



Town of Barnstable

Regulatory Services

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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.

September 8, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, September 8, 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:

One Day All Alcohol and One Day Entertainment License: Application of Erin Madden on behalf of The Cape Cod Young Professionals, P.O. Box 1302, South Dennis, for a **One Day All Alcohol License and a One Day Entertainment License** for its non-profit, "back to business" bash and a 3 piece steel drum band to be held on September 18, 2008 from 5:30 pm to 8:00 pm at the Rectrix Aerodrome, 790 Barnstable Road, Hyannis, MA.

Erin Madden appeared for this application. She asked that this be approved with issuance held until after the certificate is received. Attorney Pat Butler appeared for Rectrix. He stated the issues are egress doors out of the aerodrome but those issues should be addressed prior to the event. Christine Ade gave him a copy of the memo from Deputy Chief Melanson that the event be cancelled (memo from Friday, 9/5/08). Attorney Butler stated he spoke to them on Saturday and it would be going forward. He also asked for approval pending receipt of the State Safety Certificate.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Erin Madden on behalf of The Cape Cod Young Professionals, P.O. Box 1302, South Dennis, for a **One Day All Alcohol License and a One Day Entertainment License** for its non-profit, "back to business" bash and a 3 piece steel drum band to be held on September 18, 2008 from 5:30 pm to 8:00 pm at the Rectrix Aerodrome, 790 Barnstable Road, Hyannis, MA providing the Licensing Authority has the State Safety Certificate prior to issuance of the license.

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.

Charles Firnhaper appeared for the license to be held at the Fraternal Lodge. The same problem has happened here – our Fire Department will not sign off on a function at the Fraternal Lodge as it is not in compliance with State Safety Codes. Mr. Geiler stressed that we have no problem with the German-American Club; Mr. Geiler stated that the Licensing Authority is not allowed to issue the permits without the certificate. This application was continued by Mr. Hoxie to October 6, 2008 in hopes that they can obtain the certificate by that time.

Three One Day Beer & Wine, One All Alcohol, 3 Daily Entertainment and a Sunday Entertainment License: Application 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. Continued from 8/18/08 for alcohol server to contact Licensing and Board to vote today without necessity of appearance of the Cape Cod Maritime Museum.

Mr. Burman was confused as to who the Licensee would be as several “servers” are listed on the information provided. We now have the list of servers, but who is on the license? Mr. Geiler stated it should be made out to Cape Cod Maritime Museum.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application 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 at the times on the application for each day.

Four One Day Wine & Malt Licenses: Application of James Wolf on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for **4 One Day Wine & Malt Licenses** for a concert/fundraiser on 9/12/08 and 10/4/08, and an art show on 9/13/08 and 10/25/08.

No one from Cotuit Center of the Arts appeared; since Cotuit Center for the Arts has its next event prior to the next hearing, Mr. Geiler suggested it be approved as this is a known entity and a quality event. He sees no information lacking in our files. Mr.

Sullivan stated that most of the activities held there are for the benefit of the community and citizens.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the license of James Wolf on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for **4 One Day Wine & Malt Licenses** for a concert/fundraiser on 9/12/08 and 10/4/08, and an art show on 9/13/08 and 10/25/08. and advise them in future we do expect them to be present for their applications.

New Class I Auto Dealer License: Application of Bourne Bridge Auto Sales, Inc., d/b/a **Cadillac Saab of Cape Cod**, Jeffrey Denesha, Manager, 600 Yarmouth Road, Hyannis, for a **New Class I Auto Dealer License**, the hours of operation to be 8:00 am to 8:00 pm. 7 days per week with a maximum of 309 vehicles outside.

Jeffrey Denesha appeared for relocation of the Cadillac Saab dealership from Station Avenue in Yarmouth to Yarmouth Road, Hyannis.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Bourne Bridge Auto Sales, Inc., d/b/a **Cadillac Saab of Cape Cod**, Jeffrey Denesha, Manager, 600 Yarmouth Road, Hyannis, for a **New Class I Auto Dealer License**, the hours of operation to be 8:00 am to 8:00 pm. 7 days per week with a maximum of 309 vehicles outside.

New Junk Dealer's License: Application of Steven Katz, d/b/a Discount Office Furniture, 237 Barnstable Road, Hyannis, MA, Steven Katz, Manager, for a **New Junk Dealer's License**, hours of operation to be 9 am to 8 pm, 7 days per week.

Mr. Geiler asked what he would be selling – he stated used furniture and junk metals including gold and silver. Mr. Geiler stated the gold and silver require a scale which must be sealed by our Weights & Measures Department and that specific records have to be kept. Mr. Katz stated he is aware of the regulations and has a copy of them.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of Steven Katz, d/b/a Discount Office Furniture, 237 Barnstable Road, Hyannis, MA, Steven Katz, Manager, for a **New Junk Dealer's License**, hours of operation to be 9 am to 8 pm, 7 days per week.

Change of Hours: Application of TJ Enterprises, Inc. d/b/a **Kian n' Rylee's Pub & Patio**, Tara Jean Whelahan, Manager, 561 Main Street, Hyannis, Ma., for a **Change of Hours** for their Annual, All Alcohol Common Victualler License. The extended hours proposed are daily until 1:00 a.m. rather than 12 p.m.

Sean Whelahan appeared as part owner for the application. They have been opened for 3 years and have seen their late night business diminish. It is the people who come out from 10-12 who are not coming as they have to leave at 12. They would like a level playing field to the rest of the restaurants. The Police Department had no comments.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of TJ Enterprises, Inc. d/b/a **Kian n' Rylee's Pub & Patio**, Tara Jean Whelahan, Manager, 561 Main Street, Hyannis, Ma., for a **Change of Hours** for their Annual, All Alcohol Common Victualler License. The extended hours proposed are daily until 1:00 a.m. rather than 12 p.m.

Alteration of Premises: Application of New Sedgewick, Inc., d/b/a Puff the Magic, 649 Main Street, Hyannis, holding an all alcohol General on Premise License, David Wood, Manager, for an **alteration of premises** to increase the internal occupancy to 45 (35 in the front room and 10 in the sales area) and to add an outside seating area for 7.

David Wood stated that he met with the Building Commissioner to enlarge his premises. When he first opened 11 years ago he didn't account for how many people can safely be in the building – he advised the Board that he is concerned that he never be above capacity. The Building Commissioner stated he is fine with 35 in the front room and 10 in the back room. Mr. Hoxie asked that a sign for the 10 in the back room also be posted. There will be 35 in the front. There will be a patio with benches and fenced in, for 7 only. Looking at the building it will be to the right.

Officer Maher spoke for the record. He stated there have been issues from some unruly kids in the neighborhood. He also stated the bartender on duty was questioned by Officer Maher and the bartender did not fully understand the rules and regulations. He asked that Mr. Wood go over the Rules and Regulations with his employees and Mr. Wood assured him he would.

Cynthia Cole stood up in support of Mr. Woods' operation. She wanted to go on record in support of this application. She assured the Board that the white tee-shirts are not Mr. Wood's clientele and the problem going on is not with his establishment.. Mr. Wood will speak with Ptl. Maher so he can explain this. Mr. Wood stated he has been in business 11 years and stated he appreciates the job this Board does. Mr. Geiler stated he has done a good job in past – the discussion today is that all employees as well as Mr. Wood go over the rules and regulations carefully so all understand.

Mr. Burman stated he believes Mr. Wood is the only smoking establishment in town and he is doing a good job.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the application of New Sedgewick, Inc., d/b/a Puff the Magic, 649 Main Street, Hyannis, holding an all alcohol General on Premise License, David Wood, Manager, for an **alteration of premises** to increase the internal occupancy to 45 and to add an outside seating area for 7.

Show Cause Hearing: Show Cause Hearing on Bumbalini's of Cape Cod, Inc., d/b/a Bumbalini's and the Beechtree Bar, 599 Main Street, Hyannis, Louis Cheschi, Owner, for determining whether its All Alcohol Common Victualler License and Entertainment Licenses should be modified, suspended or revoked for failure to reopen on April 1, 2008 and failure to pay the required 2nd half year alcohol fee for the alcohol license. Continued from 8/18/08.

The applicant did not appear. Mr. Geiler stated they must pay their fee in order for the license to be valid and they have not paid the fee. This is also the 2nd time we have held this hearing. Mr. Geiler asked that the license be revoked for non-payment and that the Licensing Authority notify them so that there is no question of the status.

Cynthia Cole also came forward to ask that the Authority vote on revoking this license. She said she has been extremely disappointed over that establishment. They have not been open all summer – the place is not looking well- sign tipped and reflects poorly on Main Street. It was confirmed by Christine Ade that the owner was notified by regular US Mail of the continuation date, which he had requested.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken as to findings that Bumbalini's of Cape Cod, LLC, d/b/a Bumbalini's & The Beechtree Bar, 599 Main Street, Hyannis, Louis Cheschi, Owner was called to a show cause hearing, asked for a continuance and then did not appear, and has not paid for their 2nd half liquor license fee. The motion was seconded by Paul Sullivan and a unanimous vote taken as to findings of guilty.

A second motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken as to sanctions: Mr. Burman moved to revoke the all alcohol common Victualler license of Bumbalini's of Cape Cod, LLC, d/b/a Bumbalini's & The Beechtree Bar, 599 Main Street, Hyannis, Louis Cheschi, Owner, Mr. Sullivan seconded the motion and a unanimous vote was taken to revoke this license.

Business Meeting:

Mr. Burman wanted to discuss the sting procedure suggesting that the Board hold all decisions until all were heard. Mr. Hoxie stated he is reluctant to do that, but wanted to hear each prior to making a decision. Mr. Sullivan requested a list of violations of each for the show cause hearings as well as a copy of the new sting guidelines. Licensing will provide that to the Board members with their next hearing package.

Adjourned at 10:20.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority