



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.

March 14, 2011

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 14, 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, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Hearings:

One Day Entertainment License: Application of Suzan Fellows on behalf of Brenda Cottingham, for a One Day Entertainment License for an evening of clairvoyance at the Barnstable Unitarian Church, Main Street, Barnstable to be held on September 16, 2011 from 7 pm to 10 pm.

Suzan Fellows appeared for Brenda Cottingham. They have had this event in the past and it has been successful. \$15 admission fee is charged.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Suzan Fellows on behalf of Brenda Cottingham, for a One Day Entertainment License for an evening of clairvoyance at the Barnstable Unitarian Church, Main Street, Barnstable to be held on September 16, 2011 from 7 pm to 10 pm.

One Day Entertainment License: Application of Thomas Twomey on behalf of Cape Cod Boxing Club, for a One Day Entertainment License for a boxing show at the Hyannis Youth & Community Center, 141 Bassett Lane, Hyannis, with approximately 10-14 amateur bouts and with a DJ for music. The event will take place on March 26, 2011 from 6:00 pm to 11:00 pm.

Tom Twomey appeared for this application. Admission is \$15. He is now coaching.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Thomas Twomey on behalf of Cape Cod Boxing Club, for a One Day Entertainment License for a boxing show at the Hyannis Youth & Community Center, 141 Bassett Lane, Hyannis, with approximately 10-14 amateur bouts and with a DJ for music. The event will take place on March 26, 2011 from 6:00 pm to 11:00 pm.

One Day Wine & Malt License: Application of Olive Chase on behalf of Casual Gourmet, for a one day wine and malt license for Cape Cod Academy's annual fundraising gala, to be held at 55 Osterville-West Barnstable Road, Osterville, MA on March 26, 2011 from 4 pm to 9 pm for approximately 300 guests.

Olive Chase appeared for Casual Gourmet's request. This is actually from 6 to 10. This year is an evening at the Round Table – medieval theme.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Olive Chase on behalf of Casual Gourmet, for a one day wine and malt license for Cape Cod Academy's annual fundraising gala, to be held at 55 Osterville-West Barnstable Road, Osterville, MA on March 26, 2011 from 6 pm to 10:30 pm for approximately 300 guests.

One Day and Sunday Entertainment Licenses: Application of Kevin M. Howard on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville for a One Day Entertainment License and Sunday Entertainment License for 1-3 performers and a pianist on the Hyannis Village Green on Saturday, August 6, 2011 from 5 pm to 7:30 pm and for 100+ performers (Pops by the Sea) on Sunday, August 7, 2011 from 1 pm to 7:30 pm on the Village Green.

Mr. Howard appeared for his request. This is for about 15,000 people - this is year 26. There is a VIP auction the night before with a piano or combo and a couple hundred people. Sunday there are 3 bands and then the Pops .

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Kevin M. Howard on behalf of Arts Foundation of Cape Cod, 3 Shootflying Hill Road, Centerville for a One Day Entertainment License and Sunday Entertainment License for 1-3 performers and a pianist on the Hyannis Village Green on Saturday, August 6, 2011 from 5 pm to 7:30 pm and for 100+ performers (Pops by the Sea) on Sunday, August 7, 2011 from 1 pm to 8:00 pm on the Village Green.

Change of d/b/a on Live Entertainment, Sundry Entertainment and Common Victualler's Licenses: Application of Borders, Inc., d/b/a Borders #209, 990 Iyannough Road, Hyannis, Bethany Swindelles, Manager, for a change of d/b/a for the Daily Live and Sunday Entertainment Licenses to Borders Books Music Cafe and a change of d/b/a for the Common Victualler's License to Seattle's Best Coffee. The corporate name remains the same on all licenses.

No-one appeared for this application. All they wish to do is change the d/b/a of the actual cafe to Seattle's Best Coffee and the area where they hold the live storytelling to Borders Books Music Cafe. It is the same corporation.

Mr Hoxie stated that we will file this application as they will be closing.

Mr. Burman duly proposed a motion to not renew this application. The motion was seconded by Paul Sullivan and it unanimously carried.

Daily Live and Sunday Entertainment Licenses: Application of Fada Morgana, 505 Main Street, Hyannis Maria Moretti, Manager, for a **Daily Live and Sunday Entertainment License** to perform tarot card readings in a section of the retail store from 9 am to 9 pm daily and 1 pm to 6 pm Sundays.

Maria Moretti appeared for this application. She will be reading tarot cards. She has a gift shop presently; is adding this service.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Fada Morgana, 505 Main Street, Hyannis Maria Moretti, Manager, for a **Daily Live and Sunday Entertainment License** to perform tarot card readings in a section of the retail store from 9 am to 9 pm daily and 1 pm to 6 pm Sundays.

New Junk Dealer License: Application of The Teen Exchange, LLC d/b/a The Teen Exchange, 1167 Old Falmouth Road, Unit #5 (Centerville Plaza), Centerville, MA, Jennifer Powell, Manager, for a new Junk Dealer License, hours of operation to be 9 am to 8 pm.

Attorney Lawler appeared for this clothing store for teens – it is gently used clothing. Brand names, etc. They have applied to ZBA as well. They changed the old HB District so it needs a special permit for retail. It used to be a mortgage office. There is a letter in support of this business from all the plaza residents.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of The Teen Exchange, LLC d/b/a The Teen Exchange, 1167 Falmouth Road, Unit #5 (Centerville Plaza), Centerville, MA, Jennifer Powell, Manager, for a new Junk Dealer License, hours of operation to be 9 am to 8 pm, 6 days per week. They plan to open 3rd or 4th week of April.

Show Cause Hearing: Show Cause Hearing for New Barolo, Inc., d/b/a Barolo, 297 North Street, Hyannis, MA, Thomas Lapsley, Manager, for failure to pay for or pick its 2011 All Alcohol, Daily Non-Live and Sunday Entertainment licenses, failure to respond to both written and telephone communications from the Licensing Authority, for closing the restaurant without the permission of the Licensing

Authority, and for failure to pay for alarm fee registrations for 2009/2010 and 2010/2011 due the Barnstable Police Department for the restaurant.

Deirdre Kyle appeared to represent Staffordshire, the landlord. No-one from Barolo appeared at the hearing. She stated that the tenant closed the premises prior to 12/31 and recently turned in the keys. They notified the board by letter recently. They would like the Authority to terminate the license – there will be a brand new tenant and entity as soon as they can rent it. She also advised that the tenant owes the landlord a huge amount of rent.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken for the following findings: the renewal of the all alcohol common victualler license of New Barolo, Inc., d/b/a Barolo, 297 North Street, Hyannis, MA, Thomas Lapsley, Manager be rescinded for the year 2011 as well as the entertainment licenses for this entity.

Mr. Geiler recommended that the Board propose findings and revoke the license.

Mr. Burman proposed findings that New Barolo, Inc., d/b/a Barolo, 297 North Street, Hyannis, MA, Thomas Lapsley, Manager did in fact fail to pay for or pick up their common Victualler all alcohol and entertainment licenses for 2011, and failed to respond to communication and failed to pay the alarm fees.

Mr. Sullivan seconded the motion and there were unanimous findings.

Mr. Burman then duly proposed that the license of New Barolo, Inc., d/b/a Barolo, 297 North Street, Hyannis, MA, Thomas Lapsley, Manager be revoked. It was seconded by Paul Sullivan and a unanimous vote taken to revoke the license.

Show Cause Hearing: Show Cause Hearing at the request of the Barnstable Police Department for Julie Fagin, d/b/a Goldfinger, 64 Enterprise Road, Hyannis, MA, Julie Fagin, Manager, for violation of the Town Code Chapter 502, Sections 4B (2 counts): (1) Not filling out a purchase report form in all relevant aspects at the time of purchase and (2) Not requiring the seller to sign his name to the purchase report form, 4C: Not photographing items taken in from a seller at the time of purchase, 4D: Not providing a copy of ALL transactions recorded, 6B: conducting business outside the property as designated on the Junk Dealer License, 8A: Not having a copy of purchase report on the premises as required, 8C: Not holding regulated property for 21 days as required and 8D: Not storing the regulated property on the licensed premises as required.

Julie Fagin sent a letter to the Authority requesting a continuance to 4/11/11 for this Show Cause Hearing as she already had non-refundable travel plans. The Board unanimously voted to continue this Show Cause Hearing to 4/11/11.

Business Meeting:

Officer Maher advised there will be two BPD seminars coming up on May 4th and 5th. It will be at 11:00 both days – all licensees will be notified (they asked Licensing to send out the letters again) and the seminars advertised in the newspaper.

Officer Maher stated they will be also be conducting reverse stings – “cops in shops” this summer due to receipt of a grant with funds to do this. Mr. Geiler stated this is an effective tool – and should be beneficial; people purchasing for someone underage, etc.

Spindle City: Licensing notified the Board that there has been a manager change at Spindle City, holding a Junk Dealer License. Mr. Geiler recommended a hearing be held to make sure they understand the rules and regulations, etc. Mr. Hoxie asked that they be notified to come to a hearing to formally change the manager.

Mr. Geiler reported that the Consumer Affairs Supervisor position has been vacant for 8 months; Town Manager has now approved the hiring of Richard Scali, who ran the Consumer Affairs office in Cambridge and was the Licensing Authority Chairman for many years. He brings a significant amount of experience to the table. Mr. Geiler stated that they interviewed many qualified applicants, but this gentleman was way ahead in his specific experience. He is also a lawyer, and Mr. Geiler thinks this will help move the Consumer Affairs Division to the next level. He said that we are happy to welcome him and he will be at the next hearing.

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority