



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.

August 16, 2010

A regular meeting of the Barnstable Licensing Authority was held on Monday, August 16, 2010. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Dick Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and 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 Susan Fellows on behalf of Brenda J. Cottingham, 70 Stetson St., Hyannis, for an Entertainment License for an “Evening of Clairvoyance” to be held at the Unitarian Church, Main Street, Barnstable, on September 17, 2010 from 7 pm to 10 pm.

Ms. Fellows appeared for this application. This woman is a psychic and medium. Performed last year and it was quite entertaining and successful. Ms. Fellows is a long time friend. Mr. Hoxie asked about admission – it is \$15.00 for about 3 hours.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Susan Fellows on behalf of Brenda J. Cottingham, 70 Stetson St., Hyannis, for an Entertainment License for an “Evening of Clairvoyance” to be held at the Unitarian Church, Main Street, Barnstable, on September 17, 2010 from 7 pm to 10 pm.

One Day Entertainment: Application of Pastor Bruce Smith of Calvary Baptist Church, 25 Lincoln Road, Hyannis, for an Entertainment License for bands and choirs, to praise teams from local churches to be held at church on August 21, 2010 from 10 am to 6 pm.

Pastor Smith appeared for this application. He would like to change the date to the 28th. This supports their nutrition mission – feeds homeless and less fortunate people. They ask for donations.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Pastor Bruce Smith of Calvary Baptist Church, 25 Lincoln Road, Hyannis, for an Entertainment License for bands and choirs, to praise teams from local churches to be held at church on August 28, 2010 from 10 am to 6 pm.

One Day Entertainment: Application of Heather Donnelly on behalf of MSPCA, 1577 Falmouth Road, Centerville, for an Entertainment License for a DJ with amplified sound at an event at Aselton Park on September 12, 2010 from 11 am to 2 pm.

Heather Donnelly appeared for their walk for animals – have been at Aselton Park for 4-5 years; approximately 200 walkers and lots of dogs. PIXY 103 will emcee the event from 11-2. No admission charge. Mr. Burman asked about the amplified sound – there have been complaints in that neighborhood but this seems to be earlier in the day and should not be a problem. The radio station broadcasting cannot be heard at the top of the hill where there could be a problem.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Heather Donnelly on behalf of MSPCA, 1577 Falmouth Road, Centerville, for an Entertainment License for a DJ with amplified sound at an event at Aselton Park on September 12, 2010 from 11 am to 2 pm.

One Day Entertainment & Sunday Entertainment: Application of Melissa Alexander on behalf of Cats on the Beach for a One Day Entertainment & Sunday Entertainment License for a cat show at the Horace Mann Charter School, Marstons Mills on Saturday, September 11, 2010 and September 12, 2010 from 9 am to 4 pm each day.

Melissa Alexander appeared for her application. We have had this in prior years in the same location. The local shelters come for adoptions; an emergency response team is also there.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Melissa Alexander on behalf of Cats on the Beach for a One Day Entertainment & Sunday Entertainment License for a cat show at the Horace Mann Charter School, Marstons Mills on Saturday, September 11, 2010 and September 12, 2010 from 9 am to 4 pm each day.

One Day Beer & Wine & One Day Entertainment: Application of Elizabeth Marcus on behalf of Cape Cod Beer, 1336 Phinney's Lane, Hyannis, MA for a One Day Beer & Wine License and a One Day Entertainment License for the Jeff Lowe band for a benefit event on August 27, 2010 from 5 pm to 9 pm to benefit The Last Gasp.

Elizabeth Marcus appeared for the application. They will host a benefit for 6 local charities – the evening of the 27th. Admission is \$15.00 and the ticket is for food and beverages. Proceeds will be split between the 6 charities. Anyone under 15 is free; wristbands will be given to those asking for alcohol. ID's will be checked. It will be inside and outside.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Elizabeth Marcus on behalf of Cape Cod Beer, 1336 Phinney's Lane, Hyannis, MA for a One Day Beer & Wine License and a One Day Entertainment License for the Jeff Lowe band for a benefit event on August 27, 2010 from 5 pm to 9 pm to benefit The Last Gasp.

One Day Beer & Wine License: Application of Richard V. Troy on behalf of International Rett Syndrome Foundation, 59 School Street, Middleborough, MA for a One Day Beer & Wine License a fundraising event with 2 musical groups on September 12, 2010 from 4 pm to 10 pm at Cotuit Center for the Arts, 4404 Route 28, Cotuit, MA.

Richard Troy appeared for this application; his 4 year old daughter has this disease. They are hoping to have 100-150 participants. They just need the beer and wine license; Cotuit center has the entertainment license. All service will be by bartenders or prior bartenders. Most attendees are 30 plus but they will check all ID's.

Mr. Hoxie asked about Rett's Syndrome, which Mr. Troy explained is a neurological disorder; 98% afflicted being female. There is exciting research going on. There is a gene missing. A doctor in the past 2 years has effected a cure in mice. There is a gentleman who was on the TV Show Celebrity Apprentice with Clint Black who has donated to this charity and research. Most of these patients now live to about 35-40. Hope is that the success with mice can be translated into human beings. They have no idea as to why boys who get it are fewer – if they do get it they usually die by 2 yrs. of age. He plans to advertise in the papers for this event.

Mr. Burman wanted to confirm Cotuit Center's yearly entertainment license – which they do have.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Richard V. Troy on behalf of International Rett Syndrome Foundation, 59 School Street, Middleborough, MA for a One Day Beer & Wine License a fundraising event with 2 musical groups on September 12, 2010 from 4 pm to 10 pm at Cotuit Center for the Arts, 4404 Route 28, Cotuit, MA.

Mr. Hoxie wished both he and his daughter the best.

Two One Day Beer & Wine Licenses & two Entertainment Licenses: application of Tony Zombas on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville, MA for two One Day Beer & Wine Licenses and two Entertainment Licenses for an event with Beer & Wine and the High Attitude Band, to be held on August 27, 2010 from 4 pm to 10 pm and August 28, 2010 from 11:30 am to 10 pm.

Mr. Zombas appeared for the application. It will be gyros – lobster rolls – on the 27th and 28th. They will have beer and wine and TIPS trained servers. It is a fundraiser for the church itself.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Tony Zombas on behalf of St. George Greek Orthodox Church, 1130 Falmouth Road, Centerville, MA for two One Day Beer & Wine Licenses and two Entertainment Licenses for an event with Beer & Wine and the High Attitude Band, to be held on August 27, 2010 from 4 pm to 10 pm and August 28, 2010 from 11:30 am to 10 pm.

Change of Manager: Application of Jomkwan, Inc., d/b/a Thai House, 304-06 Main Street, Hyannis, for a Change of Manager on its annual Common Victualler Wine & Malt License from Salath Khaosanga to Saithip Atiwethin.

Jeff Madison with Wynn & Wynn appeared for the Thai House with the proposed manager. The establishment is on lower Main Street; has less than 40 seats. They do not have a bar but serve beer and wine with meals. Have had no problems with this establishment which has been open many years. Mr. Hoxie stated the new manager has experience at the Green Papaya; she stated she also has had 2 years experience with alcohol service at the Green Papaya.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Jomkwan, Inc., d/b/a Thai House, 304-06 Main Street, Hyannis, for a Change of Manager on its annual Common Victualler Wine & Malt License from Salath Khaosanga to Saithip Atiwethin.

New Lodging House License: Application of Marcus M. Sherman, d/b/a Marston Family B&B, Marcus M. Sherman, Manager, for a new Lodging House License at 70 Marston Avenue, Hyannis, with a maximum of 3 lodging rooms, and a maximum of 6 lodgers.

Mr. Sherman appeared for this license, which he had held for some years beginning in 2002. Unfortunately, he did not go through the renewal process the past couple seasons; just had his inspections and thought he was o.k. to operate. The new application and inspections are complete and all fees paid.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Marcus M. Sherman, d/b/a Marston Family B&B, Marcus M. Sherman, Manager, for a new Lodging House License at 70 Marston Avenue, Hyannis, with a maximum of 3 lodging rooms, and a maximum of 6 lodgers.

New (Amended) Class I Auto Dealer License: Application of Bourne Bridge Auto Sales, Inc., d/b/a Buick GMC Cadillac Saab of Cape Cod, Jeffrey Denesha, Manager, for a New Class I Automobile Dealer's License, 600 Yarmouth Road, Hyannis, MA, maximum of 309 vehicles on the property.

Jeff Denesha appeared for the license. It is an existing license to which he is adding two new franchises – Buick & GMC. The license will be amended to add those entities and change the name. The vehicle count will remain the same - 309.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Bourne Bridge Auto Sales, Inc., d/b/a Buick GMC Cadillac Saab of Cape Cod, Jeffrey Denesha, Manager, for a New Class I Automobile Dealer's License, 600 Yarmouth Road, Hyannis, MA, maximum of 309 vehicles on the property.

New Junk Dealer License: Application of Best Buy Stores, LP, d/b/a Best Buy, 793 Iyannough Road, Hyannis, MA, Rene Lessard, Manager, for a new Junk Dealer License, hours of operation to be mall hours.

Best Buy wants to sell used games to a distribution center; will accept them at their store.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Best Buy Stores, LP, d/b/a Best Buy, 793 Iyannough Road, Hyannis, MA, Rene Lessard, Manager, for a new Junk Dealer License, hours of operation to be mall hours, for purchase of used items and sale to a distribution center.

New Junk Dealer License; One Day and Sunday Entertainment Licenses: Application of Marvin Getman, Impact Events Group, Inc., on behalf of New England Antique Shows, PO Box 247, Lexington, MA, Marvin Getman, Promoter, for a new Junk Dealer License for an antiques show and sale (sales only, no buying) at Hyannis Youth & Community Center, 141 Bassett Lane, Hyannis, hours of operation of the show to be 10 am to 5 pm August 28, 2010 and 10 am to 4 pm on August 29, 2010 (License for 2 days only) and for a one day and Sunday entertainment license for one piano player to be performing at the show.

Mr. Getman appeared for his applications. They have a permit for the building. Mr. Burman asked how they will control the lack of buying by the dealers at the show as most usually do accept items from the public. He stated the dealers have been

informed of the requirement and will be asked to sign an agreement not to buy from the public at this show.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to approve the application of Marvin Getman, Impact Events Group, Inc., on behalf of New England Antique Shows, PO Box 247, Lexington, MA, Marvin Getman, Promoter, for a new Junk Dealer License for an antiques show and sale (sales only, no buying) at Hyannis Youth & Community Center, 141 Bassett Lane, Hyannis, hours of operation of the show to be 10 am to 5 pm August 28, 2010 and 10 am to 4 pm on August 29, 2010 (License for 2 days only) and for a one day and Sunday entertainment license for one piano player to be performing at the show.

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. This hearing was continued again as the police sergeant who called for this hearing could not attend this morning due to an emergency last evening.

Mr. Hoxie advised that a fax was received requesting a continuance of this hearing to a date to be determined in February, 2011.

A motion was duly made by Gene Burman, seconded by Paul Sullivan, and a unanimous vote taken to grant the continuance to a date TBD in February, 2011 and to continue the suspension of the business as well until that time.

Show Cause Hearing: Show Cause Hearing for Tim Ferreira, d/b/a Ferreira's, 85 Old Yarmouth Road, Hyannis as a result of a complaint made to the Barnstable Police Department, and subsequent ride by the business location, requesting that Mr. Ferreira appear at a Show Cause Hearing on Monday, July 19, 2010 at 9:30 a.m. at the Town Hall Building, 367 Main Street, Hyannis, MA in the 2nd Floor Hearing Room for storing junk material outside in the parking lot located in close proximity to a public water supply well.

Officer Maher explained that email complaints were received from an outsider to the police department and as a result Officer Maher went by the property and confirmed the outside storage taking photos and advised Mr. Ferreira that he was storing things outside; he showed photos of the bins and other items outside (attached and made a part of these minutes). Officer Maher stated that on the 2nd page of his report propane bottles are behind the building. Officer Maher stated that although

Mr. Ferreira is very neat in how he stores things outside, they are still and again outside when they are not supposed to be.

Attorney James Connors asked Officer Maher about when the complaint came in – Officer Maher stated May 16th and June 1st. He asked if his observation this morning supports this complaint and Officer Maher stated there are still things outside this morning – 3 large storage bins; aluminum things between the bins on the ground.

Attorney Connors asked if Officer Maher has seen the site plan. Officer Maher stated yes. There is one dumpster allowed on the property in the northwest corner of the property; but stated this morning he personally observed there are at least three; one in the NW corner and the other 2 on the west/nw border of the property. Attorney Connors asked if they are supposed to be in the screened area. Officer Maher stated that the Licensing Authority granted him a license for one bin for “regular day to day refuse” and did not recall any language granting outside bins – the Authority granted him inside storage plus one just “refuse” dumpster outside. Attorney Connors asked him what he considers a bin – is it like the blue one shown at the hearing (they brought two in – one small rectangular and one larger trash can type bin). Officer Maher stated both would be considered bins.

Attorney Connors asked if the materials in the bins were processed or refuse? Officer Maher stated some were sorted and the others not. Attorney Connors asked if these bins were in the loading zone for material to be hauled off site? Officer Maher stated this morning’s inspection showed, and the original photos show (page one particularly) storage being located outside the building.

Attorney Connors asked that the Board consider behavior as to compliance and storage from the complaint date to this date. For the purpose of compliance, what does the Board require he (Mr. Ferreira) do with the materials? Officer Maher stated the recycling bin can be small or large but in his opinion should be inside; and even outside this morning are scrap metals on the ground and not in any bins and stated he is operating outside the parameters of his license.

Attorney Connors asked if any of these materials are hazardous? Officer Maher said he cannot speak to that for today except that in the photos the LP tanks might be considered hazardous. Attorney Connors asked if it appears that Mr. Ferreira has been careful in his storage? Officer Maher stated yes. Attorney Connors asked if any other licensee stores hazardous materials and Officer Maher answered yes. Attorney Connors asked about Sencorp, and Scales and Clark? Officer Maher stated he is familiar with them.

Attorney Connors asked about how Mr. Ferreira will dispose of materials – Officer Maher stated he should take them in; store and sort them INSIDE only except for perhaps a truck with items inside but not dumpsters containing recyclables. There

are also piles on the ground according to Officer Maher, which are not permitted. Unless it is sitting on a truck to be removed or inside, he is in violation.

Attorney Connors asked if Officer Maher is aware of any other inspections conducted on Mr. Ferreira's property? Officer Maher stated he believed there was a health inspection but that was not for his junk dealer license.

Attorney Connors asked for Mr. Ferreira to speak about his business process. Mr. Ferreira stated that it is his understanding that copper, brass, stainless steel, wire, etc. – they separate that and recycle it. The materials outside have been brought there and he then sorts it and dumps it out to keep moving it out and at the best price. All the recycles are inside. He stated that the containers outside are "rollables" – he tries to be as clean as possible. They are working as fast as they can – constantly moving materials.

Mr. Hoxie asked if the people bringing the stuff in and leaving it are paid; Mr. Ferreira stated it is not things he is buying – no money is involved; he is merely hauling these items away for people.

Officer Maher asked where the things outside go – Mr. Ferreira stated to the highest bidder. They try not to get into storage too much. Those other places bale it and recycle it to other countries. Mr. Ferreira said he is paid for the material in the containers.

Officer Maher stated that this IS part of the recycle process. Officer Maher stated someone brings metal in; Mr. Ferreira recycles it and sells it to someone else. Thus is IS recycling. Any "recycling" has been stipulated to be IN the building, not outside, and is then to leave the premises by truck.

After questioning by Attorney Connors, Officer Maher has stated Mr. Ferreira is neat; it does not look messy; Officer Maher has not seen any leakage or anything that looks hazardous.

Mr. Hoxie asked if the materials may be outside for a short period of the recycling process on the license and Officer Maher stated that yes, if the license could state containers for recycling materials on it he could be covered.

Mr. Hoxie stated Mr. Ferreira could come before the Authority and request this different wording.

Mr. Geiler then stated at the hearing there was a proposal by the license holder himself stating nothing would be stored outside. There was a lot of discussion about the wellhead area, etc. and a representative was there from the Water District. Part of the discussion allowing the authority to feel more comfortable about granting the license was that the business would NOT be conducted outside; it certainly seemed to mitigate the risk. He stated that the community does not want to lose that

water under any circumstances – and had it not been put forth to store everything inside, the license might not have been granted at all. How could the licensee now complain that he is being picked on, if it states right on the license what he agreed to at the license hearing when he was granted his license? Mr. Geiler stated that anyone would be concerned to see things going on which are not covered on the license. He also stated he does not know how proposing one thing and just deciding he can do whatever he wants to do is in compliance.

Mr. Ferreira stated he sees recycling as the metals – he thinks there is selective enforcement here; stating in the past he was called Brownie. He stated that he is probably more conscious than the other buildings around him of anything which could contaminate the area; he does not want contaminated drinking water. He then said if anyone came in to see how they work and watched for a while, they would then understand the process and how it works. He said that there are reality shows on about scrappers in Brooklyn – they are a profession. Just like a builder; his Dad has done it for years. He stated they follow the times.

Attorney Connors stated the hazardous materials are the problem; does aluminum cause a problem? He didn't think so. The primary issue is storage – the license says that all materials are to be held inside. However, what is storage? A day, a week, 5 hours? Two hours later it could be inside for recycling.

Mr. Sullivan stated the license states storage must be inside and at no time can the other materials be on site at all. He does stand with Officer Maher but thinks we need clarification from Site Plan Review.

Attorney Connors said he has walked the property – needs clarification as to what storage really means. Paul Sullivan, in looking at the license, stated the license is very restricted. Paul Sullivan stated again that there is a wellhead there; he wants to make sure this is handled correctly. Mr. Burman stated he heard Mr. Ferreira say he has no control over things being dumped there until he sees and sorts them – Mr. Geiler stated that is the key. The simple definition of “outside” and “inside” is crystal clear. The inside storage was proposed by the applicant at the hearing to be granted his license in the first place, and he now wants to change it.

Officer Maher stated that the photos were taken at 2 am – that material was stored overnight. Those are not business hours – business is not being conducted at that time. Those materials were being stored.

Mr. Hoxie stated he wonders if Mr. Ferreira can operate his business under the constraints of the license – should he go to Site Plan Review again, and come back to amend his license? Can he operate in compliance as the license exists?

Attorney Connors stated that all the processing is done inside, but asks if he can comply with nothing outside at all? Mr. Ferreira stated it would really interfere with his business in moving the materials. Attorney Connors suggested that a business

plan be prepared for Site Plan Review and stated they will approach that forthwith. They are willing to do that to show how he can conduct his business effectively. Mr. Hoxie then stated he is willing to continue this hearing to await results of the application to Site Plan Review to determine what is the best way he could conduct his business. Mr. Hoxie stated that if they come back and say no (SPR), he has violated the rules and should be held accountable.

Attorney Connors suggested a period of 30 days to return; Mr. Hoxie asked the Show Cause Hearing to be continued to the 9/20 meeting to return. Mr. Burman asked about the disposal business Mr. Ferreira mentioned he is conducting; stating that he represented a couple of years ago he had given that up, and the Board assumed that was no longer a part of his business. Mr. Ferreira stated he had a stroke; he took a year off; and now he is doing it again (disposal). Mr. Burman stated this is not what was approved by the Licensing Authority.

Mr. Sullivan asked that Mr. Ferreira be very diligent about what goes on from today until the hearing on 9/20/10. Mr. Geiler stated he must comply with his license in the interim. Attorney Connors stated he will explain to Mr. Ferreira what he needs to do UNTIL the next hearing. Attorney Connors will speak with Tom Perry and Officer Maher about conducting the business prior to 9/20/10.

Business Meeting:

First Item of Business:

Request of VN Management Corp., d/b/a Cape Cod Inn to reconsider the recent decision on a Show Cause Hearing held 7/19/10 to revoke the entertainment license because of guilty findings that on June 13, 2010 at approximately 0010 hrs., it violated The Code of the Town of Barnstable, Section 501-10B allowing entertainment to be heard outside the boundaries of the premises, and Section 501-8 for failure of the manager to provide a high degree of supervision of the licensed premises.

Johnny Vo appeared before the Authority as owner of the Duck Inn Pub (at Cape Cod Inn) on Main Street, Hyannis. He read a prepared statement saying in summary that, "I am here because the entertainment license was revoked on 7/19/10. I have been part of the community for 7 years. I have complied for 7 years with unintentional minimal violations." He stated his place has become a 2nd home for guests to unwind and relax. They enjoy sitting on the patio with friends listening to music. He said there have been complaints because they can no longer do that. His customers have expressed concern. He asked that the Licensing Authority reconsider and promises that he will keep the entertainment to a reasonable level. He said it is a short season and it is crucial to have the entertainment to stay afloat financially. He said he understands that Main Street has been revitalized and asks the Board to respectfully consider the reversal of his revocation. Officer Maher stated Mr. Vo has been before us 4 times and the ABCC

twice; he disagrees that his violations have been minimal. He also stated in his request that his people want the entertainment (music) outside, which was not permitted by his license and that was the problem to begin with – the speakers he put at the door facing outside so the music could be heard off the premises.

Mr. Burman asked if the hotel has been sold? Mr. Vo stated it has. Mr. Burman asked if he has any standing since it has been sold in asking that this license be amended as he no longer owns the business. He then stated Mr. Vo is in violation of the license as the new owner has not applied for a license to operate. Mr. Hoxie asked when Mr. Vo plans to transfer the license to the new owners? Mr. Vo stated later this year – they may decide to stay.

Mr. Geiler asked if Mr. Vo has spoken to his attorney about the ownership changes? Mr. Vo stated he is running the pub for the owner of the hotel. Mr. Geiler stated he strongly suggests that Mr. Vo get legal advice immediately to protect himself and the buyer. Mr. Vo stated they already sold the business. Mr. Geiler stated it sounds like Mr. Vo may in fact be in violation of several sections of law and urged him again to seek legal advice.

Mr. Hoxie asked Mr. Vo if a lawyer handled the business sale? Mr. Vo stated that one did; Mr. Hoxie stated he should contact that attorney.

Mr. Burman asked if they are conducting entertainment now? Mr. Vo stated no. Mr. Burman stated good. Mr. Hoxie stated he should get legal advice as soon as possible about his liquor license.

Second Item of Business:

Licensing Authority review, vote on new law for Sunday sales at 10 am. Mr. Geiler stated in speaking with the Town Attorney, they feel it would be appropriate for the Authority to make a recommendation to the Council and that the Council would then vote to accept or not the Sunday 10 am sales. Mr. Geiler stated the Authority could then offer the earlier hours - overall or individually AFTER the council accepts. (See exhibit "A").

Mr. Hoxie stated it would then have to come back so that the Licensing Authority can decide if we want the 10 am; and then if it should be for everyone or individual applicants on a case to case basis.

Mr. Geiler stated we will have to review them on an individual basis due to the law. Across the Board would not work because of the section of law on schools, churches, hospitals, etc. where it may not be appropriate. Mr. Geiler stated the Council is looking for a recommendation from the Licensing Authority.

Mr. Hoxie opened for discussion – and stated it seems as if it should be decided individually. Mr. Burman stated it should be individual. He added that as a non

drinker, he finds personally that there is not a need for alcohol consumption prior to 10 am. Mr. Hoxie stated if they are doing away with the old Blue Laws – why not 8 am, and did not disagree with the 10 am. Mr. Sullivan stated the legislature is opening it up to 10 am. He would like to get some opinions as to 10 am. Mr. Boy said we should not deny the people the right to apply; we have enough restrictions already, and the 10 am should be approved as other places in the State have already approved it. Mr. Geiler said it absolutely could affect some licensees for tourist season.

Mr. Hoxie recommended a 10 am opening with the Licensing Authority approval needed on an individual basis. Mr. Sullivan recommended the Board approve the 10 am opening for service, authorized by the council, retaining the authority of the Licensing Board to vote individually. The vote was Mr. Hoxie and Mr. Sullivan – yay; Mr. Burman abstained but wanted his vote on record.

Third Item of Business:

Blackburn's cleanup by 8/1/10. This had been done per Officer Maher except for 1-2 vehicles. He recommended the complaint be dismissed. The complaint was dismissed.

Fourth Item of Business:

Discussion re: Advisory of the ABCC re: Mandatory Liquor Liability Insurance. Mr. Geiler stated he does not know how many have this already; but we now need to see the proof to renew a Section 12 license. He advised this will happen for all new and renewal Section 12 licensees. (See Exhibit "B").

Fifth Item of Business:

Last drink issue – Mr. Geiler stated the information provided to the Licensing Office is sporadic. We know the accuracy is always suspect; none of the information is acquired under oath. In the past, we had a policy where a letter was sent to the establishment, without judgment, telling them we received a report and asking what they planned to do so it did not happen again. We are concerned to the extent that we do not want to see unwarranted accidents, deaths, etc. No decision was made on this item.

Sixth Item of Business:

Proposed new fee schedule (see attached Exhibit "C"). Mr. Geiler stated that he put together a small increase of 1.68% so that there would not be a sudden large raise in the fees. He thinks this would be better than coming in after 7 years or so with a large fee increase. He asked it be publicized and put on for vote 9/20/10.

Mr. Burman stated he would be vehemently opposed to any increases in fees at this time. Mr. Geiler stated he does not disagree that these are difficult times, but the costs to the Town are increasing also; should we be raising taxes or raising fees? Mr. Sullivan said he would like to have the public hearing to see how it goes. Mr. Hoxie asked that it be on for public comment and Licensing Authority discussion on 9/20/10.

Adjourned at 11:35 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority