



# 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.  
September 10, 2012

A regular meeting of the Barnstable Licensing Authority was held on Monday, September 10, 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, Patrolman Steve Maher, Liaison Officer from the Barnstable Police Department, and Christine Ade, Recording Secretary. Paul Sullivan, Clerk, and Lt. John Murphy, Police Liaison Officer, were absent.

**Vote to accept Minutes:** Vote to accept the minutes of the 8/13/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote was taken to approve the minutes of the 8/13/12 Meeting.

#### **Hearings:**

**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.

Robert Lawton appeared with Chef Binder for this application. They represented that there are 34 seats in accord with the plan – the 30 was a typo.

The hours vary seasonally. They also provide catering services. He has been operating with a temporary license.

Mr. Hoxie asked if at any point they would be applying for an alcohol license – Mr. Lawton said they will; for beer and wine.

Mr. Scali stated he went by last week and only counted 17 seats – where are the rest? Chef Binder said the numbers will go up once they apply for the alcohol license and have a bar near the window. Then the seating will go up.

A motion was duly made by Mr. Burman, seconded by Mr. 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.

**Amend Existing Class II Auto Dealer License:** Application of Ana Paula Carvalho, d/b/a G Motors, 417A&B and 431B Yarmouth Road, Hyannis, MA to amend the existing Annual Class II Auto Dealer License to reflect her changed surname from Faria to Carvalho. The license exists for G Motors for 7 display vehicles inside, 12 maximum outside, total of 19 on property. No washing of vehicles or repair on site. Hours M-F 10 am – 5 pm; Sat 10 am – 1 pm.

Ana Paula appeared for her application to change her name on the license.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Ana Paula Carvalho, d/b/a G Motors, 417A&B and 431B Yarmouth Road, Hyannis, MA to amend the existing Annual Class II Auto Dealer License to reflect her changed surname from Faria to Carvalho. The license exists for G Motors for 7 display vehicles inside, 12 maximum outside, total of 19 on property. No washing of vehicles or repair on site. Hours M-F 10 am – 5 pm; Sat 10 am – 1 pm.

**New Annual Class II Auto Dealer License:** Application of WAJ Auto Sales, Inc., d/b/a WAJ Auto Sales, 455 Yarmouth Road, Hyannis, MA to move his existing Annual Class II Auto Dealer License to 455 Yarmouth Road, Hyannis. There will be 22 display vehicles of which a maximum of 13 are outside, 2 customer vehicle spaces outside, total of 15 vehicles outside on property. There will be additional vehicles inside the building for display and owner/employee parking. No washing of vehicles or repair on site. Hours M-F 9:30 – 5:30.

Wanderson C. Alves appeared for this application. He requested a postponement of the hearing because he needs to work out some issues with the neighboring property owner to October 1, 2012.

Mr. Hoxie stated the hearing will be continued to October 1, 2012 as no-one objected. A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to continue the matter to 10/1/12.

**New Annual Class II Auto Dealer License:** Application of Said S. Alharthy, d/b/a Quality Auto Center, 91 Barnstable Road, Hyannis, MA for an Annual Class II Auto Dealer License. There will be a maximum of 5 customer vehicles, 5 display vehicles,

5 rental vehicles and 2 employee vehicles, totaling 17 vehicles on site. Hours of operation will be M-F 7-7; Sat & Sun 7-4.

Attorney Mark Boudreau appeared with Said S. Alharthy for this application. It is the site of Barnstable Road Auto Repair. They are looking to continue the same operation with less vehicles on site. There will be 17 vehicles. 7-7 M-F and 7-4 Sat. It is next to the cemetery across from Warren Buick. It is a rent a wreck franchise.

Mr. Scali stated he was on site and counted the spaces on the right – there is a dumpster and machinery there at present. He wondered where the spaces would be. Attorney Boudreau stated the machinery and dumpster will be removed and landscaping improved also in the next couple weeks. Mr. Geiler said it is a tight site – and indicated there are a lot of improvements in the area and this is a good opportunity to improve the appearance of the area.

A motion was duly made by Mr. Burman, seconded by Mr. Boy and a unanimous vote taken to approve the application of Said S. Alharthy, d/b/a Quality Auto Center, 91 Barnstable Road, Hyannis, MA for an Annual Class II Auto Dealer License. There will be a maximum of 5 customer vehicles, 5 display vehicles, 5 rental vehicles and 2 employee vehicles, totaling 17 vehicles on site. Longest hours of operation will be M-F 7-7; Sat & Sun 7-4 to vary with season.

### **Business Meeting:**

1) Release of Executive Session Minutes, if any (none).

2) Mr. Geiler indicated that we should revisit the class of license for the application already approved for Cape Cod Beer. He stated that there is no class on our books currently for this. The Board heard the applicant and what he wants to do. He believes the Board voted correctly to approve him. He said that what the ABCC has suggested is simply to amend the approval to change from a General on Premise License to a Manufacturer's Brewery Pouring license. In the best interest of the applicant and the Town this would appear to get us there. He said Mr. Scali has had numerous conversations with the Executive Director of the ABCC about this. If the Board agrees, we will send an amended Form 43 to the ABCC once the Board approves.

Mr. Hoxie asked if that requires a vote. Mr. Geiler stated it does require the Board's agreement. He suggested they handle it like a scribner's error – to make the amendment to the license type and send it to the ABCC.

Mr. Hoxie then asked about the fee. Mr. Geiler stated the fee would now fall under the restaurant category with a lower fee. He said we need to do a new Form 43 with the change.

Mr. Burman moved to amend the approved license to a Manufacturer's Brewery All Alcohol Pouring License with a fee of \$3,050.00. The motion was seconded by Mr. Boy and a unanimous vote taken to approve it.

3) Mr. Geiler also spoke about the recent State approval of a caterer's license to go into effect 10/31/12 – no local approval will be needed in future unless they wanted entertainment. The caterer would apply directly to the ABCC for it. It will require some of the non-profits to be able to obtain the alcohol directly from the caterer legally – it has probably been going on for some time although not strictly legal. This will help in several ways. It is an improvement over what we have now. It will not require the traditional annual events to do things differently – they can still run their own functions. Right now they are promulgating regulations to go with this. He asked if the Board had questions. They did not.

4) Mr. Geiler also stated on October 22<sup>nd</sup> we have a change of location for our hearing to the Selectmen's Conference Room as the hearing room needs to be used for something all that week. He advised the members to turn right instead of left at the top of the stairs for that meeting.

5) Mr. Geiler also stated that on October 16<sup>th</sup> the ABCC will conduct a hearing on serving alcohol to a minor by Seaside Pub on Main, 615 Main Street, Hyannis. There is no requirement that we be there – the violation was 7/26. The hearing is at the ABCC.

6) Mr. Scali stated the ABCC Hearing on Embargo's appeal has been changed to October 31, 2012 at the ABCC. Mr. Geiler said the Town Attorney responds as required.

7) Mr. Burman brought up a letter submitted by Peter Cross about excessive loud music from Trader Ed's. Officer Maher stated there was a call and an officer went there after 11:15; according to him there was no violation. They made it through the whole summer without any noise complaints by Officer Maher will speak to the principals just to let them know we have received and are looking into their complaint.

Mr. Hoxie determined there was nothing further to discuss and the meeting was adjourned at 9:55 a.m.

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