



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.

April 12, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, April 12, 2010. 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, Kim Connors, Licensing Agent, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Hearings:

One Day Entertainment License: Application of Rebecca Hynes on behalf of Independent Event Planners, 190 Marlborough Street, Boston, MA for a One Day Entertainment License for a One Day Summer Expo for Cape Cod Businesses pertaining to ideas for locals/visitors for summer entertaining. It will be held on May 29, 2010 from 11 am to 4 pm at the Hyannis Youth Community Center, 1412 Basset Lane, Hyannis.

No-one appeared for the application.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue the application of Rebecca Hynes on behalf of Independent Event Planners, 190 Marlborough Street, Boston, MA for a One Day Entertainment License for a One Day Summer Expo for Cape Cod Businesses pertaining to ideas for locals/visitors for summer entertaining. It will be held on May 29, 2010 from 11 am to 4 pm at the Hyannis Youth Community Center, 1412 Basset Lane, Hyannis to May 3, 2010.

One Day All Alcohol and One day Entertainment Licenses: Application of James Penn on behalf of Cape Cod Synagogue, 145 Winter Street, Hyannis for a One Day All Alcohol and One Day Entertainment License for an event with a band at the synagogue, on May 1, 2010 from 5:30 pm to 10:00 pm.

James Penn appeared for this one day entertainment and alcohol permit fundraiser event for the membership.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of James Penn on behalf of Cape Cod Synagogue, 145 Winter Street, Hyannis for a One Day All Alcohol and One Day Entertainment License for an event with a band at the synagogue, on May 1, 2010 from 5:30 pm to 10:00 pm.

Sunday Entertainment License: Application of Albert Long on behalf of Cape Cod Chorale for a Sunday Entertainment License for Shubert Mass, Inc. & Gospel Mass to be held on April 25, 2010 from 2:30 pm to 4:00 p.m. at Our Lady of Victory Church, 230 South Main Street, Centerville, MA.

No-one appeared for this application. We may have to hold a special meeting???

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken not to approve the application of Albert Long on behalf of Cape Cod Chorale for a Sunday Entertainment License for Shubert Mass, Inc. & Gospel Mass to be held on April 25, 2010 from 2:30 pm to 4:00 p.m. at Our Lady of Victory Church, 230 South Main Street, Centerville, MA.

One Day Wine Only License: Application of Benjamin DeCastro on behalf of Cardi's Furniture Superstores, 1 Furniture Way, Swansea, MA, for a One Day Wine Only License for a promotional fundraiser and awareness raiser event for "A Baby Center", to be held at the local store, 790 Iyannough Road, Hyannis, on April 29, 2010 from 6:30 pm to 8:00 pm.

Mr. DeCastro appeared for the application. The Cape Cod Package Store will hand out the tastings and card the people. There will be a chocolatier. Mr. Burman asked about supervision; families will be coming in – who will supervise who is tasting the wine? Mr. DeCastro stated there will be two separate tables. The wine controlled strictly by Cape Cod Package Store who will physically hand the cup to the person. Mr. DeCastro asked about having a detailed police officer? Lt. Jason stated she did not anticipate there being a problem or need for that. Mr. Burman welcomed them as a new business to Town.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Benjamin DeCastro on behalf of Cardi's Furniture Superstores, 1 Furniture Way, Swansea, MA, for a One Day Wine Only License for a promotional fundraiser and awareness raiser event for "A Baby Center", to be held at the local store, 790 Iyannough Road, Hyannis, on April 29, 2010 from 6:30 pm to 8:00 pm.

Change Manager, Change Officers/Directors, Change Stockholders, Pledge of License & Alteration of Premises: Application of Cape Cod Package Store, Inc., 1495 Falmouth Road, Centerville, MA, John J. Pendergast, Jr., Manager for a Change of Manager on its All Alcohol Common Retail Package Store License to

Andrea L. Pendergast; a Change of Officers/Directors to John J. Pendergast, Treasurer & Director, Andrea L. Pendergast, President, Secretary & Director; a Change in Stockholders to John J. Pendergast, Jr., Andrea L. Pendergast, Danette P. Atsalis and Terri Anne P. Haidinger; Pledge of the License to Rockland Trust Co.; and Alteration of Premises to the following: Two story wood structure at 1495 Falmouth Rd., Centerville, MA. Entrance/exit on East and West side. Service entrances (3) on South Side. 1st floor 4900 sq ft retail alcohol, related merchandise and storage; 2nd floor 1280 sq ft office and storage; basement storage and utilities. Bottle redemption area of 364 sq ft on South side of bldg. Entrance/exit on South and West side.

Attorney Phillil Boudreau appeared for this application. Both John and Andrea Pendergast appeared for the application. The ZBA variance is ongoing at this point. Ms. Pendergast has been working as operations manager for eight years now. They are operational at the old premises now. By mid to late summer they will occupy the whole new premises.

Mr. Hoxie found the new manager to be qualified.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Cape Cod Package Store, Inc., 1495 Falmouth Road, Centerville, MA, John J. Pendergast, Jr., Manager for a Change of Manager on its All Alcohol Common Retail Package Store License to Andrea L. Pendergast; a Change of Officers/Directors to John J. Pendergast, Treasurer & Director, Andrea L. Pendergast, President, Secretary & Director; a Change in Stockholders to John J. Pendergast, Jr., Andrea L. Pendergast, Danette P. Atsalis and Terri Anne P. Haidinger; Pledge of the License to Rockland Trust Co.; and Alteration of Premises to the following: Two story wood structure at 1495 Falmouth Rd., Centerville, MA. Entrance/exit on East and West side. Service entrances (3) on South Side. 1st floor 4900 sq ft retail alcohol, related merchandise and storage; 2nd floor 1280 sq ft office and storage; basement storage and utilities. Bottle redemption area of 364 sq ft on South side of bldg. Entrance/exit on South and West side.

New Junk Dealer License: Application has been made by Richard E. Mampe, d/b/a Jewelry Liquidation Consultants, P.O. Box 615, LaFayette Hill, PA, for a new Junk Dealer License, for an event to be held at The Courtyard by Marriott, Iyannough Road, Hyannis, for Thursday, May 20, 2010 through Saturday, May 22, 2010. The event will be held each day from 10 am to 6 pm and hosted by Steve and Lori Simon of Mrs. Mugs, 680 Rte 6A, Sandwich.

Mr. Mampe appeared for his application along with Mr. Simon of Mrs. Mugs in Sandwich. They will be doing a 3 day event at the Marriott. They will advertise in the Cape Cod Times for people to bring in jewelry for them to purchase. He stated that they will fill in the proper forms, take in the merchandise and pay by check only. Mr. Burman asked about maintaining the items for 21 days – where are they going to

be held? They have been given permission to store the items and paperwork at Mrs. Mugs in Sandwich or if we want it in Barnstable, they stated they will use the safe at Centerville Jewelers; it will be held with the receipt (which will be held for 3 years). The items will be in bank sealed bags for the police to look at if they wish to. The list (form) will be provided to BPD as required. Each item will have the receipt in the sealed bag, or they offered to also provide a copy to the BPD.

Mr. Burman asked if we have anything in writing from Centerville Jewelers? Mr. Simon stated they will get that if we require it. Officer Maher stated that they have found there really is no recourse against these people giving events who are not local with a fixed address in Town – and stated that our new rules state that the records need to be held ON PREMISES for the 21 days and receipts for the 3 years. This would be hard for them, because Centerville Jewelers do not have a Junk Dealer License in the Town, and we have no license of course for a business in Sandwich. Officer Maher stated that in speaking with Detective Sgt. Murphy who has worked so hard on the cases in Town where stolen items have turned up, they have decided this is NOT a good idea to allow in Town.

Mr. Hoxie asked if our new regulation means the premises has to be a permanent location. Officer Maher stated it does. This perhaps was not clear. Property and records need to be held ON THE PREMISES. Not complying with this leaves open a lot of options for failure. Officer Maher stated there are others in the state – Medford, Boston, Brockton; he is not sure how they interpret this regulation of “on the premises” which he believes means just that, but they have the same regulations we do now. Mr. Mampe stated he did not realize that this regulation would prohibit him from keeping the materials at a site in East Sandwich – Officer Maher stated they could move the event to Sandwich. Mr. Simon and his wife asked this man to come to town to do this. They will keep the records and items so the police can look at them at HIS store, but he is not in the Town of Barnstable. Mr. Simon asked if they kept the records at the hotel for the 3 years, would be acceptable? Officer Maher stated the items themselves also have to be there. The regulation is set up for people who come in and maintain a licensed business in the Town. He believes the out of Town businesses coming in for a short event is convoluted at best, and might cause a problem. Mr. Hoxie stated that he now perceives under our new regulations that it does not allow for the Board to approve these applications.

A motion was duly made by Gene Burman, seconded by Paul Sullivan to approve the application of Richard E. Mampe, d/b/a Jewelry Liquidation Consultants, P.O. Box 615, LaFayette Hill, PA, for a new Junk Dealer License, for an event to be held at The Courtyard by Marriott, Iyannough Road, Hyannis, for Thursday, May 20, 2010 through Saturday, May 22, 2010. The event will be held each day from 10 am to 6 pm and hosted by Steve and Lori Simon of Mrs. Mugs, 680 Rte 6A, Sandwich.

After the motion, a unanimous vote was taken to deny the application of Mr. Mampe because of the new regulations requirements of storing the merchandise and paperwork on premises.

New Junk Dealer License: Application has been made by Eugene James Bascou, d/b/a Anderson, Carter, Bascou & Associates Estate Buyers, 3571 East Colorado Blvd., Pasadena, CA for a Junk Dealer License for a 6 day buying event to be held at the Radisson Inn, 1127 Rte 132, Hyannis from 9 am to 7 pm on April 19, 2010 through April 24, 2010.

A woman from the Radisson Hotel appeared for the hearing. The principal arrived later.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, that the application of Eugene James Bascou, d/b/a Anderson, Carter, Bascou & Associates Estate Buyers, 3571 East Colorado Blvd., Pasadena, CA for a Junk Dealer License for a 6 day buying event to be held at the Radisson Inn, 1127 Rte 132, Hyannis from 9 am to 7 pm on April 19, 2010 through April 24, 2010 be approved.

After the motion, a unanimous vote was taken to deny the application of Mr. Bascou because of the new regulations requirements of storing the merchandise and paperwork on premises.

New Common Victualler License: Application of Jean E. Samedy, d/b/a Cafe Samedy, 569 Main Street, Hyannis, MA, Jean E. Samedy, Manager, for a new annual Common Victualler License, hours of operation 7 am to 10 pm.

Katarina Tsybulmskaya, his wife, appeared with Mr. Samedy for this application. They would like to be open from May to October. They wish to be open from 7 am to 10 pm. Only Non-alcoholic beverages. Mr. Samedy has been a chef for many years and she has been a waitress for several years. This used to be Freshens Yogurt. Mr. Hoxie stated it is kind of a limited menu; do they plan to expand it soon? She stated they will. It is right on Main Street right near the Hot Dog place.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Jean E. Samedy, d/b/a Cafe Samedy, 569 Main Street, Hyannis, MA, Jean E. Samedy, Manager, for a new Common Victualler License, hours of operation 7 am to 10 pm.

New d/b/a: Request of Smilin Jack's Restaurant Group, LLC, 573B Main Street, Hyannis, Sean Downes, Manager, for a change of d/b/a to DB's Surf Bar & Restaurant.

John Downes appeared for his application. This is to change the name from La Paz Surf Cantina to DB's Surf Bar & Restaurant.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Smilin Jack's Restaurant Group,

LLC, 573B Main Street, Hyannis, Sean Downes, Manager, for a change of d/b/a to DB's Surf Bar & Restaurant.

Renewals:

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

Common Victuallers:

Ben & Jerry's
The Seafood Shanty/Sandy Neck Beach

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the applications above for their seasonal Common Victualler Licenses.

Junk Dealers:

Ferreira's
Main Street Consignment Home Furnishings
Historical Military Antiques
Diamond Perfections
Silva Jewelers
New England Jewelry
A.J. Marks
More for Less
The Second Coming Thrift Shop
Cape Cod Jewelers
J. Craig Medeiros
Gamestop, Inc.
Goldfinger
Cape Cod Precious Gems & Coins

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the applications above for their annual Junk Dealer Licenses except for the renewal request of Cape Cod Precious Gems & Coins, which would be continued to the May 3, 2010 hearing after the Show Cause Hearing on the establishment takes place and a decision is made. He left out Ferreiras so the Board would have a discussion.

Officer Maher stated he has spoken to Tim Ferreira who does perform a function for the Town – taking away a lot of junk which would end up off Airport Road somewhere. He stated Tim does comply 99% and he would not oppose this application for renewal. Mr. Burman added Ferreira's to the list of Junk Dealers to approve. The Board voted to approve the renewal of Ferreira's.

Business Meeting:

The police department will hold liquor establishment workshops and will be doing some underage compliance, and “Cops ‘n Shops” seminars in preparation for stings. They are encouraging employees to attend as well as owners.

Mr. Burman stated he had the privilege of attending eh seminar put on that Paul & Tom & Kim also attended from the ABCC; he was surprised at the liability of the server after passing ID by the people at the door. He could not believe the number and types of fraudulent ID.

Adjourned at 10:15 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority