



**-Town of Barnstable
Regulatory Services
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**BARNSTABLE LICENSING AUTHORITY
LICENSING HEARING MINUTES
Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA –
April 30, 2012 - 9:30 a.m.**

A regular meeting of the Barnstable Licensing Authority was held on Monday, April 30, 2012. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Richard Boy, Associate Commissioner; Thomas Geiler, Director of Regulatory Services and Licensing Agent, Richard Scali, Consumer Affairs Supervisor, Lt. John Murphy and Patrolman Steve Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recording Secretary.

Vote to accept Minutes: Vote to accept minutes of the 4/9/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 4/9/12 Meeting.

Hearings:

One Day Entertainment License: Application of Peter Rohner on behalf of Cotuit Federated Church, 40 School Street, Cotuit for two One Day Entertainment Licenses for its annual arts & crafts festival to be held on August 18 and 19, 2012 at the church and Cotuit Town Green, both days from 10 am to 4 pm.

Mr. Rohner appeared for the application. This has been held for 40+ years. Nothing has changed. Last year they added a shuttle bus to help improve the traffic flow.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Peter Rohner on behalf of Cotuit Federated Church, 40 School Street, Cotuit for two One Day Entertainment Licenses for its annual arts & crafts festival to be held on August 18 and 19, 2012 at the church and Cotuit Town Green, both days from 10 am to 4 pm.

One Day Entertainment Licenses: Application of Amy Jordan for Paul Whitaker on behalf of Up With People, 6830 Broadway, Unit A, Denver, CO for two One Day

Entertainment licenses for a concert on August 24 and August 25, 2012 from 8 am to 12 pm each day to be held at Barnstable High School, 744 West Main Street, Hyannis.

Jennifer, who is local, appeared for this application for the concerts - 8 am to 12 pm includes set up time. They will be here for a week – doing community service and these shows. Their sponsor will determine how much the admission will be. They have permission from the school.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Amy Jordan for Paul Whitaker on behalf of Up With People, 6830 Broadway, Unit A, Denver, CO for two One Day Entertainment licenses for a concert on August 24 and August 25, 2012 from 8 am to 12 pm each day to be held at Barnstable High School, 744 West Main Street, Hyannis.

One Day Entertainment License: Application of Irene Aylmer on behalf of Hyannis Public Library for a one day entertainment license for its “Rhapsody in Blue” concert co-sponsored by First Baptist Church. The concert will be held at First Baptist Church, 480 Main Street, Hyannis on May 20, 2012 from 3 pm to 5 pm.

Irene Aylmer appeared with Carol Saunders representing the church and library. They have joined together to sponsor this and will share the proceeds. This is the second event the library is co-sponsoring. They are happy to do this. It is only 2 hours.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Irene Aylmer on behalf of Hyannis Public Library for a one day entertainment license for its “Rhapsody in Blue” concert co-sponsored by First Baptist Church. The concert will be held at First Baptist Church, 480 Main Street, Hyannis on May 20, 2012 from 3 pm to 5 pm.

One Day Wine and One Day Entertainment Licenses: Application of Stephen Hemberger on behalf of Historical Society of Santuit & Cotuit, P.O. Box 1484, Cotuit, for a One Day Wine Only License and a One Day Entertainment License for “The Taste of Cotuit” yearly fundraising event to be held on July 14, 2012 from 6:00 pm to 8:00 pm outdoors on the grounds of the Dottridge Museum, 1148 Main Street, Cotuit. A solo guitar player will perform.

Mr. Hemberger appeared for this application. They highlight the local merchants. It is outdoors from 6-8. They have 8-10 vendors and serve wine. This year a solo guitar will perform. The admission is \$50/person. Wine is served by William Johnson, who owns a vineyard in Colorado. They expect an older crowd.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Stephen Hemberger on behalf of Historical Society of Santuit & Cotuit, P.O. Box 1484, Cotuit, for a One Day Wine Only License and a One Day Entertainment License for “The Taste of Cotuit” yearly fundraising event to be held on July 14, 2012 from 6:00 pm to 8:00 pm outdoors on the

grounds of the Dottridge Museum, 1148 Main Street, Cotuit. A solo guitar player will perform. They do have a tent for the vendors and hope for good weather.

One Day Wine & Malt License: Application of William Bishop on behalf of Homeless Not Hopeless, 310 Ocean Street, Hyannis, for a One Day Wine and Malt License for a fundraising dinner auction to be held on June 1, 2012 from 5:30 pm to 9:30 pm at Our Lady of Victory Parish Center, 230 South Main Street, Centerville.

Steve Brown Diana Coughlin appeared for the application. There was confusion about who attended the prior hearing. They have a bartender on the Board of Directors and have permission from the venue.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of William Bishop on behalf of Homeless Not Hopeless, 310 Ocean Street, Hyannis, for a One Day Wine and Malt License for a fundraising dinner auction to be held on June 1, 2012 from 5:30 pm to 9:30 pm at Our Lady of Victory Parish Center, 230 South Main Street, Centerville.

One Day Entertainment License: Application of Lucy Loomis on behalf of Sturgis Library for a One Day Entertainment License for an Antique Show held at Barnstable West Barnstable Elementary School on April 21, 2012 from 10 am to 4 pm. The applicant obtained a permit from the school but neglected to come in to the Licensing Authority until it was brought to their attention by the Licensing Authority that this permit was needed. They immediately filed the necessary paperwork and paid the fee. It was determined that they did not need to appear at today's hearing as the event has already taken place.

Mr. Geiler advised that the committee changed – this has been held for many years; this was an oversight – and when called about not getting our license they did in good faith bring in the application. He advised no worries are necessary.

Two One Day Entertainment Licenses: Application of Susan Mendoza Friedman, Director of Dance Designs, 11 Enterprise Road, Hyannis for two One Day Entertainment Licenses for student dance recitals to be held at the Barnstable High School Performing Arts Center on June 23, 2012 from 7 pm to 9:15 pm and June 24, 2012 from 4 pm to 6:15 pm.

Susan Mendoza Friedman appeared for the application. The tickets will be free for 2; additional tickets will be a fee of \$12 - \$15. She has held this for years.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Susan Mendoza Friedman, Director of Dance Designs, 11 Enterprise Road, Hyannis for two One Day Entertainment Licenses for student dance recitals to be held at the Barnstable High School Performing Arts Center on June 23, 2012 from 7 pm to 9:15 pm and June 24, 2012 from 4 pm to 6:15 pm subject to getting all the other approvals..

One Day Entertainment License: Application of Caitlyn Sweeney, manager, Beech Tree Cantina, 599 Main Street, Hyannis, for a One Day Entertainment License to have a one man band, Jeff Cross, play inside the restaurant on Cinco de Mayo (May 5, 2012) from 4 pm to 7 pm.

Jared Pane appeared who stated they will play through the Cantina's sound system for their "opening" and Cinco de Mayo.

Mr. Burman asked about the license we granted some time ago – Mr. Geiler stated that area is not complete yet. This application is for inside the present location, not the coffee shop or outside. The coffee shop and another room were incomplete at the time the rest of the license was up for approval. That is what we voted to do.

Mr. Burman thought it was to be completed by April 15, 2012 and wondered why it was not complete. Mr. Geiler will check our records at the office. If beyond the date it might be appropriate to ask for an explanation. He did not remember what date was offered. Mr. Geiler stated the area in which they are requesting the entertainment is 100% complete, all inspected, etc.

Lt. Murphy stated there was an incident over the weekend – all 4 subjects exiting this premises were involved in a fight with weaponry. He is concerned if proper security will be in place for this night with entertainment. Mr. Pane stated there will be 2 people on. He will up it to 3; which Lt. Murphy agreed to. Officer Maher stated he needs to be vigilant about his capacity for this event as they will be checking. Lt. Murphy stated the incident did not start in the Beech Tree. The task force was able to intervene before anyone was hurt. He is confident after meeting with management of the Beech Tree that they are ready now for any problems. Lt. Murphy stated there was no indication alcohol played a part in the altercation.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Caitlyn Sweeney, manager, Beech Tree Cantina, 599 Main Street, Hyannis, for a One Day Entertainment License to have a one man band, Jeff Cross, play inside the restaurant on Cinco de Mayo (May 5, 2012) from 4 pm to 7 pm.

New Junk Dealer License: (Existing license – change from sole proprietor to corporation) Application of Tim Ferreira, d/b/a Ferreira's, 85 Old Yarmouth Road, Hyannis, for a new Annual Junk Dealer License, in the name of his newly formed corporation, Ferreira's Recycling, Inc., d/b/a Ferreira's, with no other changes to his current license. This hearing was postponed to June 4, 2012. Mr. Hoxie confirmed this.

New Common Victualler License: Application of Hyannis Rendezvous, Inc., d/b/a Rendezvous Cafe & Creperie, 394 Main Street, Hyannis, Dylan Jordan, Manager, for a

new Common Victualler License for a restaurant with 48 seats, 5 employees, to operate from 8 am to 5 pm.

Mr. Jordan advised there will be an espresso bar and baked goods – would like 8 am to 10 pm – different closing time than originally requested. Went to Johnson & Wales and has been working in many restaurants since. The restaurant is connected to Puritan. This location also holds the spa. Mr. Scali advised the board he did not want to go forward with the outside dining at present – Mr. Jordan will be back later to do that. He plans to open around May 15.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Hyannis Rendezvous, Inc., d/b/a Rendezvous Cafe & Creperie, 394 Main Street, Hyannis, Dylan Jordan, Manager, for a new Common Victualler License for a restaurant with 48 seats, 5 employees, to operate from 8 am to 10 pm.

Change of D/B/A: Application of H&S Entertainment, LLC, d/b/a Dina's, 350 Stevens Street, Hyannis, Constantinos Mitrokostas, Manager for a change of d/b/a on its Annual All Alcohol Common Victualler License to Bistro De Soleil.

Attorney Nunheimer and Mr. Mitrokostas appeared for the change in d/b/a. He stated they would like to change the name at this time to include a multifaceted menu. They will be looking to open next week. Everything remains the same except the name change. Officer Maher asked what they plan for entertainment – it is on hold for now but consistent with the licenses they were granted for Dina's. Officer Maher advised there is a meeting May 8th at BPD and would like them to attend. Mr. Scali asked if the menu is changing – he advised it is and will submit it.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of H&S Entertainment, LLC, d/b/a Dina's, 350 Stevens Street, Hyannis, Constantinos Mitrokostas, Manager for a change of d/b/a on its Annual All Alcohol Common Victualler License to Bistro De Soleil.

Change of Location and Change of Hours: Application of Michael DePaolo, d/b/a Il Maestro Ristorante, 187C West Main Street, Hyannis, Michael DePaolo, Manager for a Change of Location to 297 North Street, Hyannis with the licensed premises described as follows: 297 North Street, Bldg. 2, Hyannis, MA with 3,600 sq ft, 146 seats indoors, 25 seats (seasonal) outdoors. Ground floor bar area 30 x 24 +/- with 15 stools at 20' bar and 26 chairs at tables, separated from dining area by hip wall. Main dining areas 30 x 46 +/- with 46 seats; atrium with chairs & tables of 43 seats, alcove dining 16 seats; open kitchen (hip wall & glass separator) to dining area; restrooms, foyer 6 x 6,; coatroom; basement prep kitchen, and for a Change of Hours to increase the alcohol service hours to 1:00 a.m.

Attorney Lawler appeared with Mr. DePaolo for this hearing. Attorney Lawler advised that he has operated Il Maestro for 23-24 years; excellent restaurant for Italian fare.

His understanding is that there have been no violations. He has been an exemplary member of the community and now wants to transfer and expand his operation to the new location where Barolo was formerly located. Attorney Lawler stated there is a dispute with his former landlord; there is no pledge to this license, nothing relevant between that dispute and the change of location application before the board. He believes that the license itself is free from any attachments or restrictions and there is a dispute, but he feels it is inappropriate to get into today, but acknowledges it does exist and he (Attorney Lawler) is handling that matter. The request is a change of location and request to extend the hours until 1:00 a.m. only. Attorney Lawler advised he just became involved for the hearing; did not do the filing. This licensee has been active for many years and has an excellent reputation. They request approval with extension of hours until 1:00 a.m. and that other matters are not the purview of this dispute involving an eviction. The matter will be decided by District Court. The new place is ready to go as soon as approved by the ABCC. He has a new lease in place – it comes with its own equipment. It is very close to a turnkey operation.

Mr. Burman asked Attorney Lawler about the investment in the West Main Street property; is that what the suit revolves around? Attorney Lawler confirmed he does have some property there. He knows they are represented by counsel and hopefully a resolution will be made. It takes two sides to agree. If not, it will be resolved by the District Court. Again, the license is NOT pledged. Mr. Hoxie asked how long the landlord has owned the property. Lt. Murphy asked why he wants to extend his hours to 1 am, which does not seem to be a license for a restaurant – why 1 am if not turning into a lounge? Attorney Lawler stated that if you go there it is clearly intended to be a restaurant. Whether or not he wants the flexibility to extend later – maybe for functions, etc. is his right, whether it is Christmastime, weddings, etc. Mr. DePaolo wants to make sure they follow all the rules in case they have late diners, etc. 12:30 would be fine also; but his present license is only until 11:30. He does not have an entertainment license. If you look at the venue, this place is perfect for weddings, etc. which parties might go later than 11:30. Mr. Sullivan asked the former hours of Barolo – it was 11:30 and midnight Saturday. Mr. Geiler stated that restaurant did not last long. Prior to them it was always 1:00 am. Lt. Murphy stated he just wanted clarification for the record – he was not saying he was opposed to Mr. DePaolo's request.

Spiro Mitrokostas appeared as agent for the landlords who were also present. They were there at advice of counsel – they will be going to Court with Mr. DePaolo to collect unpaid rent at 187 West Main Street, Hyannis. He said he had no problems until 6 months ago he decided he did not want to pay the tab on his way out the door. He is here today as Mr. DePaolo asked for a continuance at Court so this license transfer could go forward unencumbered.

Mr. Hoxie asked if the dispute was about money or his ability to run a restaurant. Mr. Mitrokostas stated he has been paying all the expenses of his license by monies owed to the landlord. Mr. Hoxie stated this action does not affect the new license should we grant it. Mr. Mitrokostas stated they will finally have the eviction if we approve but will

not have the money owed to them. Mr. Hoxie stated we have to take into account the fact that he has run a successful business for years.

Mr. Burman asked Attorney Lawler if there were other items owing; he stated the ABCC does not issue any licenses to those owing meals taxes, other taxes, etc. Mr. Burman asked if they are up to date. It is Mr. Lawler's understanding it is up to date month to month. He has no sales taxes or liquor bills delinquent. Attorney Lawler stated the dispute between the parties is for more than rent. He wishes to protect his client's reputation. Monies were held and that issue will be resolved. Mr. Sullivan also asked if the matter was private. Attorney Lawler stated it is not. The dispute in Court does not involve the license.

Mr. Burman thinks we should postpone the vote until the May meeting. He has known both the licensee and landlord for a long time and would like to see a resolution before a vote. Mr. Hoxie stated this is money. It could be continued again. He sees nothing that would preclude the Board from approving this transfer. Attorney Lawler stated even if there is a result within two weeks it has no affect on the license. There is also a right to appeal. It is not this Board's right to become an arbitrator – that is way beyond any authority the board has...to resolve a private dispute. Mr. DePaolo stated the dispute is about the Board of Health.

Mr. Hoxie stated this dispute should have absolutely no bearing on today's decision. Mr. Sullivan agreed with Mr. Hoxie – the issues have no bearing on whether we can rule on the application. The point is that both parties agree to that.

A motion was duly made by Paul Sullivan, seconded by Martin Hoxie and a vote taken to approve the application of Michael DePaolo, d/b/a Il Maestro Ristorante, 187C West Main Street, Hyannis, Michael DePaolo, Manager for a Change of Location to 297 North Street, Hyannis with the licensed premises described as follows: 297 North Street, Bldg. 2, Hyannis, MA with 3,600 sq ft, 146 seats indoors, 25 seats (seasonal) outdoors. Ground floor bar area 30 x 24 +/- with 15 stools at 20' bar and 26 chairs at tables, separated from dining area by hip wall. Main dining areas 30 x 46 +/- with 46 seats; atrium with chairs & tables of 43 seats, alcove dining 16 seats; open kitchen (hip wall & glass separator) to dining area; restrooms, foyer 6 x 6,; coatroom; basement prep kitchen, and for a Change of Hours to increase the alcohol service hours to 1:00 a.m. Mr. Sullivan and Mr. Hoxie voted yay. Mr. Burman voted nay. The motion passed by majority vote.

Live and Non-Live Entertainment Licenses and 11 AM Alcohol Service on Sundays: Application of 13 Lives Corp., d/b/a Black Cat Harbor Shack, 159 Ocean Street, Scott Brownlee, Manager, for a Daily Live Entertainment License for 1-2 entertainers, amplified, outside, hours to be noon to midnight daily and Non-Live Entertainment for recorded music at conversation level and two T.V.'s. Also applied for is the early alcohol service hour on Sundays of 11:00 a.m.

David Colombo appeared with Mr. Bownlee; he stated that they are confident they can keep the music level down. The request is more for “background” music – more acoustic music than other, some amplification for vocals and possibly guitar. Not expecting drums, horns, etc. They are concerned and confident they can control the music.

Mr. Hoxie stated there is a concern about music traveling across the water; the board is concerned about location of and size of speakers. By his assurance of conformity and continual monitoring of the music level this should be able to be controlled. Mr. Hoxie asked if they could live without amplification – Mr. Colombo stated a lot of the artists do request amplification. He, himself, does not like loud music – likes people to enjoy conversation. Mr. Hoxie asked Mr. Burman his thoughts – Mr. Burman stated it took many years to get the hotel approved. He suggested speakers face the building, not the harbor. Mr. Burman feels Mr. Colombo has been around long enough to feel confident that he will police it himself. He has a number of restaurants in town and knows the concerns of the board. Mr. Colombo wants to contain the music on his property but just to project it across his property from one side to the other. Mr. Sullivan advised him he knows the rules. Mr. Colombo does not want to offend the neighbors – wants to know if it is a problem. Mr. Geiler stated that this is the most difficult area in which to control sound – it varies with weather conditions – bounces all over with cloud conditions, fog, etc. It does take more effort to walk across the street each night to monitor it. He said there are a number of complaints that come in every year – they will name someone and later on find out it was a different establishment altogether. He said he has no concern with their plan – the concern is with the “next” guy. He is confident Mr. Colombo will do the right thing. Lt. Murphy stated he also has full confidence in Mr. Colombo to monitor and if a problem he would have full confidence in his fixing the problem.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of 13 Lives Corp., d/b/a Black Cat Harbor Shack, 159 Ocean Street, Scott Brownlee, Manager, for a Daily Live Entertainment License for 1-2 entertainers, amplified, outside, hours to be noon to midnight daily and Non-Live Entertainment for recorded music at conversation level and two T.V.’s. and the early alcohol service hour on Sundays of 11:00 a.m.

Mr. Burman made a public statement wishing all of our condolences to Mr. Colombo for the passing of his father recently – a nationally known musician. He stated we will miss him.

Application for 11 AM Sunday Alcohol Service: Application of 9 Lives Corp., d/b/a The Black Cat Tavern, 165 Ocean Street, Hyannis, Scott Brownlee, Manager, for permission for 11 am Sunday alcohol service.

Without discussion this was approved.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of 9 Lives Corp., d/b/a The Black Cat Tavern, 165 Ocean Street, Hyannis, Scott Brownlee, Manager, for permission for 11 am Sunday alcohol service.

Change of D/B/A: Request of Nathanael Cote, Manager, Epic Narbles, Inc., d/b/a Osterville Cheese and Sandwich Shop, 29 Wianno Avenue, Osterville, for Change of D/B/A only on its annual Common Victualler License to Wianno Green Cafe. FYI only; administrative change to license.

Mr. Scali advised the Board they did not have to appear – this is just notification to the Board; just an administrative change was made.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Nathanael Cote, Manager, Epic Narbles, Inc., d/b/a Osterville Cheese and Sandwich Shop, 29 Wianno Avenue, Osterville, for Change of D/B/A only on its annual Common Victualler License to Wianno Green Café.

Show Cause Hearing: On a request from Meredith Carter, the Licensing Authority has called a Show Cause Hearing for Auto Smart, LLC, Darrell Fietz, Manager, 202 Yarmouth Road, Hyannis, MA, which hearing was called for failure to return her entire deposit or otherwise make her whole and for selling the vehicle she had contracted to buy while it still retained \$500.00 of her deposit under MGL c. 140, §58 (c) (1) (v) (8).

Mr. Hoxie read the hearing notice and ascertained the parties are present.

Peter Freeman, Esq. appeared for Auto Smart. He apologized for being very sick; understands the seriousness of the matter. He is requesting a continuance of our hearing. There is also an action at District Court by Auto Smart against Ms. Carter.

Mr. Hoxie asked for a continuance until May 21, 2012. He stated it is unfair that Mr. Fietz's counsel not have time to prepare.

Ms. Carter does not feel it alright to continue the hearing as she is a single parent and started a new job and cannot lose pay over and over to be here. She said she is prepared. The other side is not.

Mr. Hoxie stated we will hear this on May 21, 2012, ending any discussion.

Show Cause Hearing (Re-opened): Due to a request from Judith Eldredge, the Licensing Authority is re-opening its Show Cause Hearing for Auto Smart, LLC, Daryl Fietz, Manager, 202 Yarmouth Road, Hyannis, MA, which hearing was called for January 9, 2012 for failure to return her deposit or otherwise make her whole under MGL c. 140, §58 (c) (1) (v) (8) despite her returning the vehicle to Auto Smart, LLC for mechanical issues and higher loan payments. That hearing was closed as the

Licensing Authority was advised that Ms. Eldredge was satisfied with the resolution of the matter. The Licensing Authority may cancel, suspend, revoke or further condition this Class II Auto Dealer License.

Mr. Hoxie stated we will hear this on May 21, 2012 for final disposition.

Renewals:

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

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

Junk Dealers:

- Ferreira's, 85 Old Yarmouth Road, Hyannis - Held for discussion
- Sweet Pea's Nest, 4083 Main Street, Cummaquid
- Gamestop, CC Mall, Hyannis
- Cape Abilities, 3239 Main Street, Barnstable
- The Teen Exchange, 1667 Falmouth Road, Centerville
- More For Less, 640 Main Street, Hyannis
- Simply Vintage, 5 Main Street, Cotuit
- Atomic Dimstore, 253 Main Street, Hyannis
- New England Jewelry, 342 Main Street, Hyannis
- Jewelcraft, 585 Main Street, Hyannis
- Silva Jewelers, 863 Main Street, Osterville
- Play It Again Sports, 425 Iyannough Road, Hyannis
- Cape Cod Jewelers, 366 main Street, Hyannis
- Cotuit Mercantile, 45 Main Street, Cotuit

On Mr. Ferreira's renewal, Mr. Hoxie stated this is a normal renewal – anything going on outside of the renewal has no bearing on the renewal today. This is the advice of Town counsel.

A motion was duly made by Mr. Sullivan and seconded by Mr. Hoxie and a unanimous vote taken to approve the renewal of Fereira's.

A motion was duly made by Mr. Sullivan and seconded by Mr. Hoxie and a unanimous vote taken to approve the Daily Non-Live Entertainment renewal below:

Non-Live Entertainment:

- Courtyard Marketplace, 541 Main Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Automatic Amusement/Video Games License renewals as submitted below:

Automatic Amusement/Video Games:

Courtyard Marketplace, 541 Main Street, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Carousel License renewal as submitted below:

Carousel:

Courtyard Marketplace, 541 Main Street, Hyannis

Business Meeting:

Release of Executive Session Minutes, if any (none to release – 1 sealed).

Discussion of complaint received from Joao Holanda with regard to unlicensed Class II Auto Dealers, which complaint was forwarded to Officer Maher on 4/6/12. Officer Maher stated there was one car for sale there when he went by last week. His investigation is on-going.

Mr. Burman stated he thinks this Board has created a big problem with allowing so much on Main Street for the summer. Mr. Hoxie stated if there are any reports of problems the Board will exercise its right to rollback hours to 11 pm.

Lt. Murphy stated there will be a second meeting May 8th at the police station at 11 am This meeting is for Main Street, South Street, North Street restaurants open after 11 pm to discuss plans for the season coming.

Mr. Geiler asked about attendance at the seminars recently held – the police department advised there was standing room only the first day and it was very full the next.

Mr. Hoxie stated we have the controls here to roll back the hours if necessary. He stated we have been very careful in our approvals. It appears to him that the drug problem is the main reason for the problems the police are having, not alcohol. Lt. Murphy stated he agrees with that statement.

Mr. Geiler stated the attention to over-service of alcohol will also help to mitigate problems if these restaurants are vigilant. It will make a big difference.

Lt. Murphy stated that Main Street, Hyannis is a destination location – some people stay at a hotel there and imbibe more freely as they do not have to drive home. He

stated door staff has to be more proactive in allowing patrons already intoxicated into the premises to begin with.

Mr. Hoxie states limiting hours is always an option – we should catch these problems right away. Lt. Murphy stated it is Chief McDonald's position to have a proactive police presence and that a program will be in place for the summer of 2012. Mr. Hoxie stated that is why this Authority is reluctant to allow licenses for "nightclubs" rather than restaurants. Lt. Murphy stated that was why he asked his questions about lounges earlier in our meeting.

And any other new business to come before the Licensing Authority. None.

The meeting was adjourned at 11:00 am.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority