



Town of Barnstable

Regulatory Services

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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.

January 11, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, January 11, 2010. 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, an addition to the Board, Kim Connors, Consumer Affairs Division Supervisor, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Hearings:

Change of Manager: Application of Outback New England I Limited Partnership, d/b/a Outback Steakhouse, 1070 Iyannough Road, Hyannis, MA, Christina Jacobs, Manager for a **Change of Manager** on its All Alcohol Common Victualler License to Justin Daniel Schwarz.

No-one appeared for their application for Change of Manager application. The recorder indicated they may inadvertently not have received a hearing notice as the application was filed by mail, and one would be sent out if the Board continued the application.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to continue this matter to the February 1, 2010 hearing.

New Common Victualler License: Application of LBK, LLC., d/b/a Burger King, 184 North Street, Hyannis, MA, Rob Smith, District Manager, for a new Common Victualler License.

Mark Rochon, Project Manager for LBK, LLC, which has purchased these locations, appeared for this new license and the following license. The corporation has replaced Boston-Wyman as owners of the franchises and are already operating.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan, and a unanimous vote taken to approve this application. Mr. Burman asked that the individual store managers be listed with the Licensing Authority. Mr. Rochon stated Mr. Smith is the one to call for all the Cape locations. Mr. Geiler asked if they own the real estate here – Mr. Rochon stated they do not. They are planning to do a rebuild on the North Street structure in the near future. He hopes to do that process in 90 days and before our Cape “season.”

New Common Victualler License: Application of LBK, LLC., d/b/a Burger King, 2145 Iyannough Road, Hyannis, MA, Rob Smith, District Manager, for a new Common Victualler License.

Mr. Rochon appeared for this license as well as the preceding one. Paul Sullivan asked if there are any issues as to parking at the location up by Route 6; Officer Maher stated there are none. Part of the lot is regulated by the State.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan, and a unanimous vote taken to approve this application.

Show Cause Hearing: A Show Cause Hearing was called 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. The hearing was continued from 12/28/09 to 1/11/10.

Mr. Hoxie advised that Attorney Jack Atwood’s office (counsel for the licensee) had faxed a letter requesting another continuance on this matter so he could review and prepare for the new charges.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to continue this Show Cause hearing to the February 1, 2010 hearing, and that the suspension of the current license remain in effect until that date.

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 Class II Auto Dealer renewals as submitted below:

Class II Auto Dealers:

Es Auto Sales
Hi-Line Auto Sales
Auto Wholesalers of Cape Cod
GX Automotive
Barnstable Auto Exchange

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

Common Victuallers:

Box Lunch
Village Landing Restaurant
Papa Gino's – 790 Iyannough Road
The Barnacle
Old Country Buffet

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:

Papa Gino's – 790 Iyannough Road
Boston n Barnstable – 2145 Iyannough Road

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:

Papa Gino's – 790 Iyannough Road
Boston n Barnstable – 2145 Iyannough Road

Daily Live Entertainment:

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:

Cotuit Center for the Arts

Cinema/Theatre:

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Cinema/Theatre renewal listed below:

Cotuit Center for the Arts

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

Sunday Entertainment:

Papa Gino's
Cotuit Center for the Arts

Business Meeting:

Approval of "Last Drink" letters for mailing. Mr. Hoxie stated the letter looks adequate as drafted. He stated we should send it out.

Discussion on Memorandum to Auto Dealers. Officer Maher was asked to comment and whether we need the words, "out of doors" on the license; he stated yes, as they can't see inside when inspecting the premises. He suggests leaving it as it is. Mr. Burman stated he agreed to the letter going out as long as the Building Commissioner agrees.

Discussion and vote took place as to whether to hold a Show Cause Hearing for C.C. Gama Corp., d/b/a Mallory Dock Restaurant, 477 Yarmouth Road, Hyannis for non-compliance with Health Department regulations, for failing to obtain a 2010 Food Service Permit, and for not obtaining a rental housing permit. Mr. Hoxie asked if there were any objections. Mr. Geiler stated the Health Department has not been able to do inspections during business hours; for not being responsive, the Health Dept. has issued a civil citation but expressed concern as to what is going on there. Mr. Sullivan stated we absolutely need a hearing called.

Mr. Geiler stated we can do it February 1st but suggested we have a full plate on that date already. Mr. Hoxie stated we will schedule that hearing for February 1, 2010.

Mr. Hoxie again welcomed Kim Connors, stating it will be nice to see her every couple weeks at our hearings.

The meeting was adjourned at 9:50.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority