



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 17, 2007

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 17, 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:

Extension of Hours: Application of Pufferbellies, 183 Rear Iyannough Road, Jean Aroustamian, Manager, for permission to extend the hours of operation on New Year's Eve until 2:00 a.m. No alcohol will be served during the final hour; food and non-alcoholic beverages will be offered for a cooling down period prior to exit.

Attorney Lawler appeared for Pufferbellies – had a client emergency before appearing. This is the 2nd time they want to offer this hour on New Year's Eve only. They have worked closely with the Police Department and believe this extra hour will cool down the crowd before they leave the premises. It seems to be a good way for the people to wind down. Lt. Jason asked if the entertainment stops at the usual time or later? Attorney Lawler stated that the entertainment stops at the same time as usual. Lt. Jason asked how it worked out...they indicated it went very smoothly last year. Lt. Jason asked him to have them communicate with Officer Maher as to what will be happening late that night. Attorney Lawler stated they will cooperate in all matters and contact the police department. There is also no charge for the coffee, tea, etc. offered last year or this year.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pufferbellies, 183 Rear Iyannough Road, Jean Aroustamian, Manager, for permission to extend the hours of operation on New Year's Eve until 2:00 a.m. No alcohol will be served during the final hour; food and non-alcoholic beverages will be offered at no charge, with no new entries into the club during that hour for a cooling down period prior to exit.

One Day Entertainment License: Application of Richard Rogers on behalf of BHS Hoops Boosters Club, PO Box 263, Centerville, MA for a **One Day Entertainment License** for a comedy basketball game to be held on January 5, 2008 from 7 pm to 9 pm as a fundraiser for uniforms, scholarships and school needs.

Mr. Rogers appeared for the application for boys and girls basketball at the middle school level. It is \$7 in advance and \$8 at the game. The funds are used for the needs of the teams.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Richard Rogers on behalf of BHS Hoops Boosters Club, PO Box 263, Centerville, MA for a **One Day Entertainment License** for a comedy basketball game to be held on January 5, 2008 from 7 pm to 9 pm as a fundraiser for uniforms, scholarships and school needs.

Modification to Existing Class I Auto Dealer License: Hyannis Enterprises, Inc., d/b/a Hyannis Toyota, has applied for a modification of its existing Class I Auto Dealer License at 1020 Lyannough Road, Hyannis to include the property at 1040 Lyannough Road, Hyannis for sales and service and retains the 756 Bearses Way, Hyannis location for storage.

Jack Carter appeared for the application. He is the owner. They are applying to expand to 1040, presently Corson Cadillac Jeep, looking to expand nextdoor.

Mr. Burman wanted to make sure he was not in conflict as he is a customer of Corson; Mr. Hoxie ruled there is no conflict. He asked if the lot to the left of Corson is included; Mr. Carter stated it is not.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Hyannis Enterprises, Inc., d/b/a Hyannis Toyota, for a modification of its existing Class I Auto Dealer License at 1020 Lyannough Road, Hyannis to include the property at 1040 Lyannough Road, Hyannis for sales and service and retains the 756 Bearses Way, Hyannis location for storage.

Hearings:

Change of Manager: Application of SPSS Enterprises, LLC, d/b/a Asa Grill and Reputation, 415 Main Street, Hyannis, Scott Saulnier, Manager, holding an Annual All Alcohol Common Victualler License, for a **Change of Manager** to Mollie T. Lehane.

Attorney Steven Pizzuti appeared on behalf of SPSS Enterprises, LLC and Shane Pacheco, 50% partner. Ms. Lehane was present to answer questions – she has

been managing since June in an assistant capacity. She is TIPS trained and has read the Blue Book. Mr. Hoxie reiterated she has had experience in all facets of the business and at Asa Grill. She is also a teacher. Steve Maher asked how long she has been acting Manager; she answered since November. He asked whose responsibility it was to advertise. She said that is NOT her responsibility – it is the other person who is also acting manager. Officer Maher also stated that the ½ price drinks were advertised on the door as well, and on the radio. Officer Maher stated that on MY SPACE yesterday these ads still appeared. Ms. Lehane stated today that she would take over and oversee everything. Attorney Pizzuti stated one of the my space ads they cannot get into...it is password protected. He thought the other one was o.k. Officer Maher stated it is still coming up ½ price drinks. Mr. Burman asked if Officer Maher thought it needed further action by the Board? He stated the police department would request a Show Cause Hearing as he brought it to Mr. Pacheco's attention several weeks ago and the ads are still ongoing. It was represented that Mr. Pacheco didn't realize the ad was still on the one MY SPACE site; and Officer Maher said in today's Cape Cod Times is another illegal ad – still advertising illegally. The person who placed these ads is Bahi (? Spelling), another manager; Ms. Lehane will take over all of this starting today. There have been two unofficial managers for approximately 1 month. Attorney Pizzuti stated there was not much time between the manager leaving and the application for new manager being filed. Mr. Burman's concern is the lack of control and supervision. Attorney Pizzuti asked the Board to have a vote of confidence from the Board – with Mollie reviewing with the police department and setting up the ads correctly. Mollie is involved with MADD and will take close control over this situation. They would like her to have control over this part of the business. Mr. Sullivan said he has reviewed her qualifications and she is well educated; does have some experience with alcohol establishments; but seems to be stepping into a new sphere. He believes she would be a good person to step in and read everything, and work with the Police on all the rules and regulations.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of SPSS Enterprises, LLC, d/b/a Asa Grill and Reputation, 415 Main Street, Hyannis, Scott Saulnier, Manager, holding an Annual All Alcohol Common Victualler License, for a **Change of Manager** to Mollie T. Lehane.

New Common Victualler License: Application of Bagley-Heath, LLC, d/b/a **Sweet Tomatoes**, 791 Main Street, Osterville, MA, Darren Bagley-Heath, Manager, for a **New Common Victualer License**, the hours of operation to be 11 am to 10 pm, with indoor seating for 26 and seating for 16 on outside patio.

Mr. Bagley-Heath appeared for his application. It is the same operation he runs now at a new location. They are moving across the road, where Breaking Grounds was until 10/31. At the end of December they will take over a lease at that property. The present location is set back and not as accessible to customers. They felt the other location was better for attracting passing customers. It is 1000 sq. ft. larger than the

other place was. They have expanded their menu and this new space will be appreciated. Mr. Bagley-Heath is Serv Safe approved since 2003 and they have two others on site who are Serv Safe approved.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Bagley-Heath, LLC, d/b/a **Sweet Tomatoes**, 791 Main Street, Osterville, MA, Darren Bagley-Heath, Manager, for a **New Common Victualer License**, the hours of operation to be 11 am to 10 pm, with indoor seating for 26 and seating for 16 on outside patio.

Show Cause Hearing: Show Cause Hearing on Rumpy's Beef and Reef, d/b/a The Dockside, 110 School Street, Paul Skudris, Manager, based on a complaint filed regarding noise, and for use of the empty lot across the street for ferry parking.

Mr. Hoxie swore in the witnesses who would testify. He called the complainant to testify. Mr. Goddard came forward – he lives at 25 South Street. He put in his complaint for the file, not really intending for it to go to show cause hearing. But he wanted the complaints addressed. He stated they basically run a non-offensive operation but in July karaoke started – there was leakage of “noise” over the property line in August; but the music continued after September – being very loud after 10 pm. He called up around 10:30 one night; did not get a phone response. Then called the police. In early October there was a car parked on the property line with a loud radio – called the restaurant and there was no answer. Someone came forward and asked the person whose car it was to turn it off. The worst problem was Halloween. He went to bed at midnight and heard shouts from nextdoor over his air conditioner. Again called with no response so he called the police. On Saturday November 17th they were playing the stereo very loud – medley of TV themes. It was November – he should not be able to identify music 150 feet away. He called the restaurant and no response; he then called the police again. He would ask that they keep the stereo down so he is not disturbed. His feeling is that late at night he should receive an answer to his phone calls; he should not have to go outside or to the place itself. He thought after a couple of calls where the police were sent the owner might have contacted him. He also verified there are several cars parking in the lot across the street for ferry parking for profit. These are not restaurant customers. He recalls driving by in August and seeing advertising for parking across the street too – these are violations. Mr. Skudris asked Mr. Goddard about the noise checks – he did not know who to get back to...the name of the person was not divulged to him by the police. He stated he was sorry; he would have come to Mr. Goddard. Mr. Skudris stated he is not using the lot across the street for paid parking; he puts delivery vehicles over there and his employees park there – he sometimes has 30-40 employees. Officer Maher stated 30-40 cars for employees is excessive and he considers it a gross exaggeration. Mr. Burman asked how many hours Mr. Skudris spends at Rumpy's; Mr. Skudris stated he lives upstairs and said he spends 80 hours a week there. He has lived here since March. Mr. Sullivan asked how many phones there are – he said two; one by the kitchen and one by the bar. Mr. Sullivan stated he should talk to the staff and make sure they answer the

phones and that any complaints are answered immediately. If no-one answers it is wrong. Mr. Sullivan stated he should get to the bottom of the situation. Mr. Burman asked about Mr. Jasset – Mr. Skudris stated he is no longer there; was a cook. Mr. Geiler asked about the lot across the street...is it in his lease? Mr. Skudris stated it is. Mr. Geiler stated that the lot is not authorized for ANY type of off site parking. The cars seem to grow there – particularly in the summer. He suggests that Mr. Skudris either get the parking legalized by going to Site Plan or not use it. Mr. Geiler stated there IS a process to get the lot – but said Mr. Skudris did not follow through with the site plan process. Mr. Skudris stated because he was told a court order prohibits it. Mr. Geiler also stated someone should be answering that phone at all times – they should be very concerned about the neighbors. Mr. Sullivan stated they must make an extraordinary effort not to disturb the neighbor who was here with complaints.

Mr. Burman believes the Board's discomfort is very evident. He made a motion to close the hearing with no action. Mr. Sullivan then made an amended motion that the owner be issued a letter of warning about all issues, which was seconded by Mr. Burman and a unanimous vote taken to send the letter.

Mr. Burman made a motion that the Licensing Board salaries be doubled.

Renewals:

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

Common Victualler All Alcohol

Dragonlite Restaurant
Alberto's
Jack's Lounge
Bobby Byrne's Pub
Tiki Port
Schooner's
The Black Spot Café Bar
Roadhouse Café
Five Bays Bistro
Ristorante Barolo
Il Maestro
Kettle Ho
Brazilian Grill
Naked Oyster
The Dockside
Ardeo on Main
Fazio's Trattoria
Asa Grill & Reputation

Embargo
99 Restaurants/Pubs
Outback Steakhouse
Wimpy's
Bud's Place
Harry's
Hyannis Golf Club
TGI Friday's
Regatta of Cotuit
Hannah's Fusion Bar and Bistro
Wianno Grille
Island Merchant
Bumbalini's & The Beechtree Bar
Mallory Dock
19th Hole
DJ's Wings, Subs 'n More
The Dolphin

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

Common Victualler Wine & Malt

Café at the Airport
Pinocchio Pizza
Perry's Main Street Deli
The Daily Paper
Original Gourmet Brunch
Mike's Pizza
B2 Burrito Bistro
La Petite Maison
Palio Pizzeria
New England Pizza #1
Thai House
Ying's
Restaurant Prato Per'Feito
Golden Fountain
Scottie's Famous Pizza

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

Club All Alcohol

Wianno Club – Parker Road
Wianno Club – Seaview Ave.
King’s Grant Racquet Club
Hyannisport Club
Cummaquid Golf Club
Wequaquet Lake Yacht Club
Cape Cod Lodge OSIA – Sons of Italy
Osterville Veterans Assn.
Hyannis Elks
West Barnstable Deer Club

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

Innholder All Alcohol

Cape Cod Inn
International Inn
Heritage House Hotel
Radisson Bistro
Greenhouse Restaurant
Cape Codder Resort
Four Points by Sheraton Hyannis Resort

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

General on Premise

Puff the Magic
Quarterdeck Lounge
Pufferbellies
Dennis F. Thomas Post - VFW

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

Package Store All Alcohol

Cape Cod Package Store
Capeside Wine & Spirits
Willow Package Store

Cotuit Liquors
Hyannis Blanchard's
Seven G's Liquor Shoppe
Fancy's Farm Market
Hyannis Package Store
Barnstable News Store
Cotuit Grocery
Barnstable Bottle Shoppe

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

Package Store Beer & Wine

Willow Tree Market
Mini Food Market
The Wine List
Sea Street Market
Cotuit Pantry

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

Annual Daily Live Entertainment

Cape Cod Inn
Alberto's
Wianno Club – Seaview Ave.
Schooner's
The Black Spot Café Bar
Hyannisport Club
Roadhouse Café
Puff the Magic
Heritage House Hotel
Ristorante Barolo
Pufferbellies
West Barnstable Deer Club
Brazilian Grill
Asa Grill & Reputation
Radisson Bistro
Embargo
Wequaquet Lake Yacht Club
Cape Cod Lodge OSIA – Sons of Italy

Harry's
Bud's Place
Cape Codder Resort
Hyannis Golf Club
Hyannis Elks
Wianno Grille
Island Merchant
Bumbalini's & The Beechtree Bar
Dennis F. Thomas Post – VFW
Four Points by Sheraton Hyannis Resort

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

Annual Daily Non-Live Entertainment

Alberto's
Jack's Lounge
Bobby Byrne's Pub
Schooner's
The Black Spot Café Bar
Hyannisport Club
Quarterdeck Lounge
The Dockside
Asa Grill and Reputation
New England Pizza #1
Osterville Veterans Assn.
Harry's
Bud's Place
Cape Codder Resort
Hyannis Golf Club
TGI Friday's
Hyannis Elks
Regatta of Cotuit
Mallory Dock
19th Hole
Regal Cape Cod Cinemas 12
Dennis F. Thomas Post – VFW
Four Points by Sheraton Hyannis Resort

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

Video Games

Jack's Lounge
Bobby Byrnes Pub
Quarterdeck
New England Pizza #1
Osterville Veterans Assn.
Bud's Place
Cape Codder Resort
Hyannis Elks
19th Hole
Four Points by Sheraton Hyannis Resort

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the above applications for renewal of their Annual Video Games Licenses.

Pool Tables

Quarterdeck Lounge
Osterville Veterans Assn.
Hyannis Elks
19th Hole
Four Points by Sheraton Hyannis Resort

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

Sunday Entertainment

Cape Cod Inn
Alberto's
Jack's Lounge
Schooner's
The Black Spot Café Bar
Hyannisport Club
Quarterdeck Lounge
Heritage House Hotel
Pufferbellies
West Barnstable Deer Club
Brazilian Grill
The Dockside
Asa Grill & Reputation
Radisson Bistro
Embargo
Cape Cod Lodge OSIA – Sons of Italy

Osterville Veterans Assn.
Harry's
Bud's Place
Cape Codder Resort
TGI Friday's
Hyannis Elks
Regatta of Cotuit
Island Merchant
Bumbalini's & The Beechtree Bar
Mallory Dock
19th Hole
Dennis F. Thomas Post - VFW
Four Points by Sheraton Hyannis Resort

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

Class I Auto Dealers:

Buckler's GMC
Hyannis Toyota
Land Rover Cape Cod
Hyannis Marina
Everett H. Corson, Inc.
Dick Beard Chevrolet
Tracy Audi
Premier Hyundai
Puritan Buick Pontiac GMC Truck
Saturn of Hyannis

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

Class II Auto Dealers:

J&J Auto
Huhtanen's Auto Sales
Harbor Auto Sales
Capewide Auto & Marine II
Willow Street Motors
Hyannis Toyota
Hi Line Auto Sales
Auto Smart
Action Auto Sales

Robert's Auto Wholesale

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

Lodging Houses:

Jean Clark - 961 Pitcher's Way
Jean Clark - 975 Pitcher's Way
Jean Clark - 981 Pitcher's Way
Craigville Beach House

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

Common Victuallers:

Gold's Cape Cod Deli
Kennedy Rink Snack Bar
Cold Stone Creamery
Sunnyside Restaurant
Pizza 1 & Subs 2
Willow Pizza
Box Lunch
Cape Cod Chicken
Barnes & Noble
Burger King #4486
White Hen Pantry – 2946 Falmouth Rd., Osterville

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

Cinema/Theatre:

Regal Cape Cod Cinemas 12

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

Other Business:

Mr. Burman asked if we have heard anything from Mr, Ferreira. Mr, Geiler stated we have asked him to comply. He still has signs at the wrong properties – has second hand articles at the wrong buildings. We have had no response to our letter.

Mr. Burman asked if we should have them in for a Show Cause Hearing. Mr. Geiler asked that we just call them in to act on our request; and see if he is a proper person to hold the license if he is going to “thumb his nose” at the rules and regulations. Officer Maher stated he is still operating at the wrong locations as of today. Mr. Geiler stated he will be in January for his application.

Mr. Hoxie stated Bud’s Place and the Quarterdeck have been called in for hearings before the ABCC for serving intoxicated premises. Mr. Geiler stated they seldom do this without the police department of the local area – but must have encountered it during a regular inspection. Both are being called in for hearings in January. He was surprised they did not contact the police department.

Mr. Burman asked if any progress was made on the sound regulations prior to renewal of the seasonal licenses. Mr. Geiler stated they were looking into establishing sound levels with instrumentation – the costs and training involved seem to be prohibitive or has slowed it down; and one of the communities that uses this the most is NYC; they pioneered these regulations and have now thrown them out. Went back tot heir old way of determining what is too loud. Mr. Burman’s concern is that nothing has been resolved since last season. The major contributor to the problem was the Melody Tent. Mr. Hoxie also stated that the multi-use of Hyannis has made for more potential problems. The “Sound Committee” has consultants who are looking for input from the Licensing Authority on the 21 page repost – he will give the report to us for copying and get back to Marty for the January meeting (January 7th) especially concerning new construction.

Mr. Burman asked to congratulate Chris to get all the applications to the Board in a proper manner.” Mr. Geiler stated that it has been a long time trying to improve the process with regard to the applications and inspections necessary – getting the paperwork out there as soon as we can each season. We cannot present the Board with a renewal until it has a signed Certificate. We have them all in – which is a first.

Adjourned at 10:40 a.m.

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority