



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, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.

July 27, 2009

A regular meeting of the Barnstable Licensing Authority was held on Monday, July 27, 2009. 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, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk, recused himself from the meeting as his listening device was not working today.

Hearings:

One Day All Alcohol License and One Day Entertainment License: Application of Maegan Storey on behalf of Cape Cod Young Professionals, P.O. Box 1302, S. Dennis, for a One Day All Alcohol License and One Day Entertainment License for its 3rd Annual Back to Business Bash to be held at Rectrix Aerodrome, 480 Barnstable Road, Hyannis on September 17, 2009 from 5:30 – 8:00 pm.

Christopher Ward, LaTanzi, Spaulding & Lendreth, PC and Maegan Storey and *** appeared for this application – a fundraiser for their non-profit organization. They prepared a floor plan which was ok'd by Tom Perry. They are a Ch 501C-3 organization. The entertainment will be two pieces.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Maegan Storey on behalf of Cape Cod Young Professionals, P.O. Box 1302, S. Dennis, for a One Day All Alcohol License and One Day Entertainment License for its 3rd Annual Back to Business Bash to be held at Rectrix Aerodrome, 480 Barnstable Road, Hyannis on September 17, 2009 from 5:30 – 8:00 pm.

One Day & Sunday Entertainment License: Application of Melissa Alexander and Marilyn Keith on behalf of Cats of the Beach, 24 Residential Lane, Blackstone, MA 01504, for a Saturday and Sunday Cat Show to be held at 730 Osterville-West

Barnstable Road, Marstons Mills, MA on October 10, 2009 from 9:30 to 3:30 and October 11, 2009 from 9:30 to 3:30.

Marilyn Keith appeared for this application. They have had these before and they have been very successful. Mr. Burman asked if there were any lions – she said “no.”

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Melissa Alexander and Marilyn Keith on behalf of Cats of the Beach, 24 Residential Lane, Blackstone, MA 01504, for a Saturday and Sunday Cat Show to be held at 730 Osterville-West Barnstable Road, Marstons Mills, MA on October 10, 2009 from 9:30 to 3:30 and October 11, 2009 from 9:30 to 3:30.

One Day Beer & Wine Licenses (10): The Barnstable Licensing Authority will hold a public hearing on the application of Cotuit Center for the Arts, 4404 Route 28, Cotuit, MA for 9 One Day Beer & Wine Licenses for the following events:

7/31/09	8:00 pm – 11:00 pm	Duke Robillard Blues Band
8/08/09	5:00 pm – 8:00 pm	Art Exhibit opening reception & James Wolf Exhibit
8/12/09	5:00 pm - 8:00 pm	Fundraiser for Cape Cod Animal Hospital
9/03/09	7:00 pm - 11:00 pm	Adrian Belew concert (of King Crimson)
9/24/09	5:00 pm – 8:00 pm	CCftA Annual Meeting
9/12/09	5:00 pm – 8:00 pm	Art Exhibit opening reception
10/10/09	4:30 pm - 6:30 pm	Art Exhibit opening reception
11/06/09	7:00 pm – 10:00 pm	The Extremes
11/07/09	7:00 pm – 10:00 pm	The Extremes
11/14/09	6:00 pm – 10:00 pm	Benefit Classical Concert for Children’s Cove
12/13/09	4:00 pm - 8:00 pm	Celtic Christmas

Christine Duren appeared for this application. There was discussion about their nearing the threshold of allowable one day events by Lt. Jason. Christine Ade will check the number.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve* the application of Cotuit Center for the Arts, 4404 Route 28, Cotuit, MA for 10 One Day Beer & Wine Licenses for the following events:

7/31/09	8:00 pm – 11:00 pm	Duke Robillard Blues Band
8/08/09	5:00 pm – 8:00 pm	Art Exhibit opening reception & James Wolf Exhibit
8/12/09	5:00 pm - 8:00 pm	Fundraiser for Cape Cod Animal Hospital
9/03/09	7:00 pm - 11:00 pm	Adrian Belew concert
9/24/09	5:00 pm – 8:00 pm	CCftA Annual Meeting
9/12/09	5:00 pm – 8:00 pm	Art Exhibit opening reception
10/10/09	4:30 pm - 6:30 pm	Art Exhibit opening reception
11/06/09	7:00 pm – 10:00 pm	The Extremes
11/07/09	7:00 pm – 10:00 pm	The Extremes

11/14/09 6:00 pm – 10:00 pm Benefit Classical Concert for Children's Cove
12/13/09 4:00 pm - 8:00 pm Celtic Christmas

One Day Entertainment License: Application of Phil Landry on behalf of Hyannis Sound, Inc., for a one day entertainment licensed for a performance by Hyannis Sound, an a capella group of 10 and as many as 55 alumni to be held at Barnstable High School (Cultural Center), West Main Street, Hyannis, on August 1, 2009 from 5 pm to 11 pm.

Phil Landry And Chris Ames appeared for this application. It is the 50th annual alumni show on 8/1. It is \$15 for adults; \$10 for Seniors and children. The times include cleaning after and setting up. The group came today and sang a song. Mr. Burman asked which auditorium – it is the larger one.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Phil Landry on behalf of Hyannis Sound, Inc., for a one day entertainment licensed for a performance by Hyannis Sound, an a capella group of 10 and as many as 55 alumni to be held at Barnstable High School, West Main Street, Hyannis, on August 1, 2009 from 5 pm to 11 pm.

One Day Wine Only and One Day Entertainment License: Application of Cynthia D. Hall on behalf of Osterville Historical Society, 155 West Bay Road, Osterville, for a One Day Wine Only License and a One Day Entertainment License for a fundraising event on August 6, 2009 outside only on the museum grounds from 5 pm to 7 pm with a jazz band.

No-one appeared for this application. Mr. Geiler said it is annual, never had a problem – and it is a short event. Mr. Hoxie stated he would be willing to hold a special meeting. He did not want to set a precedent to approve without attendance.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to hold the application of Cynthia D. Hall on behalf of Osterville Historical Society, 155 West Bay Road, Osterville, for a One Day Wine Only License and a One Day Entertainment License for a fundraising event on August 6, 2009 outside only on the museum grounds from 5 pm to 7 pm with a jazz band, and have a special meeting if need be so as not to set a precedent of approving anyone without their appearance before the board..

Sunday Entertainment License: Application of Heather Donnelly on behalf of MSPCA, for a One Day Entertainment License for its annual Walk for Animals event to be held at Aselton Park, Hyannis, on September 13, 2009 from 11 am to 2 pm. There will be a DJ with amplified music playing at the event. Continued from 7/6/09.

Cathy Powers appeared for this application. It is an annual event which has been successful.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Heather Donnelly on behalf of MSPCA, for a One Day Entertainment License for its annual Walk for Animals event to be held at Aseton Park, Hyannis, on September 13, 2009 from 11 am to 2 pm. There will be a DJ with amplified music playing at the event.

One Day Beer and Wine License: Application of Olive Chase on behalf of The Casual Gourmet, 31 Richardson Road, Centerville for a One Day Beer & Wine License for a Business After Hours event on August 11, 2009 from 5 pm to 7 pm to be held outside in the garden at St. Mary's Episcopal Church, 3055 Main Street, Barnstable, MA.

Olive Chase appeared for this application. This event is being held in conjunction with St. Mary's for the Chamber of Commerce. They have TIPS servers and liability insurance.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Olive Chase on behalf of The Casual Gourmet, 31 Richardson Road, Centerville for a One Day Beer & Wine License for a Business After Hours event on August 11, 2009 from 5 pm to 7 pm to be held outside in the garden at St. Mary's Episcopal Church, 3055 Main Street, Barnstable, MA.

New Common Victualler License: Application of Casual Gourmet, Inc., d/b/a Casual Gourmet Express, Cape Cod Mall, Hyannis, MA, Olive Chase, Manager, for a new Common Victualler License, hours of operation to be 9 am to 9 pm.

Olive Chase appeared for this application and stated if she needs to sing for the application she is in trouble! Au Bon Pain held the space prior to this. The menu will be like what is at the hospital with a few additions. They will open at 8 am

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Casual Gourmet, Inc., d/b/a Casual Gourmet Express, Cape Cod Mall, Hyannis, MA, Olive Chase, Manager, for a new Common Victualler License, hours of operation to be 8 am to 9 pm.

Transfer of Seasonal All Alcohol Common Victualler License, Daily Non-Live and Sunday Entertainment licenses: Application of Hyannis Management Associates, LLC, d/b/a Hyannis Harbor Hotel, 213 Ocean Street, Hyannis, Gary Scott, Manager, holding a Seasonal Common Victualler All Alcohol License and a Daily Non-Live and Sunday Entertainment License to transfer those licenses to Manny's Dad, Inc., d/b/a Salty Cod, Timothy Gaudette, Manager.

Tim Gaudette, proposed Manager, appeared for this application. No room service proposed. Mr. Gaudette has several years experience.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Hyannis Management Associates, LLC, d/b/a

Hyannis Harbor Hotel, 213 Ocean Street, Hyannis, Gary Scott, Manager, holding a Seasonal Common Victualler All Alcohol License and a Daily Non-Live and Sunday Entertainment License to transfer those licenses to Manny's Dad, Inc., d/b/a Salty Cod, Timothy Gaudette, Manager.

Yearly Sunday Entertainment License: Application of Paul Mazzeo, Manager. Palio Pizzeria, Inc., 435 Main Street, Hyannis, MA, for a yearly Sunday Entertainment License for up to 2 acoustic entertainers from 5 pm to 8 pm.

The Board was advised that Mr. Mazzeo requested to withdraw his application.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to dismiss the application of Paul Mazzeo, Manager. Palio Pizzeria, Inc., 435 Main Street, Hyannis, MA, for a yearly Sunday Entertainment License for up to 2 acoustic entertainers from 5 pm to 8 pm at the applicant's request.

Cape Cod Inn - on for closing out Show Cause Hearing: (from 1 year ago) Mr. Burman made a motion on 7/28/08 which was seconded by Mr. Sullivan and a unanimous vote taken to continue the Show Cause Hearing brought by the Barnstable Police Department that on May 26, 2008 at 9:57 p.m., VN Management Corp., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, did violate the Code of the Town of Barnstable, Massachusetts, Part V, Section 501-15, Paragraph D to wit, "no members of the public may be on the licensed premises at any time during suspension periods," and further that "the licensee may be on the premises only if it is in the process of actively cleaning up or doing office work at the premises. (Dismiss without hearing if no further Ch 138 problems in the interim).

There have been no complaints on record at Licensing Office so a letter was sent to the Manager telling him he need not appear. Dismissal was requested by Mr. Hoxie.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to dismiss the Show Cause Hearing brought by the Barnstable Police Department that on May 26, 2008 at 9:57 p.m., VN Management Corp., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, did violate the Code of the Town of Barnstable, Massachusetts, Part V, Section 501-15, Paragraph D to wit, "no members of the public may be on the licensed premises at any time during suspension periods," and further that "the licensee may be on the premises only if it is in the process of actively cleaning up or doing office work at the premises.

Renewals:

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

Junk Dealer:

West Barnstable Trading Co.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of West Barnstable Trading Co. for renewal of its Junk Dealer License.

Business Meeting: No agenda.

Adjourned at 9:55 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Gene Burman, Co-Chairman
Town of Barnstable Licensing Authority