



# **Town of Barnstable**

## **Regulatory Services**

Thomas F. Geiler, Director

### **Licensing Authority**

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### **BARNSTABLE LICENSING AUTHORITY**

#### **LICENSING HEARING MINUTES**

**Town Hall Building, 367 Main Street, 2<sup>nd</sup> Floor Selectmen's Conference Room,  
Hyannis, MA – 9:30 a.m.**

**March 19, 2007**

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 19, 2007. 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 Steven Maher, Liaison from the Barnstable Police Department, and Christine Ade, Recording Secretary.

#### **Requests:**

**One Day All Alcohol & One Day Entertainment License:** Application of William Sykes on behalf of **Best Buddies International**, 100 S.E. 2<sup>nd</sup> Street, Suite 2200, Miami, FL 33131, for a **One Day All Alcohol License and a One Day Entertainment License** for a lobster clambake and concert (after a 90/20 mile bicycle event to start in Boston/Sandwich) to be held on private property at 1014 Craigville Beach Road, Centerville on May 19, 2007 from 3 pm to 9 pm under a structure tent (90 x 220).

William Sykes appeared for his application. Best Buddies International is a non-profit organization founded by Anthony Shriver. They work with intellectually challenged individuals. The band is Rick Springfield. He plays 45 minutes to an hour. Gourmet Caterers in Boston will be serving the alcohol. They are TIPS trained. Mr. Geiler stated this is an empty lot – quite good sized. The no alcohol on Town property regulation would not apply – only the bicycles, vehicles, medical etc will be on the Town property. All of the entertainment and food and celebration activities would take place on the private lot. They will have security so there is only one entrance into and out of the tent. It is clear to everyone involved that no alcohol will be across the street. Mr. Sykes has met with Recreation and cleared this with them on the private lot. Mr. Geiler stated one of the things that has caused this to change is the growth of the event – it was too tight to keep in Hyannisport as it has been in previous years. The Hyannisport location could only handle 400 riders. This will be larger. Lt. Jason stated the Police Department will send detailed officers depending on how many entrants there are. They may also use temporary speed

bumps and have a good parking plan. They met with Sgt. McKenna about this as well. Mr. Sykes met with the Department Heads in January – Building, Health, Fire, DPW. It is their eighth year of the event. The course is closed at 5 pm.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, who thanked everyone on the preparation of this event, and a unanimous vote taken to approve the application of William Sykes on behalf of **Best Buddies International**, 100 S.E. 2<sup>nd</sup> Street, Suite 2200, Miami, FL 33131, for a **One Day All Alcohol License and a One Day Entertainment License** for a lobster clambake and concert (after a 90/20 mile bicycle event to start in Boston/Sandwich) to be held on private property at 1014 Craigville Beach Road, Centerville on May 19, 2007 from 3 pm to 9 pm under a structure tent (90 x 220).

**One Day Entertainment:** Application of Mary Lou MacFayden on behalf of **Friends of Whelden Memorial Library**, P.O. Box 354, West Barnstable, MA 02668, for a **One Day Entertainment License** for a library fundraiser Antiques Show and Sale to be held at the West Barnstable Community Center, Route 149 & Lombard Avenue on Saturday, April 21, 2007 from noon to 7 pm.

Mary Lou MacFayden appeared for this application. This is their 4<sup>th</sup> annual event which is a fundraiser for the library. It is open to the public 10-4; the vendors pay a fee and entrants pay a fee. They have the Recreation Dept. permit – no food or beverages will be served. They have their liability insurance.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Mary Lou MacFayden on behalf of **Friends of Whelden Memorial Library**, P.O. Box 354, West Barnstable, MA 02668, for a **One Day Entertainment License** for a library fundraiser Antiques Show and Sale to be held at the West Barnstable Community Center, Route 149 & Lombard Avenue on Saturday, April 21, 2007 from noon to 7 pm and to waive the Town fee associated with this application.

Mr. Geiler stated that generally on Town or school fundraisers we have waived fees; he stated that staff recommends we waive the fee on this application. Mr. Sullivan stated we recently waived the fee on another library application; we should keep this consistent. Mr. Burman amended the motion (as above) to waive the Town fee and it was seconded by Paul Sullivan, a unanimous vote taken to approve the motion as amended.

**One Day Wine & Malt License:** Application of Duncan Macallister on behalf of Cape Cod Five Cents Savings Bank, 171 Falmouth Road, Hyannis, for a **One Day Wine & Malt License** for a Hyannis Area Chamber of Commerce Business After Hours Meeting catered by Wianno Grille on March 21, 2007 from 5:30 to 7:30 p.m. at 171 Falmouth Road, Hyannis, MA.

Duncan Macallister appeared for this application; he apologized for the last minute application. They are hoping to serve wine and beer at their event. It is open just to the Chamber members.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Duncan Macallister on behalf of Cape Cod Five Cents Savings Bank, 171 Falmouth Road, Hyannis, for a **One Day Wine & Malt License** for a Hyannis Area Chamber of Commerce Business After Hours Meeting catered by Wianno Grille on March 21, 2007 from 5:30 to 7:30 p.m. at 171 Falmouth Road, Hyannis, MA.

### **Hearings:**

**New Annual Junk Dealer License:** Application of Timothy J. Ferreira, d/b/a **Mid Cape Metal Recycling**, 30D Thornton Drive, Hyannis, MA, Timothy J. Ferreira, Manager, for a **New Junk Dealer's License**.

Timothy Ferreira appeared for his application. It is a pre existing company he purchased. Mr. Geiler noted that the Board received a memo from Robin Giangregorio regarding the location. Mr. Hoxie asked if the business was at 30D. Mr. Geiler asked how many units are in the building – Mr. Ferreira said there are 4 to 5 in the same building; separated by fence. Mr. Geiler asked what type of recycling are they going to be doing? Mr. Ferreira stated just brass, copper, etc. Mr. Geiler asked about the cars – Mr. Ferreira stated they will NOT be doing that. Mr. Geiler asked if vehicles are being brought in to be dismantled? He stated he will NOT. Mr. Ferreira stated he has had issues with Ms. Giangregorio in the recent past–stating on Friday six people with the blue jackets went there. He stated he owns 30D which is this application; as well as moving his other business from Cedar Street to 31 Thornton Drive. The towing company is in 31 Thornton. Mr. Geiler asked why the Mid Cape Metal Recycling sign is at 31. He said there is also a sign on 30D. He got the permit for the sign for 31 (Ferreira's). Mr. Geiler asked if he is storing unregistered vehicles at 31. He stated he is at 31 but he will have none at 30D. Mr. Geiler will check on the signs and verify everything on Thornton Drive is following the rules and regulations. Mr. Ferreira stated his other business hauls the vehicles. Ptl. Maher asked about the catalytic converters – Mr. Ferreira said they only accept new. There has to be a registration. Mr. Geiler stated we will have to verify sign permits and storage of unregistered vehicles. It is in close proximity to water/wells, etc. We just want to make sure there will be no additional storage of vehicles up there.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Timothy J. Ferreira, d/b/a **Mid Cape Metal Recycling**, 30D Thornton Drive, Hyannis, MA, Timothy J. Ferreira, Manager, for a **New Junk Dealer's License** once the proper verifications have been done as expressed by Tom Geiler.

**New Junk Dealer's License:** Application of Ramon Figueroa d/b/a Best for Less, 244B Iyannough Road, Hyannis, MA, Ramon Figueroa, Manager, for a **New Junk Dealer's License**.

Ramon Figueroa appeared for his application. It will be used furniture, electronics and appliances. It is next to Scottie's Pizza. There will be nothing stored outside.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Ramon Figueroa d/b/a Best for Less, 244B Iyannough Road, Hyannis, MA, Ramon Figueroa, Manager, for a **New Junk Dealer's License**.

**New Annual Common Victualler License:** Application of Cascade EHT, LLC, d/b/a **The Mills Restaurant**, 149 Route 149, Marstons Mills, MA, Kathleen VanTwyver, Manager, for a **New Common Victualer License**, the hours of operation to be 6 am to 9 pm.

Ms. VanTwyver appeared for the application. It will be the same hours (6 am weekdays, 7 am weekends and closing at 2 pm) now. Presently breakfast and lunch; may expand to dinner later – that is why they asked for 9 pm closing. Ms. VanTwyver stated that everything has been cleaned and spruced up – new bathrooms. They have experience in the business. Mr. Geiler asked about outside dining. They have considered it – could make a spot in front; haven't thought it through yet as they are just trying to get this license. They will consider up to 50 seats, if they can have some seats outside.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Cascade EHT, LLC, d/b/a **The Mills Restaurant**, 149 Route 149, Marstons Mills, MA, Kathleen VanTwyver, Manager, for a **New Common Victualer License**, the hours of operation to be 6 am to 9 pm with up to 50 seats, including some outside dining.

**Change of Manager:** Application of Antonios Revis Enterprise, Inc., d/b/a Craigville Pizza & Mexican, 618 Craigville Beach Road, Centerville, Antonios Revis, Manager, holding an Annual Wine & Malt Common Victualler License, for a **Change of Manager** to John A. Mahoney.

Attorney Doug Murphy appeared with Mr. Mahoney, proposed manager and Mr. Revis, the current manager for the request. He has extensive experience and has now taken the TIPS class. Mr. Revis will continue to own the business. Mr. Geiler asked about Serv Safe. He also has his Serv Safe certificate.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Antonios Revis Enterprise, Inc.,

d/b/a Craigville Pizza & Mexican, 618 Craigville Beach Road, Centerville, Antonios Revis, Manager, holding an Annual Wine & Malt Common Victualler License, for a **Change of Manager** to John A. Mahoney.

**New Annual Lodging House License:** Application of Josiah Inc., d/b/a Josiah Sampson House, 40 Old King's Road, Cotuit, MA, Richard E. Thomas, Manager, for a **New Annual Lodging House License** for a maximum of 10 lodgers.

Attorney Steven Jones, Brewster, appeared with Mr. Thomas for the request. It has been run as a B&B for a number of years. They both have Serv Safe certificates. They have made some improvements to the property and will keep it as 10 lodgers.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Josiah Inc., d/b/a Josiah Sampson House, 40 Old King's Road, Cotuit, MA, Richard E. Thomas, Manager, for a **New Annual Lodging House License** for a maximum of 10 lodgers.

**New Class II Auto Dealer License:** Application of Cape Cod Chabad Lubavitch, Inc., d/b/a **Cars for Kindness**, Rabbi Yekusiel Alperowitz, Manager, for a **New Class II Automobile Dealer's License**, Chabad Jewish Center, 745 West Main Street, Hyannis, hours of operation to be from 9 am to 3 pm. No display vehicles on premises. Vehicles will be parked at 87 Bodick Road, Hyannis, MA 02601.

Rabbi Alperowitz appeared for this application. It is a fundraising project. He wants to facilitate the transfer of vehicles contributed to the Chabad to other entities. The current facility is only an office. The vehicles will be at Clerio's at 87 Bodick Road – he repairs the vehicles and then they move them off (up to 15 vehicles). Mr. Burman asked if the Rabbi has had benefit of counsel on this project. He asked about the current lease which states the lessees cannot sublease or sublet – the Rabbi stated that the mechanic is not subleasing to him; he stated he is only allowing him to keep the vehicles there after repair until moving them. Mr. Burman stated he thinks the Rabbi should have a letter from Carolyn Shore directly to him allowing him to use the space. The Rabbi stated again he is not subleasing; he is bringing the car there as a customer for repair. Tom Geiler stated it is similar to the Housing Assistance license. They repair the vehicles and get them cheaply to individuals – otherwise they would have to title every vehicle. The Rabbi stated junk cars will not go to the lot or the Jewish Center but directly to the junkyard. The license location will be West Main Street with no vehicles displayed there. The Rabbi also stated they do not have customers come to look at vehicles; the people could come and pick it up but it is sold through the internet. Mr. Sullivan didn't question the validity of the business but did state he would like to see a letter from Mrs. Shore approving this. Mr. Burman stated it IS a sublet; no matter how it is described. Mr. Hoxie asked if this could be approved pending letter from Mrs. Shore or any approved and properly zoned location owner. Mr. Burman also brought up the other lessee on the lease who has some serious legal issues. The Rabbi stated he does not even know who this person is. Mr. Burman stated, "neither do we!" The problem is the convoluted lease. Mr. Geiler stated at

least one of the internet licenses was granted with no alternate site identified. There are many different methods of selling and disposing of cars nowadays and thinks the Rabbi is just trying to do this legally and as simply as possible. Mr. Burman stated again he is trying to protect the Rabbi from the person on the lease who has been indicted. That individual has signed the lease as a lessee and there are some major “red flags” with the location. Mr. Hoxie stated we can approve based on a properly licensed and zoned location.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan, and a unanimous vote taken to approve the application of Cape Cod Chabad Lubavitch, Inc., d/b/a **Cars for Kindness**, Rabbi Yekusiel Alperowitz, Manager, for a **New Class II Automobile Dealer’s License**, Chabad Jewish Center, 745 West Main Street, Hyannis, hours of operation to be from 9 am to 3 pm. No display vehicles on premises. Vehicles will be parked at 87 Bodick Road, Hyannis, MA 02601 or any other properly zoned and licensed location.

### **Other Business:**

**CARZ** – newspaper article on Manager indicted for identity theft. Mr. Geiler stated we will be looking into this further; and may be coming forward with a hearing request on it.

Municipal Licensing Meeting in April. It is sponsored by the Municipal Licensing and presenters from the ABCC and others will be there. Mr. Geiler stated there are some new issues and subjects to be discussed at this meeting – detailing these for the Board. He also stated he would like Board Members to attend.

Cape Cod Inn ABCC suspension. The ABCC decision was a little confusing and Mr. Hoxie stated he did not much like the part where the licensee could petition to pay a fine in lieu of some or all of the suspension. Christine Ade stated she had spoken to Mr. Vo who was considering paying for some of the suspension time, and also requested a closing of the 3 days in between the suspensions for cleaning, etc. Mr. Geiler stated it had been policy just to request a letter for any closing of less than 2 weeks duration.

Mr. Hoxie asked about the ABCC Hearing in Boston on Kendricks. Mr. Geiler stated they took it under advisement; Mr. Geiler stated he does not have a good feeling as to how it is going to go. He stated we had petitioned to have the hearing in Barnstable and presented our petition of over 25 Town taxpayers – they did NOT agree with that, giving the reason that we did not meet the filing deadline BUT they did not notify us by certified mail – finding out about the hearing from the attorney for Kendricks rather than from the ABCC directly. Mr. Burman asked if they will have the right to file a civil action against the Town; Mr. Geiler stated they do but also do not want to get into a situation with a frivolous lawsuit.

Adjourned at 10:42 a.m.

Respectfully submitted,

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Christine P. Ade, Recorder  
Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Barnstable Licensing Authority