



**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.**  
**January 14, 2013**

A regular meeting of the Barnstable Licensing Authority was held on Monday, January 14, 2013. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; Ron Semprini, 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, and Christine Ade, Recording Secretary. Patrolman Steve Maher, and Dick Boy were absent.

**Vote to accept Minutes:** Vote to accept minutes of the 12/17/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 12/17/12 Meeting.

**Hearings:**

**One Day All Alcohol and One day Entertainment License:** Application of Bill Sykes on behalf of Best Buddies International, 100 SE 2<sup>nd</sup> Street, Miami, FL for a One Day All Alcohol and One Day Entertainment License for a band for its annual Best Buddies Challenge at the Eunice Kennedy Shriver Ocean Park, Craigville Beach Road, Centerville on June 1, 2013 from 1 pm to 9 pm.

Mr. Sykes appeared for his application. This is the 13th annual event and has been very successful. Starts at JFK Library in Boston and ends at Craigville Beach. They raised 4.7 million last season.

Mr. Scali brought up the fact that Ms. Capizzi has complained in past years – have they contacted her this season? He stated that last year he kept her informed on all that was taking place, set-up, etc. and will do so again this year.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Bill Sykes on behalf of Best Buddies International, 100 SE 2<sup>nd</sup> Street, Miami, FL for a One Day All Alcohol and One Day

Entertainment License for a band for its annual Best Buddies Challenge at the Eunice Kennedy Shriver Ocean Park, Craigville Beach Road, Centerville on June 1, 2013 from 1 pm to 9 pm.

**One Day Entertainment License:** Application of Donna Vermette on behalf of CORD (Cape Organization for Rights of the Disabled) for a One Day Entertainment License for a Bingo fundraiser to be held at 106 Bassett Lane, Hyannis on January 25, 2013 from 6:00 pm to 10:00 pm.

Donna Vermette appeared for CORD. The money is to help fund their services. State funds have been cut and they are looking for other means to support it. There is a \$5.00 cover and people can purchase other specials throughout the night. The prizes are donated. This is the first annual event.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Donna Vermette on behalf of CORD (Cape Organization for Rights of the Disabled) for a One Day Entertainment License for a Bingo fundraiser to be held at 106 Bassett Lane, Hyannis on January 25, 2013 from 6:00 pm to 10:00 pm.

Mr. Scali stated this does not exempt them from the State requirement (license) which Ms. Vermette stated they have pursued.

**One Day Wine & Malt and One Day Entertainment Licenses:** Application of Beverly Fuller, Treasurer of the German-American Club of Cape Cod, P.O. Box 187, Hyannis, MA, for four One Day Wine & Malt Licenses for social dinner meetings for its members from 5:30 pm to 10:30 pm at the Fraternal Lodge, 1989 Route 28, Centerville, MA for the following dates: February 9, March 10, April 13 and May 11, 2013. Also requested are three One Day Entertainment Licenses for the February 9, April 13 and May 11<sup>th</sup> dinners where there will be a 2-3 piece band playing German music.

Ms. Fuller apologized for the late filing – she has recently taken over the duties at the Club.

A motion was duly made by Mr. Burman to approve the application of Beverly Fuller, Treasurer of the German-American Club of Cape Cod, P.O. Box 187, Hyannis, MA, for four One Day Wine & Malt Licenses for social dinner meetings for its members from 5:30 pm to 10:30 pm at the Fraternal Lodge, 1989 Route 28, Centerville, MA for the following dates: February 9, March 10, April 13 and May 11, 2013. Also requested are three One Day Entertainment Licenses for the February 9, April 13 and May 11<sup>th</sup> dinners where there will be a 2-3 piece band playing German music.

**New Annual Retail All Alcohol Package Store License:** Application of Smithfield Market of Barnstable, LLC, d/b/a Barnstable Market, 3220 Main Street, Barnstable, Jeffrey Blankenship, Manager, for a new Annual All Alcohol Retail Package Store license at its current location, no change to the floor plan. Hours of alcohol sales to be Mon-Sat 8 am to 8 pm, Sun noon to 8 pm. The current Wine & Malt Retail Package Store License at this location would be turned in upon approval of this license.

Mr. Hoxie asked Mr. Scali if they have made a decision on this – the ABCC has not gotten back to him. In the last discussion they stated our population has decreased and thus there are no licenses. He recommended continue again or send it up there to force the issue.

Attorney Lawler thanked Mr. Scali for his efforts. His initial instinct is to go for the next meeting – vote on the merits and send to ABCC for their decision. He will leave it to the Board's discretion. He thinks letting it go on and on waiting for a decision from Boston is sort of futile.

Mr. Hoxie wondered if we need to advise the public there might be a license; he suggests continuance to February 11, 2013.

Attorney Lawler stated that these have been hearings on record; anyone interested has had notice there may be a license, but will go along with Mr. Hoxie's statement that we need to notify any others interested. Attorney Lawler thinks he should get a decision from us locally and then make a decision with his client to send it to the ABCC. He would rather bring this to a head on the February meeting.

Mr. Sullivan stated he basically wants a decision from us without further advertising. They applied in good faith for the license when we believed we had two available. Mr. Sullivan asked how long ago it was originally advertised; Attorney Lawler stated in November. Attorney Lawler stated a decision must be made by Boston; he believes this Board has the ability to make that decision yay or nay. If the Board feels it necessary to let the world know about that license, find. He just does not want to wait for a determination from Boston.

Mr. Burman asked Mr. Geiler how many licenses we have historically had – he stated 15. The complication was that Barnstable adopted a home rule legislation to convert its 5 seasonal licenses to annual. A year or two later the State approved this process and eliminated the seasonal licenses. He suggested the client is better off hanging in there – if denied they can't reapply for a year. At least if they are willing to wait they are in line. He thinks their position is still strong but best protected if we wait for the ABCC decision first. Attorney Lawler stated he respects Mr. Geiler's lengthy position in Licensing – but asks that maybe we continue to March meeting? He does not want to return each 4 weeks to see if it is there. Mr. Geiler stated the Board could continue with a date to be determined. Attorney Lawler asked that we do this and will talk to his client to make sure that is what they want.

Mr. Burman asked if all the villages have those licenses – Mr. Geiler stated Barnstable Village now only has a beer and wine and no all alcohol. The people of that village support the application and the history of the applicant is good. Waiting it out might be the best thing to do.

Mr. Scali stated we applied to IT and received a map of all the alcohol licenses as to where they are located.

Mr. Hoxie stated this hearing will be continued to a date to be determined.

**Amend Hours on Class II Auto Dealer License:** Application of Big Bad One, Inc., d/b/a Ziggy's, 832 Bearses Way, Hyannis, William H. Baron, Manager, to amend the business hours on its Class II Auto Dealer License to Monday – Saturday 8 am to 9 pm, Sunday 11 am – 6 pm.

Mr. Baron stated business has been good and getting better. Mr. Geiler stated there were some complaints of vehicles too close to the sidewalk; it is important that someone keep an eye on it. Mr. Geiler stated the other issue in terms of the neighbors would be are they extending the hours for repair or sales? Mr. Geiler stated running engines at night would not be conducive to nighttime peace and quiet. He said oil changes would be ok. Mr. Baron stated he completely understands.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Big Bad One, Inc., d/b/a Ziggy's, 832 Bearses Way, Hyannis, William H. Baron, Manager, to amend the business hours on its Class II Auto Dealer License to Monday – Saturday 8 am to 9 pm, Sunday 11 am – 6 pm.

**New Common Victualler License:** Application of George Haddad, d/b/a Little Country Pizza 2, 700 Yarmouth Road, Hyannis, for a new Annual Common Victualler License, George Haddad, Manager for a total of 7 seats, to be operated 10 am – 11 pm.

Mr. Haddad stated his family has owned a restaurant since 1988 in RI; it will be a lot of take out as they only have 7 seats. Mr. Rosario, the property owner, also appeared and stated he approves of this application.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of George Haddad, d/b/a Little Country Pizza 2, 700 Yarmouth Road, Hyannis, for a new Annual Common Victualler License, George Haddad, Manager for a total of 7 seats, to be operated 10 am – 11 pm.

**New Junk Dealer License:** Application of by CP Enterprise, Inc., d/b/a Cash Point, 640 Main Street, Hyannis, for a new annual Junk Dealer License, Edgar Gevorgyan, Manager, hours of operation to be 10 am to 7 pm.

Edgar Gevorgyan stated it is the same business as is there now – he has been the manager but they are restructuring the ownership.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of CP Enterprise, Inc., d/b/a Cash Point, 640 Main Street, Hyannis, for a new annual Junk Dealer License, Edgar Gevorgyan, Manager, hours of operation to be 10 am to 7 pm.

**New Common Victualler License:** Application of James Turi & Brian Dixon, Mall Subway, LLC, d/b/a Subway #51116, 793 Lyannough Road, Hyannis for a New Annual Common Victualler License, shared Mall seating in the Food Court, to be operated Monday – Sat 9-9; Sun 10 -6.

Mr. Turi appeared as they have just acquired the Subway at the Mall.

Mr. Scali stated this is the same application that did not go through last May. They have worked out the lease and ownership since that time.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of James Turi & Brian Dixon, Mall Subway, LLC, d/b/a Subway #51116, 793 Lyannough Road, Hyannis for a New Annual Common Victualler License, shared Mall seating in the Food Court, for a, to be operated Monday – Sat 9-9; Sun 10 -6.

**New Common Victualler License:** Application of James Turi & Brian Dixon, Hyannis Subs, LLC, d/b/a Subway #29595, 425 Lyannough Road, Hyannis for a New Annual Common Victualler License, to be operated Monday – Sun 7 am to 10 pm.

Mr. Turi appeared for this second application. They own the location – they are relocating the store which was at 251 Lyannough Road to this location, a nicer facility and should increase their business.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of James Turi & Brian Dixon, Hyannis Subs, LLC, d/b/a Subway #29595, 425 Lyannough Road, Hyannis for a New Annual Common Victualler License, to be operated Monday – Sun 7 am to 10 pm.

**New Class II Auto Dealer License:** Application of Wayne Wardwell, d/b/a Ultra Clean, 30 Cit Avenue, Unit 5, Hyannis, for a new Class II Auto Dealer license for primarily internet sales; 6 inside display spots, 2 customer, 2 employee and 1 handicap spot outside, hours of operation to be M-F 8 am -5 pm.

Mr. Wardwell appeared. Mr. Hoxie asked if there were any sales on the property. He stated if they came in sure; but no display outside – all inside. Mr. Hoxie asked what is there now – he stated it is his auto detailing business which he has had there since 1993. Mr. Scali wanted to clarify that his primary business would be the sales. Mr. Wardwell stated he will stop the detailing business in favor of this business.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Wayne Wardwell, d/b/a Ultra Clean, 30 Cit Avenue, Unit 5, Hyannis, for a new Class II Auto Dealer license for primarily internet sales; 6 inside display spots, 2 customer, 2 employee and 1 handicap spot outside, hours of operation to be M-F 8 am -5 pm.

**Transfer of Annual Retail Wine & Malt Package Store License:** Application has been made by Jennifer L. Cullum, d/b/a Sea Street Market & Provisioners, 231 Sea Street, Hyannis, Jennifer Cullum, Manager, for transfer of her Annual Retail Wine & Malt Package Store License to M.A. General, Inc., d/b/a Sea Street Food Mart, 231 Sea Street, Hyannis, Zahid Rashid, Manager, to be operated from 8 am to 11 pm.

Attorney Paul Attea appeared for the transferee stating it has been a licensed premises for a long time. MA General has just purchased the business. It will be 8 am to 11 pm; beer and wine only. No seating. The principal owner Mr. Rashid is an experienced package store owner in Sandwich and has had licenses in New Bedford and Weymouth – no infractions with the ABCC on any of his licenses. He presently holds a five year lease to Dec. 2017.

Mr. Scali asked about the Sunday hours – he will limit the Sunday sales hours to 11 am to 6 pm.

Ron Semprini asked if he is leasing the whole building? The apartment? Attorney Attea stated he is leasing only the downstairs. A realty trust owns the upstairs and it will be rented out.

Mr. Burman asked him how many hours he plans to be there. Mr. Rashid stated the majority of the hours; and his staff will be well trained.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Jennifer L. Cullum, d/b/a Sea Street Market & Provisioners, 231 Sea Street, Hyannis, Jennifer Cullum, Manager, for transfer of her Annual Retail Wine & Malt Package Store License to M.A. General, Inc., d/b/a Sea Street Food Mart, 231 Sea Street, Hyannis, Zahid Rashid, Manager, to be operated from Mon – Sat 8 am to 11 pm and Sunday 11 am to 6 pm.

**New Class II Auto Dealer License:** Application of Quality Auto Center, Inc., d/b/a Quality Auto Center, 91 Barnstable Road, Hyannis, for a new Class II Auto Dealer license for primarily internet sales; 6 inside display spots, 2 customer, 2 employee

and 1 handicap spot outside, hours of operation to be M-F 7-7, Sat & Sun 7-6. 17 total vehicles on site. This is an existing license which has incorporated.

Attorney Boudreau appeared for this application. He stated that they have slightly changed the hours and have incorporated.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Quality Auto Center, Inc., d/b/a Quality Auto Center, 91 Barnstable Road, Hyannis, for a new Class II Auto Dealer license for primarily internet sales; 6 inside display spots, 2 customer, 2 employee and 1 handicap spot outside, hours of operation to be M-F 7-7, Sat & Sun 7-6. 17 total vehicles on site.

**Request for Reconsideration:** Request of Michael J. Princi, Esq., on behalf of Pavilion Indian Cuisine, Paramjit Thind, Manager, 511 Main Street, Hyannis for reconsideration of decision to disapprove the renewal application of Pavilion Indian Cuisine, for its Annual All Alcohol Common Victualler license for failure to pay the required license fee by December 14, 2012.

Attorney Michael Princi appeared with Mr. and Mrs. Thind. He stated that they apologize for not making the license payment on time; they are long time license holders without violations. Instead of responding to Mr. Scali's calls and Christine's call they were embarrassed as their funds were low. He asked that the Board reconsider the decision of 12/17/13. In the interim, they ask to be open with a Common Victualler license while they wait to be approved by the ABCC for their alcohol license which was disapproved.

Mr. Geiler stated the normal procedure would be to reapply for the liquor license. He thinks it might be a language barrier which caused part of the problem, because we had no response to our calls. Mr. Geiler stated they might now ask for a late renewal to allow them to open immediately, and save a lot of time and effort in scheduling hearings etc. for a new license.

Lt. Murphy stated they did cease operation New Year's Eve. He also said that the police department has no issue with their application or request.

Mr. Geiler stated the Licensing Authority has always tried to be fair with applicants and this is a strange occurrence. He stated the Certificate of Good Standing threw a wrench into the process. He suggests late renewal be considered by the Board. Mr. Sullivan asked if the police visited there because they did not renew. Lt. Murphy stated they had adhered to the Board's ruling of closing before the first of the year and have had no other violations.

Gary Blazis appeared to speak in favor of this licensee. He stated the character of the Thinds is impeccable. Thirteen years ago he was on Main Street two stores from his son's business. When he came downstairs he saw a man in the busy

summer time – standing by his car. This man asked him if he lost a cell phone – and in fact he had. That man is the owner, cook, proprietor, etc. of the Pavilion Indian Cuisine. He stated he does not know a finer couple than Mr. and Mrs. Thind. This is a family restaurant. It has been there for 23 years. When on the Town Council, he stated he spoke at the Community College for a special program; the Thinds had donated food for that program. When the police were looking for a location for an annex, Mr. Thind accepted what the Town could afford for his property, turning down another applicant who would have paid more money in favor of renting it to the police department. He asked that we help these good people today.

Mr. Hoxie asked for a motion.

A motion was duly made by Mr. Burman to remove the decision for non-renewal of the license by the Board. He moved that the Annual All Alcohol Common Victualler license issue immediately.

Mr. Sullivan seconded the motion and it was unanimously voted to renew this license.

Mr. Geiler stated we are prepared to issue this license before the end of the day today.

**Remand Show Cause Hearing:** The Licensing Authority has called a Remand Show Cause Hearing for Davester, LLC d/b/a Embargo, 453 Main Street, Hyannis, MA, David Noble, Manager for a remand of the appeal of License suspension by the ABCC to the local Licensing Authority.

Attorney Robert Bianchi appeared with Mr. Noble for this application. He gave the Board members an Affidavit from Mr. Noble about how all this came about. Attorney Bianchi stated there were two unfortunate circumstances. The first was that Mr. Noble's sister had a double mastectomy on June 14<sup>th</sup>. The payment was due by the 15<sup>th</sup>; he had a check ready to pay, but was called by his mother who stated she could not go to Boston to pick up his sister so Mr. Noble went in her stead to bring his sister back to the Cape to convalesce. Mr. Noble brought his sister to his mother's home in West Yarmouth. He called his wife's cell to advise her to get to the Board with the check. Evidently his wife did not check her messages and that is why this happened. He had a manager working for him that night who called and said the police were there, and that they should not be open without payment. He was there 1<sup>st</sup> thing on the next business day with the check. He spoke with Officer Maher telling him he would be at the Show Cause Hearing – but unfortunately put the date on his calendar on the wrong date so he did not appear on the 30<sup>th</sup>. Attorney Bianchi stated none of this was on purpose, none of it meant as a slight or that he was ignoring our Board and its decision. They are requesting that the decision be rescinded.

Mr. Hoxie stated at our hearing not only did the licensee not pay but the restaurant stayed open the weekend while they did not have a license.

Attorney Bianchi stated it was brought up that the licensee had other problems before, which they are stating he did not.

Mr. Scali stated our Town Attorney stated this is a remand hearing to allow the licensee to speak as they could have if they had been at the July 30<sup>th</sup> hearing. Attorney Bianchi stated they have no dispute on this.

Mr. Scali stated the Board voted a two day suspension in July and then they appealed; Mr. Burman asked if they were open the weekend before paying and Mr. Noble stated they were. Lt. Murphy did advise him at the time what had happened – he stated Mr, Noble tried to give him the payment but he could not accept it. He did say they remained open but there were no other infractions.

Mr. Hoxie and Mr. Sullivan stated he did try to pay on Friday night but our offices were not open. Mr. Scali stated we should vote on the two matters and the penalty.

A motion was duly made by Mr. Burman that the defendant was guilty on the two charges. He then moved that we place those charges on file (a warning).

A second motion was made by Mr. Sullivan that they licensee violated the law by not paying the license fee on time. A second motion was made that the licensee did operate for two days without the license. Those motions were seconded by Mr. Burman and unanimously voted by Mr. Hoxie.

A motion was duly made by Mr. Burman that these violations be issued a warning. It was seconded by Mr. Sullivan and a unanimous vote taken to issue just a warning.

**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. Continued from 8/10/11, 2/14/11, 6/20/11, 9/19/11. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011-2012 will be determined. Attorney Atwood's Office advised they were still in Court for 9/24/11 but the matter should be wrapped up for the 10/24/11 hearing. Request was made to continue this hearing to 10/24/11 and today it was continued to January 30, 2012 as the prior Licensee is still in Court. Per request of Licensee's attorney, this hearing was continued to March 26, 2012. This matter was continued from the

June 24, 2012 hearing as it is still in Court and the attorney again requested a continuance from today's meeting to 9/10/12. Lt. Murphy stated it is going to Trial in November so added to 12/17/12 hearing. Attorney for Mr. Marchetti withdrew so Board continued hearing to 1/14/13.

Mr. Marchetti himself appeared to request a continuance to March 4, 2013. Lt. Murphy stated Mr. Marchetti is scheduled in Superior Court late in January so the decision should be forthcoming prior to March 4.

Mr. Hoxie stated this hearing shall be continued to March 4, 2013.

### **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 Non-Live Entertainment License renewal as submitted below:

### **Non-Live Entertainment:**

Island Carousel, Cape Cod Mall, 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:**

Island Carousel, Cape Cod Mall, Hyannis

Mr. Burman did NOT make a motion to approve the Class I Auto Dealer renewal as submitted below:

### **Class I Auto Dealer:**

Cape Cod Kia, 115 Bassett Lane, Hyannis

Mr. Scali had a conversation with the applicant who was adamant he is operating there. Mr. Burman stated he cannot believe there is a contract with a manufacturer for the Kia as there is another contract in town. Mr. Geiler stated it IS possible there are two.

Mr. Geiler stated it is up to him to produce a valid contract. Mr. Geiler stated there doesn't seem to be activity there.

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

**Class II Auto Dealers:**

Cars for Kindness, office only at 745 West Main Street, Hyannis  
G Motors, 417A&B Yarmouth Road, Hyannis  
Auto Wholesalers of Cape Cod, 92 Rosary Lane, Hyannis

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

**Common Victuallers:**

D'Angelo Sandwich Shop, 793 Iyannough Road, Hyannis  
D'Angelo Sandwich Shop, 187 Falmouth Road, Hyannis  
Elaine & Yong's Bagel Co., 70 Center Street, Hyannis  
Four Seas Ice Cream, 360 So. Main Street, Centerville  
Acai Berry Juice Bar, 14 West Main Street, Hyannis  
Starbuck's Coffee #15703, 655 Iyannough Road, Hyannis  
Ruby Thai, CC Mall, Hyannis

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

**Lodging House:**

Beechwood Inn, 2839 Main Street, Barnstable  
Cape Cod Yoga Retreat & B&B, 2415 Meetinghouse Way, West Barnstable  
Green Mountain Inn B&B, 328 Sea Street, Hyannis  
Summerwinds of Hyannis, 511 Ocean Street, Hyannis (change of d/b/a from Walker Lodging House – no other change)  
The Mains'l, 535 Ocean Street, Hyannis

**Business Meeting:**

Release of Executive Session Minutes, if any (0). There were none.

Discussion regarding Certificates of Good Standing and Licensing Authority procedure to follow.

Mr. Hoxie stated as we recall he has issues with this requirement, as it is the job of the Department of Revenue not the Town's job.

Mr. Burman stated he is in accord with Mr. Hoxie's feelings. Mr. Sullivan states if someone has a dispute with the DOR over something and cannot get the Certificate of Good Standing, it should not affect their license with us.

Mr. Hoxie stated the State has an avenue to quickly collect these meals taxes or close the establishments – he does not feel we should require these certificates.

Mr. Geiler's understanding was that the certificates only had a statement about meals and hotel taxes. It would seem to him that there would have been more than one who did not get it. The Board could decide not to require it. Mr. Hoxie stated it is much broader – they are trying to use the local boards to get their money for taxes other than meals and hotel taxes.

Mr. Geiler stated we do collect other State forms of affidavits, i.e., the Worker's Compensation Affidavit. It up to the Board whether they want us to collect it or not.

Mr. Hoxie believes some of what is required by this Certificate of Good Standing does not affect our license. It is his opinion that we should discontinue requiring this certificate. We should inform the DOR by letter that it is their job to collect these taxes, not the Board's.

Mr. Burman stated that the ABCC has been holding up approvals of licensees when the prior license holder was behind in taxes.

Mr. Hoxie asked for a motion on the Certificates.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken for the Licensing Authority to stop requiring the Certificates of Good Standing at the local level in Barnstable.

A newspaper article was brought in by Mr. Burman – about an ad for a show selling used collectibles and coins. The people do not have a Junk Dealer's license. Mr. Geiler stated if they are buying or selling secondhand articles they need a license from the Town and if buying by weight need a scale which must be tested. Lt. Murphy stated they were checking it out.

Mr. Scali mentioned that there was a list provided to Lt. Murphy of non-renewals and that Lt. Murphy would be checking on all of those.

Lt. Murphy stated there is a problem with an auto dealer on the list and he will be submitting a report. The rest on the list are not operating.

Lt. Murphy also spoke about late night problems at closing time on Main Street. At the direction of Chief McDonald the Police Department has been working very hard to fix the problems on Main Street. They have met with the establishments involved and he was happy to report the problem is solved and there are no further issues.

The meeting was adjourned at 11:04 am.

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