



Town of Barnstable

Regulatory Services

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Licensing Authority

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BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

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

June 6, 2011

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 6, 2011. 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 and Licensing Agent, Richard V. Scali, Consumer Affairs Supervisor Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Richard Boy, Alternate Commissioner and Lt. JoEllen Jason were absent.

Hearings:

One Day All Alcohol and One Day Entertainment Licenses: Application of D. Christian Liakos on behalf of The Cam Neely Foundation for Cancer Cure/Oysterville Yacht Club, P.O. Box 101, Osterville for a One Day All Alcohol License and a One Day Entertainment License for July 18, 2011 for its annual meeting and fundraiser for the Cam Neely Foundation for Cancer Care & the Neely House, to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville from 5 pm to 11 pm. The entertainment will be by the Cape Cod Band, Freddie and the Maybellines.

Mr. Liakos appeared for the application. The foundation has been running this for 6 years and have raised over \$500K. Has worked with the Fire Department to work out details and issues. They have a police detail each year. They are aware of the new crowd manager requirement. They have 3 crowd managers certified by the Comm. of MA. Mr. Hoxie asked if there was a tent; there is not – they use the warehouse building and parking lot area. They have plenty of space.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of D. Christian Liakos on behalf of The Cam Neely Foundation for Cancer Cure/Oysterville Yacht Club, P.O. Box 101, Osterville for a One Day All Alcohol License and a One Day Entertainment License for July 18, 2011 for its annual meeting and fundraiser for the Cam Neely Foundation for Cancer Care & the Neely House, to be held at Oyster Harbors

Marine, 182 Bridge Street, Osterville from 5 pm to 11 pm. The entertainment will be by the Cape Cod Band, Freddie and the Maybellines.

One Day Wine & Malt License: Application of Cynthia D. Hall on behalf of The Osterville Historical Society & Museum, 155 West Bay Road, Osterville for a One Day Wine & Malt License and a One Day Entertainment License (steel drum band) for July 10, 2011 an all outdoor fundraising event from 5 pm to 7 pm.

Kathleen Capos appeared for her applications. It is a fundraiser and they will have beer, wine, Farmer's Market food. They hope to have 150 people. This is a new venue celebrating their farmer's market. The Westport Wineries and Cape Cod Beer will serve the alcohol. This is not the same timeframe as the actual Farmer's Market.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Cynthia D. Hall on behalf of The Osterville Historical Society & Museum, 155 West Bay Road, Osterville for a One Day Wine & Malt License and a One Day Entertainment License (steel drum band) for July 10, 2011 an all outdoor fundraising event from 5 pm to 7 pm.

One Day All Alcohol License: Application of Rebecca Richardson on behalf of the Rotary Club of Osterville, P.O. Box 75, Osterville for a One Day All Alcohol License for its annual fishing tournament on July 23, 2011 from 4 pm to 8 pm at Wianno Yacht Club, 101 Bridge Street, Osterville, MA.

Rebecca Richardson appeared for this annual event. This year it is 7/23. It will be held at Wianno Yacht Club. Cardoza Wine & Spirits will serve the wine at the event. Approximately 100 people attend. All the money raised goes to their good works fund. This is the 17th year. Mr. Burman asked about Cardoza Wine & Spirits – they are in Wareham or Pocasset; the same people they use each year. Mr. Burman asked if they were licensed to serve in Barnstable – the answer was yes from Officer Maher.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Rebecca Richardson on behalf of the Rotary Club of Osterville, P.O. Box 75, Osterville for a One Day All Alcohol License for its annual fishing tournament on July 23, 2011 from 4 pm to 8 pm at Wianno Yacht Club, 101 Bridge Street, Osterville, MA.

One Day Wine & Malt License: Application of Marilyn Fuller on behalf of Barnstable Historical Society, 3087 Main Street, Barnstable for a One Day Wine & Malt License for its annual event to be held outdoors in a tent to the rear of the building on June 9, 2011 from 5 pm to 7 pm.

Marilyn Fuller appeared for her application. This is for the Historical Society at 3087 Main across from Sturgis Library. This is their annual opening summer event. Ted

Harmon will exhibit his decoys. It will be from 5-7 with wine and hors d'oeuvres in a tent outdoors. Service by adults and they expect 30-40 people. They did not have the event last year; used to have this in the old Daniel David House. They have parking for 12 but adjacent to St. Mary's Church so that lot can be used.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Marilyn Fuller on behalf of Barnstable Historical Society, 3087 Main Street, Barnstable for a One Day Wine & Malt License for its annual event to be held outdoors in a tent to the rear of the building on June 9, 2011 from 5 pm to 7 pm.

One Day All Alcohol License: Application of Kathy Pina on behalf of St. Anthony's Charity Club of Osterville, 308 Osterville West Barnstable Road, Osterville for a One Day All Alcohol License its annual Feast Day of St. Anthony festival on the club grounds at 515 Old Mill Road, Osterville on June 11, 2011 from noon to 6 pm.

Kathy Pina appeared for their event. This is the 75th year. They honor St. Anthony – they need to alcohol to defray the taxes on the property. All the food is free.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Kathy Pina on behalf of St. Anthony's Charity Club of Osterville, 308 Osterville West Barnstable Road, Osterville for a One Day All Alcohol License its annual Feast Day of St. Anthony festival on the club grounds at 515 Old Mill Road, Osterville on June 11, 2011 from noon to 6 pm.

New Common Victualler License: Application of Osterville Village Cafe, LLC, d/b/a Osterville Village Cafe, 3 Wianno Avenue, Osterville, Jason Warren, Manager, for a New Common Victualler License, with maximum seating for 10, the hours of operation to be 6 am – 10:00 pm.

Mr. Warren appeared for the application. He will manage this café. No changes are planned from how it was run in the past – will be adding some evening hours to serve ice cream. Mr. Hoxie asked how many years they have been operating...he said about 30 years probably.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Osterville Village Cafe, LLC, d/b/a Osterville Village Cafe, 3 Wianno Avenue, Osterville, Jason Warren, Manager, for a New Common Victualler License, with maximum seating for 10, the hours of operation to be 6 am – 10:00 pm.

New Common Victualler All Alcohol, Daily Live, Daily Non-Live and Sunday Entertainment Licenses: Application of McGrath's Saloon and Sports Bar, LLC, d/b/a McGrath's Saloon and Sports Bar, 380 Barnstable Road, Hyannis, MA, Daniel J. McGrath, Manager, for a New Annual All Alcohol Common Victualler License for premises consisting of a single story wood frame bldg. with finished basement.

Front (main) entrance from parking lot on south wall of bldg. to dining/lounge area, stairs to lower level immediately to right. Exit to patio on west wall, entrance to kitchen on east wall leads to 2 restrooms and bldg. exit from kitchen. Lower level stairs in southeast corner of rectangular dining/lounge area. Door exit on west wall with stairs to ground level outside of bldg. Door on east wall to storage and through to bulkhead exit on east wall. Seating for 60 on 1st floor, patio 16/8 standing, 57 lower level; total 141. Hours of operation 11 am – 1 am. Also requesting a Daily Live, Non-Live (CD's. digital background music) and Sunday Entertainment Licenses. Maximum of 2 singers. Microphone amplified only. Hours of entertainment requested 8 pm to 12:45 am Mon-Sat and 3 pm – 12:30 am Sat and Sun.

Daniel McGrath appeared for his application. This is the old Windjammer then Wianno Grille. He and his wife are trying to turn this back into a casual, comfortable affordable place to come. In the downstairs that would be overflow and maybe used as a function room if needed. He has a lot of experience – worked 20 years managing in The flying Bridge in Falmouth and Tugboats in Hyannis. He has 20 plus years experience. He is returning to deli sandwiches, etc. Lots of appetizers, a few full meals. Possibly prime rib on the weekends. Mr. Hoxie asked if they are doing any renovations – he said painting, carpeting only. They have left the furniture there – it is fairly new. Floor plan is identical to Wianno Grille. No pool table; he is not looking for that type of sports bar – but there will be lots of T.V.'s. More of a family restaurant – that is what they are looking for. T.V.'s to entertain while people are eating. Lease is 5 years with a 3 year option. Mr. Burman asked what percentage food/liquor – he wants about 60/40. He will oversee the cooking and did the menu and food purchasing; plans to do that himself. He plans on 10 full & part-time employees. Wants to return it to its heyday Windjammer type place. He hopes to capitalize on some of the Christmas time business for parties, etc. Mr. Burman stressed that the 141 includes employees. Mr. Scali asked about whether or not they will remove tables and chairs for entertainment – it will be just the table in the corner. He said for right now he is applying mostly for the non-live, asked for the live so he can have a musician on the weekends if need be. He wanted that option to increase business if warranted.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of McGrath's Saloon and Sports Bar, LLC, d/b/a McGrath's Saloon and Sports Bar, 380 Barnstable Road, Hyannis, MA, Daniel J. McGrath, Manager, for a New Annual All Alcohol Common Victualler License for premises consisting of a single story wood frame bldg. with finished basement. Front (main) entrance from parking lot on south wall of bldg. to dining/lounge area, stairs to lower level immediately to right. Exit to patio on west wall, entrance to kitchen on east wall leads to 2 restrooms and bldg. exit from kitchen. Lower level stairs in southeast corner of rectangular dining/lounge area. Door exit on west wall with stairs to ground level outside of bldg. Door on east wall to storage and through to bulkhead exit on east wall. Seating for 60 on 1st floor, patio 16/8 standing, 57 lower level; total 141. Hours of operation 11 am – 1 am. Also

requesting a Daily Live, Non-Live (CD's. digital background music) and Sunday Entertainment Licenses. Maximum of 2 singers. Microphone amplified only. Hours of entertainment requested 8 pm to 12:45 am Mon-Sat and 3 pm – 12:30 am Sat and Sun. Mr. Hoxie asked when they will be operational – he said as soon as they hear back from the State.

New Annual Wine & Malt Common Victualler License: Application of Old Village Restaurant, Inc., d/b/a Old Village Restaurant, 2455 Meetinghouse Way, West Barnstable, Susan Stockdale, Manager, for a new Annual Common Victualler Wine & Malt License, for a New Annual Wine & Malt Common Victualler License for premises consisting of a 210 sq. ft. dining area with a 200 sq ft. deck. Inside seating for 24, outside seating for 8; total seating 24. Kitchen is 325 sq. ft. Two restrooms, 60 sq. ft. storage room, 60 sq. ft. counter and serving area. Entrance off the deck (outside dining area) directly into the dining area. Hours of restaurant operation 7 am to 10 pm; alcohol service 8 am to 10 pm Mon – Sat, 11 am to 10 pm Sun. Mr. Hoxie announced that this application was withdrawn on 5/31/11 by the attorney for the applicants.

Transfer of All Alcohol Common Victualler License: Application of Outback/New England-I, LP d/b/a Outback Steakhouse, 1070 Iyannough Road, Hyannis, MA, Thomas Ward, Manager, for a Transfer of its All Alcohol Common Victualler License as filed with the ABCC, to Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse.

They are just changing from franchise to corporate. The manager appeared to answer any questions. Frank Pulsifer from the Fire Dept., Barnstable. He just wanted to bring some concerns forward – the facility is protected by a Municipal alarm system and sprinkler system; he has been requesting the reports on the testing on the alarms – he has not received those reports. There are multiple issues with that alarm system – due to a programming issue; recently it transmitted to the wrong fire department; that was corrected only after the fire department's intervention with the monitoring agency...He wonders if this system has ever been completely tested by a certified testing agency. He apologized to Mr. Ward for bringing this up today. Mr. Hoxie stated they are required to have testing done annually. It should not take a long time to have this done – Frank Pulsifer stated the test is usually done within a couple of hours and a written report sent to the fire department. It was Mr. Ward's understanding that this was done in November; he is surprised to hear this. Mr. Ward will do this asap. Mr. Scali also wanted to remind him to get his new Business Certificate taken care of – he had it with him and provided to Christine Ade. Mr. Hoxie asked that we approve contingent on a satisfactory fire report.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Outback/New England-I, LP d/b/a Outback Steakhouse, 1070 Iyannough Road, Hyannis, MA, Thomas Ward, Manager, for a Transfer of its All Alcohol Common Victualler License as filed with the

ABCC, to Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse, subject to the Barnstable Fire Department receiving certification that all fire apparatus and test results are in order and in the hands of the Barnstable Fire Department.

Mr. Geiler stated he believes possibly we should call a Show Cause Hearing to be cancelled if the report is not received immediately. The issue of us doing nothing and having something happen is not acceptable. We will send a written notice of Show Cause Hearing in July to determine if license should be suspended, modified or revoked. Mr. Geiler suggested he communicate with the proper Fire Department and get this done ASAP. When Deputy Chief Pulsifer receives the report he will notify Licensing.

Mr. Burman stated that at the meeting on Open Meeting Law it was expressly stated that nothing can go on at an agenda that has not been expressly advertised. Mr. Hoxie stated it will be advertised prior to the July hearing. Mr. Sullivan confirmed that if they comply, the Show Cause Hearing will be cancelled.

Renewals:

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

Common Victualler

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:

Efrain Mobile Food & Ice Cream – snack bar at Veterans Beach, Hyannis

Daily Live Entertainment:

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

Cape Cod Melody Tent, West Main Street, Hyannis

Sunday Entertainment:

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

Cape Cod Melody Tent, West Main Street, Hyannis

Junk Dealer:

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Junk Dealer renewal as submitted below:

Cape Abilities, 3239 Main Street, Barnstable

Business Meeting:

Release of Executive Session Minutes, if any (1). Christine Ade confirmed that there are none ready to be released.

ABCC Hearing Notices – 4. Richard Scali advised the Board that these notices are for Ying's (a new one and their appeal), Hyannis Lodge of the Benevolent Elks, and Mini Food Mart.

ABCC Census information re: license types & quotas. Mr. Scali explained that we have a quota with two wine and malt package store licenses available still. Then he advised that one of our existing wine and malt package store licenses was turned in last week – that makes three available. Mr. Geiler commented that this just goes to show how the economy has affected people; we have never had a package store license surrendered.

Memo regarding Barnstable News Store license. Mr. Scali stated he submitted a memo showing that through our hearing last fall we approved a transfer application; we recently received a disapproval of that transfer application and Mr. Scali notified the police department to go to the store and see if anyone was there from Nadan Enterprises, Inc. He found that corporation not to be a valid corporation, for some years and no-one associated with Nadan Enterprises at the premises. The license was taken by the Police Department and returned to Licensing. They were told they had to remove the alcohol and resolve the tax issues, and then re-apply for a new license.

Letter to International Inn. Mr. Scali advised the Board that International Inn's application was also disapproved for DUA issues. International Inn was notified to resolve the issues and advise Licensing so that we can submit the application for reconsideration.

The meeting was adjourned at 10:14 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority