



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.
June 10, 2013

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 10, 2013, Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Ron Semprini, Associate Commissioner; David Nunheimer, 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 and Mr. Nunheimer sat for these hearings in his place.

Vote to accept Minutes: Vote to accept minutes of the 5/20/13 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Nunheimer and a unanimous vote taken to approve the minutes of the 5/20/13 Meeting.

Hearings:

Two One Day All Alcohol Licenses: Application of E.J. Jaxtimer on behalf of the annual Joe Cronin Memorial Jimmy Fund Fishing Tournament, Nauticus Marina, Osterville MA for two One Day All Alcohol Licenses for its fundraising event to be held on August 1st and 2nd, 2013 from 4 pm to 11 pm.

Scott Swalick appeared for this hearing. It is their 20th year and they hope to break the \$20 million mark.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of E.J. Jaxtimer on behalf of the annual Joe Cronin Memorial Jimmy Fund Fishing Tournament, Nauticus Marina, Osterville MA for two One Day All Alcohol Licenses for its fundraising event to be held on August 1st and 2nd, 2013 from 4 pm to 11 pm.

One Day Wine & Malt License: Application of Beth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a One Day Wine & Malt license for an

event to be held on July 13, 2013 from 5 pm to 8 pm on the library patio and side yard under a 20' x 40' tent with an auction inside in the lobby and Orr room.

Mrs. Butler appeared for this hearing; this is their 10th auction. It brings a nice sense of community to the area. Mr. Hoxie stated it is a beautiful addition.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Beth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a One Day Wine & Malt license for an event to be held on July 13, 2013 from 5 pm to 8 pm on the library patio and side yard under a 20' x 40' tent with an auction inside in the lobby and Orr room.

One Day All Alcohol License: Application of Michael McGonigle, 132 Fox Hill Road, Centerville for a One Day All Alcohol License for a cash bar at a wedding reception to be held at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville on August 17, 2013 from 5 pm to midnight.

Mrs. McGonigle appeared for the application. It is wedding reception with a cash bar through a bartending service.

Mr. Scali asked who would be serving the alcohol...it is the bartending service. They did not want the liability. The caterer is her husband and a partner. Mr. Scali stated in most cases wedding receptions do not come before us but the Greek Church called on this. The ABCC states that these events should come before us. Mr. Hoxie stated he is comfortable as there is a charity involved – the Greek Church.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Michael McGonigle, 132 Fox Hill Road, Centerville for a One Day All Alcohol License for a cash bar at a wedding reception to be held at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville on August 17, 2013 from 5 pm to midnight, with the stipulation that some of the profit be donated to the Greek Church.

One Day Wine & Malt License: Application of Rebecca Richardson on behalf of Rotary Club of Osterville, PO Box 705, Osterville for a One Day Beer and Wine License for its 19th annual Bluefish/Striped Bass Tournament to be held at Wianno Yacht Club, 101 Bridge Street, Osterville on July 13, 2013 from 5 pm to 9 pm.

Rebecca Richardson appeared for this hearing. This is the 19th annual tournament – they donate all to local non-profits and other charitable organizations.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Rebecca Richardson on behalf of Rotary Club of Osterville, PO Box 705, Osterville for a One Day Beer and Wine License for its 19th annual Bluefish/Striped Bass Tournament to be held at Wianno Yacht Club, 101 Bridge Street, Osterville on July 13, 2013 from 5 pm to 9 pm.

One Day Wine Only and One Day Entertainment License: Application of Stephen Hemberger on behalf of Historical Society of Santuit & Cotuit, PO Box 242, Cotuit for a One Day Wine Only License for an outdoor event to be held to be held at 1148 Main Street, Cotuit on July 27, 2013 from 6 pm to 8 pm with wine sampling and a solo guitar entertainer.

Mr. Hemberger appeared for this hearing as historical liaison. This is an annual event – the Taste of Cotuit. Local restaurants and merchants come to provide samplings of what they offer. It is outdoors and they normally have 100-120 people. There is an admission charge, not an individual charge for each. It is \$50. The companies all serve their own offering. They have Serv Safe Certificates and trained servers. Mr. Burman asked what size the samplings are; it is a normal glass of wine (does not fall under the “tasting” rule); is just referred to as a Tasting.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Stephen Hemberger on behalf of Historical Society of Santuit & Cotuit, PO Box 242, Cotuit for a One Day Wine Only License for an outdoor event to be held to be held at 1148 Main Street, Cotuit on July 27, 2013 from 6 pm to 8 pm with wine sampling and a solo guitar entertainer.

One Day Wine and Malt License: Application of Chef Ralph Binder, The Mad Platter, Barnstable Airport, Hyannis, on behalf of Cape Air for a One Day Wine & Malt license for an event to be held on June 14, 2013 from 5:30 pm to 7:30 pm on Concourse by Cape Air at the Airport. The function is to promote a new shuttle flight to be added to Cape Air’s schedule, going to White Plains, NY.

Chef Binder appeared for this hearing. This is a promotional event for Cape Air’s new destination.. Mr. Binder will be serving and is now TIPS certified. They expect about 40 people.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Chef Ralph Binder, The Mad Platter, Barnstable Airport, Hyannis, on behalf of Cape Air for a One Day Wine & Malt license for an event to be held on June 14, 2013 from 5:30 pm to 7:30 pm on the concourse by Cape Air at the Airport. The function is to promote a new shuttle flight to be added to Cape Air’s schedule, going to White Plains, NY.

One Day All Alcohol License: Application of Kathy Pina on behalf of St. Anthony’s Charity Club of Osterville, 49 Windmill Lane, Cotuit for a One Day All Alcohol License for a fundraising event to be held on June 15, 2013 from noon to 6 pm at Old Mill Road, corner of Swift, Osterville to raise funds for paying the taxes on the club property.

Kathy Pina appeared for this hearing. They have been doing this over 75 years. It is from 12-6, and is held to celebrate the Feast Day of St. Anthony of Padua.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Kathy Pina on behalf of St. Anthony's Charity Club of Osterville, 49 Windmill Lane, Cotuit for a One Day All Alcohol License for a fundraising event to be held on June 15, 2013 from noon to 6 pm at Old Mill Road, corner of Swift, Osterville to raise funds for paying the taxes on the club property.

Special Alcohol License for Farmer's Market Wine Tastings/Sales: Application of Pat Saladino, d/b/a Running Brook Vineyard & Winery, 335 Old Fall River Road, N. Dartmouth, MA, for a special alcoholic license at an agricultural event pursuant to M.G.L. c. 138, §15F, held at the Osterville Farmer's Market, 155 West Bay Road, Osterville, held on Fridays from 9 am to 1 pm, from June 14, 2013 to September 20, 2013.

Mr. Saladino appeared for this hearing. He is seeking approval to sell his wines at this farmer's market.

A motion was duly made Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Pat Saladino, d/b/a Running Brook Vineyard & Winery, 335 Old Fall River Road, N. Dartmouth, MA, for a special alcoholic license at an agricultural event pursuant to M.G.L. c. 138, §15F, held at the Osterville Farmer's Market, 155 West Bay Road, Osterville, held on Fridays from 9 am to 1 pm, from June 14, 2013 to September 20, 2013.

New Annual Common Victualler License: Application of Josko LLC, d/b/a 3 Potato 4, 769 Iyannough Road, Hyannis, Joshua Komenda, Manager, for a New Annual Common Victualler License, to be operated 10 am to 9 pm. Seating will be in the Mall Food Court.

Mr. Komenda appeared for this application. He will be selling all organic fat free French fries – with all kinds of sauces. They will have bottled soda and water. It is a franchise; started in Salem and located in California, New Orleans and Vegas also. They have 3 types – sweet potato, Red Bliss and Yukon Gold. They are baked, not fried. Hopes to open the week before July 4th.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of Josko LLC, d/b/a 3 Potato 4, 769 Iyannough Road, Hyannis, Joshua Komenda, Manager, for a New Annual Common Victualler License, to be operated 10 am to 9 pm. Seating in the Mall Food Court.

New Junk Dealer License: Application of Segundo V. Calle and Maria F. Calle, d/b/a Quality for Less, 233-37 Iyannough Road, Hyannis, Maria F. Calle, Manager, for a New Annual Junk Dealer License, hours of operation to be 10 am to 8 pm, Mon - Sat.

Mr. and Mrs. Calle appeared for this application. They will be selling used appliances and other items. This is near the Quarterdeck.

Mr. Scali stated there was a complaint received in our office with regard to this application – Best for Less across the street claims they have been operating without a license. Mr. Calle denied operating without the license. Mr. Scali also questioned a need for another Junk Dealer license in this small area. Mr. Hoxie stated that competition is good.

A motion was duly made by Mr. Nunheimer, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Segundo V. Calle and Maria F. Calle, d/b/a Quality for Less, 233-37 Iyannough Road, Hyannis, Maria F. Calle, Manager, for a New Annual Junk Dealer License, hours of operation to be 10 am to 8 pm, Mon - Sat.

Change of Officers/Directors: The Barnstable Licensing Authority will hold a public hearing under MGL Chapter 138 on the application of SL Uno Hyannis, Inc., d/b/a Uno Chicago Grill, 574 Iyannough Road, Hyannis, MA, Brian S. Clay, Manager, for a change in corporate Officers/Directors.

Blair Wells, new Manager, appeared for this hearing.

A motion was duly made by Mr. Nunheimer, seconded by Mr. Burman and a unanimous vote taken to approve the application of SL Uno Hyannis, Inc., d/b/a Uno Chicago Grill, 574 Iyannough Road, Hyannis, MA, Brian S. Clay, Manager, for a change in corporate Officers/Directors.

Show Cause Hearing: Show Cause Hearing for Beech Tree Cantina, 599 Main Street, Hyannis, William Pane, Owner, called pursuant to the Town of Barnstable Rules and Regulations of the Licensing Authority, Chapter 501-6 (P): “Alcoholic beverages licensees shall not use any trade name, assumed name, or Abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Licensing Authority or unless written permission is first obtained from the Licensing Authority, The use of any unauthorized name on the books, records, stationery or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first received from the Licensing Authority,” alleging that even after being notified not to do so, the licensee advertised a new restaurant called “Off the Hook” on the radio on May 10, 2013.

Mr. Hoxie advised that a request was received by the Licensing Office from Attorney Steven Pizzuti for continuance of this hearing to June 24, 2013.

Business Meeting:

Release of Executive Session Minutes, if any (0).

And any other new business to come before the Licensing Authority.

Lt. Murphy stated that the Police Department has been very busy. There is a licensing issue about the level of cooperation they have received since April when two shootings occurred. Those cases are still open. The one on West Main, the victims had just left a licensed establishment on Main Street. They held an informational meeting for establishments on Main and has resulted in very positive feedback. The level of cooperation is unprecedented in his years of service. Officer Maher stated they will be starting stings within the next few weeks.

Mr. Burman asked Officer Maher what they were doing about the request for some retail places to be open 1-3. Officer Maher stated that there does not seem to be much going on with it.

The hearing was adjourned at 10 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority