



# 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 Hearing Room, Hyannis, MA – 9:30 a.m.  
February 25, 2008

A regular meeting of the Barnstable Licensing Authority was held on Monday, February 25, 2008. 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, Liaison Officer from the Barnstable Police Department; and Christine Ade, Recording Secretary. Patrolman Steve Maher was absent.

#### Requests:

**Request to Close:** Request of Shane Pacheco, d/b/a Asa Grill and Reputation, 415 Main Street, Hyannis, Mollie Lehane, Manager to close from February 25, 2008 to April 4, 2008.

Mr. Pacheco, Owner, appeared for his request to close for minor renovations with a grand reopening planned for April 4. He will have no structural changes.

**One Day All Alcohol and One Day Entertainment Licenses:** Application of Paul J. Covell on behalf of Barnstable Deputy Sheriff's Association, P.O. Box 835, Barnstable, MA for a One Day All Alcohol License and a One Day Entertainment License for a function to be held on Friday, March 14, 2008 from 6 pm to 12 midnight at St. George's Greek Orthodox Church, 1130 Falmouth Road, Centerville.

Mr. Covell appeared for his request on behalf of Barnstable Deputy Sheriff's Association. This is their annual fundraiser for the benefit of the Sheriff's charities and youth. It is the 8<sup>th</sup> time the event has been held. It has proceeded 7 times without incident.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the request of Paul J. Covell on behalf of Barnstable Deputy Sheriff's Association, P.O. Box 835, Barnstable, MA for a One Day All Alcohol License and a One Day Entertainment License for a function to be held on Friday,

March 14, 2008 from 6 pm to 12 midnight at St. George's Greek Orthodox Church, 1130 Falmouth Road, Centerville.

**Two One Day Entertainment Licenses:** Application of Charles H. Ferris, Jr. on behalf of **Chatham Chorale**, P.O. Box 1111, West Dennis, MA, for **two One Day Entertainment Licenses** for musical performances on May 17, 2008 at 8 pm and May 18, 2008 at 3 pm at Barnstable High School, 744 West Main Street, Hyannis, MA.

Mr. Ferris appeared on behalf of Chatham Chorale. This is an 80 voice chorale plus Barnstable High School chorus and a soloist from the High School. The admission is \$20 or \$25 for reserved seats.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the request of Charles H. Ferris, Jr. on behalf of **Chatham Chorale**, P.O. Box 1111, West Dennis, MA, for **two One Day Entertainment Licenses** for musical performances on May 17, 2008 at 8 pm and May 18, 2008 at 3 pm at Barnstable High School, 744 West Main Street, Hyannis, MA.

**Two One Day Beer & Wine Licenses:** Application of James Wolf on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for two **One Day Beer & Wine Licenses** for fundraiser concerts to be held on February 29, 2008 and March 1, 2008 from 8 pm to 11 pm.

Mr. Wolf appeared with the request for Cotuit Center for the Arts. These concerts sprang up quickly; they thought the beer and wine licenses would complement these performances.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the requests of James Wolf on behalf of Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit, for two **One Day Beer & Wine Licenses** for fundraiser concerts to be held on February 29, 2008 and March 1, 2008 from 8 pm to 11 pm.

**One Day Wine Only License:** Application of Laurie Tranchell on behalf of Friends of Baybridge, 278 Main Street, Hyannis for a **One Day Wine Only License** for a fundraiser chocolate soiree to be held on March 14, 2008 at the JFK Museum, Main Street, Hyannis, from 5 pm to 8 pm.

Laurie Tranchell came forward with the application. The Town Manager has granted permission to serve alcohol at the museum for this event. It will be on Main Street this year – fundraising for clean sweep (Main Street cleanup). The museum has been very supportive. The alcohol is merely a champagne fountain. Different chocolate vendors are donating the desserts/chocolate. Tickets are \$25. Some Main Street businesses are contributing a discounted meal with a ticket.

Mr. Burman wondered how this reflects the Town policy for no alcohol on Town properties. They have communicated with Town Manager for permission.

A motion was duly made by Paul Sullivan and seconded by Martin Hoxie and a unanimous vote taken **to approve** the request of Laurie Tranchell on behalf of Friends of Baybridge, 278 Main Street, Hyannis for a **One Day Wine Only License** for a fundraiser chocolate soiree to be held on March 14, 2008 at the JFK Museum, Main Street, Hyannis, from 5 pm to 8 pm.

**One Day Beer & Wine License:** Application of Michael Sweeney on behalf of Housing Assistance Corp., 460 West Main Street, Hyannis for a **One Day Beer & Wine License** for its annual meeting to be held on March 5, 2008 at the St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville, from 5 pm to 8 pm.

Mr. Sweeney appeared and advised the Board this is for their annual meeting. There were no questions.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the request of Michael Sweeney on behalf of Housing Assistance Corp., 460 West Main Street, Hyannis for a **One Day Beer & Wine License** for its annual meeting to be held on March 5, 2008 at the St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville, from 5 pm to 8 pm.

**One Day Entertainment License:** Application of Cape Cod & The Islands Chef Association, 39 Wolfhill Road, East Sandwich for a One Day Entertainment License for a "Casino Night" to be held at Cape Cod Lodge OSIA, Sons of Italy, 4966 Falmouth Road, Cotuit on March 8. 2008 from 7 pm to 11 pm.

The applicants came forward (Robert Pepper and Charles O'Connor). This operation is based in Florida. There is a \$5.00 admission charge. The paperwork has been submitted to the Town and State. They stated they have notified the police department. Mr. Sullivan asked if they need a police detail. They stated they don't know but will get it if required. Mr. Pepper apologized for the lateness of the application but he was in the hospital. Mr. Sullivan reiterated that on the State papers it requests a uniformed police officer on duty.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the request of Cape Cod & The Islands Chef Association, 39 Wolfhill Road, East Sandwich for a One Day Entertainment License for a "Casino Night" to be held at Cape Cod Lodge OSIA, Sons of Italy, 4966 Falmouth Road, Cotuit on March 8. 2008 from 7 pm to 11 pm.

### **Hearings:**

**New Annual Wine & Malt Package Goods Retail License:** Application of Christy's of Cape Cod, LLC, d/b/a **Christy's of Cape Cod**, 50 Ocean Street, Hyannis, MA 02601,

Christy Mihos, Manager, for a **New Annual Wine & Malt Package Goods Store License**. Continued from 1/15/08.

Patrick Butler appeared with Mr. Mihos. The public hearing was held by Planning; the special permit approved. He advised it was docketed last Friday morning. We are now in the appeal period. He stated that last year the Legislature passed a law allowing the applicant to proceed at his own risk. Mr. Geiler advised the best way to go forward would be to wait for that period to run. Attorney Butler requested to be added if we have a special meeting for any reason, but not to call one for just this item. Mr. Burman stated he has no problem with granting the license now at their own risk. Mr. Hoxie asked Mr. Geiler what he recommended. Mr. Geiler stated it would be sending the wrong message to approve this prior to the appeal period running, as other applications are handled. He did say it is a minimal risk for the applicants, but believes it best to wait for the appeal period to run. Mr. Hoxie asked when the appeal period would end. We advised 20 days – it could be heard on the 17<sup>th</sup>, but Mr. Butler had advised he would not be available that date. Mr. Butler stated he could send other counsel that date, or requests it be put on a Special Hearing prior to 3/31. He also stated he would provide the Licensing Authority with documentation from the Planning Board hearing prior to the next meeting as to what transpired there. Mr. Burman said he disagreed with making them wait for the appeal period to run, as it was hurting their business. Mr. Butler reiterated it is the applicant at risk. Mr. Hoxie stated it is better for us to wait for the 17<sup>th</sup> for the ABCC. Mr. Butler asked for it to be on the 17<sup>th</sup>. Mr. Hoxie stated if there is any problem the 17<sup>th</sup> as Mr. Butler will not be present, it will be continued to the 31<sup>st</sup>.

Chairman Hoxie decreed that the hearing **be continued** on the application of Christy's of Cape Cod, LLC, d/b/a **Christy's of Cape Cod**, 50 Ocean Street, Hyannis, MA 02601, Christy Mihos, Manager, for a **New Annual Wine & Malt Package Goods Store License** to the hearing on March 17, 2008, with a stipulation that the Licensing Authority would not deny without having counsel Butler present; if any problem arose we would again continue the hearing to March 31 so that Attorney Butler could be present to represent his client.

**New Annual Junk Dealer's License:** Application of Carl Marchetti, d/b/a Cape Cod Precious Gems & Coins, 48 Lyannough Road, Hyannis, MA, Carl Marchetti, Manager, for a **New Junk Dealer's License**.

Carl Marchetti came forward for his application. He operates a jewelry and coin store – stated he wants to expand it to more precious metals and wants to abide by the rules of the Town. Mr. Hoxie asked if he dealt with the same types of items prior to this; he said he did.

Mr. Burman asked about his coming in 5 years ago – Mr. Marchetti said it was 7 years; Mr. Burman asked what he has been doing at the location in the interim? He stated his specialty has been gold and silver coins. Mr. Burman stated he has been operating for 3-4 years anyways without a license. His specialty is gold, silver and diamond coins. Mr. Hoxie asked if a license was needed for just coins – Mr. Geiler stated there IS a

license required for that as well – buying and selling used articles. He also stated that the police department has been very active in trying to track quick sales through these places. Mr. Geiler stated Mr. Marchetti requires a license for his business. Mr. Burman asked if the license before us was denied? Mr. Marchetti stated it was not renewed. Mr. Hoxie asked why it was not renewed, and Mr. Marchetti stated it was determined he was unsuitable. Mr. Marchetti stated that coins, stamps and magazines are exempt from our license. A question was posed as to jewelry? Mr. Marchetti did not say jewelry; this is what he is trying to do. Mr. Sullivan stated he remembers that the license in the past was not renewed. He then deferred to Tom Geiler. Mr. Geiler stated he knows that there were questions as to just what type of business was taking place. He then said that the ability to have an underground economy with stolen merchandise is run through the system without records. That is counter-productive. Mr. Marchetti then stated there is a strong ID check, and local police do check on the businesses. The offenders are quickly caught. Mr. Sullivan again wanted to be clear on the reason the license was not renewed or denied several years ago. Mr. Hoxie asked if anything has changed since that time. Mr. Marchetti stated he does not remember why he was deemed unsuitable. **Mr. Hoxie suggested we continue this until the next hearing on March 17, 2008** so the Board can check into why it was not renewed or denied.

**New Class I Auto Dealer License:** Application of Cape Hy, Inc., d/b/a Balise Hyundai of Cape Cod, 268 Stevens Street, Hyannis, Ed Kardon, Manager for a **New Class I Auto Dealer License**, hours of operation to be M-F 7:30-8:00, Sat 8:30-6:00, Sun noon-4:00.

Patrick Butler came forward with the applicant, Cape Hy Inc., Ed Kardon, Manager and Rich Covington, owner. It is the former location of the Nissan dealership which moved to the old Kia location. The lease and purchase and sales agreement are being assigned to this corporation. No changes are being made to the building and there was deemed no need for zoning relief. Tom Perry, Building Commissioner, approved the plan submitted. After that time they calculated a total of 155 spaces; 50 inventory, 81 display, 24 customer.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the application of Cape Hy Inc., Ed Kardon, Manager and Rich Covington, owner, with the stipulation that the parking be as submitted; a total of 155 spaces; 50 inventory, 81 display, 24 customer.

**New Class I Auto Dealer License:** Application of Yarmouth Road, Inc., d/b/a Premier Jeep, 460 Yarmouth Road, Hyannis, Joseph Laham, Manager, for a **Class I Auto Dealer License**, the hours of operation to be 8 am to 8 pm.

Joseph Laham came forward for his application. He stated that the corporation has not changed. They now have the Jeep franchise in Hyannis so it is moving to where the Hyundai location is.

Mr. Sullivan praised the plan submitted for 696 spaces; stating that the plan is completely clear. Mr. Laham stated it is the same plan from August of 2006. The only changes at the property will be signage.

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken **to approve** the application of Yarmouth Road, Inc., d/b/a Premier Jeep, 460 Yarmouth Road, Hyannis, Joseph Laham, Manager, for a **Class I Auto Dealer License**, the hours of operation to be 8 am to 8 pm. with parking limitations as submitted – 696 total spaces.

**Renewals:**

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

A motion was duly made by Gene Burman and seconded by Paul Sullivan and a unanimous vote taken to approve the renewal of the Lodging House license listed below:

Yarmouth Road Rooming House

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

Four Seas Ice Cream

**Other Business:**

Brief discussion regarding the Ferreira case.

Lt. Jason stated she will get us information regarding Mr. Marchetti prior to the next meeting.

Adjourned at 10:20 a.m.

Respectfully submitted,

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Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Town of Barnstable Licensing Authority