



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, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
March 26, 2012

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 26, 2012. 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, Richard Scali, Consumer Affairs Supervisor, Sgt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Roll Call Vote: Roll call vote to accept Executive Session Minutes from 2/13/12 and seal.

Mr. Hoxie called for a roll call vote to accept the 2/13/12 Executive Session Minutes and to seal them until such time as Legal authorizes us to open them.

Mr. Burman moved that these minutes be accepted as printed. Paul Sullivan seconded the motion. Ms. Ade polled the members and the results were:

Martin Hoxie	Yay
Gene Burman	Yay
Paul Sullivan	Yay

Vote to accept Minutes: Vote to accept minutes of the 3/12/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 3/12/12 Meeting.

Hearings:

One Day Beer & Wine License: Application of Richard Ekross on behalf of Baybridge Clubhouse, 278 Main Street, Hyannis, for its 8th annual Dessert First – A Chocolate Soiree” fundraising event for Baybridge to be held at the JFK Museum, Main Street, Hyannis for a One Day Beer & Wine License on April 12, 2012 from 5:00 pm to 7:30 pm.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to continue the application of Richard Ekross on behalf of Baybridge Clubhouse, 278 Main Street, Hyannis, for its 8th annual Dessert First – A Chocolate Soiree” fundraising event for Baybridge to be held at the JFK Museum, Main Street, Hyannis for a One Day Beer & Wine License on April 12, 2012 from 5:00 pm to 7:30 pm to the April 9, 2012 Licensing Authority Hearing as no-one was present for the application.

One Day All Alcohol and One Day Entertainment Licenses: Application of Bill Sykes on behalf of Promoter Line, Inc., 13 River Street, Plymouth, for a One Day All Alcohol and a One Day Entertainment License for Best Buddies Challenge Ride being held on June 2, 2012 starting at 7 am in Boston and finishing at 1014 Craigville Beach Road at 4 pm. The celebration will be held under a tent from 4 pm to 9 pm and include a lobster bake and a live band. Proceeds go to Best Buddies. Set up will be from May 31 to June 2, 2012. The event is expected to draw 1,500 people.

Mr. Sykes appeared for the application. This is the 14th annual Best Buddies Challenge. It provides one to one friendships and jobs; started by Anthony Kennedy-Shriver. The first arrivals are at noon; the 5k starts at 8.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Bill Sykes on behalf of Promoter Line, Inc., 13 River Street, Plymouth, for a One Day All Alcohol and a One Day Entertainment License for Best Buddies Challenge Ride being held on June 2, 2012 starting at 7 am in Boston and finishing at 1014 Craigville Beach Road at 4 pm. The celebration will be held under a tent from 4 pm to 9 pm and include a lobster bake and a live band. Proceeds go to Best Buddies. Set up will be from May 31 to June 2, 2012.

Mr. Geiler asked about the letter of concern from a neighbor – Mr. Sykes stated they have addressed it and will be working to correct any issues she may have.

One Day All Alcohol and One Day Entertainment Licenses: Application of Paul J. Covell on behalf of Barnstable County Deputy Sheriffs Association, 546 Main Street, South Dennis, for a One Day All Alcohol and a One Day Entertainment License for fundraising for the Association and Sheriff’s Youth programs, to be held on March 30, 2012 from 6 pm to 12 pm at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville. They will have a guitar player performing.

Mr. Covell appeared for his application. This event is Friday. It is their annual event at the Greek Church. This year they have added a charity that they support – Cops for Kids with Cancer based in Boston and Dublin, Ireland. They look forward to a

successful evening. The alcohol will be under the control and dispensed by members of the sheriff's department.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Paul J. Covell on behalf of Barnstable County Deputy Sheriffs Association, 546 Main Street, South Dennis, for a One Day All Alcohol and a One Day Entertainment License for fundraising for the Association and Sheriff's Youth programs, to be held on March 30, 2012 from 6 pm to 12 pm at St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville.

One Day Beer & Wine and One Day Entertainment Licenses: Application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a One Beer & Wine and a One Day Entertainment License for a fundraising event on May 5, 2012 from 4:30 pm to 7:30 pm to include wine & beer tastings and a jazz combo will perform.

This is their 9th time and largest fundraiser. It will be for operations not expansion as asked by Mr. Hoxie.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Elizabeth Butler on behalf of Centerville Public Library, 585 Main Street, Centerville, for a One Beer & Wine and a One Day Entertainment License for a fundraising event on May 5, 2012 from 4:30 pm to 7:30 pm to include wine & beer tastings and a two entertainers will perform.

One Day All Alcohol License: Application of Mary Lyons of Casual Gourmet, 31 Richardson Road, Centerville for Duffy Health Center of Hyannis, for a One Day All Alcohol License for its 3rd annual fundraising gala to be held at Rectrix Aerodrome, 730 Barnstable Road, Hyannis on May 11, 2012 from 6:00 pm to 10:00 pm.

Mary Lyons appeared for the 3rd annual Duffy fundraiser. The time is 5:30 to 9:30 rather than 6 to 10.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Mary Lyons of Casual Gourmet, 31 Richardson Road, Centerville for Duffy Health Center of Hyannis, for a One Day All Alcohol License for its 3rd annual fundraising gala to be held at Rectrix Aerodrome, 730 Barnstable Road, Hyannis on May 11, 2012 from 5:30 pm to 9:30 pm.

Modification of Daily Live Entertainment License: Application of Baxter's Boathouse Club, 177 Pleasant Street, Hyannis, Samuel T. Baxter, Manager, to amend it's Daily Live Entertainment License to add additional entertainers, for a maximum of three entertainers, amplified, from 7 pm to 12:45 am Thursdays, Fridays and Saturdays.

Attorney Spillane appeared for Baxter's. Carol Hill has been playing there for 35 years; the request is to expand the band to allow a couple of guitar players Thursdays, Fridays and Saturdays. The applicant understands it is his responsibility to check the noise level outside and monitor it so there would be no problems. They request up to 3 entertainers total at a time.

Mr. Burman expressed concern about the music traveling over water. Mr. Spillane stated it will be inside only using the existing stage area. Mr. Baxter knows the noise level is on him to control. There are doors he can close. Mr. Sullivan also confirmed the number would not be above 3 entertainers.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Baxter's Boathouse Club, 177 Pleasant Street, Hyannis, Samuel T. Baxter, Manager, to amend its Daily Live Entertainment License to add additional entertainers, for a maximum of three entertainers, amplified, indoors from 7 pm to 12:45 am Thursdays, Fridays and Saturdays.

Change of Manager: Application of Beech Tree Cantina, LLC d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, for a Change of Manager from Matthew P. Conley to Caitlyn E. Sweeney.

Attorney Steven Pizzuti appeared for the change of manager at the Beech Tree Cantina, LLC. Caitlyn Sweeney will be the new manager with the Board's blessing. She has experience as a manager at the Naked Oyster and Islander's at Crosby Boat Yard. She is a teacher in the Barnstable School system. It has worked smoothly in the past – especially in the summers. She is TIPS certified and familiar with the Town and State regulations. It will open Sunday to the public; they have been doing dry runs with staff and a police department function. Mr. Hoxie heard it was a rousing success.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Beech Tree Cantina, LLC d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, for a Change of Manager from Matthew P. Conley to Caitlyn E. Sweeney.

New Class II Auto Dealer License: Application Ana Paula Faria, d/b/a G Motors, 417A & B Yarmouth Road (vehicle storage) & 431B Yarmouth Road (office), Hyannis, MA for a New Annual Class II Auto Dealer License, hours of operation to be Mon – Fri, 8 am to 5 pm, Saturday 10 am to 2 pm. Maximum of 19 vehicles total on premises, not to exceed 12 vehicles parked outdoors. No washing of vehicles on site; no repair of vehicles on site.

Ms. Faria appeared with the current owner. Mr. Gualberto stated it is the same license he holds now. Ana Paula has worked with him for a year at the premises. It will not change. Mr. Burman stated he has reservations as we have so many licenses out right now with expansion of the Class I licenses and all the Class II

licenses we have. His understanding is that there are a lot of consumer complaints. Mr Gualberto stated he has been operating there for 2 years with no problems or complaints. Mr. Burman is concerned with the narrowness of the parking lot and the street at that location. Mr. Sullivan stated he has been there several years, the place has been run well. It is really just a change of owner with him as Manager.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Ana Paula Faria, d/b/a G Motors, 417A & B Yarmouth Road (vehicle storage) & 431B Yarmouth Road (office), Hyannis, MA for a New Annual Class II Auto Dealer License, hours of operation to be Mon – Fri, 8 am to 5 pm, Saturday 10 am to 2 pm. Maximum of 19 vehicles total on premises, not to exceed 12 vehicles parked outdoors. No washing of vehicles on site; no repair of vehicles on site. Mr. Sullivan stated the limitations will have to be strictly adhered to.

New Non-Live Entertainment and Games License: Application of Oshane Brown, d/b/a Big O's Gaming Lounge, 769 Iyannough Road, CC Mall Unit W133A, Hyannis, Oshane Brown, Manager, for a New Non-Live Entertainment License for 20 games. The games are Wii and Play Station XBox games. Individuals will pay to play the games for increments of time.

Mr. Brown appeared for his application for a gaming lounge at the Mall. He stated it offers all the latest technology. They have approval from the Mall and would like to open by April 15th. Mr. Hoxie asked how they charge – they will charge \$3.50 for 15 minutes. They have all sorts of games. Mr. Hoxie asked about age limits – Mr. Brown stated they will be separated by M games – it tells you right on the game what ages it is for. Mr. Burman asked if there is a possibility of setting up for gambling? Mr. Hoxie stated it is not gambling at all. Mr. Geiler stated the kids today want the new games – it is amazing what they can do with these games. Mr. Geiler stated it is no different from an arcade. Mr. Hoxie stated there was one in Bell Tower Mall. Mr. Brown stated these are all games of skill, not games of chance. Mr. Hoxie stated it is good training for hand coordination – we could be helping future doctors in there.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Oshane Brown, d/b/a Big O's Gaming Lounge, 769 Iyannough Road, CC Mall Unit W133A, Hyannis, Oshane Brown, Manager, for a New Non-Live Entertainment License for 20 games. The games are Wii and Play Station XBox games.

Mr. Brown asked if it was possible to get a lower rate on the license fee? He also asked about amending it in future. Mr. Hoxie stated he would have to come back for any amending of the license.

New Annual All Alcohol Common Victualler License, Daily Live and Non-Live Entertainment Licenses: Application of Prova Brazil Steakhouse, LLC, d/b/a Prova

Brazil Steakhouse, 415 Main Street, Hyannis, MA, Fabio Soriano De Oliveira, Manager, for a New Annual All Alcohol Common Victualler License: Premises at 415 Main Street, Hyannis consists of a 3,370 sq ft fenced-in outside service/patio area with a bar of 21 seats, 21 tables with 84 seats and 11 lounge seats – access to which is the main entrance on Main Street with alternate emergency exit to the east; one two-story structure, 1st floor of which has a kitchen with dishwasher room, walk-in cooler, storage & mop rooms & grill area, 219 sq ft men's & 275 sq ft ladies' restroom, 2,010 sq ft dining room with 33 tables & 136 seats, 560 sq ft dining/entertainment area with 9 tables & 36 seats, 533 sq ft bar area with 25 seats & 25 standees, 66 sq ft foyer & 190 sq ft area with occupancy of 20. Total patron service/access area sq footage is 3,853. Access to 1st floor is by main entrance and French doors leading to/from bar area on north side of bldg. Two additional emergency exits on east side of bldg. Kitchen/service entrance & service entrance to the rear, both on west side of bldg. 2nd floor: offices, restrooms & storage only. Maximum exterior occupancy of 145 including 116 seats, 8 shift employees & 21 standees at patio bar. Maximum interior occupancy is 290 including 225 seats, 20 shift employees & 45 standees and/or patrons waiting to be seated. Maximum occupancy total for indoor and outdoor service is 435, 341 of which are seats. Restaurant open 8 am to 1 am. Also requesting live entertainment for up to 4 entertainers, dancing (560 sq ft dance floor), non-live entertainment and 4 t.v.'s, all from 11 am to 12:45 am daily. Six tables of 4 seats ea. Will be removed during live entertainment and/or dancing.

Attorney Dan Creedon appeared for this application. Mr. Burman declared there might be a conflict of interest – he does not think it will be a conflict; Mr. Creedon and Mr. Hoxie had no problem with him sitting at the hearing. Fabio De Oliveira appeared as the proposed Manager and Marcello Mallegni, a principal. Attorney Creedon explained that this is a year round all alcohol common victualler license with live entertainment. This property has been vacant for months. They are doing a nearly \$2 million renovation. First Cape Venture Realty Trust acquired the property in 1998. This property has a very central location in Hyannis. It is a good anchor property which intends to stay for more than one or two seasons. It is a large property. There is a 35 – 40' dramatic ceiling. There is a large patio bar. It is one of the first properties on Main Street with a patio dining area. There will be a patio bar, lounge seating and table seating. The inside is over 3,800 sq ft. The manager now runs a successful painting business – Eagle Painting. It is basically running itself now, so he can dedicate himself to this operation full time. He understands his responsibilities. Attorney Creedon stated it turned out not to be true that he had no experience with alcohol service/restaurants – he has worked for 8 years for the Jamiel family at Christine's and Ardeo's. Mr. Mallegni, going back 30 years had experience in Italy as well as here in the restaurant business. He is an importer and distributor of stone. He has worked with many restaurants. Dave Colombo is a friend and consultant on this project. They also have another consultants to use as resources. They have assembled a management team. The chef has 6-7 years experience, bar manager has experience for 7 years; front end manager is a retired state trooper and a bar manager with extensive experience at the Roadhouse. Their

game plan is to have this team to support Mr. De Oliveira as Manager. Mr. Mallegni has seen a succession of short lived restaurants at the location- they want this to be a stable operation that lasts. It will be a destination property. The exterior is completely renovated and period correct – also removed inside. Limited breakfast service, full lunch and dinner service. The menu concept is Italian and Brazilian. It will be upscale but delivered at a reasonable price. In the past there were either with a price point too high. Mr. Creedon stated they will have cameras throughout the property, technical security camera at the door and the newest swipe system for ID's. Mr. Creedon thanked Mr. Geiler, Mr. Scali, Ms. Ade for their help working on the application. Mr. Hoxie asked if this will be a nightclub or restaurant. Mr. Creedon stated it will be a restaurant. Mr. Hoxie asked how they will monitor the entertainment. He stated it will be inside and also non-live and T.V.'s. There will be no amplification that he is aware of on the outside patio. Mr. Hoxie asked when dinner service will end. He was told 10 pm. Entertainment continuing to 12:45. The seating has all been approved by the Building Commissioner. Mr. Hoxie asked about the winter when it gets slow – will they close for “renovations?” Mr. Creedon stated they will be open. Mr. Hoxie asked about the type of entertainment. Mr. Creedon conferred with his clients. He then stated it will be predominately live entertainers or low level recorded music. No karaoke or club type situation. Mr. Hoxie asked what type of entertainment and who will it attract? Mr. Creedon stated like The Roadhouse, The Black Cat, Five Eighty Six Main. They applied for up to 4 entertainers. Mr. Hoxie stated that this Authority has experience with places that found after time it was more lucrative to have other kinds of entertainment than they started with. The Authority will embrace a fine dining restaurant with entertainment but as soon as it turns into a night club or police activity occurs caused by the number of people or type of music the entertainment license will not stand. Mr. Creedon stated his clients fully understand this. There will be an element of consistency and accountability to Mr. Mallegni. He does not want to have those types of problems. Mr. Hoxie stated it is hard after the restaurant service closes when the people are looking for a rowdy nightclub. Mr. Creedon stated it will not be that and the Authority of course has the recourse of calling them in to revoke the approval of the entertainment. Mr. Burman asked about the security for the 435 occupants. Mr. Creedon stated their staff includes a retired state trooper as part of the management team as well as their waitstaff. Mr. Burman asked what would happen on a Saturday night with over 400 people leaving at 1 am? Mr. Creedon stated that is not what this is intended to be. The seats are 290. He is not representing that there will be big bouncers because they do not believe they need that. Mr. Burman stated they went to a seminar 6 months ago and the amount of fraudulent ID's presented is amazing; and when everyone starts to leave at once the numbers seem to be huge. Mr. Sullivan stated the winter season will not be busy and he has some of the same concerns expressed by Mr. Hoxie. Mr. Burman asked for a definition of a restaurant as opposed to a nightclub. Mr. Geiler stated that you know one when you see one, and that several things raised red flags but they have talked extensively with the applicants, attorney, landlords, owners. There are 96 at the bars – not the kind of fine dining he would like to go to - that seems to be a lot of people for a fine dining atmosphere. He did say he understood that the applicants

believe they can make it work. What will the menu be after 10 pm? After conferring with his clients, Mr. Creedon stated appetizers – lighter fare. Mr. Geiler stated it will morph into a nightclub. Mr. Hoxie stated we just want to be sure not to allow a rowdy nightclub. We've had this before and it just didn't work out – especially in the winter weekends when things were slow. Mr. Geiler asked if Historic approved the patio yet. Fabio stated it has been approved. He asked how they will contain the noise from 100 people outside there. Stating that the buzz at an outside bar would be a lot more than just at tables. Do the applicants have any thoughts as to controlling that noise? 21 bar stools and another 25 standing around the bars. Mr. Creedon stated the inside bar is segregated from the outside bar. He does understand the concern for that area. He asked the owner and manager about that area. Fabio stated it will remain open unless it is very slow and then they will close the bar. They have talked to the school, library and neighbors close by and across the street. They have cleaned up the area and there will be a light post between the two buildings so the police department can watch the alleyway between buildings. They have spoken to the neighbors. Attorney Creedon stated after conferring with his clients that they propose to run that bar from noon to 10 or 11 at night. Regarding the 116 seats outside, Mr. Sullivan asked about when it would be open off season. They stated it will not be open off-season. Mr. Creedon stated Mr. De Oliveira needs to really monitor the noise outside. There will be no music out there. If there are any complaints then of course it would have to be limited somehow. He said the ordinary din of people eating and talking will be what it is. It will depend on the number of people. Mr. Geiler asked if they will serve food at the bar and Mr. Creedon said yes, absolutely. He then asked what the door charge will be...there will not be a "cover charge." Attorney Creedon said that he had made an error stating that in the application. Lt. Murphy stated he does not see any issues if they run this business the way they have proposed it and it would be a benefit to Main Street if it operates the way they have proposed it. He said that if it changes to how some of the other Main Street venues are, there could be some issues. Mr. Hoxie said it looks like a well thought out plan the way they have proposed it. He then stated the Authority will take immediate action if there is a problem. The 1st thing we would do would be to limit the entertainment hours. After a public hearing we could limit the entertainment to 11 pm with no appeal of our decision – that is how we really control the time after 11 pm. Before 11 is another matter – we'd have to address that through appropriate means such as police action needed, etc. for disturbances. With the information provided us and approval of seating from the Building Commissioner it appears they should be allowed to proceed. Mr. Burman stated he has great reservations about the amount of seating – to start with he thinks we should cut back their seating by about 100 from a control point of view; he thinks everyone would be a lot happier. If it works out a couple months into the operation then we could discuss an increase to what the Building Commissioner feels is o.k. Mr. Creedon stated the objection he would have on behalf of his client is that it is 4,000 sq. ft. building; to leave a part of it unused is inefficient and aesthetically confusing to patrons to have empty areas. He would hope we could give them the benefit of the doubt and using their authority later if need be. He thinks limiting them before they start is not a good idea. Until we see evidence otherwise, they request

to use the full extent of the facility as it has been renovated. Mr. Burman stated he is still concerned that it would take too long to correct a complaint. Mr. Creedon believes the management would correct a mistake immediately. Mr. Geiler stated that an upscale place would constantly check with the neighbors to make sure they are not bothered by anything going on there. He stated there is room for potential negative aspects for the neighbors. Having said that the neighbors and many others are in support of this – liking how it looks and what is proposed. Officer Maher suggests what they are proposing is what he believes Mr. De Oliveira will do. He suggested that if they plan to make any change in the entertainment they come to the Board of the police department first to mitigate it turning into something we do not want it to be. Attorney Creedon stated we might want to condition the entertainment license that way. Mr. Burman stated both applicants are good people, who will be trying to run a good operation. They have done a magnificent job on the property. Mr. Sullivan stated he is satisfied with the operation as presented. The applicants have heard what they need to hear about the concerns. Mr Geiler stated the dialogue goes for us at the Licensing Office as well – we are open every day and we are free to go to for what is permitted and not permitted and the pitfalls. Mr. Hoxie stated a restriction could be done on the license very promptly if there was enough evidence and it was causing police activity to limit the entertainment to 11 pm.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Prova Brazil Steakhouse, LLC, d/b/a Prova Brazil Steakhouse, 415 Main Street, Hyannis, MA, Fabio Soriano De Oliveira, Manager, for a New Annual All Alcohol Common Victualler License as printed as printed with the reservation that the licensee is aware of the Licensing Authority concerns and avail themselves of any help they need if they want to change their concept in any way.

Mr. Hoxie wished them good luck on this venture and asked when they felt they would be ready to go to be operational – Attorney Creedon said they are hoping for May. Mr. Burman stated it takes at least six weeks at the ABCC. Attorney Creedon thanked the Board and Liaison officers.

New Seasonal Common Victualler License: Application of Cynthia J. Oliver, d/b/a Lobstahs, 569 Main Street, Unit D12, Hyannis, Cynthia J. Oliver, Manager, for a New Seasonal Common Victualler License, the hours of operation to be 10:00 a.m. to 6:00 p.m. with seating at tables outside for 18. Continued from 3/12/12.

Ms. Oliver said she has no entertainment and no alcohol. It will be an outdoor business – takeout place...lobster rolls, stew, etc. It is next to the hot dog place. There is no seating inside. Mr. Hoxie asked if there is an awning in case of rain. There is an awning over the window and umbrellas for the seating. They hope to open mid to late April.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Cynthia J. Oliver, d/b/a Lobstahs, 569 Main Street, Unit D12, Hyannis, Cynthia J. Oliver, Manager, for a New Seasonal Common Victualler License, the hours of operation to be 10:00 a.m. to 8:00 p.m. with seating at tables outside for 18. Mr. Geiler stated they may need an additional sign – they should consider that as well as the storefront is set back.

Changes to Chapter 502 Junk Dealer Regulations: Hearing requested by the Barnstable Police Department, which has identified as an issue, and has requested the Licensing Authority consider adoption of changes to the regulations for Secondhand Dealers and Collectors as outlined in Chapter 502, Sections 4C&D, and 6E&F as follows: 4C. An individual digital photograph will be taken of each item purchased as defined under regulated property section 1-E. The photograph will be stored electronically, and are subject to the same record keeping requirements as listed in section 6-A. Copies of the photographs will be transmitted to the police department weekly, and are subject to the same rights of inspection as listed in section 8.

4D. The licensee shall cause to be transmitted electronically to the Barnstable Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. If, during the preceding week such Secondhand Dealers or Secondhand Collectors has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

6E. Consignment: Any of the items listed in 502-1 that are taken under “consignment” where the licensee, dealer, consignor or consignee receives any type of gain, profit, trade of property, or the recovery of expenses shall be considered regulated property and shall be reported according the established regulations.

6F. The sale or purchase of “gift cards”, store credit cards and gift certificates for other than face value is prohibited.

Mr. Hoxie read the proposed changes to the rules and regulations. Officer Maher stated that there were over 1,094 transactions in sold items in one small timeframe; in that same time there was over \$200,000 in items reported stolen in Barnstable. The secretary for the detectives prepared a binder for a month – the electronic reporting works very well. Others in the police department can look at it. There are a few who don’t report electronically and considering the money they generate, Officer Maher does not think it is not too hard to ask them to report electronically. He stated that photos of items taken in a lump do not work – they need to be photographed individually. That information needs to be sent right away so BPD can match up any stolen items. On the consignment issue - they are asking that if there is a profit it is a sale and must be recorded. On 6F, after talking with Town Attorney, they will remove the request for 6F at present.

Mr. Geiler stated the hearing notice was published with all of these changes. It would go into effect in 30 days after advertising.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to adopt the changes as written except for 6F.

Show Cause Hearing Re-opened: Due to a request from Judith Eldredge, the Licensing Authority is re-opening its Show Cause Hearing for Auto Smart, LLC, Daryl Fietz, Manager, 202 Yarmouth Road, Hyannis, MA, which hearing was called for January 9, 2012 for failure to return her deposit or otherwise make her whole under MGL c. 140, §58 (c) (1) (v) (8) despite her returning the vehicle to Auto Smart, LLC for mechanical issues and higher loan payments. That hearing was closed as the Licensing Authority was advised that Ms. Eldredge was satisfied with the resolution of the matter. The Licensing Authority may cancel, suspend, revoke or further condition this Class II Auto Dealer License.

Mr. Scali stated this hearing is a matter from some months ago. The settlement supposedly reached in the hallway was acceptable to Ms. Eldredge so she chose not to go forward at that time. The agreement subsequently fell apart. Ms. Eldredge asked the Licensing Authority to reopen the hearing.

Mr. Scali stated that he then received a message this morning from Ms. Eldredge that this matter has been settled for \$805.00. He said he had encouraged her to come forward this morning with her complaint but she did not. He would have encouraged further discussion.

Mr. Burman asked if there have been other complaints – Mr. Scali stated there was another one which was also settled. Mr. Burman asked if we should summon him again. Mr. Hoxie asked that this matter be continued to April 9, 2012 for him to be present to respond to Licensing Authority concerns.

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. Continued from 8/10/11, 2/14/11, 6/20/11, 9/19/11. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011-2012 will be determined. Attorney Atwood's Office advised they were still in Court for 9/24/11 but the matter should be wrapped up for the 10/24/11 hearing. Request was made to continue this hearing to 10/24/11 and today it was continued to January 30,

2012 as the prior Licensee is still in Court. Per request of Licensee's attorney, this hearing was continued to March 26, 2012.

No-one appeared for, nor did anyone call about this hearing. Mr. Hoxie asked that this matter be continued to the June 25, 2012 hearing as it is still in Court.

Renewals:

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

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Common Victualler All Alcohol License renewals listed below:

Common Victualler All Alcohol:

Gringo's, 577 Main Street, Hyannis
Blue Water Grille, 213 Ocean Street, Hyannis
Spanky's Clamshack & Seaside Saloon, 138 Ocean Street, Hyannis
Harbor Point Restaurant, 156 Harbor Point Road, Cummaquid
The Paddock Restaurant, 20 Scudder Avenue, Hyannis
Fresh Ketch, 460 Main Street, Hyannis
Mattakeese Wharf Restaurant, 271 Millway, Barnstable
Raw Bar on Ocean Street, 230 Ocean Street, Hyannis
The Dockside, 110 School Street, Hyannis
Trader Ed's, 11 Willow Street, Hyannis
Kian n' Rylee's, 561 Main Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve Common Victualler Wine & Malt License renewal listed below for Cooke's Seafood but to hold that for the Cape Cod Melody Tent until we receive their entertainment license information to approve them at one time.

Common Victualler Wine & Malt:

Cooke's Seafood, 1120 Iyannough Road, Hyannis
Cape Cod Melody Tent, 21 West Main, Hyannis (alcohol only until schedule finalized) per Mr. Burman hold this one until the entertainment schedule is in and approve both then.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Seasonal Innholder All Alcohol License renewal listed below:

Innholder All Alcohol:

Hyannis Inn Motor Hotel, 473 Main Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Seasonal Club All Alcohol License renewals listed below:

Club All Alcohol:

Cotuit Highground, 31 Crocker Neck Road, Cotuit
Baxter's Boathouse Club, 177 Pleasant Street, Hyannis
The Beach Club, 27 Long Beach Road, Centerville

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Daily Live Entertainment renewal listed below:

Daily Live Entertainment:

Blue Water Grille, 213 Ocean Street, Hyannis
Baxter's Boathouse Club, 177 Pleasant Street, Hyannis
The Paddock Restaurant, 20 Scudder Avenue, Hyannis
Fresh Ketch, 460 Main Street, Hyannis
Mattakeese Wharf Restaurant, 271 Millway, Barnstable
Raw Bar on Ocean Street, 230 Ocean Street, Hyannis
Trader Ed's, 11 Willow Street, Hyannis
The Beach Club, 27 Long Beach Road, Centerville

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Daily Non-Live Entertainment renewals listed below:

Daily Non-Live Entertainment:

Gringo's, 577 Main Street, Hyannis
Blue Water Grille, 213 Ocean Street, Hyannis
Fresh Ketch, 460 Main Street, Hyannis
Hyannis Inn Motor Hotel, 473 Main Street, Hyannis
The Dockside, 110 School Street, Hyannis
Trader Ed's, 11 Willow Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Video Games renewals listed below:

Video Games:

Hyannis Inn Motor Hotel, 473 Main Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Karaoke License renewals as submitted below:

Karaoke:

Fresh Ketch, 460 Main Street, Hyannis
Trader Ed's, 11 Willow Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Junk Dealer renewals as submitted below:

Junk Dealers:

Historical Military Antiques, 1127 Route 132, Hyannis

Business Meeting:

Mr. Burman asked about the suit against Ferreira's; Mr. Scali advised it was served on Mr. Ferreira on 3/9/12.

Mr. Scali advised the nonprofit organization Municipal Licensing Group, of which he is President, will hold a seminar on April 24th at which Lt. Murphy and Officer Maher have been requested to speak. He also invited the Board to attend this seminar at Wachusett Country Club in West Boylston.

Officer Maher advised there will be two BPD informational seminars on 4/26 and 4/27 at the station at 11 am. A letter will be sent out by Licensing to the current licensees.

The meeting was adjourned at 11:06 am.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority