



# 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, 2<sup>nd</sup> Floor Hearing Room, Hyannis, MA – 9:30 a.m.  
July 29, 2013

A regular meeting of the Barnstable Licensing Authority was held on Monday, July 29, 2013, 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 and Licensing Agent, Richard V. Scali, Consumer Affairs Supervisor, Lt. John Murphy, Liaison Officer from the Barnstable Police Department, Steven Maher, Liaison with the Barnstable Police Department and Christine Ade, Recording Secretary. David Nunheimer, Associate Commissioner, and Ron Semprini, Associate Commissioner, were absent.

Mr. Hoxie stated that he would like to recognize our Director of Regulatory Services, Mr. Thomas Geiler, who has assisted this Authority for many years. He stated that this will be Mr. Geiler's last meeting

39 years ago when the Board of Selectmen appointed Tom as the Sealer of Weights & Measures, it became very quickly obvious that we'd hired someone with the commitment and real expertise needed for an important position with the Town, and stated he was proud to be part of that appointment. He stated that on behalf of the Authority, he would like to wish Tom the best of luck, thank him for his years of service and certainly wish him the best for his future. He stated that he knows because of his background that Mr. Geiler will continue to serve the community in some fashion as his whole life has been one of community service. He again wished him good luck for a job well done. There was a round of applause.

Lt. Murphy conveyed the same message to Mr. Geiler on behalf of the Police Department from Police Chief MacDonald, who has the utmost respect for Mr. Geiler and his commitment to the citizens of the Town of Barnstable. Lt. Murphy stated he has been a strong ally to the Police Department and will be missed.

**Vote to accept Minutes:** Vote to accept minutes of the 7/8/13 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 7/8/13 Meeting.

**Hearings:**

**Two One Day Entertainment Licenses:** Application of Betsy Newell on behalf of Sturgis Library, Route 6A, Barnstable for its annual Antique Show & Sale to be held at BWB Elementary School, 2463 Main St., West Barnstable on August 16<sup>th</sup> from 8 am to 4 pm and August 17<sup>th</sup> from 9 am to 4 pm.

Betsy Newell appeared on behalf of the Sturgis Library. They have been doing this same activity for in excess of 10 years. They admit the general public, have a sedate older group – not anticipating any problems.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Betsy Newell on behalf of Sturgis Library, Route 6A, Barnstable for its annual Antique Show & Sale to be held at BWB Elementary School, 2463 Main St., West Barnstable on August 16<sup>th</sup> from 8 am to 4 pm and August 17<sup>th</sup> from 9 am to 4 pm.

**One Day Entertainment License:** Application of Kristen Jung on behalf of CORD, 106 Bassett Lane, Hyannis for a One Day Entertainment License for it's a Photo Scavenger Hunt and celebration (kickoff and ending point) on August 17<sup>th</sup> from 8 am to 3 pm.

Donne Verette appeared for CORD. It will kick off at CORD. People have to go to the locations they give them and take a picture. It will be from 10-2:30. Their funding has been cut so they are fundraising to raise money. There is a fee \$25 for individuals or 2/\$50. The businesses know photos will be taken. There will also be a find Waldo and if they find him have to answer question for a prize.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Kristen Jung on behalf of CORD, 106 Bassett Lane, Hyannis for a One Day Entertainment License for it's a Photo Scavenger Hunt and celebration (kickoff and ending point) on August 17<sup>th</sup> from 8 am to 3 pm.

Lt. Murphy stated he will enter it in the police log so there will be no problems – dispatch will be advised.

**One Day Entertainment Licenses (21):** Application of Kim Corben on behalf of Cape Cod Symphony, 1060 Falmouth Road, Hyannis for 21 One Day Entertainment Licenses for concerts at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis for the following dates and times:

September 21, 2013	8 pm	Saturday
September 22, 2013	3 pm	Sunday
October 12, 2013	8 pm	Saturday
October 13, 2013	3 pm	Sunday
November 9, 2013	8 pm	Saturday
November 10, 2013	3 pm	Sunday
December 6, 2013	4 pm, 8 pm	Friday

December 7, 2013	3 pm, 8 pm	Saturday
December 8, 2013	1 pm, 5 pm	Sunday
January 1, 2014	3 pm	Wednesday
January 18, 2014	8 pm	Saturday
January 19, 2014	3 pm	Sunday
February 14, 2014	8 pm	Friday
February 15, 2014	8 pm	Saturday
February 16, 2014	3 pm	Sunday
March 1, 2014	7:30 pm	Saturday
April 5, 2014	8 pm	Saturday
April 6, 2014	3 pm	Sunday
April 19, 2014	7:30 pm	Saturday
May 3, 2014	8 pm	Saturday
May 4, 2014	3 pm	Sunday

Carlotta Surette appeared for the application for their schedule. There are a few more concerts than there have been in the past.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Kim Corben on behalf of Cape Cod Symphony, 1060 Falmouth Road, Hyannis for 21 One Day Entertainment Licenses for concerts at the Barnstable High School Performing Arts Center, 744 West Main Street, Hyannis for the following dates and times:

September 21, 2013	8 pm	Saturday
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November 10, 2013	3 pm	Sunday
December 6, 2013	4 pm, 8 pm	Friday
December 7, 2013	3 pm, 8 pm	Saturday
December 8, 2013	1 pm, 5 pm	Sunday
January 1, 2014	3 pm	Wednesday
January 18, 2014	8 pm	Saturday
January 19, 2014	3 pm	Sunday
February 14, 2014	8 pm	Friday
February 15, 2014	8 pm	Saturday
February 16, 2014	3 pm	Sunday
March 1, 2014	7:30 pm	Saturday
April 5, 2014	8 pm	Saturday
April 6, 2014	3 pm	Sunday
April 19, 2014	7:30 pm	Saturday
May 3, 2014	8 pm	Saturday
May 4, 2014	3 pm	Sunday

**One Day Beer & Wine License:** Late filed application of John Allen on behalf of the JFK Hyannis Museum Foundation, 397 Main Street, Hyannis for a One Day Beer &

Wine License for its John F. Kennedy Hyannis Museum Foundation Speaker Series event on July 24, 2013 from 5:30 pm to 7:30 pm.

Mr. Allen appeared for this late filed event, which has already taken place. He was invited to appear as the application was filed too late to be on the hearing. He apologized for not being on time with it but a lot of changes have recently taken place. He is the Director of the museum. He now knows we need to do this ahead. It was a success. Great review for the event – New York Post page 6. They are careful with numbers, etc.

Mr. Hoxie thanked Mr. Allen for coming.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of John Allen on behalf of the JFK Hyannis Museum Foundation, 397 Main Street, Hyannis for a One Day Beer & Wine License for its John F. Kennedy Hyannis Museum Foundation Speaker Series event on July 24, 2013 from 5:30 pm to 7:30 pm.

**New Junk Dealer License:** Application of ecoATM, Inc, San Diego, CA, David Mersten, Manager, for a New Annual Junk Dealer License, for an un-manned ATM at the Cape Cod Mall Food Court area, to recycle used cell phones. Hours of operation to be 10 am to 9 pm, Mon – Sat and 10 am to 8 pm Sunday. Continued from 7/8/13.

No-one appeared from ecoATM. Lt. Murphy advised that he had conversations with them late in the week and the bottom line is they presented a list of references for those jurisdictions, all of which have positive responses. Some of them had no junk dealer regulations in place so there was no conflict. Others had similar restrictions – specifically the 15 day hold period. In that jurisdiction the Chief of Police waived the 15 day restriction to allow them to operate. They have asked to put this on the next meeting. The issues are the \$50 check restriction and the 15 day hold. This system is not designed to do that or to do the 15 day hold (has a Wells Fargo drop off and pickup each week). He stated that he is looking for comment from Officer Maher and the Authority.

Officer Maher stated he thinks the basic problem with it is that it may set a precedent we do not want to set. Also, the check restriction was put on so that the person getting the money would be checked to determine if it was the same as the person bringing in the item. He actually saw one of the machines in Maine and it worked well. He is concerned for Barnstable about the cash for gold type situations. Lt. Murphy is not concerned about this company with regard to the 15 day hold. His biggest concern is the \$50 check restriction. It is a safety net for us. It is also important as the person would have to produce ID twice. He does not see wiggle room on this part of our rules and regulations. Mr. Hoxie asked how many phones are over the \$50; the problem is not how many stated Lt. Murphy, but that ecoATM can't comply. Officer Maher stated a lot of the Apple phones are up there in the hundreds of dollars. He stated that a person could steal one right in the Mall and go to the machine and get cash for it. Lt. Murphy

stated in the jurisdictions he spoke to with no regulations, they are dealing with the problems we had a few years back – a few have asked for us to send us a copy of ours to use as a sample to create their own. Lt. Murphy stated he would be back in touch with them. They may elect to come to the next hearing but may elect to withdraw. Mr. Hoxie stated he wondered if those other jurisdictions would approve the application if they had our rules and regulations in place when they applied in their area.

Mr. Burman expressed concern about our waiving the rules for one entity. Mr. Geiler stated we could not waive the rules for one and not another. We would have to amend the rules themselves.

Mr. Hoxie stated that the Authority is reluctant to amend our rules and regulations as it has worked well in the Town. He then stated ecoATM is welcome to appear on the 19<sup>th</sup> to discuss this or could withdraw their application.

**Review of Restrictions on Junk Dealer License:** Review of restrictions placed on Junk Dealer License of 2 Good To Be New, 142 Corporation Street, Unit E, Hyannis, James Servidori, Manager.

Mr. Scali stated this is an automatic review (6 months) that we placed on this Licensee at approval time. He asked if the police department has had any issues. Lt. Murphy and Officer Maher stated there have not. Allen Goddard come in and stated he has been working with this man to sell some items – Mr. Servidori has been courteous, scrupulous in not buying items, rather putting them on consignment because of the restrictions. He would recommend allowing him to buy from customers instead of consigning. Mr. Hoxie asked if we should remove the restrictions. Mr. Scali read the restrictions: 1) “No precious metals, gems or coins may be bought or sold under this license; and 2) “No purchases may be made from individuals.” “Consignments other than gems, precious metals or coins are allowed.

Officer Maher asked what Mr. Goddard was consigning – he stated ephemera at this point, knick knacks, magazines, things of that nature. Mr. Scali stated the Licensee did not request the hearing – it is on for OUR review. Mr. Goddard is assuming he wants the restrictions removed. Mr. Hoxie stated we could notify him we will hear this at the next hearing if he wants it. Mr. Hoxie stated we should invite him to the August 19<sup>th</sup> meeting.

**Business Meeting:**

Release of Executive Session Minutes, if any (0).

Election of Licensing Authority Officers: Chairman, Vice-Chairman, Clerk.

Mr. Burman made a motion to reappoint the current Chairman, Vice-Chairman and Clerk. Mr. Sullivan seconded the motion. It was unanimously voted to approve the

current slate of officers. Mr. Burman stated the present Chairman has been serving us very well for years.

And any other new business to come before the Licensing Authority.

Adjourned at 10:29 pm.

Respectfully submitted,

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Christine P. Ade, Recorder  
Town of Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Town of Barnstable Licensing Authority