



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.
May 4, 2009

A regular meeting of the Barnstable Licensing Authority was held on Monday, May 4, 2009. 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 and Licensing Agent, Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Lt. JoEllen Jason was absent.

Hearings:

One Day All Alcohol License: Application of Katherine Pina on behalf of St. Anthony's Charity Club for a One Day Beer & Wine License for its 76+ annual Feast Day of St. Anthony on June 13, 2009 at 515 Old Mill Road, Osterville, MA from noon to 6 pm.

Katherine Pina appeared for her application. There were no questions.

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 for a One Day Beer & Wine License for its 76+ annual Feast Day of St. Anthony on June 13, 2009 at 515 Old Mill Road, Osterville, MA from noon to 6 pm.

Six One Day Beer & Wine Licenses: Application of Christine Duren on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for **6 One Day Beer & Wine Licenses** for the events as follows:

- Art Exhibit Opening Reception – 5/9/09 5 pm-8 pm
- Music Performance Stagedoor Canteen Swing Band – 5/16/09 8 pm-11 pm
- Music Performance Entrain's Drums for Peace – 5/23/09 8 pm-11 pm
- Music Performance Zamir Chorale – 5/31/09 6:30 pm-9:30 pm
- Art Exhibit Opening Reception & Concert – 6/6/09 5 pm-11 pm
- Music Performance Johnny Hoy & The Bluefish – 6/13/09 8 pm-11 pm

Ms. Duren appeared for her application. These will all be at Cotuit Center for the Arts. No questions from the Board.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Christine Duren on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for **6 One Day Beer & Wine Licenses** for the events as follows:

- Art Exhibit Opening Reception – 5/9/09 5 pm-8 pm
- Music Performance Stagedoor Canteen Swing Band – 5/16/09 8 pm-11 pm
- Music Performance Entrain's Drums for Peace – 5/23/09 8 pm-11 pm
- Music Performance Zamir Chorale – 5/31/09 6:30 pm-9:30 pm
- Art Exhibit Opening Reception & Concert – 6/6/09 5 pm-11 pm
- Music Performance Johnny Hoy & The Bluefish – 6/13/09 8 pm-11 pm

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 am to 6 pm (alcohol on Sunday to be offered after 12 noon). Cont'd from 4/13/09.

Mr. Conostas appeared for his application. This is the 27th year for this event. There have been no problems. No-one had any questions.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the 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 am to 6 pm (alcohol on Sunday to be offered after 12 noon).

One Day All Alcohol License, One Day Beer & Wine License, One Day Entertainment License: Application of Gail Nightingale on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville, MA, for a **One Day All Alcohol License for June 26, 2009** (Annual Auction Preview Party from 4 pm to 11 pm), a **One Day Beer & Wine License for June 28, 2009** (Clambake from 4 pm to 10 pm) and a **One Day Entertainment License** (for the clambake on Sunday – a steel drum group). All will be outside in a tent on the library property.

Mrs. Nightingale appeared for her application. This has been held for 15 years. They have a building permit for their tent. Mr. Hoxie proposed that the fee for the entertainment be waived.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Gail Nightingale on behalf of Osterville Village Library, 43 Wianno Avenue, Osterville, MA, for a **One Day All Alcohol License for June 26, 2009** (Annual Auction Preview Party from 4 pm to 11 pm), a **One Day Beer & Wine License for June 28, 2009** (Clambake from 4 pm to 10 pm) and a **One Day Entertainment License** (for the clambake on Sunday – a steel drum group). All will be outside in a tent on the library property and the fee be waived..

One Day and Sunday Entertainment Licenses: Application of Margaret Van Sciver on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville, MA for a One Day Entertainment license and Sunday Entertainment License for the 24th annual TD BankNorth Pops by the Sea on the Village Green, Main Street, Hyannis on August 1, 2009 from 5 pm to 7 pm and August 2, 2009 from 1 pm to 7 pm.

Ms. Van Sciver appeared for her application. She is the President of the Arts Foundation. This is the 24th annual event. They have their permits for the green. Angie Dickinson will be the guest conductor.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Margaret Van Sciver on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville, MA for a One Day Entertainment license and Sunday Entertainment License for the 24th annual TD BankNorth Pops by the Sea on the Village Green, Main Street, Hyannis on August 1, 2009 from 5 pm to 7 pm and August 2, 2009 from 1 pm to 7 pm.

One Day Entertainment License: Application of Jen Hansen on behalf of the Mary French Dance Studio, 1040 S. County Road, Bourne, MA for a One Day Entertainment license for its annual dance recital on May 16, 2009 at the Marstons Mills East Horace Mann Auditorium from 3 pm to 5 pm.

Ms. Hansen appeared for her application. They have used this venue in the past. This is their last recital as her mother recently passed away. The Board had no questions.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Jen Hansen on behalf of the Mary French Dance Studio, 1040 S. County Road, Bourne, MA for a One Day Entertainment license for its annual dance recital on May 16, 2009 at the Marstons Mills East Horace Mann Auditorium from 3 pm to 5 pm.

One Day All Alcohol License: Application of Margaret Van Sciver on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville, MA, for a **One Day All Alcohol License for May 31, 2009** for a 2nd Annual Food Festival Reception to be held at Rectrix Aerodrome, 730 Barnstable Road, Hyannis, MA from 3 pm to 6 pm. (Cape Cod Life has the entertainment permit for this event and had been approved for wine and malt; they wanted all alcohol so got a non-profit charitable outfit to obtain the permit on their behalf).

Ms. Van Sciver appeared for this application. They have applied as a charitable event Cape Cod Life Food Festival with a Taste of Culture. The vendors bringing the alcohol are TIPS certified or certified to serve alcohol and ensure everyone served is over 21.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Margaret Van Sciver on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville, MA, for a **One Day All Alcohol License for May 31, 2009** for a 2nd Annual Food Festival Reception to be held at Rectrix Aerodrome, 730 Barnstable Road, Hyannis, MA from 3 pm to 6 pm.

Two One Day Entertainment Licenses: Application of Peggy Warren on behalf of Four Seas Ice Cream, 360 So. Main Street, Centerville, MA for Two One Day Entertainment licenses on June 18th and 20th for its Randall Mark Warren Scholarship fundraiser and 75th Anniversary party which has grown in scope. They now wish to change the hours to five from two and add a different band each hour.

Peggy Warren appeared for her application. They were approved recently but needed to add to the times requested as the response has been overwhelming. They do not want to turn anyone away. It will start around noon. The bands will play for an hour each on the Saturday so it may be 6 pm before it finishes. The Thursday will remain 6-8 pm. Mr. Burman commented that Mr. Hoxie remembers the first one.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Peggy Warren on behalf of Four Seas Ice Cream, 360 So. Main Street, Centerville, MA for Two One Day Entertainment licenses on June 18th and 20th for its Randall Mark Warren Scholarship fundraiser and 75th Anniversary party which has grown in scope. The hours will now be 11 am to 6 pm on the 20th.

New Junk Dealer License: An application has been made by Hannoush Jewelers, Cape Cod Mall, Hyannis, MA, Mustapha Akkawi, Manager, for a **New Junk Dealer's License**. Hours of operation would be 10 am to 9 pm, Monday through Saturday and 12 – 6 Sunday (Mall hours)

They opened the Hyannis store in 1997. They are now looking to buy gold from customers. It is a big craze right now to turn in old jewelry. They feel they can do better for their customers than out of the area places. Mr. Burman states that on page two of their lease, the buying of gold is not listed as an approved use. They need something from the Mall amending the lease – the Board has no objection but wants to see the lease amended.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Hannoush Jewelers, Cape Cod Mall, Hyannis, MA, Mustapha Akkawi, Manager, for a **New Junk Dealer's License**. Hours of operation would be 10 am to 9 pm, Monday through Saturday and 12 – 6 Sunday

contingent on amendment to the Lease by the Mall or waiver of the provision restricting the use.

Officer Maher suggested he contact him or Sgt. Murphy to meet to discuss the new requirements under Ch. 502 and how this will work for them.

Change of Manager: Application of SPSS Enterprises, LLC, d/b/a Asa Grill & Reputation, 415 Main Street, Hyannis, MA, Mollie Lehane, Manager for a **Change of Manager on the All Alcohol Common Victualler License** to Shane Pacheco.

Shane Pacheco, owner, appeared for his application to change Manager. They opened Friday. They are serving lunch & dinner 7 days per week. Mr. Burman advised that the former Manager sent a letter that the insurances were not in place and that this is a concern. Mr. Pacheco advised that the building insurance coverage lapsed but Horgan is rewriting it and it is now in place.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of SPSS Enterprises, LLC, d/b/a Asa Grill & Reputation, 415 Main Street, Hyannis, MA, Mollie Lehane, Manager for a **Change of Manager on the All Alcohol Common Victualler License** to Shane Pacheco.

New Junk Dealer License: Application has been made by Jeffrey Niedbala, d/b/a Spindle City Precious Metals, Fall River, MA, Jeffrey Niedbala, Manager, for a **New Junk Dealer's License for the period May 11 through May 17, 2009 at the Cape Cod Mall, Hyannis.** Hours of operation would be 10 am to 9 pm, Monday through Saturday and 12 pm to 6 pm Sunday.

Mr. Niedbala is looking to have another event – the first one was very successful. This will be the 3rd event here. They are also looking to have another event later in the year. He has a copy of the new rules and regulations. Officer Maher reiterated that the items have to be retained on the property for a hold there – they will purchase a safe and keep those items there so they will not be co-mingled. Mr. Niedbala asked what he needs to provide – Mr. Hoxie asked for a letter from the Mall specifically stating there is some place permanent they can maintain the items – they are trying to get a permanent spot in the Mall. Mr. Burman wants to see the letter first. Mr. Geiler asked that the letter be sent to the police department – if positive the police department can bring it forward. Mr. Sullivan asked how he plans to do this. They can get a permanent space in the Mall to keep these items in a safe with a security camera right on site as well as the records of transactions here. Mr. Sullivan is not opposed to a special meeting prior to 5/11 either to approve this.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to hold the application of Jeffrey Niedbala, d/b/a Spindle City Precious Metals, Fall River, MA, Jeffrey Niedbala, Manager, for a **New Junk Dealer's License for the period May 11 through May 17, 2009 at the Cape Cod Mall, Hyannis.** Hours of operation would be 10 am to 9 pm, Monday through Saturday and 12 pm to 6 pm

Sunday for a special meeting to be held prior to 5/11/09, if Officer Maher advises they have what is necessary for a contract with the Mall.

Transfer of Seasonal All Alcohol Common Victualler License: Application of Buksport, Inc., d/b/a Keepers, 330 West Bay Road. Osterville, MA, Timothy G. Buchanan Manager, for Transfer of its Seasonal All Alcohol Common Victualler License to 4 Our Fathers LLC, d/b/a Islander, Joseph P. Dunn, II, Manager.

Gene Burman has a potential conflict of interest on a prior deal with Mr. Dunn but Mr. Hoxie stated that will not conflict with this.

Matthew Spillane, Esq. appeared for this application with Mr. Dunn and the prior owner – Mr. Buchanan. There will be no changes to the operation. Mr. Dunn currently manages The Island Merchant on Main Street. He possesses expertise in the business and can handle both. The focus on how many hours he is on the property is not as important as how he manages the license. He has a flow chart of who is in charge when he is not present. The Osterville property hours end at 11 pm. He gave the flow chart to Mr. Hoxie for perusal. Mr. Dunn plans on being present for the closings of each restaurant, regardless that he will have competent managers in each place. He has the TIPS trained all the employees prior to opening and continuing education during season. They have prepared their own training manual in place now for The Island Merchant. Mr. Spillane states it is very comprehensive. Mr. Dunn will comply with all postings and work with the police department checklist.

Mr. Hoxie stated that as long as Mr. Dunn understands he is the responsible party no matter who is on duty there should be no problems. Mr. Sullivan asked about the flow chart closing time in Osterville as 10 – it was a typo and should be 11 pm.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Buksport, Inc., d/b/a Keepers, 330 West Bay Road. Osterville, MA, Timothy G. Buchanan Manager, for Transfer of its Seasonal All Alcohol Common Victualler License to 4 Our Fathers LLC, d/b/a Islander, Joseph P. Dunn, II, Manager.

Mr. Geiler asked that the training manuals for each restaurant be provided to Licensing.

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. Cont'd from 4/13/09.

Mr. Hoxie stated that the 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 has been withdrawn by the owner.

Renewals:

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

Junk Dealer Licenses:

Play It Again Sports
Gamestop 4225
Cape Cod Jewelers
Craig Medeiros

Best for Less
Cotuit Mercantile
Guertin Brothers Jewelers
Newbury Comics

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of the above listed establishments for their Junk Dealer License renewals for 2009-2010.

Automatic Amusement:

Courtyard Marketplace

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Courtyard Marketplace for its Automatic Amusement License.

Carousel:

Courtyard Marketplace

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Courtyard Marketplace for its Carousel License.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority