



**Town of Barnstable**  
**Regulatory Services Department**  
**Richard V. Scali, Interim Director**  
**Licensing Authority**

200 Main Street  
Hyannis, MA 02601

Office: 508-862-4672

Fax: 508-778-2412

**Town of Barnstable Licensing Authority**  
**Licensing Authority Minutes**

**Town Hall Building, 367 Main Street, Hyannis, 2<sup>nd</sup> Floor Hearing Room – 9:30 am**

A regular meeting of the Licensing Authority of the Town of Barnstable took place on September 30, 2013 at 9:30 a.m. in the Town Hall Building, 367 Main Street, Hyannis, 2<sup>nd</sup> Floor Hearing Room. Present were Martin Hoxie, Chairman, Gene Burman, Vice Chairman, Paul Sullivan, Clerk, Dick Boy, Associate Commissioner, Ron Semprini, Associate Commissioner, David Nunheimer, Associate Commissioner, Richard V. Scali, Interim Director of Regulatory Services, Lt. John Murphy and Ptl. Steven Maher, Liaison Officers from the Barnstable Police Department, and Christine Ade, Recorder.

**Vote to accept Minutes:** Vote to accept minutes of the 9/09/13 Meeting.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to accept the minutes of the 9/09/13 Meeting.

**Hearings:**

**One Day Beer Only and One Day Entertainment License:** Application of Stephen Hemberger on behalf of Historical Society of Santuit &\* Cotuit, 1148 Main Street, Cotuit for a One Day Beer Only license and a One Day Entertainment License for a fundraising event called "Octoberfest," with food, beer, games, face painting, knot tying and German music played on a CD player. The event will be held on October 5, 2013 from 12:00 pm to 3:00 p.m.

Mr. Hemberger appeared for his applications. This Saturday is their fall festival. Cape Cod Beer will be there, Ken Foster from Breakaway Grills and German music will be playing. There is a \$5 admission fee.

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, 1148 Main Street, Cotuit for a One Day Beer Only license and a One Day Entertainment License for a fundraising event called "Octoberfest," with food, beer, games, face painting, knot tying and German music played on a CD player. The event will be held on October 5, 2013 from 12:00 pm to 3:00 p.m.

**Four One Day Entertainment Licenses:** Application of Cathy Hurst on behalf of Kennedy Center for American College Theatre Festival (KCACTF), 16 Valleyview Drive, Essex Junction, VT for four One Day Entertainment Licenses for college productions from the New England Region invited to the KCACTF to be held at the Performing Arts Center at Barnstable High School, Hyannis on January 29, 30 & 31, 2014 from 3 pm to midnight and February 1, 2014 from 9 am to 5 pm.

Nancy Travers with the Resort & Conference Center came to the hearing on behalf of Cathy Hurst. It is the second year they have hosted this event. She advised that the winner goes on to perform at the Kennedy Center in D.C. This was very successful last year. Donation of \$5 at the door.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Cathy Hurst on behalf of Kennedy Center for American College Theatre Festival (KCACTF), 16 Valleyview Drive, Essex Junction, VT for four One Day Entertainment Licenses for college productions from the New England Region invited to the KCACTF to be held at the Performing Arts Center at Barnstable High School, Hyannis on January 29, 30 & 31, 2014 from 3 pm to midnight and February 1, 2014 from 9 am to 5 pm.

**Modification of Non-Live Entertainment License:** Application of Scottish Rock, LLC, d/b/a The Quarterdeck Lounge, Errol Thompson, Manager, 247 Iyannough Road, Hyannis, to amend its existing Non-Live Entertainment License to add to the description on the license three T.V.'s located outside on the rear deck, to be operated between 8 am and 12:45 pm.

Mr. Thompson appeared for his application to add the outdoor t.v.'s. This includes the Keno. It has been operating this way for a number of years. Mr. Burman asked how many employees he will have ongoing. Mr. Thompson replied it depends on the nights of the week and how busy it is. When they have only 3 customers it is foolish to have 2 employees. Officer Maher advised that here as in a lot of other venues, if people are taking drinks out back there is no way to see if drinks are being passed to others out back if only one employee is on duty. Mr. Thompson stated there is a screen at the bar where the bartender can see what is going on out back through their video cameras.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Scottish Rock, LLC, d/b/a The Quarterdeck Lounge, Errol Thompson, Manager, 247 Iyannough Road, Hyannis, to amend its existing Non-Live Entertainment License to add to the description on the license three T.V.'s located outside on the rear deck, to be operated between 8 am and 12:45 pm.

**New Annual Common Victualler License:** Application of Enrique Valdovinos, d/b/a Mi Pueblo, 459B Main Street, Hyannis, Enrique Valdovinos, Manager, for a New Annual Common Victualler License, to be operated 10:30 am to 10:00 pm. Seating for a maximum of 20 inside with 10 standees and 5 employees.

Mr. Valdovinos appeared for this application. They are in back of Embargo down the alley. They have 20 seats and 4-5 employees. They are there now; have been operating without a Common Victualler license. We found out about it from the Health Department. He came in to see if he could sell beer and wine and found out he needs this license first. The establishment has passed all their inspections. This was a misunderstanding. They have been open a couple of months. Mr. Semprini asked about hours – it is 10-10 7 days per week. It is Mexican food. He stated he may be coming in for beer and wine eventually. Mr. Sullivan asked about the lease amount – it states \$72,000.00. That can't be. He pays \$1,200 per month. It is a five year lease so it would be \$72,000.00. Mr. Scali asked for a new lease with the correct amount of money on it. Mr. Semprini asked about the lease start date which was April. The owner stated he had to get a grease trap, etc. done first so they did not open that early.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to approve the application of Enrique Valdovinos, d/b/a Mi Pueblo, 459B Main Street, Hyannis, Enrique Valdovinos, Manager, for a New Annual Common Victualler License, to be operated 10:30 am to 10:00 pm. Seating for a maximum of 20 inside with 10 standees and 5 employees.

Stuart Bornstein from the Doubletree came in to our hearing regarding the 3 t.v.'s on the deck at the Quarterdeck. This restaurant is 25-30 feet away from them. He would like clarification. Mr. Hoxie stated they have been operating this way for many years, although they never had official approval for those t.v.'s on their license. It is just continuing the present operation; it is nothing new. Mr. Sullivan asked if there had been any complaints; Mr. Bornstein stated no, there have not been any complaints. Mr. Burman asked Mr. Bornstein to let us know if he has any problems.

**Amend Class I Auto Dealer License:** Letter from Attorney Bruce Gilmore requesting a hearing for Tracy Volkswagen, Inc. to amend its current Class I Auto Dealer license by removing the d/b/a name Tracy Audi.

Attorney Bruce Gilmore appeared with Mr. Tracy. He stated that recently the Authority approved conditionally the transfer of the Audi license to Mr. Laham. There was no deletion of Audi from the license d/b/a by Tracy at that point. They are asking that this d/b/a be removed. He stated that the Cit Avenue issue can be looked at during renewal. Mr. Scali stated that it cannot – it will need a hearing. Attorney Gilmore stated that it is a shop for the VW dealership – no sales or marketing is done there.

Mr. Scali advised that at the last hearing we approved the Laham license conditioned on the premise that the VW dealership license be modified to remove the Audi d/b/a – and advised that the next hearing date available is November 18. They need to apply and advertise, notify abutters, etc. Also, the Cit Avenue issue cannot be handled at renewal time, but needs to be at a Licensing Authority hearing. Attorney Gilmore had represented that they had changed the wording on their renewal paperwork. Is the

Board allowing them to change the d/b/a without a public hearing advertised to the public?

Mr. Burman asked if it was not represented at the past hearing that the closing would not be for 2+ years. It was, but that was for the property, not the license. Audi has accepted Mr. Laham as a franchisee, and he can ask for a closing anytime within 7 days. Attorney Gilmore asks if they cannot just delete the Audi d//b/a for now.

A motion was duly made by Mr. Burman, seconded by Mr. Sullivan to remove the Tracy Audi d/b/a.

Mr. Hoxie stated they must remove the Tracy Audi d/b/a as soon as the deal closes. They would like their license conditioned on Mr. Laham's license being issued. Mr. Hoxie wants the motion to reflect that.

Mr. Scali stated they need to apply for a hearing for a new d/b/a as now they have none and could ask for the Cit Avenue lot at that time..

A second motion was made by Mr. Burman to accept the new d/b/a to remove Tracy Audi conditioned upon the closing. Mr. Sullivan seconded the motion and it was unanimously approved. Mr. Boy stated evidently they are not communicating with the other side. Mr. Tracy stated there is a timeframe involved. He can request closing within 7 days so Mr. Tracy needs to be able to comply. They will get the paperwork in for the 11/18/13 hearing.

**Change in Policy for timeframe of Service of Suspensions:** Hearing on proposed change in policy for service of license suspensions as follows: Suspensions are to be served as soon as practical after the Licensing Hearing in which the suspension is imposed, unless the Licensing Authority determines the circumstance requires a specific date or timeframe would better serve as a sanction for the offense for which they were found guilty.

This hearing is a result of looking at our present policy of sentences to be served a year from the date of the infraction. Mr. Scali stated that there is only one other community with our current policy, Oak Bluffs. The new wording will give the Licensing Authority more flexibility. Lt. Murphy stated the ability for the Board to have this flexibility will assist the police department. A case by case basis is more appropriate than a year from the infraction date.

A motion was duly made by Gene Burman, seconded by Paul Sullivan and a unanimous vote taken to amend the current policy for sanctions to read as written, as follows: "Suspensions are to be served as soon as practical after the Licensing Hearing in which the suspension is imposed, unless the Licensing Authority determines the circumstance requires a specific date or timeframe would better serve as a sanction for the offense for which they were found guilty."

Lt. Murphy asked if “as soon as practical” precludes having it on the holiday.

Officer Maher stated the wording on the agenda covers us.

### **Business Meeting:**

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

Class II Auto Dealer discussion – further report from BPD regarding status of the existing Class II Auto Dealers and recommendation for future.

Officer Maher reported that of the 51+ Auto Dealers that were inspected, 5 were over on cars; 3 have applied for changes. His recommendation would be that Prime Pre-Owned Center and Cape Cod Auto Connection, both having been visited three times and asked to come in to apply for a change, be invited for Show Cause Hearings as they have not complied. He stated that others have been sent letters because they did not seem to be operating at the location on their licenses, and have 15 days to reply. Lastly, Hyannis Honda and Tracy Volkswagen have both been in and will be responding to the issues with their Class I licenses. Both are working on this. Officer Maher reported quite a few dealerships seem to have storage lots not listed on their licenses. There will be a meeting with Mr. Scali and Officer Maher on the Honda dealership.

Lt. Murphy asked Mr. Scali if he knows whether or not other communities have a requirement for video surveillance at liquor establishments? He stated the police department recently investigated a pretty serious assault which took place outside and then inside a local establishment – there was video capability but no recording. On a second incident involving video, it was reported that there was a communication/language barrier and when the police asked about the video the employee handed the officer the t.v. remote. Lt. Murphy asked if anyone Mr. Scali knows has stipulated that there be a representative present to communicate in English to communicate with police and others as well. Lt. Murphy stated he is trying to be careful in choosing his words. He would like the Board to discuss this at the next meeting. He does not think it would be a huge cost to have a surveillance system to aid the establishments, and in turn the police department.

Mr. Burman invited Mr. Clark, sitting in the audience, to speak as he was the only one who came to the meeting. Mr. Clark advised that his Class II license has a location issue. His license is for cars on Thornton Drive. He owns another building there and also uses that location for storage. He apparently had a license at 119, then 102 but looks for his license to be corrected to cover 119.

Mr. Scali stated it was originally at 119. In 2009 he had a hearing in which he changed it to 102. Sometime in the last year or two Mr. Clark has been writing in 119 as well on his paperwork, but Mr. Scali stated it takes a hearing to make these changes. Officer Maher advised he went to 102 (the current licensed location) and found nothing going on there. He would like to see Mr. Clark correct the license.

Mr. Clark wants 119 as his primary location and 102 as his secondary location – all display vehicles inside. Officer Maher stated the person at 102 stated Mr. Clark had moved to 119. Officer Maher also stated that a recommendation we are going to make on 10/21 is that we have a place for the police department to speak to someone at the licensed location. Mr. Clark stated he is not a normal car dealer – the cars go all over the world. He only got the license to begin with to comply with licensing in the Town. Mr. Hoxie asked if we need a hearing to get the number changed to 119. Mr. Scali stated it would require one license with both locations. It does require a hearing. Officer Maher advised that at our next meeting, the police department will be requesting signage and marked white lines outside for dealers. He also advised that the Class II Auto Dealer book requires the licensee vehicles be on site. There have to be some regulations as to how the dealers run these businesses, as there is a lot of shuffling around of vehicles at present at a lot of different dealer locations.

Mr. Clark stated Officer Maher is correct. Both his buildings have tenants; the outside vehicles at 102 and 119 are not his cars; his are inside only. He said he thought he needed a license to cover any unregistered vehicles, and also was under the impression he could not have a license for more than one location. Officer Maher stated there are many others who have vehicles inside which are not listed on their license. The problem is he is putting other people's cars outside. This is not legal. This is not just this location but many others. The police department will also in future be requesting a sign for where their repair facility is for each dealer.

Mr. Clark will come in for two addresses on his license.

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

Adjourned at 10:25 a.m.

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Christine P. Ade, Recorder  
Barnstable Licensing Authority

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Paul Sullivan, Clerk  
Barnstable Licensing Authority