



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.

December 18, 2006

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 18, 2006. 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, Sgt. Sean Sweeney, Liaison from the Barnstable Police Department, and Christine Ade, Recording Secretary. Richard L. Boy, Associate Commissioner, was absent.

Requests:

One Day Entertainment License: Application of Gretchen Iaiennaro, Hyannis East Elementary Parent Teacher Organization, 165 Bearses Way, Hyannis for a One Day Entertainment License for a fundraising New Year Family Fun Festival to include inflatables, games, magic shows and Mad Scientist on December 30, 2006 from 11 am to 6 pm and December 31, 2006 from 11 am to 5 pm at the Barnstable High School Field House, West Main Street, Hyannis.

Ms. Iaiennaro appeared for her application, which is for two days. Admission will be \$3 per person; this is a first for this event. They are advertising through the school system. They are also using the marquee at the high school.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Gretchen Iaiennaro, Hyannis East Elementary Parent Teacher Organization, 165 Bearses Way, Hyannis for a One Day Entertainment License for a fundraising New Year Family Fun Festival to include inflatables, games, magic shows and Mad Scientist on December 30, 2006 from 11 am to 6 pm and December 31, 2006 from 11 am to 5 pm at the Barnstable High School Field House, West Main Street, Hyannis.

Request to Extend Closing Hour: Request of Pufferbellies, 183 Rear Iyannough Road, Hyannis, Jean Aroustamian, Manager, to remain open for an extra hour on New Year's Eve to serve pastries and coffee and non-alcoholic beverages to their clientele.

Attorney Lawler appeared for the application. The request is to provide food and non-alcoholic drinks to their patrons. Want to let people calm down from the revelry of New Year's Eve. The alcohol service will cease at the normal time and drink glasses removed at the normal hour. He will speak to his clients and make sure all drinks are off the tables at 1:00. Mr. Burman and Mr. Sullivan were concerned about double ordering just before regular closing but Attorney Lawler stated he will make sure his clients dump drinks at 1:00 a.m. He stated his client was really thinking about liability issues and safety. Mr. Burman is also concerned about the conflict with places like convenient stores being closed from 1-3 at the Town's request. He would like to provide in the motion that no-one new come in after 1 am. Mr. Lawler reiterated the client is proposing this for safety only.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Pufferbellies, 183 Rear Lyannough Road, Hyannis, Jean Aroustamian, Manager, to remain open for an extra hour on New Year's Eve to serve pastries and coffee and non-alcoholic beverages to their clientele; to not allow entrance to anyone new after 1 am, and that no alcohol is to be consumed between 1 am and 2 am.

Request to Close: Request of VN Management, Inc. d/b/a Cape Cod Inn, Johnny Vo, Manager, 447 Main Street, Hyannis to close the restaurant for the months of January and February for repairs and renovations.

Mr. Vo said they are painting and repairing in the kitchen and bar; Mr. Burman said it seems a lengthy time to do minor repairs.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of VN Management, Inc. d/b/a Cape Cod Inn, Johnny Vo, Manager, 447 Main Street, Hyannis to close the restaurant for the months of January and February for repairs and renovations.

One Day Beer and Wine License: Application of Peter A. Campbell on behalf of **Ryan Family Amusements**, 441 Main Street, Hyannis, MA for permission for a **One Day Beer & Wine License** for a 60th Birthday Party to be held on January 14, 2007 from 7:00 pm to 11 pm and to be catered by Palio Pizzeria.

Peter Campbell appeared and stated this party is for Peter O'Keeffe. Mr. Geiler stated it would probably be neater to extend the licensed premises for Palio Pizzeria which holds a liquor license since the place where the alcohol is obtained would have to be a retail place if obtained by Ryan's. If the Board is inclined, it would make more sense to extend Palio Pizza's license for this timeframe. Mr. Campbell stated Palio Pizza will cater and supply beer & wine and would be willing to hae it in their name.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of **Palio Pizzeria**, 435 Main Street,

Hyannis, MA for permission to extend its premises to 441 Main Street (Ryan Family Amusements) for a 60th Birthday Party to be held on January 14, 2007 from 7:00 pm to 11 pm.

Hearings:

New Annual Common Victualler Wine & Malt License: Application of Merrill Sweet, Inc., d/b/a **Sweet Tomatoes Pizza Osterville**, 770 Main Street, Osterville, Merrill Sweet, Manager, for a new Annual Common Victualler Wine & Malt License the hours of operation to be 11 am to 9 pm seven days.

Mr. Sweet appeared for his application. He stated he has been in business 8 years now. He has had a place in Falmouth as well. He thinks the wine and malt would compliment his menu. He also requests 10 closing instead of 9. They will not have a bar – just bottles. He is TIPS trained and those serving will also attend that training. His younger staff will not serve alcohol. Mr. Burman asked about take-out; he stated there will be none for alcohol.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Merrill Sweet, Inc., d/b/a **Sweet Tomatoes Pizza Osterville**, 770 Main Street, Osterville, Merrill Sweet, Manager, for a new Annual Common Victualler Wine & Malt License, the hours of operation to be 11 am to 10 pm seven days per week on premises only.

Change of Manager: Application of R&Y Enterprises, Inc., d/b/a Ying's, 59 Center Street, Hyannis, Robert Lucas, Manager, holding an Annual Wine & Malt Common Victualler License, for a **Change of Manager** to Sunun Chaloeicheep.

Sunun Chaloeicheep appeared for her application. She also owns Ying's here and in Dennisport. Mr. Hoxie asked how much time she will spend at Center Street – she stated she goes back and forth between the two. Center Street is open until 10 pm most days; Friday and Saturdays 11 pm.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of R&Y Enterprises, Inc., d/b/a Ying's, 59 Center Street, Hyannis, Robert Lucas, Manager, holding an Annual Wine & Malt Common Victualler License, for a **Change of Manager** to Sunun Chaloeicheep.

Change of Manager: Application of Not Your Average Joe's, Inc., d/b/a **Not Your Average Joe's**, Cape Cod Mall, Hyannis, Alison Atticks, Manager, holding an Annual All Alcohol Common Victualler License, for a **Change of Manager** to Steve Wenzel.

Mr. Wenzel appeared for the application. He has been there since June and has 13 years experience and had liquor licenses in Salem, NH as well with no complaints.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Not Your Average Joe's, Inc., d/b/a **Not Your Average Joe's**, Cape Cod Mall, Hyannis, Alison Atticks, Manager, holding an Annual All Alcohol Common Victualler License, for a **Change of Manager** to Steve Wenzel.

New Class II Auto Dealer License: Application of Gilbert Wood, d/b/a Willow Street Motors, Gilbert Wood, Manager, for a **New Class II Automobile Dealer's License**, 519 Yarmouth Road, Hyannis, with hours of operation 8 am to 5 pm.

Mr. Wood appeared for his application. They are open 6 days per week. He was a silent partner in Willow St. Motors for the past ten years. His son-in-law ran it and has gone to Aruba. He stated there will be no changes in the operation.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Gilbert Wood, d/b/a Willow Street Motors, Gilbert Wood, Manager, for a **New Class II Automobile Dealer's License**, 519 Yarmouth Road, Hyannis, with hours of operation 8 am to 5 pm, 6 days per week as long as they have their bond.

Show Cause Hearing: Show Cause Hearing for M&M Tavern, Inc., d/b/a Kendrick's Casual Dining & Lounge, 72 North Street, Hyannis, Kimberly Mooney, Manager, for the purpose of determining if its Annual All Alcohol Common Victualler license should be renewed and that it satisfy the Licensing Authority of the Town of Barnstable that it is are operating a restaurant and that proper equipment for the service of food to travelers and strangers is in place. Kendrick's is invited to supply copies of meals tax records, food suppliers and purveyor records and invoices and payroll records to establish it has in fact operated a restaurant for the last year (excepting the period subsequent to the fire on September 23, 2006).

Telephone call from Attorney John Slattery representing Kendrick's, requesting continuance to a later meeting. Telephone call from Kimberly Mooney requesting continuance to January 8, 2007.

Mr. Hoxie stated that the Board will approve the request of Attorney John Slattery, representing Kendrick's, for a continuance to January 8, 2007.

RENEWALS:

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

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

Class I Auto

Puritan Buick Pontiac GMC Truck
Hyannis Nissan

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

Class II Auto

Harbor Auto Sales
Capewide Auto & Marine II
Dick Garbit Auto Sales
Eloy's Auto Sales
Huhtanen's Auto Sales
Joe's Auto Sales
Davis Auto Sales
Barnstable Auto Exchange

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

Common Victualler

Kennedy Rink Snack Bar
Barnes & Noble
Aegean Pizza
Pizza 1 and Subs 2
Marylou's Coffee
Orient Xpress
Wendy's
Brown Bag Bagels & Deli
White Hen Pantry – 2946 Falmouth Road

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

Lodging House

Saltwinds B&B
The Mains'l
Country Cottages by the Sea

Annual Live Entertainment

Cotuit Center for the Arts

Cinema/Theatre

Cotuit Center for the Arts

Sunday Entertainment

Cotuit Center for the Arts

Other Business:

Discussions with Bumbalini's principals regarding entertainment licenses for 2007.

Louis Cheschi (owner and acting Manager) and Kathryn Tetreault (Manager of record) appeared for their renewals. Mr. Cheschi stated he is not aware of any complaints personally; other than being told by us there are complaints. He stated the following: They have several statements by neighbors in support of the business. The only change now is the tent enclosure, which was repaired. They did have twinkling lights which they removed as someone had an issue with them. They are trying very hard to stay open year round to make it nice for the neighborhood. Mr. Hoxie read a letter from 557 Main Street dated December 17th about noise. Mike (no last name provided) appeared, he lives a few feet away from the restaurant. He stated there are now speakers outside facing away from the building – they are very loud. This is fairly recent; just since Thanksgiving. It is loud outside. Cynthia Monahan, who lives upstairs, appeared as well. She stated the Manager up until recently was very cooperative in keeping the volume and bass, etc. down. She said now, whoever took over has upped the volume – and it is mostly bass. It is too loud. She reiterated that Mr. Cheschi has been very cooperative but the other gentleman who is running things will not turn it down, even when asked. There is an elderly lady who lives across the street - Lillian; she states that Katie and Mr. Cheschi are nice people and do not know what is happening when they are not there. She went outside to check and it IS Bumbalini's being very noisy late at night. She stated she spoke to a man who was very rude; stated he would do what he pleases. She stated he is a stocky man. Sgt. Sweeney stated the man they are talking about is John Jasset. Mike who came forward earlier also came forward again and stated that the man there for about a month is the cause of all the noise and problems. Stated he drives a silver Sunfire. Stated the new guy is a jerk. Mr. Cheschi stated that he is the acting manager. He is not there all the time. He is not there at closing every night but Katie is there a couple nights. The person everyone is talking about is his new kitchen manager. Katie closes two nights; the bar manager closes the other 5. Mr. Cheschi stated there was a speaker outside; it is now gone at our request. Katie stated they do have outside entertainment – it was granted April 24th and she thought what they are doing was o.k. Mr. Cheschi does have a problem with the Board zeroing in on the kitchen manager

who he stated deserves a “second chance,” and has been very respectful to him. Mr. Hoxie stated the music must be contained within the premises. Mr. Cheschi stated they will turn the music off at whatever time the neighbor wishes and turn the bass down. They want to make it work. Mr. Burman stated he has no problem with allowing someone a second chance, but does have a problem with this man’s attitude. Mr. Cheschi has other restaurants and stated he does not allow swearing, etc. at his restaurants; this will be taken care of. Sgt. Sweeney stated there have been no problems until recently; and that now both young and old people have come in to complain about this person and his attitude; he recommends he be kept on a short leash. Mr. Geiler stated that in the April 24th meeting Mr. Cheschi is quoted as saying they will NOT disturb the neighbors and that any complaints would be addressed immediately. Mr. Cheschi will do whatever these neighbors want to keep them happy so they can stay open year round. He requests that the 11 pm deadline for music not be imposed; their new plans are for karaoke and upcoming entertainment; football, stereo system with small speakers. Mr. Hoxie suggests we issue the license until 1/8; and if there are complaints they call the police and we revisit it at our next meeting. Mr. Sullivan stated there is a lot of talk about music and noise but the attitude of the person in the kitchen is of prime concern. Why should he be dealing with the public at all? He suggests this be corrected immediately and that it is impacting the business’ ability to function. Mr. Burman thinks the small speaker outside might be the problem as the tent walls are not real sound barriers. Katie stated people cannot hear that small speaker off the premises. Mr. Burman thinks it must be heard; so Mr. Cheschi stated they will remove that speaker. Mr. Sullivan asked them to talk to the people who came here today to work things out. Sgt. Sweeney asked for an explanation of the Texas Hold ‘Em night – Mr. Cheschi stated it is the most popular game going right now. He then stated there will be no money involved – have not decided for sure if that will take place or not.

Mr. Burman made a motion to approve the entertainment licenses to be reviewed January 8th. It was seconded by Paul Sullivan and a unanimous vote taken to approve until 1/8/07. He also requested that anyone with a problem contact the police department immediately to report it. He also stated he is impressed with Mr. Cheschi’s responses but hopes he will get his people in line. Mr. Hoxie asked them to return 1/8/07. Mr. Hoxie told the neighbors it will be monitored the next couple weeks. Donald Lavoie, one of the gentleman with a complaint, will work with Mr. Cheschi to correct the problems.

Discussions with Grille 16’s principals regarding entertainment licenses for 2007. No-one appeared. This was continued as they are not open at present.

Sgt. Sweeney brought up the registration of alarms for businesses; the applications must be filed with the Police Department – forms available on line as well as at the station. It needs to be done for 2007 or a \$100 fine will be imposed.

Adjourned at 10:35.

Respectfully submitted,

Christine P. Ade, Recorder
Barnstable Licensing Authority

Paul Sullivan, Clerk
Barnstable Licensing Authority