



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.
December 6, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 6, 2010. 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, Licensing Agent, and Christine Ade, Recording Secretary. Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department were absent.

Hearings:

Non-Renewal of Alcohol Licenses:

The following have NOT filed for renewal of their alcohol licenses for 2011:

Harry's
Timmy B's
Perry's Main Street Deli
Wianno Grille
Cape Cod Inn
Up the Creek Again

Board to vote to accept the non-renewals of those licenses for 2011.

Mr. Geiler suggested Mr. Hoxie hear this first and vote on it.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to submit the above establishments to the ABCC in its annual renewal package as NON-RENEWALS for the year 2011.

Permission to resubmit: Request to resubmit the application for a New Annual Common Victualler License as approved on 10/4/10 for H&S Entertainment, LLC, d/b/a Sally & Harry's, 350 Stevens Street, Hyannis, MA, Constantinos Mitrokostas, manager, to the ABCC for approval for 1/1/11 now that the non-renewal of Harry's at the same property location has been accepted by the Board.

Attorney Nunheimer appeared for the applicant, H&S Entertainment, LLC. On October 4th Mr. Geiler pointed out there was an existing license at the premises and once it was sent to the ABCC there might be some confusion. That did happen, the license application was sent back to the Town and they are now asking us to reaffirm the vote from October and resubmit the license.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to resubmit the application for a New Annual Common Victualler License as approved on 10/4/10 for H&S Entertainment, LLC, d/b/a Sally & Harry's, 350 Stevens Street, Hyannis, MA, Constantinos Mitrokostas, manager, to the ABCC for approval for 1/1/11 now that the non-renewal of Harry's at the same property location has been accepted by the Board.

New Class II Auto Dealer License: Application of Xiphias Enterprises, Inc., d/b/a Hyannis Honda Annex, James B. Goodwin, Manager, for a New Class II Automobile Dealer's License, 405 West Main Street, Hyannis, MA, with a total of 52 vehicles on the lot.

Mr. Goodwin appeared for his application. This is a change of ownership; no changes in the operation.

Mr. Geiler asked if this will overlay the Class I location; Mr. Goodwin stated it will not – it is just down the street; there was a Class II dealer at that location which is not there now.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Xiphias Enterprises, Inc., d/b/a Hyannis Honda Annex, James B. Goodwin, Manager, for a New Class II Automobile Dealer's License, 405 West Main Street, Hyannis, MA, with a total of 52 vehicles on the lot and the same restrictions as currently exist.

New Location – Junk Dealer License: Application of Cape Abilities, Maggi Tyson, Manager, for a change of location of its Annual Junk Dealer License from 3284 Route 6A to 3239 Main Street, Barnstable, MA.

No-one appeared for the application.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue this hearing to 12/27/10.

New Class II Auto Dealer License: Application of Trans-Atlantic Motors, Inc., Al Krisciunas, Manager, for a New Class II Automobile Dealer's License, 49 Bearse Road, Hyannis, MA, with a total of 14 vehicles on the lot.

Mr. Krisciunas appeared for his father for transfer to this lot which is to the rear of the current Trans-Atlantic Motors.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application Trans-Atlantic Motors, Inc., Al Krisciunas, Manager, for a New Class II Automobile Dealer's License, 49 Bearse Road, Hyannis, MA, with a total of 14 vehicles on the lot.

New Class I Auto Dealer License: Application of Viti Partners, Inc., d/b/a BMW of Cape Cod, Michael Murphy, Manager, for a New Class I Automobile Dealer's License at 25 Falmouth Road, 28 Hallet Road, 49 Bearse Road and 28 Bearse Road, Hyannis, MA.

Attorney Charles Sabatt appeared for Viti Partners, Inc. d/b/a BMW of Cape Cod. The applicant proposes a new car dealer license at the current Trans-Atlantic property; the Mercedes dealership has terminated there. They will display and sell BMW's. Volvo's and do repair. These are high end vehicles. Mr. Murphy appeared with Mr. Sabatt – he has been in the industry since 1970 and with Viti for several years. They are a Mercedes dealer in RI for some 36 years. They are a very reputable dealership.

Mr. Sullivan asked about the total vehicles – they came up with less than currently at the location (213).

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Viti Partners, Inc., d/b/a BMW of Cape Cod, Michael Murphy, Manager, for a New Class I Automobile Dealer's License at 25 Falmouth Road, 28 Hallet Road, 49 Bearse Road and 28 Bearse Road, Hyannis, MA for 213 total vehicles.

New Junk Dealer License: Application of Mafise Desil, d/b/a Thrift Shop, 217 Main Street, Hyannis, MA, Mafise Desil, Manager, for a new Junk Dealer License, hours of operation to be 10 am to 5 pm. Continued from 1/15/10.

Ms. Desil appeared for her application. This is a thrift shop – secondhand items, no junk. It will be open 5 days per week.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Mafise Desil, d/b/a Thrift Shop, 217 Main Street, Hyannis, MA, Mafise Desil, Manager, for a new Junk Dealer License, hours of operation to be 10 am to 5 pm.

New Common Victualler License: Application of Brown Bag Bagels and More, Inc., d/b/a Brown Bag Bagels and Deli, 70 Center Street, Hyannis, Kelly Hayden, Manager, for a New Common Victualler License, hours to be 6 am to 2 pm daily.

The operation will be the same. They have been working with the present owners for a month to learn the business; all have serv safe certificates.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Brown Bag Bagels and More, Inc., d/b/a Brown Bag Bagels and Deli, 70 Center Street, Hyannis, Kelly Hayden, Manager, for a New Common Victualler License, hours to be 6 am to 2 pm daily.

Seasonal to Annual All Alcohol Common Victualler License: 9 Lives Corp., d/b/a The Black Cat Tavern, 165 Ocean Street, Hyannis, Scott C. Brownlee, Manager, has made an application to Change from a Seasonal All Alcohol Common Victualler License to an Annual All Alcohol Common Victualler License.

Mr. Colombo and Mr. Brownlee appeared for the change of this license to An Annual license. It has been seasonal and annual in the past.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of 9 Lives Corp., d/b/a The Black Cat Tavern, 165 Ocean Street, Hyannis, Scott C. Brownlee, Manager, to Change from a Seasonal All Alcohol Common Victualler License to an Annual All Alcohol Common Victualler License.

Renewals:

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

Common Victualler All Alcohol:

Jack's Lounge
Seaside Pub on Main
Alberto's Ristorante
Pavilion Indian Cuisine
Barnstable Restaurant and Tavern
Uno Chicago Grill
British Beer Company
99 Restaurants/Pubs
Not Your Average Joe's
Sam Diego's
Barbyann's
Outback Steakhouse
Kobi House
Olive Garden
Tiki Port
Shanghai Chinese Restaurant
Fazio's Trattoria

TGI Friday's
Dragonlite
Bobby Byrne's Pub
Kettle Ho
The 19th Hole
The Dolphin Restaurant
Philbrick's
Five Eighty Six Bistro
House of Bud's
The Naked Oyster
Regatta of Cotuit
DJ's Wings, Ribs, Subs 'n More
Tommy Doyle's
Il Maestro
Misaki
Wimpy's
Ying's
Pain D'Avignon
Colombo's
Roadhouse
Brazilian Grill
Hyannis Angler's Club
Ardeo on Main
Hyannis Golf Club
B&B Pizza
The Steakhouse Sports Bar
Five Bays Bistro
Schooner's
Embargo
Island Merchant
Barolo

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Common Victualler All Alcohol licenses.

Common Victualler Beer & Wine:

The Original Gourmet Brunch
Pizza Wave
New England Pizza House
Scottie's Famous Pizza
Craigville Pizza & Mexican
Golden Fountain
Mike's Pizza
Thai House

Cafe at the Airport
Sweet Tomatoes Osterville
Pinocchio Pizza
Caffe e Dolci
B2 Burrito Bistro
Palio Pizzeria
The Daily Paper

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Common Victualler Wine & Malt licenses.

Club All Alcohol:

Hyannisport Club
Cummaquid Golf Club of Barnstable and Yarmouth
Hyannis Elks
Hyannis Yacht Club
Oyster Harbors Club
Wequaquet Lake Yacht Club
King's Grant Racquet Club
Wianno Club Seaview
Wianno Club Parker
Osterville Veterans' Assn.
West Barnstable Deer Club

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their All Alcohol Club licenses.

General on Premises All Alcohol:

Ryan Family Amusements
Dennis F. Thomas Post - VFW
Pufferbellies
Puff the Magic
The Quarterdeck Lounge

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their All Alcohol General on Premise licenses.

Innholder All Alcohol:

Resort & Conference Center of Hyannis
Cape Codder Resort

Courtyard by Marriott
Heritage House Hotel
International Inn
Radisson Bistro
Greenhouse Restaurant

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their All Alcohol Innholder licenses.

Package Store All Alcohol:

Parker's Discount Liquors
Osterville Package Store
Luke's Super Liquors
Hyannis Package Store
Craigville Package Store
Fancy's Farm Market
Cotuit Liquors
Cape Cod Package Store
Seven G's Liquor Shoppe
Cotuit Grocery Co.
Blanchard Liquors
Willow Package
Grain & Vine
Barnstable News Store * Take out if Tom says to
Barnstable Bottle Shop

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their All Alcohol Package Store licenses.

Package Store Beer & Wine:

Mini Food Mart
Willow Tree Market
Hess Express 21243
Orexo Foods
Old Village Store
The Wine List
Sea Street Market
Big Daddy's

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Package Store Wine & Malt licenses.

Automatic Amusement/Video Games:

Jack's Lounge
Seaside Pub on Main
Ryan Family Amusements
Resort & Conference Center of Hyannis
New England Pizza House
Hyannis Elks
Craigville Pizza & Mexican
Cape Codder Resort
TGI Friday's
Bobby Byrne's Pub
The 19th Hole
House of Bud's
Regal Cape Cod Cinemas 12
Osterville Veterans' Assn.
Tommy Doyle's
The Quarterdeck Lounge
Hyannis Angler's Club

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Automatic Amusement/Video Games licenses.

Daily Live Entertainment:

Alberto's Ristorante
Barnstable Restaurant and Tavern
Uno Chicago Grill
British Beer Company
Hyannisport Club
Borders Books & Music
Resort & Conference Center of Hyannis
Hyannis Elks
Cape Codder Resort
Hyannis Yacht Club
Oyster Harbors Club
Courtyard by Marriott
Dennis F. Thomas Post - VFW
Heritage House Hotel
Wequaquet Lake Yacht Club
Five Eighty Six Bistro
Wianno Club Seaview
House of Bud's
Pufferbellies

Puff the Magic
Regatta of Cotuit
International Inn
Tommy Doyle's
West Barnstable Deer Club
Ying's
Pain D'Avignon
Colombo's
Roadhouse
Brazilian Grill
The Quarterdeck Lounge
Hyannis Angler's Club
Ardeo on Main
Hyannis Golf Club
The Steakhouse Sports Bar
Schooner's
Radisson Bistro
Embargo
Island Merchant
Barolo

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Daily Live Entertainment licenses.

Daily Non-Live Entertainment:

Jack's Lounge
Seaside Pub on Main
Alberto's Ristorante
Barnstable Restaurant and Tavern
British Beer Company
Hyannisport Club
Ryan Family Amusements
Not Your Average Joe's
Resort & Conference Center of Hyannis
New England Pizza House
Hyannis Elks
Craigville Pizza & Mexican
Cape Codder Resort
TGI Friday's
Dennis F. Thomas Post - VFW
Bobby Byrne's Pub
Heritage House Hotel
The 19th Hole
House of Bud's

Pufferbellies
Puff the Magic
Regal Cape Cod Cinemas 12
Regatta of Cotuit
Osterville Veterans' Assn.
Tommy Doyle's
Pain D'Avignon
Hyannis Angler's Club
Hyannis Golf Club
The Steakhouse Sports Bar
Schooner's
Barolo

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Daily Non-Live Entertainment licenses.

Sunday Entertainment:

Jack's Lounge
Seaside Pub on Main
Alberto's Ristorante
Uno Chicago Grill
British Beer Company
Hyannisport Club
Ryan Family Amusements
Not Your Average Joe's
Borders Books & Music
Resort & Conference Center of Hyannis
Hyannis Elks
Cape Codder Resort
Hyannis Yacht Club
Oyster Harbors Club
Courtyard by Marriott
TGI Friday's
Dennis F. Thomas Post - VFW
Heritage House Hotel
The 19th Hole
Five Eighty Six Bistro
House of Bud's
Pufferbellies
Puff the Magic
Regal Cape Cod Cinemas 12
Regatta of Cotuit
International Inn
Osterville Veterans' Assn.

Tommy Doyle's
West Barnstable Deer Club
Ying's
Pain D'Avignon
Colombo's
Roadhouse
Brazilian Grill
The Quarterdeck Lounge
Hyannis Angler's Club
Hyannis Golf Club
The Steakhouse Sports Bar
Schooner's
Embargo
Island Merchant
Barolo

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Sunday Entertainment licenses.

Pool Tables:

Hyannis Elks
The 19th Hole
Osterville Veterans' Assn.
The Quarterdeck Lounge

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Pool Table licenses.

Auto Dealer Class I:

Hyannis Marina
Land Rover Cape Cod
Cape Cod Kia

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Class I Auto Dealer licenses.

Auto Dealer Class II:

Robert J. Trapp, Inc.
Ron's Truck Stop
Cape Cod Auto Connection
Cars for Kindness
Jack Ellis Foreign Auto
European Car Service
Hyannis Auto Sales
Cape Cod Lincoln Mercury

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Class II Auto Dealer licenses.

Cinema/Theatre:

Regal Cape Cod Cinemas 12

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Cinema/Theatre licenses.

Common Victualler:

Barnes & Noble
McDonald's – 175 North Street
McDonald's – 654 Route 132
Borders Books & Music
La Petite France Cafe
Osterville Village Cafe
Bangkok Kitchen
The Mills Restaurant
Osterville Cheese & Sandwich Shop
Perry's Main Street Deli
Mitie's Sushi House
Subway of Hyannis
The Barnacle
Craigville Beach Grill
Great House of Zou
Old Village Store & Cafe
Casual Gourmet – 31 Richardson Road
Casual Gourmet Express – CC Mall
Casual Gourmet Express – CC Hospital
Cape Cod Chocolatier

Little Sandwich Shop
Sunnyside
Village Landing Restaurant
Sea Street Cafe

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Common Victualler licenses.

Lodging House:

Craigville Conference Center – The Inn – 208 Lake Elisabeth Dr.
Craigville Conference Center – Manor – 1 Bluff Ave.
Craigville Conference Center – Lodge – 39 Prospect Ave.
Craigville Conference Center – Groves House – 125 Ocean Ave.
Craigville Conference Center – Seaside House – 19 Vine Ave.
The Lamb & Lion
Acworth Inn
The Pilot House
Long Dell Inn
The Embassy Lodging
Boston Culinary Group
Edmund J. Flynn
961 Pitcher’s Way
975 Pitcher’s Way
989 Pitcher’s Way
Flaherty’s Two
The Mains’l
Craigville Beach House

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the establishments above for renewal of their Lodging House licenses.

Mr. Hoxie stated there will be more renewals on 12/27 but this gives people an idea how many licenses we issue and for which we are responsible.

Business Meeting:

Letter from Andi Carole for discussion. Mr. Burman suggested we bring them in for a Show Cause Hearing. Mr. Geiler stated a lot of the incidents in the letter refer to the summer and that is no longer able to be looked into. The police liaison will look into this now according to Mr. Geiler. Mr. Hoxie asked that it be scheduled for the first meeting in January.

ABCC Directive re: caffeine alcoholic beverage sales. Mr. Geiler stated they have put together their guidelines and reviewing a significant number of new non-traditional products which appeal to the college age crowd. Mr. Hoxie asked if they have outlawed Irish coffees; that is not the case.

Complaint regarding loud music. Mr. Burman again suggested we have a show cause hearing. Thinks it can be resolved if we bring them in. Mr. Geiler has asked the police liaison to look into this. He does not know if the complainant would be willing to testify. Mr. Hoxie asked if we issued outside music – there was a little confusion on this. He asked that this be put on for a show cause hearing.

Mr. Geiler stated the Town is in the process of looking into sidewalk cafes, and the regulations which have been in effect for about 10 years or more. It has been very successful. There have been some small issues but minute in light of the bigger picture. The ABCC has regulations, Historic has regulations, Town Manager has regulations and Health has regulations. As well as the ADA. They are not all consistent so they are working to make those consistent with the requirements that currently exist. Mr. Geiler stated he thinks they all meet or nearly meet the requirements. The intent is to renew with notice that outside dining requirements will be looked at in the Spring as one or two will need to make adjustments.

...and any other new business to come before the Licensing Authority.

Mr. Geiler asked what the expectation was on the Sea Street Show Cause hearing. Mr. Burman stated to give the complainant a forum for her complaints.

Adjourned at 10:12 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority