



+Town of Barnstable

Regulatory Services

Thomas F. Geiler, Director

Licensing Authority

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: (508) 862-4674

Fax: (508) 778-2412

BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.

February 1, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, February 1, 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, Kim Connors, Licensing Agent, Lt. JoEllen Jason and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Hearings:

One Day Entertainment: Application of Diane Wood-Bielski for Highland Light Scottish Pipe Band, 56 Holly Tree Lane, Middleboro, MA, for a One Day Entertainment license for Saturday, March 13, 2010 for a Celtic Music Night with up to 23 entertainers to be held at West Villages Elementary School, 760 Osterville/West Barnstable Road, Marstons Mills from 5 pm to 9:30 pm.

Dennis Smith appeared for the 2nd Celtic night at this location (used to be Horace Mann). Last year they sold over 400 tickets. They will have pipes and drums, hearts and fiddles, dancing, vocals, you name it. It is \$12 at the door and \$10 for adults in advance, \$6 for children over 6 and younger ones for free. He stated the oldest piper is 82 and the youngest is 10. Mr. Burman asked if they would like setup time as well – he said yes. It takes a while to set up.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Diane Wood-Bielski for Highland Light Scottish Pipe Band, 56 Holly Tree Lane, Middleboro, MA, for a One Day Entertainment license for Saturday, March 13, 2010 for a Celtic Music Night with up to 23 entertainers to be held at West Villages Elementary School, 760 Osterville/West Barnstable Road, Marstons Mills and extend the time for setup to 4 pm to 10 pm.

One Day Entertainment & Sunday Entertainment License: Application of Ann Louise Harries for Hyannis Public Library, 401 Main Street, Hyannis, MA, for a One Day Entertainment license and Sunday Entertainment License for Saturday,

February 13, 2010 and Sunday, February 14, 2010 for its 34th annual Antique Show and Sale to be held at the Field House, Barnstable High School, West Main Street, Hyannis from 10 am to 5 pm each day.

Ann Marie Carlson appeared for the library. They are asking for the 34th annual antiques show and sale. Sunday hours are 11-4 and they request a waiver of their fee.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Ann Louise Harries for Hyannis Public Library, 401 Main Street, Hyannis, MA, for a One Day Entertainment license and Sunday Entertainment License for Saturday, February 13, 2010 and Sunday, February 14, 2010 for its 34th annual Antique Show and Sale to be held at the Field House, Barnstable High School, West Main Street, Hyannis from 10 am to 5 pm Saturday and Sunday and that they have lesser hours on Sunday.

One Day Beer & Wine Licenses (26): Application of Christine Duren on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit, for 26 One Day Beer & Wine Licenses for special events as follows in 2010:

2010 Kickoff Cultivation	Saturday	2/05/10	5 pm	
Volunteer Appreciation/Orientation	Wednesday	2/10/10		7 pm
Exhibit Celebrating Black History	Saturday	2/13/10	4 pm	
Music Greg Abate	Saturday	2/13/10	8 pm	
Music Gr. Gritzbach	Saturday	2/20/10	8 pm	
Music Rebecca Parris	Saturday	2/27/10	8 pm	
Porgy & Bess	Friday	3/05/10		8 pm
Porgy & Bess	Saturday	3/06/10	4 pm	
Porgy & Bess	Saturday	3/06/10	8 pm	
Porgy & Bess	Sunday	3/07/10		2 pm
Exhibit Chamber/Sourcebook	Saturday	3/13/10	4 pm	
Poetry/Chili Fest	Saturday	3/13/10	6:30 pm	
Exhibit Evolution of Maritime Art	Thursday	4/01/10		4 pm
Performance Love Letters	Friday	4/30/10		8 pm
Exhibit Pottery & Smoke	Saturday	5/01/10	4 pm	
Performance Love Letters	Saturday	5/01/10	8 pm	
Performance Love Letters	Sunday	5/02/10		4 pm
Music Persuasions	Friday	5/14/10		8 pm
Exhibit Mary Moquin	Saturday	6/05/10	4 pm	
Exhibit Americana Art	Saturday	7/03/10	4 pm	
Music Jonathan Edwards	Friday	7/23/10		8 pm
Exhibit CCftA Cotuit Alumni	Thursday	8/05/10		4 pm
Exhibit Magyar/Campbell	Saturday	9/10/10	4 pm	
Exhibit Culinary Art	Saturday	10/16/10	4 pm	
Arts & Souls Ball	Saturday	10/30/10	7 pm	
Exhibit Mbr/Stu/Fac	Saturday	11/26/10	4 pm	

Christine Duren appeared for their application for events for the season for which alcohol will be offered. These are concerts and art exhibit openings and some special events. Mr. Burman asked if they have covered themselves for hours for opening and closing? She stated they are happy with the times as presented.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Christine Duren on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit, for 26 One Day Beer & Wine Licenses for special events as follows in 2010:

2010 Kickoff Cultivation	Saturday	2/05/10	5 pm	
Volunteer Appreciation/Orientation	Wednesday			7 pm
Exhibit Celebrating Black History	Saturday	2/13/10	4 pm	
Music Greg Abate	Saturday	2/13/10	8 pm	
Music Gr. Gritzbach	Saturday	2/20/10	8 pm	
Music Rebecca Parris	Saturday	2/27/10	8 pm	
Porgy & Bess	Friday			8 pm
Porgy & Bess	Saturday	3/06/10	4 pm	
Porgy & Bess	Saturday	3/06/10	8 pm	
Porgy & Bess	Sunday			2 pm
Exhibit Chamber/Sourcebook	Saturday	3/13/10	4 pm	
Poetry/Chili Fest	Saturday	3/13/10	6:30 pm	
Exhibit Evolution of Maritime Art	Thursday			4 pm
Performance Love Letters	Friday			8 pm
Exhibit Pottery & Smoke	Saturday	5/01/10	4 pm	
Performance Love Letters	Saturday	5/01/10	8 pm	
Performance Love Letters	Sunday			4 pm
Music Persuasions	Friday			8 pm
Exhibit Mary Moquin	Saturday	6/05/10	4 pm	
Exhibit Americana Art	Saturday	7/03/10	4 pm	
Music Jonathan Edwards	Friday			8 pm
Exhibit CCftA Cotuit Alumni	Thursday			4 pm
Exhibit Magyar/Campbell	Saturday	9/10/10	4 pm	
Exhibit Culinary Art	Saturday	10/16/10	4 pm	
Arts & Souls Ball	Saturday	10/30/10	7 pm	
Exhibit Mbr/Stu/Fac	Saturday	11/26/10	4 pm	

One Day Wine Only & One Day Entertainment Licenses: Application of Anna Meagher on behalf of Cape Cod Art Association, 3480 Route 6A, Barnstable, for a One Day Wine Only and One Day Entertainment License for a fundraising event entitled, "A Hot Winters Night" to include live music and a wine tasting, on February 12, 2010 from 7 pm to 10 pm at the center.

Anna Meagher appeared for their event. This is their first, hopefully annual, event for the art gallery. It is a \$20 admission at the door and a bit less before then. Cotuit Liquors will be holding the wine tasting for them.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Anna Meagher on behalf of Cape Cod Art Association, 3480 Route 6A, Barnstable, for a One Day Wine Only and One Day Entertainment License for a fundraising event entitled, "A Hot Winters Night" to include live music and a wine tasting, on February 12, 2010 from 7 pm to 10 pm at the center.

New Class II Auto Dealer: Application of Cape & Island Motors, LLC, d/b/a Cape & Island Motors, 153 Corporation Street, Hyannis, Luis Daniel Xavier, Manager, for a

new Class II Auto Dealer License, with a maximum of 39 vehicles on the property (determined by Site Plan Review).

“Vinnie” Ferreira appeared for the license. When asked about his experience, he stated he has been with AB Auto Sales at the rotary for 7 years. It used to be a Dunkin Donuts. Mr. Geiler stated the site plan shows considerably less parking spaces than what they are requesting; Mark Soper from the Realty Company appeared with Mr. Ferreira and advised they had submitted a plan to the town (to Site Plan Review it was determined) which was approved at Site Plan showing parking on the hardtopped area. The plan grants a total of 39 parking spaces. The plan will be included with the file.

Officer Maher asked why Mr. Xavier is not here; he was told by Mr. Ferreira he is in Brazil right now. Officer Maher stated that AB Auto Sales is one of the dealers who have been before us for more vehicles than allowed. Mr. Geiler gave the Realtor a copy of OUR plan, which does not show what it needs to show. Mr. Geiler stated we should get the plan from GMD with the number they approved. Mr. Burman asked them to get Site Plan Review to restate the letter with their proper number of spaces. The Realtor will take care of getting us a revised letter. Mr. Sullivan stated he thought we should have a letter signed by the Building Commissioner with a total number of vehicles on the lot; we will have the plan signed by him.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Cape & Island Motors, LLC, d/b/a Cape & Island Motors, 153 Corporation Street, Hyannis, Luis Daniel Xavier, Manager, for a new Class II Auto Dealer License, with a total of 39 vehicles on the property provided subject to our receipt of Site Plan Review letter and plan showing those vehicles.

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.

Justin Daniel Schwarz was at Outback since 2001 as server. He has traveled with the company and recently was promoted to Manager for Hyannis.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the 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.

New Common Victualler License: Application of Sabino C. Barroso and Francisco Lucas Oliveira, d/b/a Cape Cod Wings & Pizza, 700 Yarmouth Road, Hyannis, MA, Sabino Barroso, Manager, for a new Common Victualler License.

Mr. Barroso and Mr. Oliveira appeared for this request. This used to be Willow Pizza. They have leased the premises. It is in the strip mall on Yarmouth Road – Rosario property.

Dennis Carlin came forward as owner of DJ's Wings. For 15 years he was at that property and was subject to only having 7 seats because of zoning and the health department – he stayed there for all that time with only 7 seats. He wanted to make sure this stayed at 7 seats.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Sabino C. Barroso and Francisco Lucas Oliveira, d/b/a Cape Cod Wings & Pizza, 700 Yarmouth Road, Hyannis, MA, Sabino Barroso, Manager, for a new Common Victualler License for a maximum of 7 seats.

Change of Manager: Application of TGI Friday's, Inc., d/b/a TGI Friday's, 769 Iyannough Road (Cape Cod Mall), Hyannis, MA, Donald James Raymond, Manager, holding an annual All Alcohol Common Victualler License, for a **Change of Manager** on its All Alcohol Common Victualler License to Teresa Coppinger.

Al DiNapoli, Esq. appeared for TGI Friday's. He stated that Ms. Coppinger has been with this restaurant since 2002. They believe she would be appropriate to put on as Manager of record for our license.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of TGI Friday's, Inc., d/b/a TGI Friday's, 769 Iyannough Road (Cape Cod Mall), Hyannis, MA, Donald James Raymond, Manager, holding an annual All Alcohol Common Victualler License, for a **Change of Manager** on its All Alcohol Common Victualler License to Teresa Coppinger.

Class I Auto Dealer Change of d/b/a: Application of Ford of Hyannis, Inc., d/b/a Ford of Hyannis, 332 Falmouth Road, Hyannis, James E. Balise, Manger, for a new d/b/a for its Class I Auto Dealer License, Balise Ford.

James E. Balise, Jr., appeared for this application. Mr. Geiler stated the application is for a change of d/b/a. He then stated there are 5 separate properties, all of which are being used for the business. It would make sense to include all the locations on the license. The current license only has the lot as Falmouth Road. He would also like to change the records at the Registry. The properties apparently did not get added, and he suggested they recognize the change of Directors as well. The Town actually has the address of the showroom as #322 – he suggested they address this with the Town Engineering Dept. as they have it as 322 and Balise has it as 332. He does not believe it needs to be corrected right now, but does with Engineering. Mr. Burman

asked if they should use Map and Parcels or street numbers? Mr. Geiler stated if we give both it would cover us.

Mr. Burman asked about the total number of vehicles we want to use for the location. Mr. Balise stated they will be before us shortly because of the car wash and will submit a Site Plan at that time and determine the number of vehicles.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Ford of Hyannis, Inc., d/b/a Ford of Hyannis, 332 Falmouth Road, 20, 32, 45, & 57 Corporation Street, and 574 Bearses Way, Hyannis (Map 293 Parcels 010, 011, 012, 027, 028 & 047), James E. Balise, Manger, for a new d/b/a for its Class I Auto Dealer License, Balise Ford.

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.

A letter was received from Mr. Marchetti's attorney requesting another continuance to our March 29, 2010 hearing.

Mr. Hoxie stated the request was made for legitimate purposes and the police department has assented to the continuance provided the business remain closed and it should be continued to March 29, 2010.

Another motion was duly made by Paul Sullivan, seconded by Gene Burman and a unanimous vote taken to continue the suspension of the business until the Show Cause Hearing.

Show Cause Hearing: Show Cause Hearing on Mallory Dock, 477 Yarmouth Road, Hyannis, MA, Mario B. Mere, Manager, as a result of a complaint received from the Town of Barnstable Health Department that it is in violation of Board of Health regulations in that it does not have a valid 2010 Food Service Permit or valid 2010 rental housing permit, and had not provided access for Board of Health required inspections, to determine whether or not the Common Victualler All Alcohol License issued for 2010 should be modified, suspended or revoked.

Mr. Hoxie read aloud the Notice of Hearing. He then asked those who were prepared to testify to raise their hands. Jerry Nicolosi (for The Mallory Dock), and

Timothy O'Connell, Board of Health, and Gil Wood, property owner, raised their hands and were sworn in.

Jerry Nicolosi, represented himself as the Assistant Manager for Mallory Dock. Mr. Geiler asked where Mario was. Mr. Nicolosi stated Mario is in Florida.

Mr. Hoxie called the Board of Health first. Tim O'Connell stated that he had gone to Mallory Dock to inspect with Donna Miorandi. She had had a problem getting in to Mallory Dock because their hours are after our business hours. He stated there was only 1 Serv Safe person there – they are required to have need two. The hood system sticker was not there. There was a thermostat non-functioning; dishwasher broken. Hand sink is not hands free. Walkin cooler in bad shape, but they are not using that. Sink in other area is not great but is not a critical violation. Flooring needs to be replaced. He stated that was at the bar. Mr. O'Connell then conducted inspections of the apartments. There are four. Each had violations which need to be corrected as follows:

Apartment #4 – 105 CMR 410.351: Owner's Installation and Maintenance Responsibilities: Shower in poor condition due to chipping finish, plastic around lower half which indicates it is leaking and observed rot within walls holding shower in place. 105 CMR 410.100 – Kitchen Facilities: There is not a stove and oven provided within the unit for cooking purposes. 105 CMR 410.482: Smoke detectors: There was not a functioning smoke detector within the unit.

Apartment # 3 – 105 CMR 410.500: Owner's Responsibility to Maintain Structural Elements: Ceilings near the entrance to the bathroom and within the bedroom were observed to be in need or repair due to previous water leak. 105 CMR 410.351: Owner's Installation and Maintenance Responsibilities: Shower in poor condition due to chipping finish, wood studs holding unit in place and cracks filled with pervious material (spray foam). 105 CMR 410.100 – Kitchen Facilities: There is not a stove and oven provided within unit for cooking purposes. 105 CMR 410.482: Smoke Detectors: There was not a functioning smoke detector within the unit.

Apartment #1 – 105 CMR 410.500: Owner's Responsibility to Maintain Structural Elements: Ceilings within the bedroom and living room were not finished (needs to be painted) and had chipping and peeling paint. 105 CMR 410.482: Smoke Detectors: There was not a functioning smoke detector within the unit.

Apartment #2 passed the inspection. The owner Gilbert Wood is ultimately responsible for those. They had 24 hours to deal with the missing smoke detectors. Mr. Wood is in the process of taking care of the violations, but stated he has not had access to these apartments. Tim O'Connell stated that by law he is required to notify the fire department. He stated that none of the other offenses are condemnable offenses.

Mr. O'Connell stated the one critical offense was the dishwasher in the restaurant. Mr. Burman asked if the apartments are occupied – he stated they are. He also stated that the restaurant is open and operating. Evidently they do not have a current Food Service Permit, because Health Inspectors could not get in to inspect and get them the permit. Donna Miorandi, the Health inspector for this property, was out sick and could not attend the hearing. Mr. O'Connell stated that the apartments also do not have the required rental permit from the Health Department, which they can get if they fix the violations.

Mr. Burman asked what the timeframe is to correct...he was told 24 hours for smoke detectors and 30 days (from January 28th) for the other violations. They have to answer to the Fire Department for the smoke detectors. The Fire Department has not notified Health that it has been corrected.

Mr. Wood appeared as the building owner. He stated that he has not seen Mario Mere in the building for the last 3 years. He himself has never been in the building apartments for 12 years – they were supposed to be taken care of by Mario Mere. He stated that Mallory Dock is not paying all of the restaurant rent. He informed the Board that they do not have a lease. Mr. Wood has been verbally trying to get them to repair the building, which had been part of their agreement for occupying the premises. Mr. Wood stated he has no access to the apartments. The tenants go through Jerry – at the restaurant. They have never had a lease in 12 years.

Mr. Hoxie stated our license is over the alcohol premises, not the apartments. Mr. Wood is asking that the license be revoked if they need a lease, as they do not have one.

Mr. Burman asked Mr. Nicolosi if he had any comments. He was speechless. He stated he has done his best to work with Mr. Wood. Mr. Hoxie asked when the last time he saw Mr. Mere was; he stated that he saw him at the beginning of January. He was there from the end of December to January...will be back in April. They are closed Mondays. Their hours are 6 pm to 1 am. Mr. Nicolosi is “working” manager. He stated Donna Miorandi told him she left a card with regard to an inspection – they did not get the card. He then said that as soon as she reached him, he made arrangements for her to get in.

Mr. Hoxie asked what the Manager has asked him to do with regard to this situation – Mr. Nicolosi said he was advised he should do the best he could and if it did not work to look for another location. Mr. Hoxie asked what was done with smoke detectors in the apartments; Mr. Nicolosi said he gave one to each tenant. He did not know if they had been installed.

Officer Maher asked when they last served food at Mallory Dock – he stated Sunday. Officer Maher asked what they serve; he stated it is hotdogs, etc. Officer Maher asked if he has a record of the food sales. Mr. Nicolosi stated he does – and it is \$15 to \$100 per week.

Mr. Geiler asked who is paying the bills – Mr. Nicolosi stated he is; Mr. Geiler asked with what? He stated with the restaurant receipts. Mr. Burman asked where the rent is, if he says it was paid. Mr. Wood stated a while back they started at \$3500 and was lowered to \$2500; then to a weekly fee. They then cut down to \$600 on Mondays, sometimes not paid until Fridays. In the last 15 months he has only received \$18,000, and that only by sending someone over there several times per week to collect it.

Mr. Sullivan asked why he did not evict? Mr. Wood stated they were also supposed to maintain the building. Mr. Wood has redone the roof with his own funds. He stated he had tried to work with the Mallory Dock people because they wanted to stay there. Mr. Sullivan asked again why he does not just evict. He stated his original purchase of that property was to expand his nextdoor business in future. It used to be a successful business. He has had no contact with Mario Mere in 1-1/2 years. Mr. Hoxie wondered aloud that if he was back in April, he should get hold of him then.

Mr. Hoxie stated we have an absent licensee, no lease, no food permit, and Mr. Geiler stated in addition the current license is issued to Mere and it is illegal for anybody else to utilize that license – to purchase alcohol, to pay employees, illegal to operate without 2 serv safe certified people and without the food service permit. It appears that anything that can go wrong has in this place. He said what matters now is that the license was issued to Mario Mere many years ago and he apparently is not in control of the property. It also concerned Mr. Geiler that there is a restaurant without an operable dishwasher and also refrigerator which does not work. None of these things are to the best interest of the town. He thinks we should take action until we see that Mr. Mere is operating it, maintaining it, or there is a transfer to someone else legally, with a lease. He stated that this is a very comprehensive responsibility – and the responsibility is not being met.

Mr. Nicolosi stated that when the Health Inspector was there she said the other refrigerator and freezer are o.k. Mr. Geiler stated that when a dishwasher does not work at a restaurant it is fixed or replaced. Mr. Nicolosi stated that there was someone coming in to fix it, but then all this started. Mr. Wood stated the flooring is rotting; the roof started leaking which caused this. The tenant was supposed to repair all this and maintain the property. Mr. Burman asked if it were Mr. Wood's desire it be revoked. Mr. Wood said that it was.

Mr. Burman proposed findings that this particular Show Cause Hearing was properly posted and advertised, the Licensee was properly notified by personal service and all the testimony heard today is credible. His findings include no food service permit, licensee absent, no valid lease. Mr. Sullivan seconded the findings. A unanimous vote was taken that the findings be adopted.

Mr. Burman proposed a guilty finding as charged on all counts against the restaurant. Mr. Sullivan seconded the proposal and a unanimous vote was taken for guilty findings that Mallory Dock, 477 Yarmouth Road, Hyannis, MA, Mario B. Mere, Manager, is in violation of Board of Health regulations in that it does not have a valid 2010 Food Service Permit or valid 2010 rental housing permit, and had not provided access for Board of Health required inspections, that it has an absent Manager and no lease for the licensed premises.

A motion was duly made by Mr. Burman that the license be revoked immediately. Mr. Sullivan seconded that motion. The vote was unanimous to revoke the annual all alcohol common victualler license of C. C. Gama Corp., d/b/a The Mallory Dock, 477 Yarmouth Road, Hyannis, MA, Mario Mere, Manager.

Ms. Ade asked if the liquor license fee for the year, which was just paid in cash a week ago, should be partly refunded. Mr. Geiler stated we will wait to hear from Mr. Mere on that. He also requested that the police department pick up the license immediately.

Business Meeting:

Develop a simple review process to release Executive Session Minutes. Christine Ade suggested a quarterly review be placed on the agenda for February, May, August and November.

Mr. Geiler stated we recently received notice from the Clerk's Office that several boards had Executive Session Minutes which had not been released. He said that there are several Licensing Authority Executive Session Minutes packages over several years that are still sealed and not open to the public. It sometimes takes a long time to get through court appeals, legal review, etc. These were never brought forward, probably because after a couple of years time they were forgotten. He stated there were sessions in 1998 which may or may not have been held; the minutes for those could not be found.

Mr. Hoxie asked that the Board vote to release to the public the following Executive Session Minutes: 4/2/07, 5/5/08, 8/11/08, 9/18/08 and historic Executive Session Minutes dated 1/31/00, 4/10/00 & 7/31/00.

The motion was made by Gene Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the quarterly review.

However, Mr. Sullivan requested that he at least see these minutes before voting to release them.

It was then decided that at next meeting to have the Board read into record the minutes they will release.

Mr. Geiler stated those minutes will be available at the Licensing Office for the Board members to review prior to our next meeting.

Mr. Geiler stated the Board was supplied with letters from two of the three establishments we were advised by the ABCC had been named by people arrested for OUI as the last place they had a drink. He stated the third had off Cape corporate offices and that is probably why we have not had a response to the letter from them. Mr. Hoxie stated no action needs to be taken by the Board on this.

The hearing was adjourned at 10:45 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority