



Town of Barnstable

Regulatory Services

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Licensing Authority

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BARNSTABLE LICENSING AUTHORITY LICENSING HEARING MINUTES

Town Hall Building, 367 Main Street, 2nd Floor Hearing Room, Hyannis, MA – 9:30 a.m.
December 17, 2012

A regular meeting of the Barnstable Licensing Authority was held on Monday, December 17, 2012. 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 12/3/12 Meeting.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the minutes of the 12/3/12 Meeting.

Hearings:

Request to Close: Request of Karen Terrio, Manager, Misaki, 379 West Main Street, Hyannis to close from January 2, 2013 to February 2, 2013 to rebuild refrigeration unit and make other necessary improvements.

Ms. Terrio appeared for her request. They try to close yearly to address building issues – difficult to do during the year. This year the Board of Health requested they rebuild their walk-in. Then they wish to thoroughly clean and paint.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the request of Karen Terrio, Manager, Misaki, 379 West Main Street, Hyannis close from January 2, 2013 to February 2, 2013 to rebuild refrigeration unit and make other necessary improvements.

One Day Wine & Malt License: Application of John L. Cox, on behalf of Cape Cod Community College, 2240 Iyannough Road, West Barnstable, for a One Day Wine and Malt License, for a holiday celebration for faculty and staff on Wednesday, December 19, 2012 from 4 pm to 6 pm in the Commons Building, ground floor level.

Dixie Norris appeared on behalf of the college – this is a party for faculty and staff only. They have a certified person, Paul McCormick, to serve; he runs the Ebb Tide in Dennis.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of John L. Cox, on behalf of Cape Cod Community College, 2240 Iyannough Road, West Barnstable, for a One Day Wine and Malt License, for a holiday celebration for faculty and staff on Wednesday, December 19, 2012 from 4 pm to 6 pm in the Commons Building, ground floor level.

New Annual Junk Dealer License: In accordance with Chapter 140 Section 54 of the General Laws, as amended, an application has been filed by Carabelle's, LLC, d/b/a Carabelle's, 86 Cotuit Road A-1, Marstons Mills, for a new annual Junk Dealer License, Maggie Walsh, Manager, hours of operation to be 10 am to 5 pm.

Mr. and Mrs. Walsh appeared for the application – a small antique shop with low end recycled things and new things.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan and a unanimous vote taken to approve the application of Carabelle's, LLC, d/b/a Carabelle's, 86 Cotuit Road A-1, Marstons Mills, for a new annual Junk Dealer License, Maggie Walsh, Manager, hours of operation to be 10 am to 5 pm.

Mr. Scali asked if they have the proper paperwork to file with the police department; they have read the regulations and understand what is required; they had contacted the police department with no return call on the paperwork. Lt. Murphy met with them at the hearing to explain what was required.

Class I Auto Dealer License: Application of AMR Holdings – KH, LLC, d/b/a KIA of Cape Cod, 1056 Iyannough Road, Hyannis, Matt McGovern, Manager, for a Class I Auto Dealer License for 1056 Iyannough Road as its showroom, 1020 for administrative offices, 1040 for service parking and 756 Bearses Way for storage of new/used vehicles. Appearance before Board as requested.

Matt McGovern from Prime Motor Group appeared – he apologized stating he thought the meeting was at night. They are purchasing the three licenses, locations as indicated from Jack Carter. Bearses Way is a storage facility. They are based out of Wesley, MA and have about 15 dealerships. He runs the operations with a partner. They oversee everything but have local managers. They closely manage the local people. Mr. Scali had a question about Bearses Way – Mr. McGovern stated the numbers have not changed and it is just storage not sales.

Mr. Hoxie thanked Mr. McGovern for appearing.

Class I Auto Dealer License: Application of AMR Holdings – TH, LLC, d/b/a Hyannis Toyota and Hyannis Scion, 1020 & 1040 Iyannough Road, Hyannis Matt McGovern, Manager, for a Class I Auto Dealer License with 1020 for its showroom & offices, 1040 for service parking and 756 Bearses Way for storage of new/used vehicles. Appearance before Board as requested.

Matt McGovern from Prime Motor Group appeared – he apologized stating he thought the meeting was at night. They are purchasing the three licenses, locations as indicated from Jack Carter. Bearses Way is a storage facility. They are based out of Wesley, MA and have about 15 dealerships. He runs the operations with a partner. They oversee everything but have local managers. They closely manage the local people. Mr. Scali had a question about Bearses Way – Mr. McGovern stated the numbers have not changed and it is just storage not sales.

Mr. Hoxie thanked Mr. McGovern for appearing.

Class II Auto Dealer License: Application of Application of AMR Holdings – TH, LLC, d/b/a Hyannis Toyota, 756 Bearse’s Way, Hyannis, Matt McGovern, Manager, for a Class II Auto Dealer License with its extra storage facility. Maximum of 60 new/used vehicles on site. Appearance before Board as requested.

Matt McGovern from Prime Motor Group appeared – he apologized stating he thought the meeting was at night. They are purchasing the three licenses, locations as indicated from Jack Carter. Bearses Way is a storage facility. They are based out of Wesley, MA and have about 15 dealerships. He runs the operations with a partner. They oversee everything but have local managers. They closely manage the local people. Mr. Scali had a question about Bearses Way – Mr. McGovern stated the numbers have not changed and it is just storage not sales.

Mr. Hoxie thanked Mr. McGovern for appearing.

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 that 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 today's hearing. Mr. Hoxie advised that Mr. Marchetti's Attorney had advised by letter that he would no longer be representing him in this matter.

Mr. Hoxie stated that this hearing will be continued to January 14, 2013 for Licensing to notify Mr. Marchetti as his prior attorney has withdrawn from representing him.

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 Class I Auto Dealer renewals as submitted below:

Class I Auto Dealers:

AMR Holdings – KH, LLC, d/b/a KIA of Cape Cod, 1056 Iyannough Road, Hyannis
AMR Holdings – TH, LLC, d/b/a Hyannis Toyota and Hyannis Scion, 1020 & 1040 Iyannough Road, Hyannis
JMR Honda, 741 Yarmouth Road, Hyannis
Dick Beard Chevrolet/Suburu, 20-25 Ridgewood Avenue, Hyannis
Balise Ford, 90 High School Road, Hyannis
Balise Hyundai, 518-556 Yarmouth Road, Hyannis
Balise Nissan, 322 Falmouth Road, Hyannis
Tracy Audi, 686 Iyannough Road, Hyannis
Cape Cod KIA, Hyannis ** verify the address – hold
Coastal Trailer Sales, 381 Old Falmouth Road, Unit #27, Marstons Mills

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:

AMR Holdings – TH, LLC, d/b/a Hyannis Toyota, 756 Bearse's Way, Hyannis
Used Auto Cape, 61 Falmouth Road, Hyannis
Mid Cape Motors, 362A Yarmouth Road, Hyannis
Wheels to Work, 460 West Main Street, Hyannis
Mutual Motors, 537 Yarmouth Road, Hyannis
Rotary Auto Body, 345 Barnstable Road, Hyannis
Hi-Line Auto Sales, 367 Yarmouth Road, Hyannis

J&J Auto Sales, 381 Camp Street, Hyannis
ES Auto Sales, 30 Rosary Lane, Hyannis
JC Auto Sales, 105 Ferndoc Street, C3, Hyannis
WAJ Auto Sales, 455 Yarmouth Road, Hyannis
Brico Autoworks, 178 Thornton Drive, Hyannis
Ron's Truck Stop, 52 Thornton Drive, Hyannis
The Car Guys, 741B Yarmouth Road, Hyannis
Tillo's Cars and Trucks, 20 Bears Road, Hyannis
Hyannis Auto, Inc., 478 West Main Street, Hyannis
Cape Auto Sales, 58 Willow Avenue, 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:

Old Village Store, 2455 Meetinghouse Way, West Barnstable
Perry's Main Street Deli, 546 Main Street, Hyannis
Subway #29595, 251 Iyannough Road, Hyannis
Broken Cone, 569 Main Street, Hyannis
Bangkok Kitchen, 339 Barnstable Road, Hyannis
Sunnyside Restaurant, 282 Main Street, Hyannis
Aegean Pizza, 378 Barnstable Road, Hyannis
Pizza 1 & Subs 2, 2954 Falmouth Road, Marstons Mills
Common Ground Cafe, 420 Main Street, Hyannis
The Mad Platter, 480 Barnstable Road, Hyannis
Barnes & Noble, 769 Iyannough Road, Hyannis
Box Lunch, 357 Main Street, Hyannis
Dunkin Donuts, 156 Iyannough Road, Hyannis
Dunkin Donuts, 751 West Main Street, Hyannis
Dunkin Donuts, 1220 Iyannough Road, Hyannis
Dunkin Donuts, 147 North Street, Hyannis
Dunkin Donuts, 3821 Falmouth Road, Marstons Mills
Dunkin Donuts, 627 Main Street, Hyannis
Dunkin Donuts, 1648 Falmouth Road, Centerville
Dunkin Donuts, CC Mall, Hyannis
Dunkin Donuts, 317 Falmouth Road, Hyannis
Dunkin Donuts, 702 Iyannough Road, Hyannis
Katie's Homemade Ice Cream, 568 Main Street, Hyannis
Wendy's, 554 Route 132, Hyannis
The Mills Restaurant, 149 Cotuit Road, Marstons Mills
Pizza 1 and Subs 2, 2954 Falmouth Road, Marstons Mills
La Petite France Cafe, 349 Main Street, Hyannis
7 Eleven, 426 Main Street, Hyannis
The Little Sandwich Shop, 263 Stevens Street, 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 listed below:

Lodging Houses:

Yarmouth Road Rooming House, 34 Yarmouth Road, Hyannis
Ashley Manor, 3660 Main Street, Barnstable
Tidewater Inn, 275 Ocean Street, Hyannis
Memories by the Sea, 162-66 Sea Street, Hyannis
Embassy Inn, 98 High School Road, Hyannis

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken to approve the Alcohol and Entertainment renewals listed below:

Heritage House Hotel , 259 Main Street, Hyannis – provided fax submission to DOR

Innholder All Alcohol License

Daily Live Entertainment

Daily Non-Live Entertainment

Roadhouse Cafe, 488 South Street, Hyannis – All set

All Alcohol Common Victualler License

Daily Live Entertainment

Colombo's, 544 Main Street, Hyannis – All set

All Alcohol Common Victualler License

Daily Live Entertainment

The Black Cat, 165 Ocean Street, Hyannis – All set

All Alcohol Common Victualler License

Daily Live Entertainment

Wianno Club, Parker Road, Osterville – All set

Club All Alcohol License

Wianno Club, Seaview Avenue, Osterville – All set

Club All Alcohol License

Daily Live Entertainment

The Steakhouse and Sports Bar, 72 North Street, Hyannis - provided letter from Accountant that 2009-2011 federal and state corporate tax returns are being prepared and once completed they will request CGS from DOR

All Alcohol Common Victualler License

Daily Live Entertainment

Hyannisport Club, 2 Irving Avenue, Hyannis – All set

Club All Alcohol License

Daily Live Entertainment

Daily Non-Live Entertainment

Bistrot de Soleil, 350 Stevens Street, Hyannis – All set

All Alcohol Common Victualler License

Daily Live Entertainment

Daily Non-Live Entertainment
Dennis F. Thomas Post VFW, 467 Iyannough Road, Hyannis – All set
General on Premises All Alcohol License
Daily Live Entertainment
Daily Non-Live Entertainment
Wequaquet Lake Yacht Club, 150 Annabelle Point Road, Centerville – All set
Club All Alcohol License
Daily Live Entertainment
Il Maestro, 2897 North Street Bldg. 2, Hyannis - All set
All Alcohol Common Victualler License
McGrath's Saloon and Sports Bar, 425 Iyannough Road, Hyannis – provided
paperwork
proving submission & taxes paid
King's Grant Racquet Club,
Tommy Doyles

Renewal after November deadline:

Thai House, 304 Main Street, Hyannis - **Applicant request for reconsideration
of non-renewal at 12/3/12 hearing (will appear)**

Picoset Liyonsin appeared for Thai House; they had a hard time getting the Certificate of Good Standing as they owe the money; so they did not get the paperwork in without it.

Mr. Scali stated they must sign the renewal in November. Mr. Hoxie stated he does not want to see them close as of 1/1/13. Mr. Scali stated there was confusion in November about getting everything in during November, but they have filed and paid but have no certificate. Mr. Hoxie asked if they plan to be open 1/1/13. Mr. Liyonsin stated they do plan to be open.

Mr. Hoxie asked that because of extenuating circumstances not the fault of the licensee we will accept the renewal. Mr. Burman made that motion, Paul Sullivan seconded and it was unanimously voted to approve Thai House's renewal.

Mr. Hoxie stated he is not of a mind to hold a special meeting to address these missing certificates prior to 1/1/13.

Mr. Geiler stated a lot of these, Dunkin Donuts being an example, have multiple locations; they do not have the option of the on-line process to obtain the certificate so the old fashioned way could take months.

A motion was duly made by Mr. Burman and seconded by Mr. Sullivan and a unanimous vote taken that the Common Vic Licenses without Certificates of Good Standing be renewed.

Business Meeting:

Release of Executive Session Minutes, if any (None).

Lt. Murphy stated there have recently been several assaults on persons; it is too early to disclose but it seems the patrons exiting this one establishment are congregating in parking lots, etc. and fights are breaking out. He stated it appears to be one location. Mr. Semprini asked if this is an ongoing problem? Lt. Murphy said not before but recently yes. Mr. Scali asked if the Manager has been spoken to – Lt. Murphy will be meeting with the manager. He will not mention the name until he meets with them and they have been cooperative. They are in the rear of 586 and parking lot.

Mr. Burman asked if we have had any 2 am requests for New Years; we have not, and not in recent years according to Mr. Geiler.

Mr. Geiler said the annual report will be put together in the near future. He stated the police department may want to add to it.

Mr. Burman wanted to make a motion to grant all pouring licensees 10 am Sunday opening times.

Mr. Hoxie made a motion to approve the 10 am Sunday licenses. Mr. Burman seconded and it was unanimously voted to approve.

Mr. Geiler stated it would happen automatically for those who have been granted the early time. Anyone else would have to apply for it.

Add to Agenda a discussion January 14th on the DOR Certificate of Good Standing per Mr. Hoxie.

The meeting was adjourned at 10:04 a.m.

Respectfully submitted,

Christine P. Ade, Recorder
Town of Barnstable Licensing Authority

Paul Sullivan, Clerk
Town of Barnstable Licensing Authority