



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 3, 2007

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 3, 2007. Vice-Chairman Gene Burman called the meeting to order at 9:30 A.M. He introduced himself; 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. Chairman Martin Hoxie was absent.

Requests:

One Day All Alcohol and One Day Entertainment Licenses: Application of Michael Brooks on behalf of **Cape Cod Synagogue**, 145 Winter Street, Hyannis for a **One Day All Alcohol and One Day Entertainment License** for its annual raffle party to be held on December 8, 2007 from 7 pm to 12 am with a '60's hippie theme.

Alan Leavitt appeared for the Cape Cod Synagogue request. It has been held for 10-15 years without incident.

A Motion was duly made by Gene Burman and seconded by Paul Sullivan and a **Unanimous Vote taken** that the application of Michael Brooks on behalf of **Cape Cod Synagogue**, 145 Winter Street, Hyannis for a **One Day All Alcohol and One Day Entertainment License** for its annual raffle party on December 8, 2007 from 7 pm to 12 am with a '60's hippie theme be approved.

Request to Close for Repairs/Renovations: Request of VN Management Corp., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, to be closed from January through March for repairs and renovations.

Mr. Vo appeared for his request to close for a couple months for repair. Mr. Sullivan asked him to be specific; he stated January 1 through March 13. He stated that every year they do renovations, etc. during this period of time. Mr. Geiler asked the applicant to look at the alternative of a seasonal license; this is an extended closing for a year-round license. It generally is best for these licensees to close in the winter months. Mr. Burman checked the calendar and March 15th is a Saturday. He wants

to re-open on the 14th. Mr. Geiler stated the inspections must be done again in March before re-opening and is the Licensee's responsibility to have them completed.

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the application of VN Management Corp., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, to be closed from January 2 through March 13 for repairs and renovations be approved.

Hearings:

Transfer of Annual Wine & Malt Common Victualler License, Daily Non-Live, Video Games and Sunday Licenses and Pledge of License and Stock:

Application of Antonios Revis Enterprise, Inc., d/b/a **Craigville Pizza & Mexican**, 618 Craigville Beach Road, Centerville Street, MA, John A. Mahoney, Manager for **Transfer of its Annual Wine & Malt Common Victualler License and Daily Non-Live, Video Games and Sunday Entertainment Licenses**, the hours of operation to be weekdays and Saturdays 8:00 am to 11 pm, Sundays noon to 11 pm, to John A. Mahoney, Inc., d/b/a Craigville Pizza & Mexican, John A. Mahoney, Manager, and a Pledge of the new License and stock of John A. Mahoney (100%) to Antonios Revis Enterprise, Inc.

Attorney Douglas Murphy appeared for the application. Mr. Mahoney and Mr. Revis also appeared in case there were any questions. Mr. Mahoney has been acting manager since April. There is a transition of ownership here and it is a turnkey operation. The property is being leased at present, but on or before the 5th year he can purchase the assets of the business. It will be pledged back to Revis Corp. pending the outcome of the 5 year lease. Mr. Mahoney has been working as manager there for over 10 years; prior to that he worked in another state in the same capacity. There will be no substantial changes to the operation. Mr. Burman asked if Mr. Geiler, Steve Maher or anyone from the public had questions. There were none.

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the application of Antonios Revis Enterprise, Inc., d/b/a **Craigville Pizza & Mexican**, 618 Craigville Beach Road, Centerville Street, MA, John A. Mahoney, Manager for **Transfer of its Annual Wine & Malt Common Victualler License and Daily Non-Live, Video Games and Sunday Entertainment Licenses**, the hours of operation to be weekdays and Saturdays 8:00 am to 11 pm, Sundays noon to 11 pm, to John A. Mahoney, Inc., d/b/a Craigville Pizza & Mexican, John A. Mahoney, Manager, and a Pledge of the new License and stock of John A. Mahoney (100%) to Antonios Revis Enterprise, Inc. be approved.

Transfer of Ownership Interest in Limited Partnership: Application of Outback/New England-1 d/b/a Outback Steakhouse, 1070 Iyannough Road,

Hyannis, Brian T. Cray, Manager, for a Transfer of Ownership Interest in the Limited Partnership.

Mr. Cray appeared for Outback's request. Christine Ade stated for the record this has all been handled at the ABCC level; all we need is a local approval and Form 43 from the Town. Mr. Geiler stated the ABCC has allowed filing directly with them when a corporation has multiple locations – asking the local authorities for just the Form 43, no request for any physical changes, changes in hours or operation. The decision is simple and straightforward. Mr. Burman is concerned about the Town filing fee – Christine Ade stated that fee has been paid.

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the application of Outback/New England-1 d/b/a Outback Steakhouse, 1070 Iyannough Road, Hyannis, Brian T. Cray, Manager, for a Transfer of Ownership Interest in the Limited Partnership be approved as submitted by Outback and the ABCC.

New Junk Dealer License: Application of Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 53 Thornton Drive, Hyannis, MA, Timothy J. Ferreira, Manager, for a **New Junk Dealer's License**. Continued from 10/29/07; request from Attorney to continue to January 7, 2008.

Mr. Burman is requesting that the Licensing Authority communicate with Mr. Ferreira that although he has applied for a license at 53 and is still under appeal for the present location, we want him to know he is operating now in a location not authorized with a license – he is still only licensed at 30D. The Town is fully cognizant that he is licensed to operate as a Junk Dealer, but only at 30D. We have also not received the business plan requested a month or so ago. Mr. Geiler stated that the Authority doing nothing is sending the wrong message. Mr. Burman requested we take care of this and bring a copy to the Authority on 12/17/07.

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the application of Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 53 Thornton Drive, Hyannis, MA, Timothy J. Ferreira, Manager, for a **New Junk Dealer's License** be continued to 1/07/08 at the request of his Attorney.

Renewals:

Common Victualler

Ship's Belle
Hot Diggity Dogs
Panera Bread
Fame/Cape Cod Community College
Dunkin Donuts – 702 Iyannough Road, Hyannis

Dunkin Donuts – 156 Iyannough Road, Hyannis
Dunkin Donuts – 147 North Street, Hyannis
Dunkin Donuts – 3821 Falmouth Road, Marstons Mills
Dunkin Donuts – 1220 Iyannough Road, Hyannis
Dunkin Donuts – 317 Falmouth Road, Hyannis
Dunkin Donuts – 751 West Main St., Hyannis
Dunkin Donuts – 1648 Falmouth Road, Centerville
Dunkin Donuts – 627 Main St., Hyannis
Dunkin Donuts – CC Mall
Aegean Pizza
Egg & I
Willow Tree Market
K-Mart
The Barnacle
Mitie's Sushi House
The Mills Restaurant
Spiritus Pizza
Sol e Lua
Amandine Patisserie Cafe
Casual Gourmet
Casual Gourmet Express
Osterville Sundae News
Kalmus Beach Snack Bar

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the applications for renewal of the above Common Victualler Licenses be approved.

Class II Auto Dealers:

Route 66 Auto Sales – new location
Argus Auto Sales
Cars for Kindness
Liberty Motors of Hyannis, LLC
Dick Garbitt Investment Autos

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the applications for renewal of the above Class II Auto Dealer applications be approved.

Lodging House

Flaherty's Two
Hillcrest B&B
Country Cottages by the Sea
Fernbrook Inn

Green Mountain Inn B&B
Long Dell Inn
High Pointe Inn
Lamb & Lion Inn
Salt Winds B&B
Edmund Flynn
Maple Street Inn

A Motion was duly made by Paul Sullivan and seconded by Gene Burman and a **Unanimous Vote taken** that the applications for renewal of the above Lodging House Licenses be approved.

Other Business:

Mr. Geiler stated we need to think about scheduling a meeting possibly on the January date for Proposed Licensing Authority Fees as of 1/1/09 (continued from 11/19/07) and the Police Dept. issues as to entertainment closing time being standardized. Mr. Burman stated the hearing was on T.V. twice and in the papers; we have had no comments from any licensees as to what is going on with it. Mr. Geiler stated the matter is fairly simple. We have tried to have reasonable increments on raising the fees and are keeping them under the 10% range and it has been 4 years since they have been increased. The entertainment closing change will be a little more complicated particularly for the pure nightclubs. It would be better if it was townwide – otherwise it would require hearing after hearing after hearing for times. That would turn into a nightmare unless put into the Town regulations and standardizes everything.

Lt. Jason stated that some restaurants on Main have offered liquor at ½ price; this is in violation and she stated that Mr. Geiler got a letter out to all pouring licensees and she thanked the Licensing Board for doing that. Mr. Geiler stated the letter sent out also included “happy hour” regulations – and that they are not supposed to be promoting just alcohol; encouraging more drinks than they might have is not a good thing. He thought it was a good time to remind everyone of the regulations as the holidays are upon us..

Licensee Show Cause Hearing put off to 12/17/07 at request of witness.

Mr. Burman made a motion to adjourn at 10:14 am. The motion was seconded by Paul Sullivan and the meeting dismissed.

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority