



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.

August 18, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, August 18, 2008. 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:

8 One Day Wine & Malt and 8 One Day Entertainment Licenses: Application of Pamela Brimmer, Treasurer, on behalf of The German-American Club, P.O. Box 187, Hyannis, for **8 One Day Wine & Malt Licenses and 8 One Day Entertainment Licenses** for its non-profit, adult only dinner dances with wine and malt and a 2-3 piece band to be held on the following dates: 10/11/08, 11/8/08, 12/13/08, 1/10/09, 2/14/09, 4/11/09, 5/9/09 and 6/13/09 from 5:30 pm to 11:00 pm at the Fraternal Lodge, Route 28, Centerville, MA.

No-one appeared for the German-American Club.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the application of Pamela Brimmer, Treasurer, on behalf of The German-American Club, P.O. Box 187, Hyannis, for **8 One Day Wine & Malt Licenses and 8 One Day Entertainment Licenses** for its non-profit, adult only dinner dances with wine and malt and a 2-3 piece band to be held on the following dates: 10/11/08, 11/8/08, 12/13/08, 1/10/09, 2/14/09, 4/11/09, 5/9/09 and 6/13/09 from 5:30 pm to 11:00 pm at the Fraternal Lodge, Route 28, Centerville, MA to 9/8/08.

Three One Day Beer & Wine, One All Alcohol, 3 Daily Entertainment and a Sunday Entertainment License: Application of Cathrine Macort on behalf of Cape Cod Maritime Museum, 135 South Street, Hyannis for **Three One Day Beer & Wine Licenses, a One Day All Alcohol License, 3 Daily Entertainment Licenses and a Sunday Entertainment License** for the 3rd annual Cape Land and Sea Harvest Festival (CLASH) on September 25, 26, 27 and 28, 2008 in the lot behind the museum.

Mark Wilkins, Director and Curator, attended the meeting. He advised that the festival is an opportunity for local growers and fisherman to showcase their wares. It draws great public support.

Mr. Burman asked if any provision has been made to augment parking; a different festival 2 months ago was sorely lacking in parking. Mr. Wilkins answered that they ask people to park in town lots, etc. He is hosting it; the festival people would know more. Mr. Geiler asked who dispenses the alcohol. Mr. Wilkins stated one of our restaurants is handling that. Mr. Geiler stated that the way the application is submitted, the Maritime is responsible for the alcohol service. That states TIPS certified staff will be serving. Mr. Wilkins apologized for not knowing the details, stating that Cathrine Macort is not with them any longer. Mr. Geiler stated it is a unique concept; the event features native Cape Cod activities and certainly has a lot of merit. He asked if the application could be from the entity who actually was going to handle it.; and stated that Health, Building, etc. have to be consulted and he is not sure who took care of all of it last year. Mr. Geiler stated that our office is willing to guide them through the process to get this properly issued.

Mr. Hoxie stated we can approve it pending a qualified person getting in touch with us. Mr. Burman proposed continuing the application to the 9/8/08 meeting. We will just vote on it at that time, providing the alcohol server contact our office.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the application to 9/8/08 pending contact by the alcohol server, whose name would go on the license rather than that of the Maritime Museum.

One Day Entertainment License: Application of Heather Donnelly for MSPCA Animal Care & Adoption Center, 1577 Falmouth Road Centerville, MA, for a **One Day Entertainment License** for an Angell Walk for Animals to start and finish at Aselton Park, Hyannis on September 7, 2008 from 10 am to 2 pm. A DJ, Len Niemi of the Moondance, will perform.

Ms. Donnelly stated this is the 13th annual event. It is to raise funds and arrange adoptions for animals needing care and homes.

Mr. Geiler asked if they have the Town Manager permit for Aselton Park; he was advised the permit is with the Town Manager at present for approval.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Heather Donnelly for MSPCA Animal Care & Adoption Center, 1577 Falmouth Road Centerville, MA, for a **One Day Entertainment License** for an Angell Walk for Animals to start and finish at Aselton Park, Hyannis on September 7, 2008 from 10 am to 2 pm. A DJ, Len Niemi of the Moondance, will perform, pending the Town Manager permit.

New Annual Common Victualler License: Application of Pain D'Avignon, II, Inc., d/b/a Pain D'Avignon Bakery Café, 15 Hinckley Road, Hyannis, MA, Mario Mariana Manager, for a **New Common Victualler License**, the hours of operation to be 6:30 am to 8:00 pm Monday to Friday, Saturday 6:30 am to 5 pm and Sunday 6:30 am to 3 pm.

Mr. Mariana was present for this application. He stated that they have a wholesale bakery and attached to it is a new café. They just learned the common victualler license was needed – had their health department food permit and did not know our license existed. He said they have been operating for a month now and have permission from the Health Dept.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pain D'Avignon, II, Inc., d/b/a Pain D'Avignon Bakery Café, 15 Hinckley Road, Hyannis, MA, Mario Mariana Manager, for a **New Common Victualler License**, the hours of operation to be 6:30 am to 8:00 pm Monday to Friday, Saturday 6:30 am to 5 pm and Sunday 6:30 am to 3 pm.

New Junk Dealer License: Application of Tim Ferreira, d/b/a **Mid Cape Metal Recycling**, 31 Thornton Drive, Hyannis, Tim Ferreira, Manager for a **New Junk Dealer's License**, hours of operation to be 7 am to 4 pm.

Attorney Connors appeared to advise Mr. Ferreira is ill and could not attend today. He asked for a continuance until the 10/6/08 meeting. He then advised he will speak with Attorney Houghton to address the issues on this matter in the interim.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the hearing of Tim Ferreira, d/b/a **Mid Cape Metal Recycling**, 31 Thornton Drive, Hyannis, Tim Ferreira, Manager for a **New Junk Dealer's License**, hours of operation to be 7 am to 4 pm to October 6, 2008 as well as continuing the renewal of the Junk Dealer License at 30D Thornton Drive to the same date.

New Officers/Directors: Application of SL Uno Hyannis, Inc. d/b/a Uno, Chicago Grill, 574 Iyanough Road, Hyannis, Michael Sives, Manager, for a Change of Officers and Directors.

Michael Sives appeared for the application. Three new individuals are being appointed and two have resigned. These are not local changes, but corporate.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of SL Uno Hyannis, Inc. d/b/a Uno, Chicago Grill, 574 Iyanough Road, Hyannis, Michael Sives, Manager, for a Change of Officers and Directors.

Show Cause Hearing: Show Cause Hearing for Bumbalini's of Cape Cod, Inc., d/b/a Bumbalini's & The Beechtree Bar, 599 Main Street, Hyannis, MA, Louis Cheschi, Owner, for failure to open the restaurant after a requested closing until April 1, 2008 from

February 4, 2008 and failure to pay for the 2nd half Common Victualler All Alcohol License fee of \$1,350.00 prior to June 15, 2008.

The Licensee called to advise he was unable to attend the hearing this morning due to an emergency.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to continue the Show Cause Hearing for Bumbalini's of Cape Cod, Inc., d/b/a Bumbalini's & The Beechtree Bar, 599 Main Street, Hyannis, MA, Louis Cheschi, Owner, for failure to open the restaurant after a requested closing until April 1, 2008 from February 4, 2008 and failure to pay for the 2nd half Common Victualler All Alcohol License fee of \$1,350.00 prior to June 15, 2008 to its hearing on 9/8/08.

Renewals:

Renewal of Junk Dealer License for Mid Cape Metal Recycling, 30D Thornton Drive, Hyannis, Tim Ferreira, Manager. Continued to 10/6/08.

Business Meeting:

Mr. Geiler advised that we have received a request from the Police Department to schedule show cause hearings – 16 to date and 6 more to come according to Officer Maher. Mr. Geiler stated this is very disturbing; if you look at it against the total number of licenses, there is a large portion who are not in compliance. Also, the sting follows two training seminars at which many licensees were present. These will be scheduled in 3 sessions beginning 9/22/08. Mr. Geiler stated this is out of the ordinary and maybe we should have an Executive Session to discuss these matters prior to the hearings.

Adjourned at 9:50 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority