



# 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.  
March 16, 2009

A regular meeting of the Barnstable Licensing Authority was held on Monday, March 16, 2009. Chairman Martin Hoxie called the meeting to order at 9:30 A.M. He introduced Gene Burman, Vice Chairman; Paul Sullivan, Clerk; 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 Eli Aguiar on behalf of Alegra Brasil Gospel Book Store, 192 Lyannough Road, Hyannis, MA for a One Day Entertainment license for a performance by Lazaro and Band on April 12, 2009 from 3 pm to 5 pm at the Barnstable High School Performing Arts Center, West Main Street, Hyannis.

Mr. Aguiar appeared for his application. He is a member and director of the Brazilian Gospel Church as well. His event is April 12<sup>th</sup> from 3 pm to 5 pm; they expect 1,500 people.

Mr. Burman asked about the number of people – he asked if they have enough security; Mr. Aguiar stated that they do.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Eli Aguiar on behalf of Alegra Brasil Gospel Book Store, 192 Lyannough Road, Hyannis, MA for a One Day Entertainment license for a performance by Lazaro and Band on April 12, 2009 from 3 pm to 5 pm at the Barnstable High School Performing Arts Center, West Main Street, Hyannis.

**Change from Seasonal to Annual All Alcohol Club License:** Application of Cotuit Highground Golf Club, Inc., Paul Heher, Manager, 31 Crocker Neck Road, Cotuit for a **Change from a Seasonal All Alcohol Club License to an Annual All Alcohol Club License.** WITHDRAWN 3/3/09 by letter received from the applicant in person.

Mr. Hoxie stated that the request of the applicant to dismiss the application of Cotuit Highground Golf Club, Inc., Paul Heher, Manager, 31 Crocker Neck Road, Cotuit for a **Change from a Seasonal All Alcohol Club License to an Annual All Alcohol Club License** was accepted by the Board.

**Change of Manager:** Application of TGI Friday's, Cape Cod Mall, Route 132, Hyannis, MA, Christopher Craig, Manager for a **Change of Manger on the All Alcohol Common Victualler License** to Donald James Raymond.

Mr. Raymond appeared for this application for change of Manager with Mr. Napoli from the corporation. He has quite a bit of experience (since 1984). He was the Manager at Uno Chicago Grill most recently. Mr. Craig has left the company. Officer Maher stated the level of supervision in the past has not been that great at night, especially in the summertime – there have been both underage service and fights. A high degree of supervision is paramount – he stated the Manager must be out on the floor late night. Mr. Raymond acknowledged Officer Maher's comments.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of TGI Friday's, Cape Cod Mall, Route 132, Hyannis, MA, Christopher Craig, Manager for a **Change of Manger on the All Alcohol Common Victualler License** to Donald James Raymond.

**Change in Description – Common Victualler License:** Application of Ralph Crossen on behalf of Kefalonites, Inc., d/b/a The Egg & I, 521 Main Street, Hyannis, Peter Kappatos, Manager, for change in the description on its Common Victualler License to include total seating 180; with a maximum of 124 outdoors. License is subject to Site Plan Review 042-08 conditions with seating plan approved by the Building Commissioner on 1/8/09, Historic District Commission conditions on application approved 1/7/09, and letter of conditions from the Public Health Division dated 1/29/09.

Attorney David Lawler, on behalf of The Egg & I, requested a continuance to 3/30/09.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue the application to 3/30/09 of Ralph Crossen on behalf of Kefalonites, Inc., d/b/a The Egg & I, 521 Main Street, Hyannis, Peter Kappatos, Manager, for change in the description on its Common Victualler License to include total seating 180; with a maximum of 124 outdoors. License is subject to Site Plan Review 042-08 conditions with seating plan approved by the Building Commissioner on 1/8/09, Historic District Commission conditions on application approved 1/7/09, and letter of conditions from the Public Health Division dated 1/29/09.

**New Common Victualler License:** Application of Ocean, Inc., a subsidiary of Boston Restaurant Associates, d/b/a Regina Pizzeria Cape Cod Mall, 793 Iyannough Road, Hyannis, MA, Francis E. Fawcett, Manager, for a new Common Victualler License, the hours of operation to be regular Cape Cod Mall hours.

Francis Fawcett appeared for this application for a new Common Victualler License at the Mall. Stephen Napolitano from the corporation appeared with him. Mr. Fawcett has been with them for 10 years, managing at Kingston. He lives here so this is much more convenient for him.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Ocean, Inc., a subsidiary of Boston Restaurant Associates, d/b/a Regina Pizzeria Cape Cod Mall, 793 Iyannough Road, Hyannis, MA, Francis E. Fawcett, Manager, for a new Common Victualler License, the hours of operation to be regular Cape Cod Mall hours.

**New Daily Live and Non-Live Entertainment Licenses:** Application of Pain D'Avignon, II, Inc. d/b/a Pain D'Avignon, 15 Hinckley Road, Hyannis, Mario C. Mariani, Manager, for a new Daily Live Entertainment License for up to 4 entertainers, from 12 pm to 12 am and for a new Daily Non-Live Entertainment License for the same hours.

David Lawler, Esq. appeared with Mario Mariani for an application for entertainment at the new café. Mr. Lawler advised it came before us a few months ago without the entertainment request but they do want it now. It will be very low key. It will not interfere with any neighbors. Mr. Mariani stated it is just for ambience. Mr. Burman asked about the motel next-door; Mr. Mariani stated there is not a motel nearby – that is on the other side of the road down a couple blocks. There is a large airport parking lot between and a warehouse. It is far enough away they would not hear anything. They have a large communal table with a picture window looking onto the wholesale business. The music will be in the warehouse building behind the picture window that will be pulled up for the entertainment (it is an inside window) on the other side of the wall from the café and facing away from the Circuit City building. This is a commercial/industrial area. The planes are louder than any music could ever be in the area.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pain D'Avignon, II, Inc. d/b/a Pain D'Avignon, 15 Hinckley Road, Hyannis, Mario C. Mariani, Manager, for a new Daily Live Entertainment License for up to 4 entertainers, from 12 pm to 12 am and for a new Daily Non-Live Entertainment License for the same hours.

**Change of Manager:** Application of Pufferbellies, Inc., 183R Iyannough Road, Hyannis, MA, Jean Aroustamian, Manager for a **Change of Manger on the All Alcohol General on Premises License** to Michael B. Travers.

David Lawler, Esq., appeared for Pufferbellies along with Ms. Aroustamian (who remained seated) and Mr. Travers for the Change of Manager application. Mr. Travers has been acting as the floor manager for many years. Their record has been pretty stellar for the past few years during the time he has been there. They run as tight a ship as possible. They are vigilant about checking for minors, having a metal detector. He cooperates well with the BPD.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Pufferbellies, Inc., 183R Iyannough Road, Hyannis, MA, Jean Aroustamian, Manager for a **Change of Manger on the All Alcohol General on Premises License** to Michael B. Travers.

**Alteration of Premises:** Application of Country Club Elite, Inc., d/b/a Philbrick's, 1480 Route 149, Marstons Mills, MA, Ian Philbrick, Manager, **to alter the premises description** to include: "and 18 holes on golf course."

David Boyle, Assistant Manager, appeared for his application to extend beer service and sandwiches to the entire golf course at certain stops designated on the plan provided. A new state law has recently gone into effect which would legalize this. It is the first such application in the Town. They will get the cart from John Deere. The drivers will be over 18 and trained. They believe it would be better than people bringing beers onto the course. A lot of other states have had this privilege for some time. They will serve cans of beer only. Mr. Sullivan wondered how the Town Manager would feel about this. He is hesitant to vote on it until he knows the feelings of the Town Manager. He does not think if they said no it would impact the number of golfers there. Mr. Boyle asked if they went to the Town Manager and others to get an o.k. if it would change his mind. Mr. Burman wondered about Junior members on the course and how they could control it. He agrees that we should continue the hearing to get more information before voting on it. Mr. Sullivan stated the Town owns all of the property and Mr. Philbrick leases the property. Mr. Geiler stated that in addition to getting more information they prepare a lot more detailed presentation of what will actually be provided. How will they get it to the cart; what happens when the operator takes a break; where does the cart go, etc. Mr. Hoxie continued the hearing to 3/30/09.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue to 04/13/2009 the application of Country Club Elite, Inc., d/b/a Philbrick's, 1480 Route 149, Marstons Mills, MA, Ian Philbrick, Manager, **to alter the premises description** to include: "and 18 holes on golf course."

**Extension of Hours:** Application of Marylou's News, Inc., d/b/a Marylou's Coffee, 1481 Iyannough Road, W. Barnstable, MA, Arleen Simpson, Manager, for a **Change of Hours** to 5 am to 8 pm starting in mid-March.

Jody Murphy appeared for this application, and advised that a new Manager has been put into place – Claudia McCarthy will be the acting manager. Mr. Geiler asked for a letter on that to be sent to the Licensing Authority with a timetable to be provided.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Marylou's News, Inc., d/b/a Marylou's Coffee, 1481 Iyannough Road, W. Barnstable, MA, Arleen Simpson, Manager, for a **Change of Hours** to 5 am to 8 pm starting in mid-March.

**Changes to Junk Dealer Rules and Regulations:** The Barnstable Licensing Authority will hold a public hearing on proposed amendments to the Rules & Regulations of the Licensing Authority, Chapter 502, Junk Dealers. Copies of the proposed regulation changes can be found on the Town Of Barnstable web site: [www.town.barnstable.ma.us](http://www.town.barnstable.ma.us). Click department menu, Regulatory Services, Consumer Affairs, and then Licensing. Hard copy versions may be obtained at the Regulatory Services Department, Licensing Office, 200 Main Street, Hyannis MA 02601 Continued so that everyone could fully review the brief of counsel submitted by one of the Junk Dealers. Continued from 2/2/09 and 2/23/09 hearing.

Attorney Houghton stated there will be 2 amendments to Chapter 502 as a result of comments by Attorney Richard Cohen, and he thanked Attorney Cohen for his thoroughness and suggestions and good work. He stated that it will allow the Police Chief upon written request to shorten the holding period – Lt. Jason, Officer Maher and Detective Murphy had proposed 21 days and 14 days; Attorney Houghton also praised them all for their good work. However, the addition of this provision as a safety valve would be very helpful considering modern communication, etc. It will serve the purpose for which the police department intended it to do. Attorney Houghton stated that the second amendment is largely my suggestion, adding 502-11 which is a severability provision on this chapter. He also credits Attorney Cohen for part of this provision.

Attorney Richard Cohen appeared to thank Attorney Houghton. He stated they disagree on a few details – including the \$50.00 cash limit on a practical visit. That is only 1/20<sup>th</sup> of an ounce of gold. Even \$500.00, which would be ½ oz., is smaller than the average gold transfer. When gold is trading at over \$900.00 per ounce, it is naïve to assume it will remain the same. The fluctuations in the amount of the check are small. He suggests we leave this provision in Chapter 502 as it currently stands alone, and not require checks. He also stated that the airwaves and T.V. are ripe with offers of cash for gold. He stated that we allowed Spindle City to come in with no restrictions. We have plenty of other checks and balances on the ID's etc. There is already enough on the regulations to protect us. He stated we do not need this regulation at all. He said that he agrees with Attorney Houghton on the holding provisions. He also does not think we should restrict gold coins. He thinks they should be exempted from junk dealer licenses. There is no need for a regulation for this. They are traded for their face value. Also, he stated that a new list of qualifications would be needed to make sure this works, should we adopt it.

Mr. Hoxie stated he is aware of Attorney Houghton's views on the checks and cash amount but not his opinion on coins.

Attorney Houghton deferred to the BPD as to whether coins would be included in this license. He said he is not advising that coins be stricken. Mr. Sullivan asked if Attorney Houghton could define whether in Ch. 140, Sec 55 where it includes or does not include articles under the junk dealer's license, coins are exempt. Attorney Houghton stated it does not specifically put them IN or take them OUT as second hand. Mr. Sullivan

stated it does not fall into that meaning so It must then be considered metal. Books, stamps, prints, etc. are mentioned as being exempt.

Attorney Cohen stated that he is looking at coins as secondhand articles, we are looking at them as metals. If it is a coin collection – it may be considered under the junk dealer license if sold as a collection and be exempt. If it was one or two coins it would NOT be exempt as not a collection. The dealers would have to differentiate what they are purchasing and why. Mr. Hoxie asked Lt. Jason, who deferred to Officer Maher. Officer Maher stated that Weymouth states the coins fall within the metals category because of their transferability and transportability. It would be useful as a regulation.

Atty. Cohen stated there is no end to regulation if we want to impose it but with respect to the logic of coins being a metal – so would oxygen tanks be valuable for their platinum. He stated Mr. Sullivan is absolutely correct in his assumptions. Mr. Sullivan would like to hear from Detective Murphy. Detective John Murphy stated they feel it necessary to bring this forth and strongly recommend the Board adopt this because of the increase in property-related crimes; monitoring and returning the items to rightful owners. Regulating them would allow the BPD to check these coins with what has been reported stolen – as in a collection. It would give greater protection to the citizens of the Town. He also commented on the check issue – he thinks that is VERY important. A lot of narcotic addicts are thinking for the moment – “I need something now.” The check becomes a deterrent to the sale. A drug dealer does not take a check. The person would have to go to a bank and then on to wherever they were purchasing. It offers a safety valve for the store owner as well – to possibly stop payment if the item turns up stolen. It has a two-fold benefit.

Mr. Hoxie stated what we have before us this morning is an amendment to the Junk Dealer Regulations. He believes we should adopt the regulations on the checks and coins and severability.

Tim Ferreira came forward to speak on this issue, saying it will impose hardship on the junk dealers if 502-6b dealings can only take place at the licensed premises; since 1968 his dad had a business. He came here to pick up things; taking them back to New Bedford. We would now be restricting him from going to other towns. This will restrict all the dealers. He asks we take this restriction out of the proposed amendments.

Douglas Sinclair came forward to speak in opposition to the proposed changes as a jewelry store owner and precious metals dealer. He holds a CDL drivers license with many rules. He thinks our Board should be careful with rules with regard to the cash limit \$50, \$500; 20 days hold and coins issue. He works closely with the police and has recovered precious metals for the police. He is a non-drug, non-alcohol person. He says there is no hold on a check – they (drug people) will go to a local bank and cash that check. The paperwork junk dealers use is what protects everyone, not the cash or check limit. He believes it is unconstitutional, stating that the American dollar is used for any public and private debts. The “USA, We the People” is stamped right on the new

\$10 bill. It means we can buy or sell however we want with this currency. How can anyone tell a business owner how to conduct its business?

Mr. Geiler asked him if a 15 year old brought money to a bar would he be entitled to buy? Mr. Sinclair, said no; Mr. Geiler stated that is because of a regulatory process, like this, controlling it.

Mr. Sinclair then stated we need to be able to trade on a daily basis to stay competitive with everyone – the ads, TV, mail-ins etc. They will be driving business out of our own town to other towns. We will lose that business. He stated there are more than ever senior citizens selling their goods so they have vacation money, etc. On the coin matter, it should be completely exempt – as should paper money. They are a type of hobby; not junk metal. This is and should always remain a cash business. No coins are junk metal – they are precious valuable, collectible items. The junk dealers are an asset to the community, not the problem. He has worked with many Cape towns returning any stolen items he comes across. Police can ask the dealers to testify in court, which is how it is handled now.

Mr. Hoxie asked the BPD for comment. Detective Murphy responded that the 21 day hold putting them out of business is simply not true. All the jewelry stores in Boston work on a 30 day loan period. In the provision proposed, there is a safety valve for quick turnaround – contact the BPD to check authenticity of the owner and sign off quickly. As far as the check goes, yes, they may run to a bank but it adds a second layer of protection against these people. Phony ID would be caught at the bank. It also then adds video surveillance at the bank to identify the people possibly trying to sell stolen merchandise. He recognizes it may cause some inconvenience but believes it is a just and required change. Weymouth, Brockton, Boston and New Bedford all have 30 day holds.

Mr. Hoxie asked Attorney Houghton a few more questions. Mr. Sullivan stated that these changes are being proposed by the BPD and assumes for very good reason. It may be a comment about how the times are changing to require this.

Detective Murphy said he has seen a dramatic increase in property related crime in the past 2 years and addictions to oxycontin. People are stealing from homes and turning it around to secondhand dealers. He likens it in his personal opinion as a police officer in town for 20 years to the 1 am to 3 am closing imposed by the Town. That has reduced violence dramatically as this regulation will reduce property theft in town. The other Cape police departments are watching this. It is a topic of conversation in other towns and they may be adopting rules and regulations of their own because of what we do here.

Mr. Hoxie asked when the new regulations would go into effect. Mr. Geiler stated the Licensing Authority has the authority to adopt these rules and nothing would restrict immediate impact. Under town structure, these changes become part of the Town

Code – which requires Town Council adoption and a 30 day period after which it would become effective.

Attorney Houghton stated it does not need Town Council adoption – the code is only a book. Our changes could be immediate.

Attorney Cohen stated we are now creating a new class of criminal laws. Only the legislature can pass criminal laws. He stated that you can't do that (the Board) and he respectfully disagrees with Attorney Houghton.

Mr. Hoxie agreed aloud with Attorney Houghton.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the proposed amendments to the Rules & Regulations of the Licensing Authority, Chapter 502, Junk Dealers as amended. This motion was later withdrawn.

Mr. Houghton stated we have to vote on the amendments. Attorney Houghton said we have to have separate motions.

A motion was duly made by Mr. Burman that Chapter 502, Junk dealer Regulations of the Code of the Town of Barnstable be stricken and that Chapter 502 Secondhand Dealers and Secondhand Collectors introduced at a public hearing on January 12, 2009 be substituted. Paul Sullivan seconded the motion and it unanimously carried.

A second motion was duly made by Eugene Burman, seconded by Paul Sullivan that the proposed Chapter 502 introduced on January 12, 2009 be amended by striking subsection 502-8(G) and substituting the following: "G. A Secondhand Dealer or Secondhand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or his designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or his designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the secondhand dealer." The motion unanimously carried.

A third motion was duly made by Eugene Burman and seconded by Paul Sullivan that the proposed Chapter 502 introduced on January 12, 2009 be amended by adding the following subsection 502-11: "Severability. Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect." The motion carried unanimously.

A fourth motion was duly made by Eugene Burman and seconded by Paul Sullivan that Chapter 502 Secondhand Dealers and Secondhand Collectors as amended be



substituted for the current Chapter 502 of the Town Code. The motion unanimously carried.

Mr. Burman asked to set an effective date on the Junk Dealer Regulations. Lt. Jason suggested the new regulations be effective upon renewal on May 1, 2009.

A last motion was duly made by Eugene Burman and seconded by Paul Sullivan. The motion unanimously carried.

Lt. Jason stated that the BPD will also hold a seminar for all Junk Dealers with regard to these new regulations on April 9, 2009 at the Police Department facility at 10:00 a.m..

Mr. Ferreira asked if the new regulations would affect can pickup; Lt. Jason stated they will not. Officer Maher suggested he attend the BPD Seminar.

Mr. Hoxie thanked Attorneys Houghton & Cohen.

**Show Cause Hearing:** Show Cause Hearing for Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 31 G&H Thornton Drive, Hyannis, at the request of the Barnstable Police Department relative to violations of the restrictions incorporated as part of, and printed on his Junk Dealer's License to wit: "No unregistered vehicles may be left outdoors on the property, no motor vehicles may be bought or sold under this license, no hazardous materials may be stored except minimal amounts required for normal building cleaning or maintenance, no storage of junk, old metals or scrap metals or secondhand articles outside the building and no storage containers outside of the building on the property except for one trash container. These restrictions must be adhered to even if the activities are allowed under any other permits or licenses you may hold." The alleged violations are as follows: 11/26/08: One unregistered vehicle; three storage containers filled with scrap metal outside on the licensed property; 11/30/08: One storage container filled with scrap metal on the licensed property; 12/2/08: One storage container filled with scrap metal on the licensed property; 12/6/08: Three full containers filled with scrap metal on the licensed property including a vehicle frame in one of them and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/12/09: Two storage containers filled with scrap metal on the licensed property; 12/18/08: Two storage containers filled with scrap metal, scrap metal on the ground and an unregistered vehicle on a flatbed tow truck on the licensed property; 12/23/08: Four storage containers filled with scrap metal on the licensed property; 12/31/08: Four storage containers filled with scrap metal on the licensed property and one unregistered vehicle as well as a Ferreira's truck parked on the side of the street; 1/12/09: Four storage containers filled with scrap metal on the licensed property and three unregistered vehicles on the licensed property and a Ferreira's truck parked on the side of the street; 1/19/09: Five storage containers filled with scrap metal, several piles of scrap metal on the ground including water heaters, grease hoods and a refrigerator with a door still attached on the licensed property; 1/25/09: Three full containers of scrap metal on the licensed property as well as five unregistered vehicles; 1/31/09: Three full containers of scrap metal on the licensed property and scrap metal

on the ground as well as one unregistered vehicle on the licensed property. In addition, there were several containers observed by the Police Department left on the south side of Kids Hill Road on property owned by the Town of Barnstable. On 1/31/09 one container had a marking on it indicating it was owned by Mr. Ferreira. The total violations are: "No unregistered vehicles outside on the property" – 13 counts; "No storage of junk, old metals or scrap metals or secondhand articles outside the building" – 2; "No storage containers outside the building on the property except one trash container - 35 counts; container left on property at Kids Hill Road – 1 count; Ferreira's truck parked on the side of the street – 2 counts. A w of the Licensee's attorney ten request was received by the Licensee's attorney to continued this hearing to April 6, 13 or 20<sup>th</sup>; our hearing is April 13<sup>th</sup>.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to continue the Show Cause Hearing for Timothy J. Ferreira, d/b/a Mid Cape Metal Recycling, 31 G&H Thornton Drive, Hyannis, to April 13, 2009 at the request of his attorney.

### **Business Meeting:**

Discussion and vote with regard to changes to Chapter 501-25 sanctions requested by the Licensing Authority and prepared by Attorney Houghton and Mr. Geiler.

Mr. Burman stated he has no quarrel with the recommendations on sanctions by Attorney Houghton. Mr. Hoxie stated it would then take two separate hearings...Attorney Houghton stated that would not be a requirement; it could be handled at the same hearing, but it might take a two step process to gather all the information needed to make the decision.

Mr. Geiler stated it is his opinion that the dual process, two vote process could all be done in one day but might be better done at a future hearing. All the evidence presented is what helps you form a decision. The sanction part can't be researched in advance. It would give the Board time to develop the motions they want to put forward and have adopted. The danger of missing a word or two is more if it happens right at the hearing and the wait would eliminate that problem. The Board would certainly be free to go ahead and make a vote if they are comfortable doing so.

Mr. Hoxie said it was pointed out that it might be more difficult to monitor the sanctions by staff. Mr. Hoxie asked that this issue be put forward after advertisement for the 3/30/09 or 4/13 meeting. Attorney Houghton stated April 13<sup>th</sup> it will be.

The Board was asked to vote to release Executive Session Meeting Minutes from 9/18/08 regarding Show Cause Hearing now resolved and which was not appealed.

A motion was duly made by Gene Burman to open the minutes of the Executive Session of 9/18/09. It was seconded by Mr. Sullivan and unanimous vote was taken to approve release of those minutes to the public.

Adjourned at 10:50 a.m.

Respectfully submitted,

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Christine P. Ade, Recorder  
Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Barnstable Licensing Authority