metal on the ground and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/23/08: Four storage containers filled with scrap metal on the licensed property; 12/31/08: Four storage containers filled with scrap metal on the licensed property and one unregistered vehicle as well as a Ferreira's truck parked on the side of the street; 1/12/09: Four storage containers filled with scrap metal on the licensed property and three unregistered vehicles on the licensed property and a Ferreira's truck parked on the side of the street; 1/19/09: Five storage containers filled with scrap metal, several piles of scrap metal on the ground including water heaters, grease hoods and a refrigerator with a door still attached on the licensed property; 1/25/09: Three full containers of scrap metal on the licensed property as well as five unregistered vehicles; 1/31/09: Three full containers of scrap metal on the licensed property and scrap metal on the ground as well as one unregistered vehicle on the licensed property. In addition, there were several containers observed by the Police Department left on the south side of Kids Hill Road on property owned by the Town of Barnstable. On 1/31/09 one container had a marking on it indicating it was owned by Mr. Ferreira. The total violations are: "No unregistered vehicles outside on the property" – 13 counts; "No

storage of junk, old metals or scrap metals or secondhand articles outside the building” – 2; “No storage containers outside the building on the property except one trash container - 35 counts; container left on property at Kids Hill Road – 1 count; Ferreira’s truck parked on the side of the street – 2 counts. At the request of the Licensee’s attorney this hearing was continued this hearing to April 13th.

Show Cause Hearing: Show Cause Hearing upon confirmation by the Barnstable Police Department that Phu Bros., Inc., d/b/a Hannah’s Fusion Bar & Bistro, 615 Main Street, Hyannis, MA, Binh Phu, Manager, was in violation of the Rules and Regulations of the Licensing Authority and Town Code Chapter 501, section 1.14, a (3) for failure to operate the premises covered by the license during the period of February 1, 2009 through February 23, 2009, and for violation of Chapter 501, Section 1.16A, reducing the hours of operation without prior approval of the local Licensing Authority. Continued from 3/30/09.

Show Cause Hearing: Show Cause Hearing upon confirmation by the Barnstable Police Department that RooBar, Inc., d/b/a RooBar, 586 Main Street, Hyannis, MA, was in violation of the Rules and Regulations of the Licensing Authority and Town Code Chapter 501, section 1.16 a, failure to operate the licensed premises for a substantial number of hours on all days authorized by the Licensing Authority during the period of January 1, 2009 through February 23, 2009. Continued from 3/30/09.

Renewals:

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

Junk Dealers:

A.J. Marks
Cape Cod Precious Gems & Coins
Historical Military Antiques
Diamond Perfections

Business Meeting: