



# 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, 2<sup>nd</sup> Floor Selectmen's Conference Room,  
Hyannis, MA – 9:30 a.m.

**April 2, 2007**

A regular meeting of the Barnstable Licensing Authority was held on Monday, April 2, 2007. 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 Steven Maher, Liaison from the Barnstable Police Department, and Christine Ade, Recording Secretary.

#### **Requests:**

**One Day All Alcohol Licenses (3 days) and One Day Entertainment Licenses (3 days):** Application of Constantine A. Conostas on behalf of **St. George Greek Orthodox Church**, 1130 Falmouth Road, Centerville for three **One Day All Alcohol Licenses** and three **One Day Entertainment Licenses** for its annual Grecian Festival outdoors and in the Community Center on Friday, July 20<sup>th</sup> (4 pm to 11 pm), Saturday July 21<sup>st</sup> (11 am to midnight) and Sunday, July 22, 2007 (11 am to 6 pm), with a Greek Orchestra (5 musicians) and D.J. as well as folk dancing by the Church Youth Group.

Mr. Conostas appeared for his application. They call him "Charlie." It is their 25<sup>th</sup> year for having the festival. Security and a Police Officer will be present; they are very aware of the safety issues and will be checking ID's. They look forward to another good event this year.

Mr. Burman asked if the Police Dept. had any issues with the festival. JoEllen stated with the security and detail it should be fine.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the request of Constantine A. Conostas on behalf of **St. George Greek Orthodox Church**, 1130 Falmouth Road, Centerville for three **One Day All Alcohol Licenses** and three **One Day Entertainment Licenses** for its annual Grecian Festival outdoors and in the Community Center on Friday, July 20<sup>th</sup> (4 pm to 11 pm), Saturday July 21<sup>st</sup> (11 am to midnight) and Sunday, July 22, 2007

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### **Hearings:**

**New Seasonal Wine & Malt Common Victualler License:** Application of Canal Fish & Lobster, Inc., d/b/a **Millway Chowda House**, 275 Millway, Barnstable, Paul Dean, Manager, for a new Annual Common Victualler Wine & Malt License, the hours of operation to be 10 am to 9 pm.

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the request of Canal Fish & Lobster, Inc., d/b/a **Millway Chowda House**, 275 Millway, Barnstable, Paul Dean, Manager, for a new Annual Common Victualler Wine & Malt License, the hours of operation to be 10 am to 9 pm until such time as the applicant could have Site Plan Review, obtain zoning relief and correct the lease to include as a use the operation of a restaurant with alcohol to a date to be determined.

**New Annual Wine & Malt Package Store License:** Application of Sraja's, Inc., d/b/a **Mini Food Mart**, 252 Main Street, Hyannis, MA for a **New Annual Wine & Malt Package Store License**, Muatsim N. Chaudry, Manager, hours of operation to be 6 am to 11 pm with alcohol sales to be 8 am to 11 pm.

Attorney Paul Tardif appeared with the applicant. The CORI came back fine, green cards are in and he has completed his Serv Safe training. He has been involved as a manager in a liquor establishment in New Hampshire and owns the 7-11 franchise in Yarmouth; there is no liquor license there. He has owned and managed the store since 1991 with no violations at the site in that timeframe. The store is equipped with close captioned cameras which will continue. This location had an all alcohol license in the past. Mr. Burman asked about the closing of the stores from 1-3 in Yarmouth; he wondered if Mr. Chaudry would close this at those times also. Mr. Chaudry stated he will close this one for that timeframe also. The police department has no reservations about the application.

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Sraja's, Inc., d/b/a **Mini Food Mart**, 252 Main Street, Hyannis, MA for a **New Annual Wine & Malt Package Store License**, Muatsim N. Chaudry, Manager, hours of operation to be 6 am to 11 pm with alcohol sales to be 8 am to 11 pm. Attorney Tardif stated there is a church nearby and the Board might want to move to include a finding that there will be no negative impact on this church. Mr. Burman amended the motion to include the stipulation that that the church was notified as required by law and that there will be no negative impact on the church. It was seconded by Mr. Sullivan and a unanimous vote taken to find there is no negative impact of the church on this approval.

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

**Common Victualler:**

Harborside Seafood  
Ship's Belle  
Ben & Jerry's

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Harborside Seafood, Ship's Belle, and Ben & Jerry's for their annual common victualler licenses.

**Common Victualler All Alcohol:**

Spanky's Clam Shack & Seaside Saloon \*  
Gringo's Restaurant \*  
The Paddock \*  
Harbor Point Restaurant \*  
Fresh Ketch \*  
The Black Cat \*  
Kian n Rylees Pub & Patio \*  
Mattakeese Wharf \*  
Keeper's \*  
Trader Ed's \*  
Hyannis Harbor Hotel \*  
Joe's Twin Villa \*

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their seasonal common victualler all alcohol licenses.

**Common Victualler Beer & Wine:**

Cooke's Seafood \*  
Cape Cod Melody Tent \* (alcohol and food only until complete play list is developed)

Mr. Burman stated for the record he is concerned that the Melody Tent is already advertising their shows and has not come forward with their application for the entertainment, nor has the Board approved it yet. Mr. Geiler stated he is sure the tent is aware of our requirements and will be coming forward when their playlist is complete.

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their seasonal wine and malt common victualler licenses.

### **Innholder All Alcohol:**

Hyannis Inn Motor Hotel \*

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Hyannis Inn Motor Hotel for its seasonal innholder all alcohol ilicense.

### **Club All Alcohol:**

Cotuit Highground Golf Club \*

Baxter's Boathouse Club \*

The Beach Club \*

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their seasonal club all alcohol licenses.

### **Entertainment Licenses:**

**The following entertainment licenses have been submitted without any changes from the previous year for Licensing Authority approval:**

### **Live Entertainment**

Spanky's Clam Shack & Seaside Saloon

Baxter's Boathouse Club

The Paddock

Harbor Point Restaurant

Fresh Ketch

The Black Cat

Hyannis Harbor Hotel

Trader Ed's

The Beach Club

Joe's Twin Villa

Mattakeese Wharf

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their daily live entertainment licenses.

### **Non-Live Entertainment**

Fresh Ketch

Hyannis Harbor Hotel

Hyannis Inn Motor Hotel

Joe's Twin Villa

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their daily non-live entertainment licenses.

### **Sunday Entertainment**

Spanky's Clam Shack & Seaside Saloon  
Baxter's Boathouse Club  
The Paddock  
Harbor Point Restaurant  
Fresh Ketch  
The Black Cat  
Hyannis Harbor Hotel  
Trader Ed's  
Hyannis Inn Motor Hotel  
The Beach Club  
Joe's Twin Villa  
Mattakeese Wharf

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the requests of the above establishments for their Sunday entertainment licenses.

### **Pool Tables**

Joe's Twin Villa

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Joe's Twin Villa for its pool table license.

### **Video Games**

Hyannis Inn Motor Hotel

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Hyannis Inn Motor Hotel for its video games license.

### **Junk Dealer**

Historical Military Antiques

A motion was duly made by Eugene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the request of Historical Military Antiques for its annual Junk Dealer license.

**Other Business:**

HYANNIS CARZ, INC., d/b/a CARZ, 367 Yarmouth Road, Salvatore John Possenti, Manager - Request for Hearing – State Police Violations plus exceeding restriction on Town of Barnstable Class II Auto Dealer License of 16 display vehicles (counted 28 on display on 3/20/07).

Mr. Geiler stated we should take this up in Executive Session if possible; that one of the principals is involved in the legal process at present. The information could jeopardize the process.

Finalization of reservations for the 4/12/07 meeting of the Municipal Licensing Group and luncheon in Norton sponsored by the ABCC. The Board and Police Dept. has signed up – the Licensing Recorder will make the reservations. Mr. Geiler stated some of us may want to ride together.

Mr. Hoxie stated that the next agenda item needs Executive Session which should not be held in public forum.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous roll call vote taken in which Eugene Burman, Martin Hoxie and Paul Sullivan voted to move into Executive Session for the purposes of discussing pending litigation.

After returning from Executive Session, a motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to reconsider the application of January 8, 2007 of Kendrick's Casual Dining & Lounge for its annual All Alcohol Common Victualler License renewal.

A motion was duly made by Gene Burman to renew Kendrick's Casual Dining & Lounge All Alcohol Common Victualler License for 2007 to issue and be exercised upon implementation of the floor plan approved by the Authority at original issue of the license and on transfer of the license and compliance with all other requirements for annual renewal. The motion was seconded by Paul Sullivan and a unanimous roll call vote was taken: Mr. Burman voted yes, Mr. Hoxie voted yes, and Mr. Sullivan voted yes to renew Kendrick's Casual Dining & Lounge All Alcohol Common Victualler License for 2007 to issue and be exercised upon implementation of the floor plan approved by the Authority at original issue of the license and on transfer of the license and compliance with all other requirements for annual renewal.

Adjourned at 11:05 a.m.

Respectfully submitted,

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Christine P. Ade, Recorder  
Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Barnstable Licensing Authority