



# **Town of Barnstable**

## **Regulatory Services**

Thomas F. Geiler, Director

### **Licensing Authority**

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Hyannis, MA 02601

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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.**

**July 19, 2010**

A regular meeting of the Barnstable Licensing Authority was held on Monday, July 19, 2010. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Dick Boy, Clerk; Dick Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services, Kim Connors, Licensing Agent, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary. Mr. Sullivan did not vote but Mr. Boy voted in his place at this hearing.

#### **Hearings:**

#### **One Day All Alcohol, One Day Entertainment and One Day Auctioneer**

**Licenses:** Application of Jaci Barton of The Barnstable Land Trust, 407 North Street, Hyannis, for its Gifts from the Sea annual auction and lawn party for a One Day All Alcohol License, a One day Entertainment License and a One Day Auctioneer License to be held at the home of Mr. and Mrs. Albert Suprenant, 262 Bridge Street, Osterville, all outdoors from 5:30 pm to 8:30 pm for fundraising for Barnstable Land Trust, on August 14, 2010.

Lloyd Gold appeared for Barnstable Land Trust. This is a fundraiser each year to preserve land in Barnstable. This is a new location. There is an open bar, 3 entertainers and an auctioneer.

Mr. Hoxie asked about experienced service – they will have that on August 14<sup>th</sup>. They have a tent permit.

Martin McNeely came forward from COMM Fire Dept. They are concerned about parking in the area. Mr. Gold stated parking will be next to the bridge – a few different locations; they will shuttle people by KON Limo. There will be on-site for volunteers only. Officer McNeely asked where the other spots are – Mr. Gold does not know as he is not in charge of the parking – Mr. Hoxie asked him to notify Mr. McNeely of the locations and Mr. McNeely is concerned about the boatyards – there is limited access to those sites. Mr. Burman asked how many are expected – Mr.

Gold stated 300. Mr. Geiler asked that he make a parking plan of each location with number of vehicles; agreed to by Fire and a copy faxed to Licensing.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Jaci Barton of The Barnstable Land Trust, 407 North Street, Hyannis, for its Gifts from the Sea annual auction and lawn party for a One Day All Alcohol License, a One day Entertainment License and a One Day Auctioneer License to be held at the home of Mr. and Mrs. Albert Suprenant, 262 Bridge Street, Osterville, all outdoors from 5:30 pm to 8:30 pm for fundraising for Barnstable Land Trust, on August 14, 2010, subject to a satisfactory parking plan submitted to the Fire Department.

**One Day All Alcohol License:** Application of Rebecca Richardson for a One Day All Alcohol License on behalf of Rotary Club of Osterville, P.O. Box 705, Osterville, MA for its 16<sup>th</sup> annual Bluefish/Striped Bass Tournament, 101 Bridge Street, Osterville, to be held outdoors only at Wianno Yacht Club, 101 Bridge Street, Osterville, on July 24, 2010 from 4:00 pm to 8:00 pm for a barbeque, auction and small raffle.

Rebecca Richardson appeared from the Rotary Club. This Saturday is the 16<sup>th</sup> annual tournament – fishing all day, a barbeque and live auction. They are usually done and cleaned up by 9 pm. Cardoza Wine will serve. They usually have about 80 people. Parking is on site or at the landing. They have had no issues in the past.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Rebecca Richardson for a One Day All Alcohol License on behalf of Rotary Club of Osterville, P.O. Box 705, Osterville, MA for its 16<sup>th</sup> annual Bluefish/Striped Bass Tournament, 101 Bridge Street, Osterville, to be held outdoors only at Wianno Yacht Club, 101 Bridge Street, Osterville, on July 24, 2010 from 4:00 pm to 8:00 pm for a barbeque, auction and small raffle.

**One Day All Alcohol and One Day Entertainment License:** Application of D. Christian Liakos on behalf of Oysterville Yacht Club for the Cam Neely Foundation for Cancer Care, 30 Winter Street, Boston, for a One Day All Alcohol License and a One Day Entertainment License for its annual event to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville, MA on August 2, 2010 from 6 pm to 11:00 pm.

Mr. Liakos appeared for the application with some beautiful brochures and informational notebooks for the Board. They have raised approximately \$400K. They have off-site parking. Five Bays Bistro will cater and handle alcohol. They expect 400 people. The Fire Department makes suggestions – they comply fully with those suggestions. Martin McNeely came forward – the trolleys need to be operated so they are safe for pedestrians – they have changed the stop to before the building. He stated everything goes well when the weather is nice – people should keep their wristbands on. Numbers could be an issue if it rains as all will not

fit safely inside. The building has been approved for 400 and is wide open. There is a police detail and a fire detail at the event.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of D. Christian Liakos on behalf of Oysterville Yacht Club for the Cam Neely Foundation for Cancer Care, 30 Winter Street, Boston, for a One Day All Alcohol License and a One Day Entertainment License for its annual event to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville, MA on August 2, 2010 from 6 pm to 11:00 pm with liquor obtained by a wholesaler. Five Bays must get it from a wholesaler.

**One Day Beer and Wine & One Day Entertainment License:** Application of Maegan Storey on behalf of Cape Cod Young Professionals, P.O. Box 1302, South Dennis, MA 02660, for a One Day All Alcohol License and One Day Entertainment License for Cape Cod Young Professionals for a business after hours meeting with wine and malt and a band, The Slackers, to be held at Rectrix Aerodrome, Hyannis, MA on September 16<sup>th</sup> from 5 pm to 8 pm.

Christopher Ward and Maegan Storey came forward for the 4<sup>th</sup> annual back to business bash from 5-8 pm. There will be approximately 500 people; all alcohol and a band. They have a shuttle to and from Capetown Plaza.

Steve Maher said the occupancy load on the State Safety Certificate is 350. Mr. Ward was unaware of the 350 limit – Building sets the number. They will address the discrepancy.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Maegan Storey on behalf of Cape Cod Young Professionals, P.O. Box 1302, South Dennis, MA 02660, for a One Day All Alcohol License and One Day Entertainment License for Cape Cod Young Professionals for a business after hours meeting with wine and malt and a band, The Slackers, to be held at Rectrix Aerodrome, Hyannis, MA on September 16<sup>th</sup> from 5 pm to 8 pm and that it be in compliance with the State Safety Certificate for numbers.

**Two One Day Beer & Wine Licenses:** Application of Lori Caron on behalf of The Farmers Table Down by the Sea, 167 Sea Street, Hyannis, MA 02601, for two One Day Beer & Wine Licenses for events on July 31, 2010 and August 14, 2010 from 6 pm to 10 pm.

Lori Caron will be the server that evening. It is by reservation only. They are having beer and wine only. Officer Maher stated that this business has not been open for some time; considering issues in the past he wants to make sure that noise levels are kept to a minimum when entering and leaving. Mr. Burman is concerned about the neighborhood of family residents. The 10:00 close has been changed to

9 pm. If the Board would prefer, after 8 pm they will close the patio. The neighbors have been really supportive. Mr. Hoxie stated he is willing to go to 9 pm.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Lori Caron on behalf of The Farmers Table Down by the Sea, 167 Sea Street, Hyannis, MA 02601, for two One Day Beer & Wine Licenses for events on July 31, 2010 and August 14, 2010 from 6 pm to 10 pm.

**One Day All Alcohol License:** Application of Mary Keally on behalf of The Association for the Cotuit Mosquito Yacht Club, Old Shore Road, Cotuit, MA for a One Day All Alcohol License for an event on July 24, 2010 from 6 pm to 11 pm to be held at Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit.

Mary Keally appeared for this application. Mary Keally stated this is their 2<sup>nd</sup> event; they expect about 200 people. Dinner at the end and a cash bar; hours 6 pm – 10:30 pm.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Mary Keally on behalf of The Association for the Cotuit Mosquito Yacht Club, Old Shore Road, Cotuit, MA for a One Day All Alcohol License for an event on July 24, 2010 from 6 pm to 11 pm to be held at Cotuit Center for the Arts, 4404 Falmouth Road, Cotuit.

**One Day All Alcohol & One Day Entertainment License:** Application of Ann-Beth Ostroff on behalf of The Jewish Federation of Cape Cod, 396 Main Street, Hyannis, MA for a One Day All Alcohol License for an event on August 14, 2010 at Cape Cod Synagogue, 145 Winter Street, Hyannis, from 7 pm to midnight and a One Day Entertainment License for cabaret style entertainment.

Terry Smiley appeared for the application. This fundraiser starts at 4:30; has a cash bar. It will be held at the synagogue – they will get a TIPS certified bartender.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Ann-Beth Ostroff on behalf of The Jewish Federation of Cape Cod, 396 Main Street, Hyannis, MA for a One Day All Alcohol License for an event on August 14, 2010 at Cape Cod Synagogue, 145 Winter Street, Hyannis, from 7 pm to midnight and a One Day Entertainment License for cabaret style entertainment.

**One Day Beer & Wine License and One Day Entertainment License:** Application from Kimberlee McHugh on behalf of the Steamship Authority in conjunction with the Hyannis Chamber of Commerce After Hours Event for a One Day Beer & Wine License for an event to be held on Wednesday July 21, 2010 at the Steamship Authority Hyannis Terminal located at 65 South St., Hyannis between the hours of 5:30 pm and 7:30 pm and a One Day Entertainment License for a live band.

Kimberlee McHugh appeared for this late-filed event. It is Wednesday of this week – under 100 people. Terminal parking lot will contain the parking. Boston Culinary Group will serve the beer and wine.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Kimberlee McHugh on behalf of the Steamship Authority in conjunction with the Hyannis Chamber of Commerce After Hours Event for a One Day Beer & Wine License for an event to be held on Wednesday July 21, 2010 at the Steamship Authority Hyannis Terminal located at 65 South St., Hyannis between the hours of 5:30 pm and 7:30 pm and a One Day Entertainment License for a live band.

**New Annual Common Victualler License:** Application of The Farmers Table of Cape Cod, LLC, d/b/a The Farmers Table Down by the Sea, 167 Sea Street, Hyannis, for a **New Common Victualler License**, Lori Caron, Manager, for total seating of 49 at 11 tables (6 inside with 29 seats and 5 outside with 20 seats), the hours of operation to be 7 am – 9pm.

Ms. Caron appeared again for the new yearly Common Victualler License.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of The Farmers Table of Cape Cod, LLC, d/b/a The Farmers Table Down by the Sea, 167 Sea Street, Hyannis, for a **New Common Victualler License**, Lori Caron, Manager, for total seating of 49 at 11 tables (6 inside with 29 seats and 5 outside with 20 seats), the hours of operation to be 7 am – 9pm.

Mr. Geiler asked about the apartment upstairs – he stated there are some restrictions on it, and suggested she contact the building Commissioner on it before renting it or letting someone occupy it.

**New Annual Wine & Malt Retail Package Goods Store:** Application of Orexi Foods, Inc., d/b/a Orexi Foods, 338 Main Street, Hyannis, MA, Alexander Pappas, Manager, for a New Annual Retail Wine & Malt Package Goods Store License, hours of operation Tuesdays through Saturdays 10 am to 5 pm.

Alexander appeared and stated they opened up in January; their customers have asked if they could carry primarily wine at their store. That is why they are applying for the license. Arthur Pappas, his father, also appeared and stated there is a large Greek community on Cape Cod – there doesn't seem to be any good Greek wine in this area. Those customers have requested that they stock good quality Greek wine. They have not been requested to get beer but will if that is what the Board thinks would be good. They plan to close at 5 pm. They have not had business after 4 pm in the winter – so plan to stay open a bit later in the summer; but at 4:30

their business pretty much dies out; by 5 everyone is home for dinner, etc. They are closed Sundays and Mondays.

Mr. Hoxie asked what they will offer that is different than the other package stores – what is different is the type of wine they will offer. It is primarily the Greek population – asking for what they cannot get elsewhere. Some stores do carry some Greek wine but it is poor quality. They want to promote good Greek wine. Mr. Pappas is at the location every day. They do not have alcohol experience, but are looking at it as cheese, olive oil, etc.

Mr. Hoxie stated we base our decisions on public need and public good – the need for which is not being met at present. He asked if they have a petition of anyone present to testify on their behalf. Arthur Pappas thinks of this as another service to customers; never thought of it as for a wide customer base. They estimate approximately 1000 Greek families on the Cape. Possibly other Mediterranean peoples might ask for them to carry the wines from their own areas as well. Mr. Burman thinks the 1000 estimate is very low. He is concerned that there are a few other liquor stores only  $\frac{1}{4}$  to  $\frac{1}{2}$  mile away. Unless he can show a public need he is hesitant to issue another license. Mr. Pappas assured him their products will NOT be carried elsewhere; they will be very selective as to what they offer – maybe less than a dozen. They will not be a full-fledged liquor store. The retailers in MA cannot buy from a manufacturer – only a distributor. They must keep this in mind. He does think there are a variety of Mediterranean wines not carried at other places. There was another store which did carry them but Mr. Pappas stated Retsina, which tastes like turpentine was brought here – the wines they are talking about are not like this. They do know the importers and can specify which wines to bring in. They do go to Greece to taste the wines available. Their customers have asked why they can't find those wines here in the US. Mr. Hoxie asked about response from the Federated Church; Mr. Pappas stated they did not object in any way to this request. They stated even he non-Greek population is increasing in the store now. These people as will have asked if they carry Greek wines. They do not want to be a wine and beer store; major effort is Mediterranean food store. They even have a product from North Africa. They will NOT put a sign outdoors about the alcohol but would have a small sign near the entrance inside – the wine would be at the back. They would like to have beer as well if any was requested – right now they only have 2 beers they would buy. Officer Maher wanted to stress that the problems we are seeing is small “singles” bottles of any type of alcohol – if we can get assurance that they will not carry less than 750 ml on the wines – so those sales will not take place. Arthur Pappas reassured the Board that their bottles will be regular size. Their customers are not people coming in for alcohol; mostly food. He does not think the wine sales will be that large. They plan to dedicate two 4' 4 shelf units for the wine and beer display. They also do not plan to put single beer in a cooler; it would be either a 6 pack or case in one refrigerator, not a single beer.

Dean Atsalis appeared stating that he grew up here – happened to be in the room and can demonstrate some public need – there is no Greek wine of good quality on

the Cape. They get it from Somerville. He thinks this place would be an asset to the community and a great service to Cape Codders to have it on the Cape. Arthur Pappas thanked Mr. Atsalis.

Mr. Hoxie stated he would normally not approve of this except for the fact that the quantity will be limited and some need has been shown; Mr. Burman agreed with Mr. Hoxie that he would normally not see a demonstrated need. Mr. Boy stated he thinks they have demonstrated a need for the wine for their customers but not the beer. Can we limit the beer and issue just a specialty wine license. We cannot restrict the hours from 11 am to 11 pm. That is set by the ABCC and so is the SIZE of beverages that can be sold. We would have to take their word they would not sell the small sizes or stay open after 5 pm. Mr. Geiler stated they have stated they are not interested in selling single beers. They are also not really interested in the beer. Mr. Hoxie stated if at any time this license were to be transferred it would be revisited. He thinks the wine would enhance the business. He is leaning towards it. Mr. Geiler stated this is a shop you see in cities – it is a first here and will bring people to downtown Hyannis from all over the Cape and he believes it has a demonstrated need as part of the Mediterranean accent. Mr. Pappas stated they do have people from all over the Cape now. It will save them from going to Watertown, Somerville, etc. He invites the Board to come in. There has not been one person who has not been pleasantly surprised by their store so far.

A motion was duly made by Gene Burman, seconded by Dick Boy and a vote taken to approve the application of Orexi Foods, Inc., d/b/a Orexi Foods, 338 Main Street, Hyannis, MA, Alexander Pappas, Manager, for a New Annual Retail Wine & Malt Package Goods Store License, hours of operation Tuesdays through Saturdays 10 am to 5 pm. (license to say 10 am to 11 pm). Mr. Burman abstained from the vote.

**New Junk Dealer License:** Application of Sterling, Inc., d/b/a Kay Jewelers #695, 793 Iyannough Road #40, Hyannis, MA, Melissa Malone, Manager, for a new Junk Dealer License, hours of operation to be mall hours.

Melissa Malone appeared for the application. They do accept trade-ins; just sell the estate or used jewelry.

Timothy Ferreira came in to assure that this Junk Dealer License will be their principal business – it doesn't have to be for the jewelry stores stated Mr. Hoxie.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Sterling, Inc., d/b/a Kay Jewelers #695, 793 Iyannough Road #40, Hyannis, MA, Melissa Malone, Manager, for a new Junk Dealer License, hours of operation to be mall hours.

**New Junk Dealer License:** Application of Sterling, Inc., d/b/a Belden Jewelers #272, 793 Iyannough Road #9, Hyannis, MA, Jennifer Glidden, Manager, for a new Junk Dealer License, hours of operation to be mall hours.

Jennifer Glidden appeared for the application.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Sterling, Inc., d/b/a Belden Jewelers #272, 793 Iyannough Road #9, Hyannis, MA, Jennifer Glidden, Manager, for a new Junk Dealer License, hours of operation to be mall hours.

**New Class II Auto Dealer License:** Application of Paulo Gualberto, d/b/a G Motors, Paulo Gualberto, Manager, for a New Class II Automobile Dealer's License, 431 Yarmouth Road, Hyannis, MA, maximum of 19 total spaces (including 7 inside), hours of operation: 11 am – 5 pm Monday through Saturday.

Mr. Gualberto stated his sales are mostly internet sales. Tom Perry has signed off for 19 vehicles. Mr. Geiler stated this is a wellhead protection district. He is concerned about this use here. On the map it doesn't show but there is not an open curb cut stated Mr. Gualberto. From the road, the spaces are not marked by dimensions. Mr. Geiler stated he would like to see a better map with measurements. Mr. Geiler said this is not grand-fathered. He would like to have the opportunity to review this with the Building Commissioner. Officer Maher asked if he has any association with another dealership in town; he did own Route 66. Officer Maher asked at this point is there really a need for another Class II dealership? Just on this road you can't walk more than 10 feet without hitting one. From an inspection and enforcement standpoint he does not see a public need for more Class II dealers. Mr. Gualberto stated he has been around for some years and has a clientele; has a lease for the property. Has a property he will not use anymore on Joakim Road. He is going to this other location. Mr. Hoxie would like to get the information Mr. Geiler is requesting; he asked Mr. Geiler if he would agree to issuance contingent on the site plan issues being resolved to Mr. Geiler's satisfaction. Mr. Hoxie would not like to keep him from making a living; if Site Plan Review has approved it. Mr. Gualberto said he went to Ellen in Site Plan and the Health Dept.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Paulo Gualberto, d/b/a G Motors, Paulo Gualberto, Manager, for a New Class II Automobile Dealer's License, 431 Yarmouth Road, Hyannis, MA, maximum of 19 total spaces (including 7 inside), hours of operation: 11 am – 5 pm Monday through Saturday subject to submission of an acceptable plan to Mr. Geiler for approval..

**New Class II Auto Dealer License:** Application of Auto Smart, LLC, Darrell G. Fietz, Manager, for a New Class II Automobile Dealer's License, 202 Yarmouth Road,



Hyannis, MA, maximum of 15 vehicles on the property, hours of operation: 9-6 M-F, 12-5 Sat.

Mr. Fietz said this is currently Robert's Auto Wholesale. The plans are signed and the vehicles limited to 15.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Darrell G. Fietz, Manager, for a New Class II Automobile Dealer's License, 202 Yarmouth Road, Hyannis, MA, maximum of 15 vehicles on the property, hours of operation: 9-6 M-F, 12-5 Sat., subject to turning in the prior license.

**New Class II Auto Dealer License:** Application of Luis G. Fernandez, d/b/a All Motors Auto Sales, Luis G. Fernandez, Manager, for a New Class II Automobile Dealer's License, 66 Barnstable Road, Hyannis, MA, maximum of 28 vehicles on the property, hours of operation: 9-6 M- Sat.

This is the one which had the prior license taken away. Mr. Fernandez is applying for this new license. He has experience for 15 years in auto and restaurant business and in a dealership. Mr. Geiler asked if he understood all the rules; he stated that he does. The bond has already been issued.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Luis G. Fernandez, d/b/a All Motors Auto Sales, Luis G. Fernandez, Manager, for a New Class II Automobile Dealer's License, 66 Barnstable Road, Hyannis, MA, maximum of 28 vehicles on the property, hours of operation: 9-6 M- Sat. with no repairs or washing vehicles.

**New Class II Auto Dealer License:** Application of First Class Automotive, Inc., d/b/a Cape Cod Cars and Trucks, Joao P. Holanda, Manager, for a New Class II Automobile Dealer's License, 319 Barnstable Road, Hyannis, MA, maximum of 15 vehicles on the property.

Mr. Burman did not sit on this hearing.

He has purchased an existing business which license has been turned in. His partner has been running Argus Auto Sales for 2 years. They will run this together. He has worked at Hyannis Mobil.

A motion was duly made by Dick Boy, seconded by Martin Hoxie and a vote taken to approve the application of First Class Automotive, Inc., d/b/a Cape Cod Cars and Trucks, Joao P. Holanda, Manager, for a New Class II Automobile Dealer's License, 319 Barnstable Road, Hyannis, MA, maximum of 15 vehicles on the property.

Mr. Geiler reiterated that the 15 is total vehicles on the property.

**Show Cause Hearing:** Show Cause Hearing for VN Management, Inc., d/b/a Cape Cod Inn, 447 Main Street, Hyannis, Johnny Vo, Manager, that on June 13, 2010 at approximately 0010 hrs., it violated The Code of the Town of Barnstable, Section 501-10B allowing entertainment to be heard outside the boundaries of the premises, and Section 501-8 for failure of the manager to provide a high degree of supervision of the licensed premises.

Officer Steve Maher appeared for this Show Cause Hearing, testifying that on June 13, 2010 Cape Cod Inn was in violation of entertainment being too loud (heard off premises) and for lack of supervision by the Manager on the liquor license and entertainment license. It was just after midnight – doing routine patrol. Coming to the Pearl Street intersection he heard music. He had the windows UP and traffic was heavy. He heard the music at Bassett Lane. He pulled into the parking lot at Fresh Ketch and noted the music coming from the Duck Inn Pub. Doors were open into the restaurant and a four foot speaker was by the door and facing the street. He noted the music being very loud. He could not get the attention of the bartender, whom he had tried to get to notice him. He sent her to get Mr. Vo. Mr. Vo and the entertainer, Mr. McCarthy, whom he has had conversations with in the past – about the speakers being at the doorway and the door being open – both spoke with him. He said Mr. Vo and Mr. McCarthy were told in the past that the doors had to be shut when there was entertainment. This issue is ongoing with the establishment, and for the first time he said he wrote a violation for the entertainer as well as the licensee. It is his experience with this establishment that they are not paying attention to what has been asked of them to do. There is either a lack of understanding, or, in his opinion, a complete disregard as to what has been asked from Mr. Vo, to whom he has spoken at least 10 times over the past couple years. He was right there by the entertainment and had to be able to tell how loud it was and that it carried off the premises.

Mr. Hoxie asked if Mr. Vo had any questions; he did not. Mr. Hoxie asked if the Board had questions for Officer Maher; they did not.

Mr. Vo stated he has been here 7 years; has had the same entertainment. He stated that this officer during the 7 years keeps coming to his establishment telling him he is in violation. He said that they have now let this entertainer go.

Mr. Hoxie stated that there have been numerous complaints by the neighbors as well as the police department. The motel manager nearby has testified in the past about the noise here. Mr. Hoxie stated it is Officer Maher's job to monitor licenses in this town.

Officer Maher asked Mr. Vo if they had had discussions about the loudness of the music? Mr. Vo stated yes. He asked if they had had conversations about the door being closed and Mr. Vo stated yes. Then he asked about the door being open and Mr. Vo stated others may have opened it – he cannot be there at all times. Officer Maher asked about the speaker location; Mr. Vo stated he only believed the speaker

had to be inside, not outside. Officer Maher said he had a backup Officer come there and this officer and a sergeant also heard their music way down Main Street. It is not just ONE entertainer but ALL the entertainers who play there.

Mr. Hoxie stated he thinks this place has reached its limit on violations of the entertainment licenses and proposes we revoke this entertainment license. Officer Maher also recommended revocation of the entertainment license. Mr. Burman stated the gentleman does not or does not want to understand the entertainment regulations. Mr. Hoxie asked if he is the manager – or has a manager he has hired? Mr. Vo stated he is the Manager.

Mr. Burman proposed findings that the police department did find violation of the noise bylaw and that the officer's testimony is more than credible and that there is a total lack of supervision. Dick Boy seconded the findings. There was a unanimous vote on those findings.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken by Mr. Burman, Mr. Boy and Mr. Hoxie to find the licensee guilty because of the findings.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to revoke the entertainment license of Cape Cod Inn.

Mr. Vo stated he has a feeling something is wrong; the prior owner had the same entertainment at the same place and did not lose his entertainment license. He stated this officer is the only one coming to his place in seven years.

**Show Cause Hearing:** Show Cause Hearing for Tim Ferreira, d/b/a Ferreira's, 85 Old Yarmouth Road, Hyannis as a result of a complaint made to the Barnstable Police Department, and subsequent ride by the business location, requesting that Mr. Ferreira appear at a Show Cause Hearing on Monday, July 19, 2010 at 9:30 a.m. at the Town Hall Building, 367 Main Street, Hyannis, MA in the 2<sup>nd</sup> Floor Hearing Room for storing junk material outside in the parking lot located in close proximity to a public water supply well.

A letter was received from the Licensee's attorney requesting a continuance to August 16, 2010.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to continue the Show Cause Hearing for Tim Ferreira, d/b/a Ferreira's, 85 Old Yarmouth Road, Hyannis as a result of a complaint made to the Barnstable Police Department, and subsequent ride by the business location, requesting that Mr. Ferreira appear at a Show Cause Hearing on Monday, July 19, 2010 at 9:30 a.m. at the Town Hall Building, 367 Main Street, Hyannis, MA in the 2<sup>nd</sup> Floor Hearing Room for storing junk material outside in the parking lot located in close proximity to a public water supply well.

## **Business Meeting:**

Discussion regarding new ABCC advisory – Sunday hours rolled back to 10 am service. Officer Maher suggested we send a letter out because everybody is already doing it!!!!!! The article in the paper said the ABCC approved the service. No-one read the part about the LOCAL approval. Officer Maher thinks a letter that they need to come in front of the Board to do it should be sent.

Mr. Burman asked about a press release; we want to take a positive attitude; does the Board want to approve it? Commissioner Sullivan has read the law – the individual Licensing Authorities can decide whether or not they wish to adopt the 10 am liquor service. Mr. Geiler stated we should put everyone on notice that we will be voting on adoption or non-adoption to these earlier hours. Mr. Geiler stated the Sunday liquor hours are clearly stated on EACH license. Mr. Burman's concern is postponing until August 16, that is ¾ of the season. Mr. Geiler stated we can get applications now; Officer Maher is asking a letter be sent out now to advise them to stop serving prior to license time and it will be on the next hearing.

Marcus Sherman came to the hearing to request a renewal of his bed and breakfast permit – Marston Family B&B. He did not have a license evidently. Mr. Geiler stated we can take the application and have it on the next hearing – we now have to advertise. He could be on the next hearing on August 16. He is asking for conditional permission to be open based on past 5 years in the business – 3 rooms. Only one party at a time. Mr. Hoxie stated we cannot do that. It will have to be looked into; Mr. Geiler stated there is no license required for up to 3 lodgers. He stated he has 3 rooms with 6 lodgers. Our license is for 4 or more lodgers. Mr. Geiler stated that it is not appropriate to discuss this today. Mr. Hoxie stated this has to be advertised and a public hearing held. Mr. Sherman will come to the office.

Mr. Geiler stated that any maps, photos, etc. that are discussed have to be filed with the minutes in the future – also if people are talking about a document it must be produced – like the map today on G Motors. He urged the Board to read the other open meeting law requirements handed out to the Board.

Adjourned at 11:25 am.

Respectfully submitted,

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Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

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Gene Burman, Vice-Chairman  
Town of Barnstable Licensing Authority