



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.
August 13, 2012**

A regular meeting of the Barnstable Licensing Authority was held on Monday, August 13, 2012. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Richard Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Richard V. Scali, Consumer Affairs Supervisor, Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk, was absent.

Vote to accept Minutes: Vote to accept minutes of the 7/30/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the minutes of the 7/30/12 Meeting.

Hearings:

One Day Beer Only License: Application of Stephen Hemberger on behalf of the Historical Society of Santuit & Cotuit, P.O. Box 1484, Cotuit, for a One Day Beer Only License for an event/fundraiser called "Octoberfest" to be held outside only at 1148 Main Street, Cotuit, on October 20, 2012 from 12 noon to 3 pm.

Mr. Hemberger appeared for his application. The date will be changed to the 13th. It is a fundraiser – focused towards family; face painting, games, knot tying, etc. Cape Cod Beer will serve – this is a beer only event. There will be a 20 x 40' tent with no sides – vendors under tent. This is the first event of this type. Mr. Burman asked who would serve; it will be Cape Cod Beer representatives.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Stephen Hemberger on behalf of the Historical Society of Santuit & Cotuit, P.O. Box 1484, Cotuit, for a One Day Beer Only License for an event/fundraiser called "Octoberfest" to be held outside only at 1148 Main Street, Cotuit, on October 13, 2012 from 12 noon to 3 pm.

One Day All Alcohol and One Day Entertainment License: Application of Jeni Landers 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 the Cape Cod Conservatory Jazz Band for its 6th annual Back to Business Bash to called “be held on September 27, 2012 from 5:30 pm to 8:00 pm at Rectrix Aerodrome, at the Municipal Airport in Hyannis.

Ms. Landers appeared for her event. This is the 6th annual event. She was here last year too – a layout was provided. Cape Cod Beer will be there and they have V1 Vodka with it’s own bartenders and Narragansett served by TIPS trained people. Same format as previous years – some of the vendors have changed. This year is a jazz band rather than a DJ. Ptl. Maher said there have been no issues.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Jeni Landers 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 the Cape Cod Conservatory Jazz Band for its 6th annual Back to Business Bash to called “be held on September 27, 2012 from 5:30 pm to 8:00 pm at Rectrix Aerodrome, at the Municipal Airport in Hyannis.

One Day Entertainment License: Application of Jennifer Williams for Osterville Museum, 155 West Bay Road, Osterville, for its 21st Annual Antique Show to be held outdoors at the museum, on August 16, 2012 from 9 am to 3:30 pm, with a rain date of August 17, 2012 for the same hours.

Jennifer Williams appeared for her event. She received the State Promoter’s license this morning and provided a copy. There are 34 vendors from around New England. Ptl. Maher asked if there will be buying; there will not – just selling.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Jennifer Williams for Osterville Museum, 155 West Bay Road, Osterville, for its 21st Annual Antique Show to be held outdoors at the museum, on August 16, 2012 from 9 am to 3:30 pm, with a rain date of August 17, 2012 for the same hours.

Two One Day Entertainment Licenses: Application of Betsy Newell on behalf of Sturgis Library, 3090 Main Street, Barnstable, for its Annual Antique Fair to be held at Barnstable West Barnstable Elementary School, 2463 Main Street, West Barnstable, on August 18, 2012 from 10 am to 4 pm, and August 19, 2012 from 10 am to 4 pm.

Betsy Newell, Esq. appeared for her application. They have had the same affair for 20 years; the Promoter's License was submitted this morning. The vendors will be selling, not buying.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Betsy Newell on behalf of Sturgis Library, 3090 Main Street, Barnstable, for its Annual Antique Fair to be held at Barnstable West Barnstable Elementary School, 2463 Main Street, West Barnstable, on August 18, 2012 from 10 am to 4 pm, and August 19, 2012 from 10 am to 4 pm.

New Annual Junk Dealer License: Application of ecoATM, Inc., 10515 Vista Sorrento, San Diego, CA for an Annual Junk Dealer License at 793 Hyannough Road, Hyannis, MA (machine only, no employees at location), hours of operation to be 10 am to 9 pm M-Sat; 10 am to 8 pm Sundays. Application withdrawn 8/1/12.

New Annual Common Victualler License: Application of Casual Gourmet, Inc., d/b/a Scudder Family Cafe, 31 Richardson Road, Centerville, for a New Annual Common Victualler License for Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, Olive Chase, Manager, to be operated from 8:00 am to 11:00 pm (times vary according to season). Maximum seating is 52.

Olive Chase appeared for this application. They have signed a 3 year contract with the HYCC. They are very excited to have this opportunity. They will take possession of the facility on 9/1 – may take a few days to get organized. They will have the normal menu plus some Casual Gourmet items as well.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Casual Gourmet, Inc., d/b/a Scudder Family Cafe, 31 Richardson Road, Centerville, for a New Annual Common Victualler License for Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis, Olive Chase, Manager, to be operated from 8:00 am to 11:00 pm (times vary according to season). Maximum seating is 52. The official Grand Opening is 9/22/12.

New Annual General On Premises License: Application of Cape Cod Beer, Inc. for a new Annual All Alcohol General On Premise License, 1336 Phinney's Lane, Hyannis, MA, Todd Marcus, Manager. Alcohol service would be from 8 a.m. to 1 a.m. Mon-Sat. and 10 a.m. to 1 am Sun. Inside are 2 drink rails for 8 standees each, 4 high top tables for an additional 16 standees. Outside there are 6 picnic tables with seating for 49 as well as room for 10 standees on the patio.

Mr. and Mrs. Marcus appeared for the application. They do lots of fundraising events and wanted to be able to host more and support more local charities and increase revenue stream at the brewery. They feel they should be able to enjoy the beer by the pint. For charity events it would be nice to have beer AND wine. It appeared the best choice from the licenses we have would be this one. Mr. Hoxie

asked Mr. Geiler about a new category – a pub brewery license authorizing the production of and sale of malt beverages to the public. This would not take care of the wine – he stated he will have to look some more as to how we can fit that in. That would be where they might want to go. Mr. Marcus stated the brew pub license would prohibit them from holding the brewery license they have now. It would limit them from distributing themselves which they do not want. Mr. Marcus stated that under the ABCC guidelines there is a statement saying those people licensed under 19C or 19B have the option of applying for a “pouring” license. That is what they want to do. However, going down that path there was confusion as to how to apply for that license.

Mr. Geiler stated he is looking at 19D but that does have limitations. Mr. Marcus stated they do not want to do that as they want to be their own distributor as they are now. Mr. Geiler said that what we call it is less important than finding how to do it the way they want to. If we go back to the General on Premise category, that one does not require meals and is the only category now to have a facility without the encumbrance of food. We are looking at an annual General on Premise but possibly a beer and wine rather than an all alcohol. He does not know whether it hurts or helps us to call it the Gen on Premise. The Gen on Premises fee is just under \$4,000; but what they would want to do is a lot less than that and the fee the Board should establish and be a lot lower than the full General on Premise license. The Board has to determine if they want to do that.

Mr. Marcus stated he wants to move forward with getting a license today even if it has to be the larger one, understanding they will take the responsibility for this license. At least right now they would like to move forward as advertised so they can do more events, without having each entity having to apply. Mrs. Marcus said they get lots of requests to host events at the brewery. They have had to say no as they can’t accommodate them legally yet. All the alcohol pouring will be on their premises.

Mr. Burman stated that their Articles of Organization do not cover selling at present – his suggestion is to modify the Articles of Organization to sell. Mr. Marcus stated they have so applied to amend their Articles of Organization.

Mr. Hoxie stated we will proceed as applied. Mr. Burman suggested moving forward as a Common Vic Beer and Wine. Mr. Geiler stated the future is uncertain; a lot of business decisions have to be made – and he understands why they do not want to limit their options. He said there is no General on Premises Beer and Wine so they want to go forward on the All Alcohol for now. They could come back to amend it. Mr. Marcus is willing to pay the All Alcohol fee.

Mr. Geiler stated the Board has time between now and ABCC approval to work on adding a new fee category.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Cape Cod Beer, Inc. for a new Annual All Alcohol General on Premise License, 1336 Phinney's Lane, Hyannis, MA, Todd Marcus, Manager. Alcohol service would be from 8 a.m. to 1 a.m. Mon-Sat. and 10 a.m. to 1 am Sun. Inside are 2 drink rails for 8 standees each, 4 high top tables for an additional 16 standees (32). Outside there are 6 picnic tables with seating for 49 as well as room for 10 standees on the patio. Seating total is 49 and occupancy is 198.

Common Victualler: Application of The Mad Platter, Barnstable Municipal Airport, 480 Barnstable Road, Hyannis, Chef Ralph Binder, Manager, for a Common Victualler license for a maximum of 30 seats, hours of operation to be 5:30 am to 7 pm, 7 days per week, to run from today until September 10, 2012. The full application will be heard on September 10, 2012 for a New Annual Common Victualler License.

Chef Ralph Binder appeared for his application with Bud Breault from the Airport. He stated that apparently Bob Lawton did not realize the Licensing requirements for our license. In the excitement of opening it was overlooked. He requested the Licensing Authority put this on for hearing in the interim and represented he would file his paperwork later in the day on 8/13/12. This morning he told the Licensing Authority that he now has all the paperwork necessary to file today. There is a correction on the seats being 34 rather than 30, as approved by the Building Commissioner on the plan he will submit.

Mr. Geiler stated we have no paperwork. How will the business be operated, etc. Mr. Binder said it will be a bakery, café and catering for pickup or delivery. There is a 90 minute slip from the airport for people coming to pick up. Hours will be 5:30 am to 7:30 pm. No beer or wine at this point. They have a "production kitchen." There is no a la carte menu. It is retail sale of food prepared each day for that day.

Mr. Geiler asked about the catering parking advising him that the whole area in front is off limits. Chef Binder stated they would have to park – get the ticket – pick up and leave in the regular parking area. Mr. Geiler stated the no parking restriction will apply to his customers as well as everyone else.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of The Mad Platter, Barnstable Municipal Airport, 480 Barnstable Road, Hyannis, Chef Ralph Binder, Manager, for a Common Victualler license for a maximum of 34 seats, hours of operation to be 5:30 am to 7 pm, 7 days per week, to run from today until September 10, 2012. The full application will be heard on September 10, 2012 for a New Annual Common Victualler License.

Business Meeting:

Discussion on proposal for fee for General On Premises Wine and Malt or Wine Only or Malt Only license fee. Only a General On Premises All Alcohol fee is offered at present already took place along with the application.

Lt. Murphy wanted to advise the Board on the status of Cape Cod Precious Gems & Coins/Carl Marchetti in Court – he pleaded guilty asking for a year home confinement; the Judge did not go along with the plea bargain and it is on for Trial in November. Mr. Hoxie stated we will hold this until final disposition.

Mr. Geiler stated we have added a new requirement in the renewal process where licensees will have to supply a Certificate of Good Standing because the DOR and Secretary of State have requested this. The individual licensees can go on line and obtain this at no cost and very quickly. This had been discussed before but it was not user friendly before. It now is. If they are NOT in good standing their license cannot be renewed. Mr. Scali had a question as to the certificate – one was the hospital; does the whole hospital need one? Mr. Geiler stated there will be some glitches; there will not be a situation of not issuing because we can't figure out what to do. We will work out all the odd situations.

The meeting was adjourned at 10:15. Next meeting September 10, 2012.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Gene Burman, Vice Chairman
Town of Barnstable Licensing Authority