



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.

June 21, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, June 21, 2010. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; 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. Paul Sullivan, Clerk, was absent.

Hearings:

Sunday Entertainment License: Application of Patricia Janiak on behalf of Cape Abilities, 895 Mary Dunn Road, Hyannis, for a Sunday Entertainment License for a performance by the group Young at Heart (73 years of age and up) from Northampton, MA at the Barnstable Performing Arts Center, 835 Falmouth Road, Hyannis, on October 3, 2010 from 2 pm to 7 pm.

Ms. Reagan, who works for Pat, appeared for their application where they raise funds for people with disabilities. Mr. Burman asked if there was a fee – the tickets are \$30 and \$75. She advised that they have quite a website if we want to see it.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Patricia Janiak on behalf of Cape Abilities, 895 Mary Dunn Road, Hyannis, for a Sunday Entertainment License for a performance by the group Young at Heart (73 years of age and up) from Northampton, MA at the Barnstable Performing Arts Center, 835 Falmouth Road, Hyannis, on October 3, 2010 from 2 pm to 7 pm.

Two One Day Beer & Wine Licenses: Application of David Kuehn, on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit for two Beer & Wine Licenses for a concert on July 9, 2010 from 8 pm to 10 pm and a music festival on July 10, 2010 from 3 pm to 11 pm.

Mr. Kuehn appeared for the two requests.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of David Kuehn, on behalf of Cotuit Center for the Arts, 4404 Route 28, Cotuit for two Beer & Wine Licenses for a concert on July 9, 2010 from 8 pm to 10 pm and a music festival on July 10, 2010 from 3 pm to 11 pm.

One Day Entertainment License: Application of Kevin Pidgeon on behalf of Hyannis Sound, Inc., 14 Franbill Road, Hyannis, for an Entertainment License for an alumni reunion/concert at the Barnstable High School Auditorium, 744 West Main Street, Hyannis, on August 7, 2010 from 8:00 pm to 11:00 pm.

The whole ensemble appeared this morning; they have a great night with the alumni – have been around since 1994. The public enjoys this. Admission is charged. Mr. Hoxie asked to hear some of the music.

After a really nice performance, Mr. Hoxie stated, who could object to that?

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Kevin Pidgeon on behalf of Hyannis Sound, Inc., 14 Franbill Road, Hyannis, for an Entertainment License for an alumni reunion/concert at the Barnstable High School Auditorium, 744 West Main Street, Hyannis, on August 7, 2010 from 8:00 pm to 11:00 pm.

One Day All Alcohol License: Application of Todd Walantis of The Cape Cod \$5000, 151 Great Hill Road, West Barnstable, for a One Day All Alcohol License to benefit Cape Cod Child Development, 83 Pearl Street, Hyannis, for an event to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville on June 27, 2010 from 3 pm to 8 pm for a cookout/awards ceremony for its 2nd annual fishing tournament.

Mr. Walantis appeared for this application. This is the 2nd annual striped bass and bluefish tournament. They will donate to Cape Cod Child Development. There were no problems at the first one – it was well staffed; parking was averted so there were no issues.

Mr. Burman asked where they will get the alcohol? They hired Bartending Service of New England. The transportation and serving is controlled by that entity. Officer Maher asked that we make the license contingent upon the production of the transport license. The alcohol can only be purchased from a wholesaler. Mr. Hoxie asked that he contact the bartending service to provide us proof they are authorized to transport.

A motion was duly made by Gene Burman, seconded by Dick Boy and a unanimous vote taken to approve the application of Todd Walantis of The Cape Cod \$5000, 151

Great Hill Road, West Barnstable, for a One Day All Alcohol License to benefit Cape Cod Child Development, 83 Pearl Street, Hyannis, for an event to be held at Oyster Harbors Marine, 182 Bridge Street, Osterville on June 27, 2010 from 3 pm to 8 pm for a cookout/awards ceremony for its 2nd annual fishing tournament subject to the transportation question being resolved.

Junk Dealer License – relocation: Application of Newbury Comics, Inc., d/b/a Newbury Comics, 769 Iyannough Road, Cape Cod Mall, S121A, Hyannis, MA, Dan Harrington, Manager, for relocation of its Junk Dealer License from 1070 Iyannough Road, Hyannis. The hours of operation will be 10 am to 10 pm.

Mr. Harrington appeared for Newbury Comics. They are simply moving their business. There will be no changes and they are aware of all the regulations. Mr. Hoxie asked how long the lease term would be; it is until June 2013.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Newbury Comics, Inc. d/b/a Newbury Comics, for a Junk Dealer license at 769 Iyannough Road, the Cape Cod Mall, S121A, Hyannis, MA, Dan Harrington, Manager, hours of operation 10 am to 10 pm.

New Common Victualler License: Application of LBK, LLC, d/b/a Burger King #17712, 769 Iyannough Road (Cape Cod Mall Food Court), Hyannis, for a **New Common Victualler License**, Ronald Dimick, Manager, hours of operation to be Mon-Sat 10 am – 9pm, and Sun 12 pm – 6 pm.

Ronald Dimick appeared for this application; he is actually the District Manager. They plan to open June 28th. It is the old McDonald's location. Mr. Burman asked about these hours – are they the hours of the Mall? These are the food court hours according to Mr. Dimick.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of LBK, LLC, d/b/a Burger King #17712, 769 Iyannough Road (Cape Cod Mall Food Court), Hyannis, for a **New Common Victualler License**, Ronald Dimick, Manager, hours of operation to be Mon-Sat 10 am – 9pm, and Sun 12 pm – 6 pm subject to necessary regulations and approval of the Board of Health.

New Junk Dealer License: Application of John F. Lenahan, d/b/a Simple Elegance Antiques & Fine Art, 845 Main Street, Unit H, Osterville, MA, John F. Lenahan, Manager, for a New Junk Dealer License, hours of operation 10 am to 5 pm Mon-Sat & noon to 4 pm Sun.

Mr. Lenahan appeared for his antique shop – they have furniture, fine art, glass including Loetz and Steuben. He thanked the Board, stating, “Have a great day.”

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of John F. Lenahan, d/b/a Simple Elegance Antiques & Fine Art, 845 Main Street, Unit H, Osterville, MA, John F. Lenahan, Manager, for a New Junk Dealer License, hours of operation 10 am to 5 pm Mon-Sat & noon to 4 pm Sun.

New Junk Dealer License: Application of Stanley Allan Holmy, d/b/a Second Time Around, 631 Main Street, Hyannis, MA, Stanley Allan Holmy, Manager, for a New Junk Dealer License, hours of operation 9 am to 5 pm.

Mr. Holmy purchased this business from a prior owner. It is a consignment shop – clothing, furniture, home goods, costume jewelry. They are closed Tuesdays and open a bit later on Sundays 12-6 pm.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to approve the application of Stanley Allan Holmy, d/b/a Second Time Around, 631 Main Street, Hyannis, MA, Stanley Allan Holmy, Manager, for a New Junk Dealer License, hours of operation 9 am to 5 pm.

New Annual Retail Wine & Malt Package Store License: Application of Victoria & Alexandria West Main St., LLC, d/b/a Sav-On Gas, 300-326 West Main Street, Hyannis, MA, Jay Imad, Manager, for a New Annual Retail Wine & Malt Package Goods Store License. The applicant has requested a continuation to the 6/21/10 hearing.

Richard Harb, Esq. appeared for the corporation requesting the annual package store license – wine and malt. They are open Monday through Sunday – a gas station, convenience store. They have a 25 year lease – 5 years at a time with renewals. They are a full serve station. They sell international foods – cater to the area. They sell bagels, coffee, etc. The building is approx 2500 sq ft. The wine and malt will be sold in 2 locations – one in a room unused now (250 sq ft) and in the cooler in the main premises. The alcohol in the new room will have doors shut and locked in all hours in which they cannot be sold. The cooler will be locked when it is not legal to sell. Mr. Imad owns another store in Yarmouth – Jay-Mart. He has owned it since 2992. It is a similar operation to what they are doing at this location. Mr. Imad is very knowledgeable – both stores also sell cigarettes and lottery tickets. He checks ID's and has an assistant manager at each location who is always there. His employees will be TIPS trained and he will purchase electronic ID machine which will be invaluable to them to prevent any errors of sale of alcohol on the premises to people who should not be buying. These are qualified individuals and will be a benefit to the area where it is located. It would be a convenience to the public who come in for gas, a few food items, and could now purchase alcohol. There is another store about ½ mile one way and another about ¾ mile the other way. The neighborhood is an area where people could walk to this store. It is highly populated. He will keep prices competitive in the area by adding another venue to purchase alcohol.

Attorney Harb thanked Christine Ade for her patience and help with the application process.

Mr. Hoxie asked if there were any comments from the public – the general public has given them positive feedback with this service to be added. Mr. Hoxie stated that he did mention the two stores nearby; Attorney Harb stated there really is a need, since this is a convenience store selling international foods – it serves the individuals who come there for those items anyways. The neighbors do like to be able to walk to such a convenient store to the residential area nearby. The nature of his products do bring people to this store. Mr. Hoxie asked how many spaces are allotted to the store? Attorney Harb stated they have 18 marked spots and room for more on the side. He has curb cuts on West Main and on the side road – Pontiac, as well. Mr. Hoxie asked if this would increase the traffic on West Main? Attorney Harb stated he already has the traffic coming for gas and food stuffs – he thinks it will relieve the congestion in other areas nearby. Also, the walking customers would increase and not be in their cars. Mr. Boy asked about input from the public? Has this really been answered? Attorney Harb stated he is not applying for this license with any financing; the license is not being pledged. This money is coming out of his pocket. He is applying because enough people at his store have requested this. Mr. Boy stopped in yesterday and looked around – the employees did not know what he was talking about.

Mr. Burman again asked how the public need is being served if we grant this license? This is the information we usually base the issuance of a new license. Mr. Burman stated maybe a petition that the customers in the area have requested or want this service. He does not think they have demonstrated the other stores are not fulfilling the public need. Attorney Harb thinks a petition would only show public acceptance, not “need.” As far as the other stores are concerned; since we only have a certain number of licenses based on our population with 3 left to be issued. He thinks we could utilize the extra licenses available (3 left at present). The people in the immediate neighborhood are not having their needs met where this store would fill that gap. When the cars are stopping there they can also purchase their alcohol and not have to drive elsewhere. Mr. Boy feels the public need is being adequately served by the two stores nearby. Mr. Burman still does not prove a need. Mr. Hoxie stated that this Board turned down another request a while back for close to this area; just because we have some licenses available does not mean we have to issue them. Mr. Hoxie does not think they have met the burden of proof for a new store offering beer and wine in this location. We are not limiting competition but need to use these licenses in an area where the public would be better served. Mr. Burman stated it is not easy to get in and make a left from one direction and not easy getting out and turning right from there.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a vote taken to approve the application of Victoria & Alexandria West Main St., LLC, d/b/a Sav-On

Gas, 300-326 West Main Street, Hyannis, MA, Jay Imad, Manager, for a New Annual Retail Wine & Malt Package Goods Store License.

However, there was a unanimous vote taken to deny the application.

Show Cause Hearing: Show Cause Hearing for The Dockside, 110 School Street, Hyannis, MA, Ornel Roberts, Manager, based on a complaint filed by the Barnstable Police Department that it was in violation of the following sections of the Town of Barnstable Code on April 11, 2010 at 0020 hours: 501-3H: For allowing more persons inside the building than the number approved by the Town and shown on its All Alcohol Common Victualler License (50 inside and 75 outside); 501-8: For failure of the licensed Manager to provide adequate supervision of the establishment; and 501-10A: For providing entertainment without an entertainment license. The hearing is to show cause why the seasonal All Alcohol Common Victualler License should not be modified, suspended or revoked.

Officer Steve Maher appeared to present the case from Barnstable Police Department. Mr. Hoxie stated to the Licensee that the police will speak, the licensees may talk and question the officer.

Officer Maher testified that on Saturday, April 10 into April 11, he was called by Officer Tynan for a lot of noise coming from the Dockside. He could hear the music across the street from his cruiser when he arrived. Officer Tynan was standing with Mr. Gray. Officer Maher asked Mr. Gray who he was – Mr. Gray said he was the manager in charge. Officer Maher stated there were about 100 people in the building – manager stated he thought capacity was about 50. Officer Maher asked him to have everyone leave, shut the music down, and bring the occupancy certificate to Officer Maher. 108 people approximately left the building and the certificate was for 50. The manager of record was not there either – and it was opening night. The speakers he had outside were 2' x 4' in size and they do not have an entertainment license for them. Officer Maher stated he is also seeking to charge them with lack of supervision.

Mr. Gray stated he is co-owner of the Dockside with Mr. Roberts. He had no questions for Officer Maher and apologizes for what happened.

Alan Goddard, abutter on South Street, appeared to share his comments and concerns. He mainly is making a request. He said he was home that night and everything described is true. He went over to speak to Mr. Gray – who came to his home and heard it and it got better for a while but then escalated again. Around 12:30 there was a lot of “leaving” noise – people saying goodbye, etc. He stated that this was yet another demonstration of why there should not be an entertainment license here. He did not make a complaint that night because Mr. Gray did make a good effort to accommodate his needs. He stated the new owners are much better than the former licensees. He also stated these owners have dropped their request to get an entertainment license. He believes they have been good neighbors and

aside from censure for this event he asks us not to suspend, modify or revoke the license. There have not been problems at all since, and not even dumpster pickup noise. They have been good at keeping their word. Mr. Gray stated he talks to Mr. Goddard on a regular basis, and had no questions for Officer Maher.

Mr. Gray stated when they closed last year they asked Mr. Goddard if they could try to get the entertainment going with Mr. Goddard's permission – they should have come to the Town to ask for it, but did not. That was a mistake, of course. Officer Maher stated entertainment is everything from a radio to live entertainers. He asked if there are at this time speakers on their deck for music? The owners stated there are. There is background music only (slow, non-live).

It was brought up that when they came in, it was discussed that they would not have speakers outside. This goes back to the "proper management" question again. They are NOT authorized for the speakers outside. Mr. Hoxie confirmed that they do not have a license for the outside speakers. Mr. Gray stated they would be removed today.

Mr. Hoxie asked Officer Maher if he would be adverse to guilty findings and a warning? Officer Maher stated he would not be averse to that.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to accept findings as follows: that The Dockside, 110 School Street, Hyannis, MA, Ornel Roberts, Manager, was in violation of the following sections of the Town of Barnstable Code on April 11, 2010 at 0020 hours: 501-3H: For allowing more persons inside the building than the number approved by the Town and shown on its All Alcohol Common Victualler License (50 inside and 75 outside); 501-8: For failure of the licensed Manager to provide adequate supervision of the establishment; and 501-10A: For providing entertainment without an entertainment license.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to find the licensee guilty on April 11, 2010 at 0020 hours of the following: 501-3H: For allowing more persons inside the building than the number approved by the Town and shown on its All Alcohol Common Victualler License (50 inside and 75 outside); 501-8: For failure of the licensed Manager to provide adequate supervision of the establishment; and 501-10A: For providing entertainment without an entertainment license.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to impose the following sanctions:

501-3H: For allowing more persons inside the building than the number approved by the Town and shown on its All Alcohol Common Victualler License (50 inside and 75 outside): A warning be issued because of the testimony of Mr. Goddard.

501-8: For failure of the licensed Manager to provide adequate supervision of the establishment: warning be issued because of the testimony of Mr. Goddard.

501-10A: For providing entertainment without an entertainment license: warning be issued because of the testimony of Mr. Goddard.

Mr. Hoxie stated that he wanted them to understand that if there are more infractions they will be treated much differently.

Show Cause Hearing: Show Cause Hearing for West Main Auto Sales, 405 Main Street, Hyannis, Jeffrey Lasher, Manager, at the request of the Barnstable Police Department relative to violations observed on May 11, 2010 as follows: Failure to properly maintain their Used Vehicle Record Book; failure to properly document inventory; failure to properly display inventory; failure to properly maintain titles and other records; failure to have a properly designated manager; and further for notification of cancellation of Class II Auto Dealer Surety Bond as of 5/20/10 from RLI Surety.

No-one appeared for the application.

Officer Maher went to the premises because of a complaint; purchase of a lemon – VIN numbers on body and window differed; on that day Officer Maher did not see Jeffrey Lasher – Alex Gladkowski was there; Lasher was gone for several months and the other owner, Mr. Hapeman, was not there either. Officer Maher asked to see the used dealer record book which is required by the State. Looking at the book it only went back about 6 months. Each page is to be done by date and is to have no missing pages. The book did not show vehicles on the lot; had regular plates on them – the business was in complete disarray. Officer Maher asked for titles – there were none, the man there stated they were in Yarmouth. There were no lemon law stickers or warranty stickers. Based on the original complaint this place is a problem – vehicles are not passing inspections, etc. There have been 3 complaints and bad doings. Yesterday when he checked, the business was still open. He saw Mr. Gladkowski sitting there.

Christine Ade stated that a man did come in to Licensing but has not filed the package for a license. Mr. Hoxie stated we should revoke this license because of all the issues and the testimony of the police department that no-one on the property has any rights to the existing license. Mr. Geiler stated there have also been several complaints about the vehicles purchased there.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to accept findings as follows: that West Main Auto Sales, 405 Main Street, Hyannis, Jeffrey Lasher, Manager, on May 11, 2010 exhibited the following: Failure to properly maintain their Used Vehicle Record Book; failure to properly document inventory; failure to properly display inventory; failure to properly maintain titles and other records; failure to have a properly designated manager; and further

for failure to respond to the Licensing Authority relative to notification of cancellation of its Class II Auto Dealer Surety Bond as of 5/20/10 from RLI Surety, and that a revocation order be issued immediately.

Show Cause Hearing: Show Cause Hearing for Barnstable Auto Exchange, 30 Cit Avenue, #16, Hyannis, Craig LaScola, Manager for notification of cancellation of Class II Auto Dealer Surety Bond as of 5/5/10 by CNA Surety.

Christine Ade advised that the licensee has presented a letter surrendering the Class II Auto Dealer License as it could not find the license to surrender. She advised that the licensee would not be present at the hearing.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to accept surrender of the Class II Auto Dealer License of Craig LaScola, d/b/a Barnstable Auto Exchange.

Show Cause Hearing: Show Cause Hearing for California Auto Sales, 66 Barnstable Road, Hyannis, Roberto Scatambuli, Manager for notification of cancellation of Class II Auto Dealer Surety Bond as of 4/19/10 by CNA Surety.

Mr. Geiler stated that the State Law requires the bond for the license to issue and remain valid. Also, the manager of the record is in Brazil and Christine Ade advised that there is court case ongoing for a bad vehicle being sold and the manager not making the person whole with respect to the vehicle sold him.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to revoke the license and a that cease and desist order be issued.

Two men appeared for this hearing – Mr. Scatambuli went to Brazil for 3-4 weeks but never came back. He wanted to get a bond himself – in his own name. They repair cars they buy and sell but not other cars.

Mr. Burman suggested this gentleman get an attorney to work on this because they have no license. The license is revoked. Mr. Hoxie also stated this license has been revoked. The present owner will have to reapply for a new license, but Mr. Geiler stated there is no sense of that happening if he does not intend to be there. In the meantime, the purchase and sale of automobiles is not allowed. The property owner will work with the man who came in to get a lease. Mr. Geiler stated he can get a bond and apply in his name. Officer Maher asked who owns the vehicles now? The man at the hearing stated he owns those vehicles.

Show Cause Hearing: Show Cause Hearing at the request of the Barnstable Police Department for Julie Fagin, d/b/a Goldfinger, 64 Enterprise Road, Hyannis, MA, Julie Fagin, Manager, for failure to properly file paperwork with the Barnstable Police Department, under Section 502-4 of the Town of Barnstable Licensing

Authority Second-Hand Dealers and Second Hand Collectors Junk Dealer Regulations.

Julie Fagin appeared for Goldfinger.

Officer Maher stated on 4/15 he was asked to do a compliance check and record keeping check. How they are filling the paperwork out and photographing the items purchased is not correct. Things must be photographed individually so they can be identified. Officer Maher has had conversations with the proprietors to correct it and they are still not complying.

Sgt. Murphy testified that as Officer Maher testified they had issues with the recordkeeping, photographing items and reporting them to the police department. He feels there is no ill intent, they are not trying to cover anything up like some other dealers in Town but the Board standard which is working well is not being adhered to. The husband is always polite and cooperative. Julie sent him a correspondence a few weeks ago and pledge to do better bookkeeping and reporting and photographing and he has noticed a great improvement. Since the hearing notice he sees no problems with Goldfinger. Mr. Fagin thanked Sgt. Murphy for coming today – she sent the letter because she wanted to make sure she could meet Detective Murphy and let them know there was no intent to disregard the regulations – she spoke to Detective York and had been dropping off hard copy reports at BPD and people may not have given these to the right people in a timely manner. She was emailing the reports to a specific person asking if she was getting what they needed. She also was advised to submit the reports electronically, which she was not familiar with, and sending emails as well to make sure they were right. The problem was they could not be opened. She now has new software to send even better reports and take better pictures. Sgt. Murphy stated it is important to note that of course there are growing pains in complying with the new regulations. He is confident there will be no further problems with this company.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken to accept findings as follows: that Julie Fagin, d/b/a Goldfinger, 64 Enterprise Road, Hyannis, MA, Julie Fagin, Manager, failed to properly file paperwork with the Barnstable Police Department, under Section 502-4 of the Town of Barnstable Licensing Authority Second-Hand Dealers and Second Hand Collectors Junk Dealer Regulations, but these were technical rather than intentional mistakes.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken that Julie Fagin, d/b/a Goldfinger, 64 Enterprise Road, Hyannis, MA, Julie Fagin, Manager, is guilty of failure to properly file paperwork with the Barnstable Police Department, under Section 502-4 of the Town of Barnstable Licensing Authority Second-Hand Dealers and Second Hand Collectors Junk Dealer Regulations.

A motion was duly made by Gene Burman, seconded by Dick Boy, and a unanimous vote taken for sanctions as follows: file the charges in hopes we do not see this business again.

Renewals:

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

Renewals:

Common Victualler:

Harborside – opened without CV license; had to close until he filed his renewal

Mr. Cox stated his last restaurant was in Dennis – he has yet to open for the season; he was informed he does not need the CV license until he hires waitresses and puts his furniture out. He said he was unaware of our renewal process in October as Dennis does not do that.

Mr. Geiler stated that Christine made several attempts to contact him and there ARE tables out there – they were there on Memorial Day and this past weekend, and customers were sitting at them and enjoying them.

Mr. Cox stated the tables were out there to be fixed and he was only operating a take out business. Mr. Geiler stated that was untrue.

A Motion was duly made by Gene Burman and seconded by Mr. Boy and a unanimous vote taken to approve the renewal of the Harborside License for this season.

Business Meeting:

After some discussion, it was agreed that a Show Cause Hearing will be scheduled for 7/19 for Cape Cod Inn based on a report from the Barnstable Police Department.

Gene Burman stated that the meeting we attended July 17th was fabulous; very informative and thorough.

Officer Maher stated he had received a complaint and went to Ferreira's; there was debris outside on the premises on the ground – he told Officer Maher that there were no containers outside and he thought what he was doing was o.k. Mr. Geiler stated it is a critical water supply area – it was not the intent of the Board to grant a license which could negatively affect the water supply. Everything was to be confined to the building – not left outside. If it is his position he does not have to comply, he should be brought in, as he is in violation of the terms of his license as items are

being left outside. The only way we can take an action is to bring him in. Asked the Board to authorize us to send a letter to clean up by "X" date or schedule show cause hearing for 7/19 – Mr. Hoxie asked for photos to be taken soon.

Mr. Geiler stated we have an issue on the Junk Dealer licenses. There is an application for an antique show at a Town facility; in looking at it he thinks that the regulations would make it impossible for them to comply. There are also traditional antique shows each year. They are attempting to get BPD, Legal and our department together on how to handle these shows. Mr. Geiler stated it is not their intent to buy but if someone comes in to sell there isn't a dealer around who would refuse to buy if it was a moneymaking proposition for them. Officer Maher has looked at it and indicated the rules and regulations do apply to these shows and thinks they should not be granted one day licenses. That meeting is to be scheduled by Mr. Geiler. He asked Lt. Jason to get back to us with a date.

Adjourned at 11:15 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Gene Burman, Vice Chairman
Town of Barnstable Licensing Authority