



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.
October 26, 2009

A regular meeting of the Barnstable Licensing Authority was held on Monday, October 26, 2009. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Associate Commissioner, 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. Paul Sullivan, Clerk, was absent.

Hearings:

One Day Wine Only License: Application of Angela Cenzalli, on behalf of St. Mary's Church, 3055 Main Street, Barnstable, for a One Day Wine Only License for a wine and cheese tasting to be held on Sunday, November 15, 2009 from 4 pm to 6 pm.

Angela Cenzalli was present for this application. She stated she thinks all their documentation is in order with Building and Fire. No questions were posed by the Commissioners.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Angela Cenzalli, on behalf of St. Mary's Church, 3055 Main Street, Barnstable, for a One Day Wine Only License for a wine and cheese tasting to be held on Sunday, November 15, 2009 from 4 pm to 6 pm.

Mr. Burman stipulated for the record that they must obtain their beverages from a licensed wholesaler.

One Day All Alcohol & One Day Entertainment Licenses: Application of Jerry L. DePalma on behalf of Barnstable-Yarmouth Lions Club, 60 Bog River Road, Mashpee, for a One Day All Alcohol License and One Day Live Entertainment License for a Dance Concert with Lenny Baker from Sha Na Na with the Spellbinders and Rockin' Bob Collins to be held on Saturday, November 7, 2009 from 7 pm to 11 pm at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville. Proceeds will be donated

for scholarships at Barnstable High School and eye and hearing care and other community causes.

Mr. DePalma appeared for this application. He has been a Lions Club member for 30 years. This is their first time in Barnstable but not their first event. They have met all requirements and the church will have a police presence and they will have licensed servers on premises.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Jerry L. DePalma on behalf of Barnstable-Yarmouth Lions Club, 60 Bog River Road, Mashpee, for a One Day All Alcohol License and One Day Live Entertainment License for a Dance Concert with Lenny Baker from Sha Na Na with the Spellbinders and Rockin' Bob Collins to be held on Saturday, November 7, 2009 from 7 pm to 11 pm at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville.

Mr. DePalma stated that proceeds will be donated for scholarships at Barnstable High School and eye and hearing care and other community causes.

Mr. Burman stated that all beverages must be purchased from a licensed wholesaler.

New Junk Dealer License: Application of Marat Hunanyan, d/b/a More for Less, 640 Main Street (first floor middle), Hyannis, MA, Marat Hunanyan, Manager, for a Junk Dealer License, hours of operation 10 am to 6 pm.

Mr. Hunanyan came forward for his application. He was here a month ago but Sgt. Murphy asked for an extension to this hearing to resolve an open court case.

Mr. Hoxie asked how many days he would be open – he stated 7 days per week. Mr. Hunanyan stated he has been calling Sgt. Murphy every day but has had no response from him so is not sure what Sgt. Murphy is thinking about this.

Mr. Burman asked if he was aware of all the Town rules and regulations. Mr. Hunanyan stated he is. Mr. Burman asked when he became aware – Mr. Hunanyan said he became aware when the detectives came to his store and he did not have a license. He said Officer Steven Maher explained the police reporting part of it; he apologized for operating without a license; did not know he needed one.

Mr. Burman stated he is concerned about this person's acceptance of stolen goods – Mr. Hunanyan stated he does believe he is a proper person to run the business – did not know the items were stolen - he is there 7 days per week. He leases the property. His partner only comes around sporadically. Ptl. Maher has met him as well.

Sgt. John Murphy appeared for Barnstable Police Department. He apologized for being tardy. Mr. Hoxie stated the applicant has advised the Board that he now knows the rules and regulations and apologized for his mistakes. Sgt. Murphy said he has been

working with the District Attorney on the stolen goods case. He does not oppose granting the license, but asks for a probationary license for perhaps 3 months and for the applicant to come back to get it approved later. He also stated that the D.A. does not have a strong case that the applicant knowingly accepted stolen goods – Sgt. Murphy stated he now believes the applicant was naïve – not criminal, and is not experienced in the drug culture. He purchased the stolen items from what he believed was a clean cut person in a Lincoln Navigator – thinking it was a person of means. Sgt. Murphy stated he believes the cooperation and respect he has shown during the last month deserves a second chance.

Mr. Hoxie asked that the license be issued until April 30. That way it could be handled at renewal time should there be a problem.

Mr. Burman thanked Sgt. Murphy for his recommendation and agreed with him.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Marat Hunanyan, d/b/a More for Less, 640 Main Street (first floor middle), Hyannis, MA, Marat Hunanyan, Manager, for a Junk Dealer License, hours of operation 10 am to 6 pm, seven days per week, license to expire 4/30/10.

Change of Hours: Application of Shanghai Chinese Restaurant, Inc., 11 Ridgewood Avenue, Hyannis, MA, Henry Yang, Manager, for a Change of Hours from 11:00 pm closing (a rollback of hours imposed on 12/8/08) to 12:30 am closing, 7 days a week. A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to deny the application of Shanghai Chinese Restaurant, Inc., 11 Ridgewood Avenue, Hyannis, MA, Henry Yang, Manager, for a Change of Hours from 11:00 pm closing (a rollback of hours imposed on 12/8/08) to 12:30 am closing, 7 days a week. Continued from 6/22/09.

Attorney Robert Mills appeared with Henry Yang and Lucy Gow and their niece Cici, who is bilingual. They request a change of hours to midnight, not 12:30. Since the rollback it has impacted their ability to make a good living. A lot of the problems stem from the area where they are located. He expects that if they were located on Main Street they would not be here today. Particularly Friday and Saturday nights he stated that from now on they would have someone at the door from 9-12 and that might be a big help. Cici said she is aware of the problems which existed and how they need to be addressed. The annual fee and liquor license are steep – hard to make up that money.

Mr. Hoxie asked if they are aware of the problem on July 4th, which was a holiday, when they deliberately stayed open after the time of the rollback. They were aware of it.

Officer Maher stated he has spoken with Attorney Mills and suggested they have someone there from 9-12 who speaks English and can handle the problems that arise. Mr. Hoxie stated the problem has been lack of supervision. Officer Maher has stated that they offered to help them with any new person to make them familiar with what is

expected of them. Attorney Mills stated that Mr. Yang did attend the recent ABCC meeting, which he found helpful. They will hire a person for 9-12 who will meet with Officer Maher and be most helpful to the restaurant. Mr. Boy stated they should not hesitate to call the police at any time if they see something they do not like or is suspicious. Mr. Burman stated that any license holder MUST not have such a language barrier – they must have someone there all the time to address issues that come up. The way it is run now, Henry and his staff do not seem to understand what is happening. Mr. Burman stated he thought they must help themselves. Lt. Jason asked when the new person would be starting working the door? Could it be by this weekend? Lt. Jason stated we needed specifics as to the new person. Officer Maher asked that the license be issued on a motion for only after the police department approves it. Lt. Jason thinks it is something that must be black and white. Mr. Hoxie suggested issuing it until the first of the year starting the following weekend (not this one) to get the person in place. Mr. Burman stated they must have someone at the door for Halloween.

Mr. Geiler stated it is important for the licensee to understand that no matter how many people are on duty they MUST comply with the rules and regulations. Every licensee has that responsibility. Just having an extra person who speaks English will not stand up. They must understand and comply with the regulations and supervise the premises or take the consequences of not being responsible, just like every other licensee.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Shanghai Chinese Restaurant, Inc., 11 Ridgewood Avenue, Hyannis, MA, Henry Yang, Manager, for a Change of Hours from 11:00 pm closing (a rollback of hours imposed on 12/8/08) to 12:00 am closing, 7 days a week, effective until the last meeting in December, at which time it would be reviewed again.

New Class II Auto Dealer License: Application of Raymond C. Blackburn, d/b/a Blackburn's Auto Sales, 730 Bearses Way, Hyannis, Raymond C. Blackburn, Manager, for a new Class II Auto Dealer License, with a maximum of 18 total vehicles and no more than 15 unregistered vehicles and a pledge of the license to Gilbert Wood, d/b/a Cape Wide Auto & Marine.

Mr. Blackburn came forward for his application. Mr. Hoxie stated everything seems to be in order. Officer Maher wanted to know where the vehicles for sale are going to be placed; the Tire Company employees will be by their own place nextdoor and the vehicles for sale will be in front of their address; they are not there yet (until the license is approved).

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Raymond C. Blackburn, d/b/a Blackburn's Auto Sales, 730 Bearses Way, Hyannis, Raymond C. Blackburn, Manager, for a new Class II Auto Dealer License, with a maximum of 18 total vehicles and no more than 15 unregistered vehicles and a pledge of the license to Gilbert Wood, d/b/a Cape Wide Auto & Marine.

New Junk Dealer License: Application of Silva Jewelers, Inc., 863 Main Street Osterville, MA, Richard Silva, Manager, for a Junk Dealer License, hours of operation 9 am to 5 pm, Monday - Saturday.

Richard Silva appeared for his application. He does not want to sell “junk” but nice things. Mr. Burman stated he does not know why this name has not been changed by the state. Mr. Silva stated they have stayed away from buying from the public in the past, but recently their base clientele is coming in wanting to sell them their merchandise. He has all the forms, etc. from the police department and understands the rules and regulations.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Silva Jewelers, Inc., 863 Main Street Osterville, MA, Richard Silva, Manager, for a Junk Dealer License, hours of operation 9 am to 5 pm, Monday - Saturday.

Change in Premises Description and Daily Live and Sunday Entertainment Licenses: Application of R & Y Enterprises, Inc., d/b/a Ying’s Sushi Bar & Lounge , 59 Center Street, Hyannis, MA, Tanida Suriyawong, Manager, for a change in license description to the following: “59 Center Street, Hyannis with 2 entrances/exits to parking lot and 1 entrance/exit at rear from kitchen. First room seating 38. Bar seating for 9. Second Room seating 32. Sushi bar seating for 6. Maximum interior seating 85. Exterior patio seating 26.” They are additionally applying for a Daily Live and Sunday Entertainment License for a maximum of 3 entertainers from 5 pm to 12:45 am each day.

Tanida Suriyawong appeared for her application.

Mr. Hoxie asked if the seating was approved by the Building Commissioner and she said it was. She wants to add the entertainment to help the restaurant make more money. She thinks they will have a piano and no more than 3 entertainers.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of R & Y Enterprises, Inc., d/b/a Ying’s Sushi Bar & Lounge , 59 Center Street, Hyannis, MA, Tanida Suriyawong, Manager, for a change in license description to the following: “59 Center Street, Hyannis with 2 entrances/exits to parking lot and 1 entrance/exit at rear from kitchen. First room seating 38. Bar seating for 9. Second Room seating 32. Sushi bar seating for 6. Maximum interior seating 85. Exterior patio seating 26,” and a Daily Live and Sunday Entertainment License for a maximum of 3 entertainers from 5 pm to 12:45 each day.

Mr. Burman asked her if she understood the total number of people at any time must not exceed 85 and she said she understood.

Renewals:

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

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Class I Auto Dealer renewals as submitted below:

Class I Auto Dealers:

Cycle Services, JD Signs
Cadillac Saab of Cape Cod

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Class II Auto Dealer renewals as submitted below:

Class II Auto Dealers:

Hyannis Auto Center
Cape Cod Auto Connection
Image Motors
MBM Auto Sales – 115 Iyannough Road
MBM Auto Sales – 500 Yarmouth Road
Barnstable Motors Wholesale
Nantucket Auto Sales
California Auto Sales
Barnstable Road Auto Repair
Club 44 Acquisition Services
J&J Auto
Joe's Auto Sales

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Lodging House renewals as submitted below:

Lodging Houses:

Bursley Manor
Cape Cod Ocean Manor
Bass River Properties – 18 Quaker Road
Bass River Properties – 80 Yarmouth Road
Bass River Properties – 156 Main Street
Bass River Properties – 164 Main Street
Josiah Sampson House
Old Hundred House
Simmons Homestead B&B
Sail Inn
Friends of Prisoners
Maple Street Inn

Tidewater Inn
Boston Culinary Group
Lamb & Lion Inn

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Common Victualler renewals as submitted below:

Common Victualler:

Honey Dew Donuts
Cooke's Seafood
Subway Sandwiches – 2145 Iyannough Road
Kentucky Fried Chicken/Taco Bell
International House of Pancakes
Dunkin Donuts 1220 Iyannough Road
Dunkin Donuts 702 Iyannough Road
Dunkin Donuts 156 Iyannough Road
Dunkin Donuts 147 North Street
Dunkin Donuts 317 Falmouth Road
Dunkin Donuts 1648 Falmouth Road
Dunkin Donuts 621 Main Street
Dunkin Donuts 3821 Falmouth Road
Dunkin Donuts CC Mall
Dunkin Donuts 751 West Main
Sarku Japan
Persy's Place
Marylou's Coffee
Cape Cod Hospital Cafeteria

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Carousel renewal as submitted below:

Carousel:

Island Carousel

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Daily Non-Live Entertainment renewals as submitted below:

Daily Non-Live Entertainment:

Island Carousel
Lightning Falls

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Sunday Entertainment renewals as submitted below:

Sunday Entertainment:

Island Carousel

A motion was duly made by Mr. Burman and seconded by Mr. Boy and a unanimous vote taken to approve the Mini Golf renewal as submitted below:

Mini Golf:

Lightning Falls

Business Meeting:

Suspension of License of Cape Cod Lodge OSIA by ABCC effective 10/28/09. Mr. Hoxie stated we have received notice from the ABCC regarding this suspension which is indefinite, Mr. Geiler stated the ABCC had discussions with them without satisfactory results. It is possible that they pay the overdue monies and get the license reinstated.

Mr. Burman stated he had seen that Schooner's was closed with a sticker on the door – he wondered if we know that. Officer Maher stated it was an employee tax issue. They are now open.

Mr. Burman asked about the headlines the last couple days. Is there anything the Licensing Authority should get involved in? Lt. Jason stated it is a private property issue.

Christine P. Ade, Recorder
Barnstable Licensing Authority

Gene Burman, Vice Chairman
Barnstable Licensing Authority