

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: License Commission General Hearing

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman
Robert C. Haas, Police Chief
Gerald R. Reardon, Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

AT: Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139

DATE: Tuesday, May 15, 2012

TIME: 6:08 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off.

Good evening. This is the License Commission general hearing, Tuesday, May 15, 2012 at 6:07 p.m.

We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave, basement conference room.

Before you are the Commissioners: Chairman Michael Gardner, Commissioner Robert Haas and Fire Chief Gerard Reardon.

If anyone is here for the -- a couple that came off there -- OMF Taxi, that's been continued to June 5th.

And maybe that's it.

(Pause.)

And if anyone is here for Joey Mac's,
that's also been continued and we don't have a
date as of yet on that one.

We'll go a little out of order.

DISCIPLINARY: SUPER DUCK TOURS, LLC/BOSTON

On Page 2 Disciplinary Matter: Super
Duck Tours, LLC/Boston Upper Deck Trolley Tours,
due to a motor vehicle accident in which the
jitney bus driver was not a licensed jitney
operator by the City of Cambridge.

CHAIRMAN MICHAEL GARDNER: Good evening.
Any parties who are here for this matter, please
state and spell your names for the record.

JACK HARTE: My name of is Jack Harte,
H-A-R-T-E.

POLICE OFFICER JEAN-BAPTISTE: I am
Officer Jean-Baptiste,
J-E-A-N-hyphen-B-A-P-T-I-S-T-E.

CHAIRMAN MICHAEL GARDNER: Officer, I wonder if you would summarize for us the situation?

POLICE OFFICER JEAN-BAPTISTE: I did not have a chance to look at the facts and go over the report, the accident report. Basically one of the two bus drivers ran over a blind pedestrian in the square in March, I believe, and the operator was cited for failing to yield to a pedestrian in the crosswalk.

CHAIRMAN MICHAEL GARDNER: Were there any other problems with the driver situations?

POLICE OFFICER JEAN-BAPTISTE: None that I was aware of at that time.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, do you want to summarize what the concerns of the Commission are?

ELIZABETH LINT: Basically, we passed regulations several years ago that any jitney

operator in the City had to have a -- in addition to a valid Mass license, they to had to have a -- be licensed as well by the City.

I know Mr. Harte's usually very good about getting everyone in to be licensed, but this person definitely was not.

CHAIRMAN MICHAEL GARDNER: So the concern is in addition to the fact that there was a driver who had an accident --

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: -- as I understand it, a blind pedestrian was struck in a crosswalk?

POLICE OFFICER JEAN-BAPTISTE: That's correct.

CHAIRMAN MICHAEL GARDNER: That's correct?

POLICE OFFICER JEAN-BAPTISTE: That's right.

CHAIRMAN MICHAEL GARDNER: Someone who refused medical treatment?

POLICE OFFICER JEAN-BAPTISTE: Yes.

CHAIRMAN MICHAEL GARDNER: In addition to the accident itself, the driver was not -- didn't have the appropriate jitney license as required by the License Commission, is that a fair summary, Ms. Lint?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Mr. Harte, do you want to address both of the matters?

JACK HARTE: I got a letter from the -- if you're interested -- an email from the people who were involved in the situation, a couple, a domestic partnership, a man and a woman were crossing the street. Apparently they had stopped at the yellow line at the crosswalk, the driver had stopped, they seemed to have stopped to let the trolley pass, and they sort've both come to,

you know, sort've one of those situations where the driver stopped. It was cited -- the female of the couple was cited. She didn't have a vision impairment.

And so, they sort've bumped into each other. The driver herself, Emily Teague, is her name, she stopped the vehicle immediately. The man had a minor head injury, a cut on his head and so forth.

And as was stated earlier, he refused treatment. He was not severely injured. He sent an email to that effect and -- awarding the driver for her compassion and so forth.

We sort've removed her a little bit from main driving for a little bit of time and a little remedial work with her.

And the trolley company, Upper Deck Trolley Tours Super Duck Tours, LLC, has grown exponentially in the last several years. We

started out with a dozen drivers, and half a dozen pieces of equipment, and over the last several years have increased our staff to about 45 drivers. And not only does a trolley driver have a Class B commercial license, they have a Hackney badge from the City of Boston, a passenger endorsement, air brake endorsement, DOT certifications, medical card and a whole litany of stuff.

And the reality of life is, we can probably put the blame mostly on me. I did not check to see that she had gone in for her -- I believe she was on a list to go in to pick up her jitney badge, we paid for our annual fee for the jitney badges, and I had turned in a list of everybody who was to go down and informed everybody that they were required to go down to the Lombardi Building to get their physical badge.

And reality of life is, Ms. Teague was a brand-new driver, she just trained this year, got her license, and she slipped through my cracks. If it's anybody's responsibility, I would venture to say it's mine.

CHAIRMAN MICHAEL GARDNER: Well, I think we would like a copy of the email, if you have it, for the record.

And since this incident, can you describe any steps you've taken to ensure that all the rest of your drivers are credentialed in Cambridge?

MR. HARTE: I have been checking badges on a regular basis -- random basis, before people head out the door, to make sure that they have all their appropriate certificates, licensing and so forth.

CHAIRMAN MICHAEL GARDNER: But you haven't taken any positive steps to make sure

that everybody who drives in Cambridge has got --

MR. HARTE: Anybody who is going into Cambridge does not go out the door without his Hackney badge, jitney badge, medical card and driver's license.

CHAIRMAN MICHAEL GARDNER: And approximately how many trips a day we expect to be passing through Cambridge?

MR. HARTE: Each vehicle -- typically, we run two vehicles in Cambridge and each vehicle takes seven to eight trips.

CHAIRMAN MICHAEL GARDNER: So 14 to 16 trips daily?

MR. HARTE: Typically, yes.

CHAIRMAN MICHAEL GARDNER: And that would be --

MR. HARTE: As a matter of fact, we got a charter with your mayor out there.

CHAIRMAN MICHAEL GARDNER: And that would

involve approximately how many drivers?

MR. HARTE: Typically two. When I have the luxury of some spare drivers, I'll put them over for a -- give the driver a break.

CHAIRMAN MICHAEL GARDNER: Any previous complaints or problems with the company either around this issue or any others, Ms. Lint?

ELIZABETH LINT: Not at all.

CHAIRMAN MICHAEL GARDNER: Questions?

FIRE CHIEF REARDON: No.

POLICE COMMISSIONER ROBERT HAAS: So I'm a little confused. I mean, it seems to me that you would have a better system in place to be sure that the drivers operating in Cambridge are properly licensed, and it sounds to me you are just kinda checking on a daily basis as opposed to -- don't you have a master list to make sure everybody is properly licensed?

MR. HARTE: We have a list that we send

in at the beginning of the year, in January, when we pay our bill, or the end of December of all the licensed drivers. We do training from October to April for new drivers. And this year, because we've increased the amount of equipment that we own, we hired -- I believe we trained 15 drivers, and some of them completed their course in the end of December, some of them completed their course, you know, January, February on down the line. And as each person would complete the course, we would add his or her name to the list, or we would, you know, send down a list on a periodic basis when somebody new was added to the list and send them down.

Typically, we fax over the list and we've done it at least once this year.

POLICE COMMISSIONER ROBERT HAAS: How did this driver get assigned to a Cambridge trip that hadn't been properly licensed? That's what I'm

trying to figure out in terms of the checks and balances.

MR. HARTE: As I've stated, simply enough, it was an error on my part more than anything else. Just an error on my part.

I believe in her particular instance, somebody had called in sick on a given day, and she was not scheduled in the morning to be there, but the last minute thing, you know, "Do you know your Cambridge material?"

She said she did, and again, as I've stated, my fault. It was an oversight on my part.

FIRE CHIEF GERALD REARDON: Had she completed the training already?

MR. HARTE: Right now she's mostly doing some shoveling.

FIRE CHIEF GERALD REARDON: No, when it happened, had she already completed the training?

MR. HARTE: She completed her training, she completed all her licensing, she got her Massachusetts license.

FIRE CHIEF GERALD REARDON: But she just didn't have the Cambridge?

MR. HARTE: She didn't have the Cambridge.

FIRE CHIEF GERALD REARDON: But she completed the requirements to get it?

MR. HARTE: Yeah.

FIRE CHIEF GERALD REARDON: Okay.

Thank you.

CHAIRMAN MICHAEL GARDNER: We have a history of a course of action on a first offense in this instance, Ms. Lint?

ELIZABETH LINT: Actually, we don't.

CHAIRMAN MICHAEL GARDNER: Okay. Anything else you would like to add before we open it to the public?

MR. HARTE: We have been, you know, delighted to be part of your community. I believe we have been helpful to the Harvard Square business community. The Central Square business community has seen what we did in Harvard. They have asked us to participate in their growth. And we've done everything we can to be good neighbors in general, try and run as properly as we can, and make a point of not cutting corners in general, except this particular corner. And it wasn't so much a cut corner as an oversight.

And I really don't have anything else to say. I think we have done a good job here and we are grateful for what you have done with us in allowing us to operate.

CHAIRMAN MICHAEL GARDNER: Thank you.

Are there any members of the public who would like to be heard on this matter?

Anything you have to add, Officer?

POLICE OFFICER JEAN-BAPTISTE: No, sir.

CHAIRMAN MICHAEL GARDNER: Do you have an estimate, Ms. Lint, about the costs incurred by your department, Commissioner of the Police Department, with respect to the investigation or processing of this matter this evening?

ELIZABETH LINT: It would've just been what we do in the ordinary course, notifying the officer to be here, obtain the police report. Nothing out of the ordinary for scheduling or anything like that.

POLICE COMMISSIONER ROBERT HAAS: Same as our part, Mr. Chairman. Officer Jean-Baptiste is working on it now.

CHAIRMAN MICHAEL GARDNER: Pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: I mean, I guess we have no history to go by, but my

recommendation to the Chair would be place the matter on file as a first warning. And I would encourage you to have a better check and balance before you assign drivers to a trip to make sure -- I understand you ask people, but I think you really need to have some kind of a master list that would be separate and apart to what the driver represents to you, that they are properly licensed before you send them out here in Cambridge.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: I guess in terms of discussion, I'm less inclined to place it on file than I am to do the last thing you said, which is issue a warning in the case.

It really does sort've seem of 45 drivers, there's a checklist, whether it's on some kind of spreadsheet or some other system, and that you can tell who has all the

requirements done, and that's a lot better than what you initially said of you've been correcting the situation by making random checks.

It doesn't seem like that's the -- maybe the words weren't carefully chosen, but not a random check, but a systematic check of all of your drivers.

MR. HARTE: I agree.

CHAIRMAN MICHAEL GARDNER: And so, if I understand the motion to be to issue a warning to the company to avoid such lax in procedures in the future, and to ensure that in the future all of the drivers operating in Cambridge are properly licensed, then I can support that.

POLICE COMMISSIONER ROBERT HAAS: It's a warning, so it's actually issuing a warning at this point in time.

For clarification purposes, I would be willing to amend my motion to issue a warning

regarding the owner's responsibility to make sure all its drivers are properly licensed before they operate a vehicle in the City of Cambridge.

CHAIRMAN MICHAEL GARDNER: With that understanding, any further discussion?

All those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So, we appreciate the contributions you make to Cambridge and to the general community and our visitors and tourists to the City.

This, of course, could've been a lot worse situation, lack of a jitney license being the least of it.

But I hope that everybody can learn from this in terms of both the operating procedures

and credentialing.

MR. HARTE: I thank you.

CHAIRMAN MICHAEL GARDNER: Good luck.

POLICE COMMISSIONER ROBERT HAAS: Thank you, Officer.

CHAIRMAN MICHAEL GARDNER: Thank you very much, sir.

APPLICATION: 02 YOGA STUDIOS CAMBRIDGE, LLC

ELIZABETH LINT: Application: 02 Yoga Studios Cambridge, LLC, Mimi Loureiro, has applied for a common victualer license to be exercised at 1001 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 20. The hours of operation will be 7:00 a.m. to 2:00 p.m. seven days per week. Applicant is also applying for an entertainment license to

include: An audio tape machine/CD playing music below, at, or above conversation level and an ipod.

CHAIRMAN MICHAEL GARDNER: Good evening.

MIMI LOUREIRO: Good evening.

CHAIRMAN MICHAEL GARDNER: If you could please state and spell your name for the record and also identify your affiliation.

MIMI LOUREIRO: Mimi Carpenter Loureior, M-I-M-I, C-A-R-P-E-N-T-E-R, L-O-R-U-R-E-I-R-O. I'm the owner of O2 Yoga Studios.

CHAIRMAN MICHAEL GARDNER: Could you tell us a little bit about the business itself and its status? I don't think it's open yet, but...

MIMI LOUREIRO: It's not.

CHAIRMAN MICHAEL GARDNER: And also what your plans are, both with respect to the restaurant portion and -- I'm assuming that there's yoga done here, but -- or there will be?

MIMI LOUREIRO: There will be.

CHAIRMAN MICHAEL GARDNER: Could you just describe that for us, please?

MIMI LOUREIRO: Sure. The space is about 1500 -- 5800 square feet. It's the old Orson Welles Theater, which has been vacant now for ten years, and we're trying to put a vibrant business into that location.

There will be a yoga studio space, which will take up a majority of the space of the building -- excuse me -- the space that we're in.

And the entryway that comes off of Mass Ave will have a small cafe, which is what the license application is for.

The cafe itself will be about 900 square feet. It will be primarily cafe style, coffee, tea, baked goods, and students and people who are coming to the studio will come through the cafe in order to go up into the yoga studio itself.

CHAIRMAN MICHAEL GARDNER: Will food be actually prepared on site or will it be delivered?

MIMI LOUREIRO: The majority of the food will be prepared off site. We'll have a panini press, coffee machines and crock pots, but nothing that would need to be vented and no open flames. Everything will be cooked off site.

CHAIRMAN MICHAEL GARDNER: Could you describe your experience in operating any sort of restaurant in the past?

MIMI LOUREIRO: I have very little experience with that. That's why I'm hiring a manager, who is very experienced in the restaurant business. The company that we're working with has an existing restaurant in Allston called Piece of Pie. It's a pizzeria primarily. And they are going to be running the restaurant. It will be my restaurant, but

they're going to be managing it and providing the food.

CHAIRMAN MICHAEL GARDNER: And can you describe arrangements for sanitation, rubbish, rodent control?

MIMI LOUREIRO: Yeah. There's already a restaurant in the building. There's sufficient space for dumpsters behind and access to the dumpsters from the cafe itself.

We have already contracted with companies to come in and do the composting and the recycling and the rubbish disposal.

CHAIRMAN MICHAEL GARDNER: Do you regard the cafe portion as integral required part of the yoga studio, or is it a supplement and you are going forward with the yoga studio?

MIMI LOUREIRO: My primary business is yoga. I own another yoga studio in Somerville that's been there for almost 16 years. This will

be a supplement to the yoga studio itself.

CHAIRMAN MICHAEL GARDNER: And assuming we acted favorably, your timetable for opening or your timetable for opening the studio itself?

MIMI LOUREIRO: Depending on the BZA, we're in the -- what we have been told is called the washing machine, where we are still in the process of waiting for paperwork on the zoning approval.

We have been approved by the BZA, but we have not yet got our paperwork.

That said, we're hoping between July 1st and September 1st would be our opening dates.

CHAIRMAN MICHAEL GARDNER: Okay.

Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any

members of the audience who would like to be heard on this matter?

Seeing none, pleasure of the Commission?

FIRE CHIEF GERALD REARDON: Is this going to be the yoga section, is there going to be a whole refit of the building?

MIMI LOUREIRO: No. No. It's basically just a big open room that we're going to be using for the classes. Originally, it was -- well, as you know, it was the Orson Welles Theater originally, then it was a furniture store. It also had office space in it. So we're just reconfiguring the space and taking walls out rather than a complete refit of the building.

FIRE CHIEF GERALD REARDON: Is that a sprinkler building? It is.

MIMI LOUREIRO: It's not.

STEPHEN CARPENTER: It's a -- as I understand, a cinderblock building, it's concrete

ceilings and cinderblock walls.

CHAIRMAN MICHAEL GARDNER: It would be helpful if you could identify yourself for the record.

STEPHEN CARPENTER: Stephen Carpenter. But there's no sprinkler system in that unit, but the building itself --

POLICE COMMISSIONER ROBERT HAAS: You need to come up so that...

(Stephen Carpenter moves from audience to table in front of the Board Members.)

STEPHEN CARPENTER: The building itself is actually set on a hill, so each level actually has like a fire escape on pretty much ground level or within three steps of ground level.

FIRE CHIEF GERALD REARDON: Do you know how many square feet it is?

MIMI LOUREIRO: 5800 square feet.

FIRE CHIEF GERALD REARDON: You have to

check to see if you are over the limit in terms of requiring -- are you going to be changing --

MIMI LOUREIRO: The sprinkler systems?

FIRE CHIEF GERALD REARDON: You may not be because it depends on the zoning what they are using.

MIMI LOUREIRO: Okay.

FIRE CHIEF GERALD REARDON: It's a cinder block building, it has burnt down several times, trust me on that.

STEPHEN CARPENTER: I know.

MIMI LOUREIRO: Yeah, that's what happened, right?

FIRE CHIEF GERALD REARDON: Yes.

MIMI LOUREIRO: Okay. We'll put that on the list.

FIRE CHIEF GERALD REARDON: You are probably under the threshold, but just double check because that could be --

STEPHEN CARPENTER: Check with who?

FIRE CHIEF GERALD REARDON: Your building and fire in terms of what the code calls for. The new code just came out. So you probably will be okay, but you may want to check because you wouldn't want to get that at the last minute.

MIMI LOUREIRO: No -- that would be -- yeah, okay. Thank you very much.

FIRE CHIEF GERALD REARDON: I think you will be okay, but double check.

MIMI LOUREIRO: Is it based on size, based on --

FIRE CHIEF GERALD REARDON: Square footage, and then if you change substantial use, it can turn around and flip what everybody knows as grandfathering, if you change substantial use from what it was.

MIMI LOUREIRO: Okay.

FIRE CHIEF GERALD REARDON: But I think

you will be within the limits, but I would ask you to make sure.

MIMI LOUREIRO: Thank you. That's very helpful.

POLICE COMMISSIONER ROBERT HAAS: So, Chief, would they be able to get some kind of written documentation to either say that they have to get a sprinkler system or not?

FIRE CHIEF GERALD REARDON: Yeah. When they actually go in --

You haven't actually gone in -- I mean, you don't have any plans or anything because you don't have any, you haven't gone to building or --

MIMI LOUREIRO: Yes. We have been to building. We are very intimate with the Building Department. That said, we have not been able -- we have not been issued any building permits because of the BZA. The waiting on the BZA

approval.

FIRE CHIEF GERALD REARDON: But you have done conceptual drawings for them?

MIMI LOUREIRO: Yes.

FIRE CHIEF GERALD REARDON: So, you're probably okay.

MIMI LOUREIRO: Okay. That's just a question we should ask the next time.

FIRE CHIEF GERALD REARDON: Yes. And, again, too, the alarm system, you know, you've changed --

STEPHEN CARPENTER: The alarm system is all in place.

FIRE CHIEF GERALD REARDON: Again, but the alarm system might have been set up as cubicles for offices and stuff.

MIMI LOUREIRO: Oh, I see.

FIRE CHIEF GERALD REARDON: Because there's ADA laws in terms of visibility and so

forth, you know. It may just be moving things around, but you want to ask these questions upfront, so...

MIMI LOUREIRO: Okay. Thank you. That's very helpful.

CHAIRMAN MICHAEL GARDNER: So I'll make a motion to approve the application for the common victualer license for the 20 seats and the entertainment license as described, subject to final approvals by the, BZA and obviously, Inspectional Services and the Fire Department and any other regulatory agencies required.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIRMAN MICHAEL GARDNER: Any further discussion?

Motion having been made and seconded, all those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Welcome to Cambridge. Good luck with your operation.

MIMI LOUREIRO: Thank you very much.

This is the easiest thing we have been through yet.

APPLICATION: MOKSA, LLC

ELIZABETH LINT: Application: Moksa, LLC, Tastim Chowdhury, Manager, holder of an all alcoholic beverages as a restaurant license at 450 Massachusetts Avenue has applied for a change of business name from Moksa to Moksa Tappas Lounge & Naga.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you could be so kind as to state and spell your name for the record and your affiliation.

ATTY. SEAN HOPE: Good evening,
Mr. Chairman, Commissioners. For the record
Attorney Sean Hope, S-E-A-N H-O-P-E, of Hope
Legal Law Offices.

I'm here tonight on behalf of Moska, LLC.
The actual owner is out of the state on a
business trip.

But this is an application to change the
d/b/a name from Moska, LLC, which is the name of
the actual limited liability company to Moska
Tappas Lounge/Naga.

The purpose of this application is one
part in terms of branding and marketing of the
restaurant. This is Pan Asian cuisine which is
called Asian Fusion for people in the restaurant
world. Patricia Yow is the head chef and has
been on Iron Chef and other restaurants. She's
focusing the menu now more on tappas similar to
dalai restaurants where you have small plates as

opposed to larger plates and it's focused around group eating.

So, now that they've decided that they are going to primarily focus on tappas and not sushi, which they have in other parts of Mass Ave and Central Square, they want the name of the restaurant to reflect that.

Also, approved as part of the application was a full entertainment license for the rear portion of the property. And so, for branding purposes, they want to distinguish that from the front of the restaurant, which is primarily food, although there's an alcohol license throughout the full premises.

So Naga would be the name of the rear entertainment multi-purpose room, and that is a mix of live bands and live entertainment and they were able to be approved for the full entertainment package. This is part marketing

and also part of the evolution of the actual restaurant itself.

CHAIRMAN MICHAEL GARDNER: So not being particularly sophisticated, it wasn't too long ago, a few years ago anyway, that I didn't know what "tappas" meant. I think I've got that now. I did look up Naga and I got, I don't know, a discussion, a deity or a class of entities or beings that take the form of a great snake.

Is that, in fact, what we're talking about or does "Naga" mean something else?

ATTY. SEAN HOPE: I do think there's a play on the origin of the word. It's Pan Asian cuisine, and actually at the opening they had with several City Councilors where they had the dancing dragons, and so, I think this is part of a play on the theme.

The rear portion is open for different events during the day, but it's primarily for the

evening time. So, I think, again, for marketing purposes, trying to create some excitement for the space, as well as give it a theme of its own. But there's no use of any snakes on the premises.

CHAIRMAN MICHAEL GARDNER: You said Tappas Lounge/Naga. The actual form here that we have is Tappas Lounge & Naga, so I'm just not sure how you are, in fact, presenting it, but...

ATTY. SEAN HOPE: Well, I do know that they want to be able to utilize Moska Tappas Lounge separately, and I think that was the intent because the front and the rear of the restaurant serve different purposes depending on the occasion.

CHAIRMAN MICHAEL GARDNER: Assuming we act favorably on this, if we do, you may just need to confirm with Ms. Lint that, in fact, the paperwork appears as you want it.

ATTY. SEAN HOPE: Okay.

CHAIRMAN MICHAEL GARDNER: We definitely have an "and" in there.

ELIZABETH LINT: The manager's resolution has an "and" and the application for a new corporate name had an "and."

ATTY. SEAN HOPE: Since the owner isn't here, would it be okay if the Commission ruled favorably on that, that I could follow up?

CHAIRMAN MICHAEL GARDNER: If we act favorably, then just straighten out the paperwork to make sure the paperwork is as you want it presented assuming the Commissioners don't have a problem with that.

Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: So, this is not a change in any way from what is there right now?

ATTY. SEAN HOPE: No. It's exactly the same, and I think the rear portion is getting some attraction and life of its own. They have had a couple parties and they are planning to do comedy shows, and so, they want to distinguish that. Some people are coming from the restaurant and some people may be coming for the other events. When they are doing marketing and advertising, they want to make sure...

FIRE CHIEF GERALD REARDON: As far as footprint or anything else, nothing is changing. They're just really separating giving the two spaces two different identities, right?

ATTY. SEAN HOPE: Exactly.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIRMAN MICHAEL GARDNER: And it's open and operating now?

ATTY. SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: And are there

any members of the public who would like to be heard on this matter?

Seeing none, pleasure of the Commissioners?

FIRE CHIEF GERALD REARDON: I make a motion to approve Moksa, LLC, Taslim Chowdhury, Manager, with the name of Moska to Moska Tappas Lounge and whatever the final delineation is either slash or ampersand Naga.

CHAIRMAN MICHAEL GARDNER: I second that motion.

Any discussion?

All those in favor of approving the motion to make the change of the business name as described, and as will be further clarified, with regard to punctuation to Ms. Lint, all those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So good luck with the new branding.

ATTY. SEAN HOPE: Thank you.

APPLICATION: CAMBRIDGE CUISINE, LLC

ELIZABETH LINT: Application: Cambridge Cuisine, LLC d/b/a Bridge Street, William Gilson, Manager, holder of a wine & malt beverages as a restaurant license (pending ABCC approval) at 1166 Cambridge Street has applied for additional shareholders of the LLC.

CHAIRMAN MICHAEL GARDNER: Mr. Hope, are you representing this applicant as well?

ATTY. SEAN HOPE: Yes, sir.

CHAIRMAN MICHAEL GARDNER: We'll leave your identification in the record, and could the others present here, please state and spell your names and affiliations?

WILLIAM GILSON: Sure. William Gilson,
manager and owner, W-I-L-L-I-A-M G-I-L-S-O-N.

CHRIS YORTY: Chris Yorty, C-H-R-I-S
Y-O-R-T-Y.

CHAIRMAN MICHAEL GARDNER: You are, sir?

CHRIS YORTY: General manager.

ATTY. SEAN HOPE: This is an application
to add members to the LLC as a form of raising
additional investment capital.

Back in March, this application was
before you for a beer and wine, no value license,
nontransferable license that was approved by the
Commission with limited entertainment. This is a
Cambridge Street location. That is a restaurant
and the application is now pending before the
ABCC for approval.

Since March, there has been continual
excitement in the neighborhood about the concept,
as we talked about in the previous hearing. Chef

Gilson, who used to work at Garden at the Cellar, was largely responsible for developing the menu there and has a following for his food.

But part of the excitement is also due to the management team that's been able to -- even without the last steps being taken place, there's been excitement to raise capital.

So, part of this is to issue additional interest in the LLC. This is a small portion, but this is part of raising capital. And, really, for most restaurants, the small businesses that first year is really often make or break for several years.

So, even though this investment is not going to be available obviously until approved by either this Commission and then subsequently ABCC, this will allow the restaurant to continue to do marketing throughout that first year as well as continual improvements of the restaurant.

All the investors are as part of the requirements are going to be fully vetted through a CORI check by local licensing and the ABCC as well had to submit three-months' bank statements as well as -- that's part of the application.

So, you know, we discussed the process with all the investors. We don't anticipate having any issues that often preclude people from investing in restaurants. But this is an important step for the group in order to be able to carry out its mission, but does not necessarily -- I think the target opening date is in August, you know, so as soon as the beer and wine is approved, they will begin construction. There's also been some work already begun, but this is really part of the development of the cash reserves for the organization.

CHAIRMAN MICHAEL GARDNER: So if you had this shareholder structure in the beginning when

you made the application, that material would have been filed with us?

ATTY. SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: This is in an attempt to amend that by adding additional shareholders?

ATTY. SEAN HOPE: Not even to amend it. This is additional. The application that we filed originally had -- and we had to submit cash reserves as well to do the space. And there was actually a previous licensee at the space, Bosphorus Community Restaurant. They did a full build-out there. So the space could've been turnkey, but there are obviously design changes that they wanted to do. So this is almost the second phase.

Normally, they may not have been able to generate this type of interest, but because, I believe, the name that Chef Gilson has, as well

as kind've the excitement for this type restaurant, they have been able to do this earlier on where potentially it may have had to wait until the restaurant got open.

I know they're excited about the investment they received and kind've thought through the different types of investors pretty carefully, but the ABCC or the Commission didn't approve certain investors. You know, we're fully invested in moving forward. We have a signed lease and we have all plans to go forward.

CHAIRMAN MICHAEL GARDNER: Any paperwork issues, Ms. Lint?

ELIZABETH LINT: I just need a background check. I know the paperwork was submitted. I just haven't had a chance to...

CHAIRMAN MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Anything for further?

Any members of the public who would like to be heard on this matter?

Seeing none, I'll make a motion to approve the submission of additional shareholders to the LLC, subject to the completion of background checks on any additional requirements required by the administration of the License Commission.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: A motion having been made and seconded, any discussion?

Seeing none, all those signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Good luck with your continued efforts here. We look forward to it.

INVESTIGATIVE: SUNSET CAFE, INC.

ELIZABETH LINT: Sunset Cafe, Inc., d/b/a Sunset Grille, Fernando Castanheira, manager, holder of an all alcoholic beverages as a restaurant license at 851 Cambridge Street due to a significant increase of police calls to the establishment and for allegedly holding dance parties with a deejay, which are not part of your current entertainment license which has been approved by the License Commission.

CHAIRMAN MICHAEL GARDNER: Good evening.

If could you please state and spell your names for the record and also identify your affiliations.

FERNANDO CASTANHEIRA: Fernando

Castanheira, F-E-R-N-A-N-D-O,

C-A-S-T-A-N-H-E-I-R-A, owner.

DAVID CASTANHEIRA: David Castanheira,

C-A-T-S-A-N-H-E-I-R-A, manager.

CHAIRMAN MICHAEL GARDNER: Are there any members of the Police Department here on this matter?

ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Do you want to summarize?

ELIZABETH LINT: Because it was investigated. Ms. Boyer did an investigation. Actually, I have a report from her. She is on vacation.

"Based on a complaint from Sergeant Murphy on March 30, 2012 regarding noise from the Sunset Grille, an investigation into their licensing took place. The complaint stated loud music was bothersome to the residents, and the

space was allegedly being rented out for dance parties.

A check of the entertainment license showed that Sunset Grille is licensed for two folk guitars, one radio, two TVs, video screen or film projector screens. They are not licensed for a deejay or dancing by patrons.

Ms. Boyer spoke with Fernando Castanheira on the weekend of April 7th to 8th, 2012, explained that he had to apply to change his entertainment license in order to have a deejay and dancing.

Until the agenda is put on -- until the application is put on the agenda and approved by the Board, he would have to apply for one-day licenses.

That same weekend based on a police report submitted to our office, she again spoke with Mr. Castanheira on April 11th, and said no

one-day licenses would be granted for a deejay and dancing and he would have to apply to be heard by the Board.

On April 14th, another incident occurred at the location, and a report was submitted to our office by Sergeant Desimone.

And although this has not been noticed as part of this particular investigative hearing, we did receive another report from the Police Department this weekend.

I also have spoken with several people in the area who are complaining that particularly on Friday nights there seems to be a major problem with noise and music at that location."

CHAIRMAN MICHAEL GARDNER: I guess I'm a little perplexed if you have an entertainment license for two folk guitars how so much noise gets generated, and also, I'm concerned about the atmosphere within the establishment that would

lead to the series of apparent fights or disturbances that appear to have occurred with distressing regularity during at least March and April of this year.

Could you just address those matters generally?

DAVID CASTANHEIRA: As for the two singers, ignorance. I thought entertainment was that and noise, yeah.

CHAIRMAN MICHAEL GARDNER: Has something changed about the nature of the entertainment that you're providing, or the nature of the crowd, or something about how you're conducting your business that would result in this?

DAVID CASTANHEIRA: Nature of the crowd.

CHAIRMAN MICHAEL GARDNER: Do you want to elaborate on that a little more fully?

DAVID CASTANHEIRA: Younger.

CHAIRMAN MICHAEL GARDNER: The word was

"younger"?

DAVID CASTANHEIRA: Yes.

CHAIRMAN MICHAEL GARDNER: What steps are you taking to ensure that the patrons don't get rowdy or boisterous or act out in ways which are disturbing to the neighborhood?

DAVID CASTANHEIRA: We are gonna cease this Friday thing. It's the Fridays.

CHAIRMAN MICHAEL GARDNER: What have you been doing on Fridays?

DAVID CASTANHEIRA: Fridays we had the deejay and then it was recorded music, not a deejay. But obviously we want the option if we had a wedding to have a deejay, which at this point, if I do have a wedding, I can't have a deejay.

CHAIRMAN MICHAEL GARDNER: Without coming back before us and making the application?

DAVID CASTANHEIRA: And instead of doing

a dance party, it would be more just for like weddings or a graduation, something to that effect.

CHAIRMAN MICHAEL GARDNER: Although it's not before us, I would be interested in this issue about complaints that occurred this Friday night after this whole string of prior issues and presumably after you were noticed for this hearing, I think we would've hoped that you would've made sure in advance of this hearing that you didn't have problems.

Could you describe, at least from your perception, what happened this past Friday?

DAVID CASTANHEIRA: Loud music. No excuse.

CHAIRMAN MICHAEL GARDNER: Well, I mean you are in, fact, in control of the volume of the entertainment, I take it, in terms of amplification?

DAVID CASTANHEIRA: They were warned
and...

CHAIRMAN MICHAEL GARDNER: So as the
manager, you understand that you are responsible,
not the musicians?

DAVID CASTANHEIRA: Yes, absolutely.

CHAIRMAN MICHAEL GARDNER: The people who
are controlling the ipod or tape player or
whatever it is.

DAVID CASTANHEIRA: Yes.

CHAIRMAN MICHAEL GARDNER: Any history of
prior complaints, Ms. Lint?

ELIZABETH LINT: Well, we do have quite a
bit of prior history, but because it's not a
disciplinary hearing, I don't have that.

But just listening to this, I'm a little
bit concerned that Ms. Boyer spoke to them and
was very clear about what their license allowed
them to do, and yet, there was still this issue

with loud music.

DAVID CASTANHEIRA: One of the managers when they said that we didn't have a license for a deejay, talked to someone in the Licensing Commission and they said that they could play like music that was prerecorded. So we weren't just going in somebody's face. That would be retarded.

FIRE CHIEF GERALD REARDON: So after Ms. Boyer spoke to you, then you went from live deejays to recorded music. I mean, there's not much difference between the deejay and just someone who is playing. You guys were playing it or you had no deejay or just the implication --

DAVID CASTANHEIRA: Some guy had a computer.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: But "the some guy" is your agent if he is in your place

providing entertainment under the license
provided by us --

DAVID CASTANHEIRA: Yes.

CHAIRMAN MICHAEL GARDNER: -- you
understand that?

DAVID CASTANHEIRA: Yes.

FIRE CHIEF GERALD REARDON: He's not some
guy, he's either your employee or he's your
agent.

DAVID CASTANHEIRA: Agent.

CHAIRMAN MICHAEL GARDNER: As owner,
anything you want to add?

FERNANDO CASTANHEIRA: No, not at this
time, sir.

CHAIRMAN MICHAEL GARDNER: Chief?

FIRE CHIEF GERALD REARDON: Do you have
something advertised that this is going to be
regular in the future or something, or an
obligation or...?

DAVID CASTANHEIRA: No.

FIRE CHIEF GERALD REARDON: So it's just something that you started using to help business -- I don't want to say if that helped business or not, but that was the thought process?

DAVID CASTANHEIRA: It was an idea.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: So by sponsoring these dance parties or deejays or additional music, you intended to draw a larger crowd or younger crowd or to have a different atmosphere on Friday nights, which you now found is a problem?

I don't want to put words in your mouth, but I'm trying to develop the narrative line here as to what happened.

DAVID CASTANHEIRA: Yeah, it's a major problem.

POLICE COMMISSIONER ROBERT HAAS: When

you say "younger crowd," what is the age groups that you are catering to during these events?

DAVID CASTANHEIRA: It's 21 plus, but --

POLICE COMMISSIONER ROBERT HAAS: Always 21 plus?

DAVID CASTANHEIRA: Sorry?

POLICE COMMISSIONER ROBERT HAAS: Is it always 21 plus or is it 18?

DAVID CASTANHEIRA: 18, but they have -- to drink, they need a wristband.

POLICE COMMISSIONER ROBERT HAAS: So you are inviting 18-year-olds into your establishment for these for Friday night parties, right?

DAVID CASTANHEIRA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Are you satisfied that the wrist bands are enough to make sure that you are not serving under age?

DAVID CASTANHEIRA: We do have like four security guards that are watching. A lot of the

people that come in are known amongst their community of who is and who isn't.

POLICE COMMISSIONER ROBERT HAAS: Do you intend to continue to catering to 18-year-olds?

DAVID CASTANHEIRA: I don't intend to do anything anymore.

POLICE COMMISSIONER ROBERT HAAS: What is your business plan?

DAVID CASTANHEIRA: My business plan is nothing on Friday nights.

POLICE COMMISSIONER ROBERT HAAS: So you will still be open for operation, though, right?

DAVID CASTANHEIRA: If you allow us to. It will be a restaurant.

POLICE COMMISSIONER ROBERT HAAS: So no live entertainment?

DAVID CASTANHEIRA: Just on Saturdays now. We have like a solo guitarist and a singer, like Bossanova, Brazilian music.

POLICE COMMISSIONER ROBERT HAAS: So
you're not going to have entertainment on Friday
nights?

DAVID CASTANHEIRA: (Shakes head
negatively.)

CHAIRMAN MICHAEL GARDNER: He just
indicated he shook his head no. The stenographer
can't take down your head shakes.

DAVID CASTANHEIRA: No.

FIRE CHIEF GERALD REARDON: I guess the
only concern I have that is the police show up
three or four times, I mean, I would have thought
you would get the message a little bit quicker.
I mean, there's a pile of them there.

I mean, you're jeopardizing your
business, so I would have thought that as the
owner and manager, you guys would say "Hey, look,
we are jeopardizing our business here, our whole
business, we could lose our license and be out of

business."

You guys seem to be well-grounded. I'm just kind've concerned that you're not taking these things as seriously as they could have been, because it's going to affect you personally, I mean, both of you.

POLICE COMMISSIONER ROBERT HAAS: You understand when your patrons are outside making a lot of noise, it's your responsibility as well to control that noise activity coming from your establishment?

You have to answer?

DAVID CASTANHEIRA: Yes.

ELIZABETH LINT: You have to answer.

DAVID CASTANHEIRA: Yes.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Please come forward and we'll ask you to

state and spell your name for the record.

If you wouldn't mind, sir, if you could just give them the space and then we'll give you the opportunity to come back?

Thank you.

Good evening.

MIA KIISTALA: My name is Mia Kiistala,
M-I-A K-I-I-S-T-A-L-A. I live in the
neighborhood.

FRANK PRIMAVERA: Frank Primavera,
F-R-A-N-K P-R-I-M-A-V-E-R-A, I also live in the
neighborhood.

VIVIAN DOSSANTOS: Vivian Dossantos,
V-I-V-I-A-N D-O-S-S-A-N-T-O-S.

MIA KIISTALA: If I may add, there are
other members in the neighborhood WHO are
concerned about this as well, but could not make
it here.

CHAIRMAN MICHAEL GARDNER: So could you

describe what your experience and/or concerns are?

MIA KIISTALA: So, first of all, I would like to add that this problem is not only on Fridays. It has been Fridays and Saturdays. Perhaps in the last month and a half, the Saturday frequency has happened less.

I would say sometime in the November/December time frame, it seemed like the nature of the business changed from food serving restaurant to something that cannot no longer be seen from the outside because the windows were darkened, and since then, the music is loud enough that most of the nights we can hear the music clearly in our house.

Sometimes we know exactly what song they are playing. Sometimes we can just hear the base kinda shaking the windows, et cetera, in the house.

The music goes on from about 10:30 until about 1:30 a.m., and typically after the crowd leaves the restaurant, there's a loud yelling, there has been throwing of glass bottles.

There's the revving of the cars. There has been a rear-end collision in front of our -- where we live where police were not called most likely because I'm speculating drunk driving.

There have been banging of windows by the people who leave the restaurant. There's a lot of kids living on that street.

Our child cannot sleep in the front room because he's afraid. He is waking up at 1:30 to huge loud noise outside and he's asking us what is going on. So we have to move him to another room for the weekend because he's afraid of all the noise that goes on outside of our house.

CHAIRMAN MICHAEL GARDNER: Could you just tell us your approximate distance of your home

from the establishment?

MIA KIISTALA: I would say 50 to 100 yards. I don't know exactly.

CHAIRMAN MICHAEL GARDNER: Anything else you care to add, sir?

FRANK PRIMAVERA: Yes, I have an elderly mother that lives in my building, and she also is afraid at night because of the loud people. It happens before and after they go into the sunset and it's not just after. It's during when they come out to have cigarettes in front. And it's really loud and you can't sleep.

Like this past Friday night, I woke up six times in the middle of the night, and it's been -- this happens almost every weekend.

CHAIRMAN MICHAEL GARDNER: Anything to add, ma'am?

VIVIAN DOSSANTOS: No, I think that's it. There's just a lot of kids in our neighborhood,

old people.

FRANK PRIMAVERA: There's a lot of elderly and a lot of young children and newborns. She just had a newborn. In my building there were a set of twins that were just born. And everybody is having problems with the noise level.

VIVIAN DOSSANTOS: People sneak out a lot. I noticed they go back and forth from the sunset to -- I don't know where they are going down the street, but there's a lot of leaving and being loud on the street going back and...

POLICE COMMISSIONER ROBERT HAAS: This is on an adjacent street, it's not on Cambridge Street, right?

FRANK PRIMAVERA: This is on Huntington.

VIVIAN DOSSANTOS: Yes. I would say the kids look young.

FRANK PRIMAVERA: They are young.

CHAIRMAN MICHAEL GARDNER: I'm sorry,
sir?

FRANK PRIMAVERA: 21, young 18. You know
18 and up always looks young to me now, you know.

MIA KIISTALA: There are other
restaurants in the neighborhood that we are not
against having establishments that serve alcohol,
period. We are against having a restaurant in
the neighborhood that does not take into
consideration that there are residents living
in -- near the restaurant.

CHAIRMAN MICHAEL GARDNER: Are you all
long-term residents of the area?

FRANK PRIMAVERA: Yes.

VIVIAN DOSSANTOS: Yes.

MIA KIISTALA: Yes.

CHAIRMAN MICHAEL GARDNER: So you lived
with the Sunset Cafe for a number of years?

VIVIAN DOSSANTOS: Yes.

FRANK PRIMAVERA: Yes.

CHAIRMAN MICHAEL GARDNER: Do I understand generally you are thinking that there was -- the business changed in November or December of 2011?

FRANK PRIMAVERA: Right around there, yeah.

CHAIRMAN MICHAEL GARDNER: Have there been any conversations between you and the owners or managers of the restaurant with respect to efforts to try to voice your complaints?

FRANK PRIMAVERA: No, not with me.

VIVIAN DOSSANTOS: No.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIRMAN MICHAEL GARDNER: Any other members of the general public who would like to

be heard on this matter?

FRANK PRIMAVERA: I would like to add that Sunset's been there for a very, very long time and it's part of the neighborhood, there's no objection to the way it was running before. You know, it adds to the neighborhood. But now, because of this incident with the dance music, it's changed dramatically with the neighborhood.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

We'll give Mr. Castanheira and his brother, I guess, a chance to come back.

Thank you.

Well, I believe both of you were present when you heard some members of the neighborhood express their concerns that they saw a definite change in the nature of your business last November or December, it has not just been Fridays, but from their point of view, it's

Fridays -- it's been Fridays, Saturdays, and that it's both during business operations, clearly at the close of business, but that what had been a good cooperative neighborhood operation, appears to have changed, at least in the minds of a number of your neighbors, and I wonder if you would like an opportunity to address that any further than you already have?

DAVID CASTANHEIRA: Obviously, we are not proud of it, so if we are given the opportunity we just want to want to go back to what we had before.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, I note this was cast as an investigatory matter, so it was not up for formal discipline?

ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: Under our rules, does that mean we can at this hearing impose discipline?

ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: Okay. So essentially you got a break this evening in the terms of the way this was set up procedurally given this long history of complaints, we essentially gave you an opportunity to come in and explain yourselves, hear the concerns of the neighborhood, hear our concerns. And we are not in a position to impose any discipline this, evening as understand it, in terms of the notice.

Is that right, Ms. Lint?

ELIZABETH LINT: Right.

CHAIRMAN MICHAEL GARDNER: So in that regard, I guess what I would suggest, and I will make the motion is that this matter be placed on file, but that the operation of the Sunset Cafe be subject to an additional follow-up investigatory hearing within three months at which both of you would have the opportunity to

come and any interested neighbors would have the opportunity to come, and report back to us on the progress you've made regarding this.

DAVID CASTANHEIRA: Okay.

CHAIRMAN MICHAEL GARDNER: That would be my motion.

POLICE COMMISSIONER ROBERT HAAS:

Mr. Chair, in the event there are future complaints, how do you want to deal with those? Do you want to deal with the disciplinary matters or do you have other plans?

CHAIRMAN MICHAEL GARDNER: If there are additional complaints, then I think we should -- a point well taken. I would amend my motion to say any additional complaints would be dealt with in a disciplinary manner or mode.

I want to hear from you within at least three months about how things are going. If things don't go so well and we get additional

complaints, then we would be hearing this in a somewhat different format and you would be at risk.

DAVID CASTANHEIRA: Would you be calling us in like this?

ELIZABETH LINT: We would notice you.

CHAIRMAN MICHAEL GARDNER: You will be scheduled. We'll tell you when to come. We don't expect you to come if we haven't told you to. We'll let you know. And it will be our initiative, we'll do it, if the motions passes.

Fire chief GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Further discussion?

Seeing none, all those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

We appreciate the members of the neighborhood coming forward to express your concerns. It's one of the ways in which we can make city life both vibrant, safe and secure.

We appreciate your coming in as the owner and manager with the promise to make the appropriate adjustments to clearly correct what has been a deteriorating situation.

DAVID CASTANHEIRA: I would like to apologize to the neighbors. I'm sorry.

CHAIRMAN MICHAEL GARDNER: Thank you very much. We'll see you in about three months.

APPLICATION: VENUS INTERNATIONAL, INC.

ELIZABETH LINT: Application: Continued from May 1, 2012. Venus International, Inc. d/b/a 7-Eleven. Habte Ayalew, Manager, holder of a 7-day Wine & Malt Beverages as a Package Store license at 36-40 JFK Street is applying to

transfer said license to Market in the Square, LLC, Peter Whang, Manager, at 45 Brattle Street.

CHAIRMAN MICHAEL GARDNER: Good evening. If could you please state and spell your name and affiliations for the record.

ATTY. ANTHONY GALLUCCIO: Good evening, Mr. Chairman, honorable members, my name is Anthony Galluccio, I'm an attorney with Galluccio and Watson. It's G-A-L-L-U-C-C-I-O. We are at 1498 Cambridge Street in Cambridge. And I'm joined by Peter Whang who is the transferee.

PETER WHANG: Peter Whang, W-H-A-N-G.

CHAIRMAN MICHAEL GARDNER: Tell us a little about this, Attorney Galluccio.

ATTY. ANTHONY GALLUCCIO: Thank you, Mr. Chairman. This is -- the current location would be better known as the 7-Eleven at the corner of JFK Street. It's a beer and wine license, licensed to sell beer and wine in

package form. The application is to transfer that license from the existing 7-Eleven whose lease is about to expire to the Market on the Square, which is at 45 Brattle Street in Cambridge. It's a corner grocery store, very popular on the other side of Harvard Square. This would give the ability for Mr. Whang to utilize that package license for purposes of sale of beer and wine at that location.

CHAIRMAN MICHAEL GARDNER: And I note that -- or I think that the Market in the Square is open 24 hours a day. What would be the hours that the beer and wine could be sold?

PETER WHANG: Depending on exactly when the laws state, I guess. I'm still pretty new to all this. I need to do all my search for it and get trained. I guess the Serve Safe type of training for it, but it will be in a display where it will be locked. The hours have yet to

be set. It won't be sold 24 hours obviously.

ELIZABETH LINT: Mr. Chairman, we would need to know specific hours that they would be selling as well as the square footage and specific location.

ATTY. ANTHONY GALLUCCIO: Thank you. I do have floor plans and pictures as well as a number of other administrative catch-ups for you. If I can submit those. I have both the abutter affidavits with receipts. I also just wanted to -- there you go.

I also have the purchase and sale agreement as well as the pledge which should satisfy that piece. I do have a floor plan as well as a picture and would welcome any questions of Mr. Whang as to the exact location.

CHAIRMAN MICHAEL GARDNER: So, Mr. Whang, I take it you don't have any experience in the selling of alcoholic beverages prior to now?

PETER WHANG: No.

CHAIRMAN MICHAEL GARDNER: And apart from being close in the area, what is it that you think qualifies you or your business to receive this license?

PETER WHANG: Ever since I've opened, many people have expressed the desire for myself to sell wine. I haven't really thought much about beer. I'm thinking just purely wines, just to help the neighborhood fill a need that they have been wanting filled for quite some time, so...

CHAIRMAN MICHAEL GARDNER: Do you happen to know the hours in which the 7-Eleven sells beer and wine?

ATTY. ANTHONY GALLUCCIO: I would defer that question to Ms. Lint. I'm not familiar with that. Although the landlord for 7-Eleven is here, he may know the answer to that.

ELIZABETH LINT: Offhand, I don't know.

We have so many stores.

I would also say, Mr. Chair, that we were not aware there was a pledge. I have not had an opportunity to review it. I ask that you not make a motion on that.

ATTY. ANTHONY GALLUCCIO: Mr. Chair, we would ask that you consider the legal hours that are currently lawful for the sale of beer and wine given it's a seven-day/24-hour operation. I think Mr. Whang has been an excellent manager, popular in the neighborhood. Although he does need to go through Safe Serve training, I think he has proven himself to be an on-the-spot, very well proven in managing the business. I'm not exactly sure what those hours are. I'm assuming it's 10:00 a.m. to 11:00 a.m.

ELIZABETH LINT: 8:00 a.m. is what is allowable.

ATTY. ANTHONY GALLUCCIO: I apologize for not having had that conversation, Mr. Chairman.

POLICE COMMISSIONER ROBERT HAAS: I would suggest that you may want to consider some operational considerations. We have experienced package stores that open at 8:00 a.m., you may be attracting a clientele you don't want going in there that early in the morning. You may want to think about rolling those hours back a little bit. I think you want to think about again, because it's more a package store rather than serving alcohol, you may want to bring it closer prior to midnight, so you don't have people wandering in buying beer and wine and then...

PETER WHANG: I mean, that's always been my main concern, because I have so many college students, Harvard students, I don't want to attract any negative influences.

CHAIRMAN MICHAEL GARDNER: Because of the

pledge issue, counselor, I don't think we're going to be able to act on this application this evening. We'll need to review the pledge. We are scheduled to meet again on June the 5th. Is that right? We don't have a decision hearing scheduled that I've got in my book, or we don't have any other matters on. I suppose if we did it, it would be the 31st.

I think what I would like to suggest is, we'll hear from any members of the public this evening, but we'll defer this matter to -- does the 5th make the most sense to you, Ms. Lint?

ELIZABETH LINT: It does. I don't know why there's no decision scheduled.

CHAIRMAN MICHAEL GARDNER: We defer the matter to the 5th. It will give you a chance to do a few things. Come up with, in fact, the thought-out strategy that you would like with respect to sale, and be able to come back and

tell us about the specific steps you are taking to prepare yourself to assume a responsibility you never assumed before, but which is very important.

ATTY. ANTHONY GALLUCCIO: Mr. Chairman, is it your preference that Mr. Whang go ahead with the Serve Safe class before that date?

CHAIRMAN MICHAEL GARDNER: If it can be scheduled, that's fine. I don't know.

ELIZABETH LINT: He has to do 21 Proof which is what the City requires.

ATTY. ANTHONY GALLUCCIO: Mr. Chairman, I appreciate that. I think we will take Commissioner Haas's recommendation and ask for 10:00 a.m. and not 8:00 a.m. I think that's an excellent point.

My only request is that -- and we don't have a problem deferring it and appreciate your input. We do have another matter on tonight

that's dependent on this license being moved off the location, so as long as that license can continue to be considered, I don't think this will be an impediment at this time.

CHAIRMAN MICHAEL GARDNER: Well, I guess my understanding is if the lease is closing on the 7-Eleven, the license isn't gonna stay in that physical location after the lease is up. So I'm not sure that I see --

ATTY. ANTHONY GALLUCCIO: I respect that interpretation.

CHAIRMAN MICHAEL GARDNER: I'm thinking out loud. I'll look to others more experienced than myself on that.

ATTY. ANTHONY GALLUCCIO: I do some of my best thinking out loud.

Thank you, Mr. Chairman.

POLICE COMMISSIONER ROBERT HAAS: One other suggestion I would offer to you since you

haven't had any prior experience especially in the Harvard Square area, you may just want to talk to the folks at 7-Eleven and just try to get a sense of what kind of problems they have encountered with respect to their hours and things like that just to kinda make sure that you are not experiencing -- the problems now get shifted to you, right?

So that might be helpful just to have that conversation with them. Late night, their experience with people coming in, whether intoxicated or they are finding people that are buying it and don't plan on taking it home. So kinda work that stuff out, and that way you are kind of ahead of the game so you don't come up with the same problems.

PETER WHANG: Back in New Haven I had stores there, and especially the one on Broadway right across from -- around the corner was

Toad's, so I dealt with a lot of intoxicated students and so...

POLICE COMMISSIONER ROBERT HAAS: Okay.

PETER WHANG: I do have experience dealing in those types of situations, but haven't had that here, which is great, so I won't complain.

CHAIRMAN MICHAEL GARDNER: Be prepared to come back and talk to us. There was some reference it's being locked, I understand, but just be to describe to us how you will be able to control the inventory and the sales.

PETER WHANG: Yes.

FIRE CHIEF GERALD REARDON: That was one of my comments that obviously you're going to have some sort of security or something when you do the renovations because you're gonna have Sunday hours and restricted hours where you are open 24 that you have to make sure that's not

available and a problem for you.

PETER WHANG: Yeah. That would be on me for training and just managing the whole thing.

FIRE CHIEF GERALD REARDON: Yeah. Training is one thing, but you're going to have to physically have some sort of locked barrier.

PETER WHANG: I already thought about exactly what I would do.

FIRE CHIEF GERALD REARDON: The curtain acts don't work with this kind of stuff. Make sure you're aware of that.

CHAIRMAN MICHAEL GARDNER: So wish you well with your considered plans. I understand that you've said you will -- you want to make the hours 10:00 a.m. I'm not sure I heard an ending time, but I would encourage you not to make that decision sort've on the fly. Think through what your business plan is and what your security issues will be.

Commissioner Haas's suggestion that you talk to the current establishment and learn the problems and opportunities and it all sounds like very good advice to us, and then just make sure before the hearing that Ms. Lint has more sufficient notice, the actual hours of operation you're applying for, so we can have that noticed in the record.

PETER WHANG: Thank you.

POLICE COMMISSIONER ROBERT HAAS:

Ms. Lint, does this have to be readvertised now since it's associated with License or...?

ELIZABETH LINT: We have to advertise the pledge.

CHAIRMAN MICHAEL GARDNER: Well, I'm make the motion that the matter be deferred until the June 5th hearing.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIRMAN MICHAEL GARDNER: I'm sorry. I

forgot to give the public an opportunity to speak and I said I would.

ATTY. ANTHONY GALLUCCIO: Just in case members are not able to come back on that date.

CHAIRMAN MICHAEL GARDNER: So are there are there any members of the public who would like to be heard on this matter?

Seeing none, all those in favor of continuing the matter until June 5th, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So, again, wish you well. Take the opportunity to be clear and precise about your plan.

PETER WHANG: I don't like to do anything without fully researching it anyway.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

APPLICATION: TASTY BURGER 2, LLC

ELIZABETH LINT: Continued from May 1, 2012. Tasty Burger 2, LLC d/b/a Tasty Burger, Betsy Miller, Manager, has applied for a new Wine & Malt Beverages as a Restaurant license at 40 JFK Street, Unit 2-05, with a proposed capacity of 205 (184 seating and 21 standing) and hours of operation from 10:00 a.m. to 4:00 a.m. seven days per week without alcohol sales stopping at 1:00 a.m. Sunday through Wednesday and 2:00 a.m. Thursday through Saturday. Applicant is also applying for an entertainment license to include: Juke Box; Pool or Billiard Table; 3 TVs, Video or Film, Projector Screens; 2 Video Games, Pinball or Automated Amusement Device; Compact Disc; and MP3 Player.

CHAIRMAN MICHAEL GARDNER: Again,

Mr. Galluccio, we have you on the record, but if you could just introduce the other people you have up here.

ATTY. ANTHONY GALLUCCIO: Thank you, Mr. Chairman again. Anthony Galluccio with Galluccio & Watson. I'm here with David Dubois, who is one of the owners to my far right, and to my immediate right Phil Audino, and the manager Betsy Miller to my left.

CHAIRMAN MICHAEL GARDNER: Could we have just have spellings so we are consistent here?

ATTY. ANTHONY GALLUCCIO: Mr. Dubois.

DAVID DUBOIS: David Dubois, D-U-B-O-I-S.

PHIL AUDINO: Phil Audino, P-H-I-L
A-U-D-I-N-O.

BETSY MILLER: Betsy Miller, B-E-T-S-Y
M-I-L-L-E-R.

CHAIRMAN MICHAEL GARDNER: So this is the space where the 7-Eleven currently is, which is

losing its lease, and it's a place where the package license now resides, is that correct?

ATTY. ANTHONY GALLUCCIO: That's correct.

Mr. Chair, if I can, I'm not sure what exactly you have in front of you, but I would like to give you just some photos of the current Tasty Burger, which is on Boylston at Fenway Park. Also a menu, which I think will be helpful.

Ms. Lint, I also want to just submit the abutter notifications and the affidavit for notice.

Mr. Chair, Mr. Dubois will speak to the floor plan and related issues. But you are correct, this is an exciting application, I believe. It allows for a very successful restaurant operated by the Franklin Restaurant Group, which currently operates five restaurants, including one other Tasty Burger. And I can give you some more information on those. One is the

Franklin Cafe in the South End, which is a very well-known, very successful long time restaurant there, the other is the Franklin in South Boston, which is a newer restaurant, again very successful. And Franklin Cafe in Cape Ann, which has been around, I believe, about six or seven years -- 13?

DAVID DUBOIS: 11.

ATTY. ANTHONY GALLUCCIO: Again, another very successful operation, and more recently the Citizen Public House which is outside of Fenway Park, a different model certainly than Tasty Burger, but also well appreciated and successful. I'll give you -- this is just a press kit for those restaurants.

Mr. Dubois grew up in Cambridge, Mr. Chair, and three of the members, so I what I would call a Cambridge success story. Grew up here, went to public schools and went off to

chase a career in culinary. Came back and began with the Franklin after working in a number of restaurants. Has always had a dream of coming back to Cambridge and particularly Harvard Square, and I think beyond that a dream of sort've restoring the type of restaurant that he grew up in, including places like the Tasty Burger on the grills and the family oriented restaurants that were both affordable to students and also neighborhood residents that drew people to Harvard for many years.

So this is a great opportunity. I have nothing against chain markets, but if someone actually lives just outside of the square as well, I'm excited to have a full service restaurant open that's late and brings activity to that corner where there's a current 7-Eleven.

So, again, Mr. Chairman, it's an over 200 seat restaurant, which I think will bring a new

type of activity and vibrancy to that corner. I know you have a number of letters of support from elected officials, and I believe you have a letter also from the Neighborhood Association at the Fenway. I'm not sure if that resident is here, but I want to make sure that that was submitted as part of the record, from a neighbor at his current location of Tasty Burger in Boston, which I think should be helpful.

CHAIRMAN MICHAEL GARDNER: I thought the letter was from South Boston.

ELIZABETH LINT: Franklin Cafe.

DAVID DUBOIS: A letter from both.

ATTY. ANTHONY GALLUCCIO: I can give you the Fenway.

CHAIRMAN MICHAEL GARDNER: We have a South Boston.

ATTY. ANTHONY GALLUCCIO: I have the other letter, Mr. Chairman.

I would give the Commission an opportunity for questions.

POLICE COMMISSIONER ROBERT HAAS: Is this a franchise? No? You owned the other four restaurants as well?

DAVID DUBOIS: Yes.

POLICE COMMISSIONER ROBERT HAAS: And I noticed that in Fenway you are open only to 2:00, but yet, you are proposing to open until 4:00 in Harvard Square, why would you want to open that late?

DAVID DUBOIS: Because, you know, this is a bit of a homage to the original Tasty that used to be on the corner. I grew up working in the square, too. It was always open late at night so we could always get something to eat that served cold liquor, crab feet, and we thought it would be nice to be able to do that, plus taking out at a 24-hour operation there, some near the students

and people that live in that area are used to having open.

POLICE COMMISSIONER ROBERT HAAS: Have you ever had a whole license in your name?

DAVID DUBOIS: Yep.

POLICE COMMISSIONER ROBERT HAAS: Where were you --

DAVID DUBOIS: An all alcohol?

POLICE COMMISSIONER ROBERT HAAS: Any alcohol license.

DAVID DUBOIS: Yeah. Well, we have -- right now we have four full liquor licenses.

POLICE COMMISSIONER ROBERT HAAS: They are in your name?

DAVID DUBOIS: In my particular -- yeah, I have one in my name, Franklin Cafe. And there actually might be another one in my name. One of the other ones in my name as well. There's four partners, so...

POLICE COMMISSIONER ROBERT HAAS: You are a part owner in Franklin, the Franklin Restaurant Group?

DAVID DUBOIS: Founding partner, yeah.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIRMAN MICHAEL GARDNER: So of the five restaurants, if I counted them, four of them have alcohol licenses and one does not.

DAVID DUBOIS: They all have alcohol licenses, one has a beer and wine, that's the Tasty, and the other ones have all alcohol licenses.

CHAIRMAN MICHAEL GARDNER: How integral to the success of the operation is a beer and wine license for selling burgers and hotdogs and nuggets and other items which are on this menu?

DAVID DUBOIS: I consider it very integral just because -- not so much in volume, but certainly in experience. It offers a

different type of experience for somebody to be able to come in and have a beer or glass a wine with their food, especially in the affordable price range. It's not something they get to do often. It broadens the experience and it also broadens the customer base that we can service.

ATTY. ANTHONY GALLUCCIO: Mr. Chairman, if I could also, as you see in the picture, the experience of Tasty is somewhat unique because I think as you'll see in the pictures, it's often frequented by families. You may have a family with a picture of group beer, you may have another family with one parent having a Coke, the other one having a cold beer.

So it's -- it really has struck a good balance between a place where students could come which they do, and enjoy a game of pool and relax and just sort've as one -- we ran into a Cambridge resident one day and they said it's

just a great escape there.

But I think he struck a great balance between families and students which makes it a nice fit for Harvard Square.

I did, Mr. Chairman, want to add and I didn't do this in my preface, we are obviously applying for a no value beer and wine. We gave a lot of thought to whether there was a possibility of waiting some period of time, this really is an integral part of the whole chemistry of the restaurant.

This is exciting for a lot of reasons. As you know, Harvard Square is a competitive environment for banks, chain drug stores and chains really around the country that look to be in Harvard Square.

This was a landlord, who I think was looking to do the right thing and get the type of activity that folks in the square wanted to see

and also someone who feels very strongly about Cambridge and willing to take some significant risks to get into this location.

So I just wanted to say we did give a lot of thought. We think it really is critical to have beer and wine upon opening, and not that it's of any condition, but there was a beer and wine license that was issued to Dado Tea over on Church Street and that license was submitted back. Again, I understand it's not a value, but it's a license that was intended to be used. It wasn't -- I did make several calls. Based on my calls and I have been at this for probably six months continuing to check the market for availability, I haven't been able to find anything by way of beer and wine on the market.

We have sort've scoured the market routinely and there's nothing available that I'm aware of.

So, I'm sorry I didn't address that previously, but I wanted it say that.

CHAIRMAN MICHAEL GARDNER: Thank you.

Could you talk a little bit about your experience in these kinds of restaurants or the Tasty Burger, whatever is the closest here to what you envision for the square, and the kinds of crowd control and noise, boisterousness, underage attempts, other kinds of problems that you have encountered in running a restaurant which focuses on inexpensive food, casual food, but also serves beer and wine?

DAVID DUBOIS: A little bit of a different situation here than in the existing Tasty Burger just because of where the existing Tasty Burger is located is sort've close to Lansdown Street and Machine, which is another club that's up the street, and does have a tendency to have some people late at night coming

mostly on the weekend.

And what we basically did is made sure we were around and had people that were around on the outside. We haven't really had any trouble there.

This is different in a couple ways. The first is most of the seating is in the downstairs area, and so is the bar in the downstairs area, which means that -- and I mean, not like a half basement, like you often see down in the square, but like all the way downstairs. And I think that will help keep the noise off the street in a major way.

The upstairs space is only about 2200 square feet which a lot is taken up with the kitchen and the handicap accessible lift, and the table side, that upstairs area will, I think, lend itself more to like somebody that wants to come in and have lunch, sit down, have something

quick to eat, whereas the downstairs area might be a place where somebody comes with their family for a birthday party, to hang out if you are a student, that type of thing.

CHAIRMAN MICHAEL GARDNER: And how --

DAVID DUBOIS: We don't have a takeout window here as well which we do in the Fenway.

CHAIRMAN MICHAEL GARDNER: So how refined are the calculations with respect to the number of seats? Is this a -- just building code function or have you reviewed the plans? You got your seating arrangements laid out and they have been reviewed by whom?

DAVID DUBOIS: Well, when you say who has reviewed our seating arrangements, you mean who from the City?

CHAIRMAN MICHAEL GARDNER: Yes.

DAVID DUBOIS: Nobody from the City at this point. The architect's suggestion was

somewhere around 245 seats.

That doesn't really work for us because our kitchen is upstairs, so we kinda want less seats upstairs, and we want less seats than that altogether because we offer table service, which is unique to this type of operation in general.

ATTY. ANTHONY GALLUCCIO: The zoning was reviewed for purposes of use, Mr. Chairman, but that's the extent of the review.

DAVID DUBOIS: No official...

ELIZABETH LINT: They wouldn't determine the seating. The architect determines the numbers.

CHAIRMAN MICHAEL GARDNER: You mentioned a lift for mobility challenged, tell us about that.

DAVID DUBOIS: It's basically -- you can see it here (showing sign). If you are going into the upstairs, it's an enclosed lift and it

would take you 12 feet down to the downstairs area and you come out right here (*indicating*).

CHAIRMAN MICHAEL GARDNER: Could you describe the evacuation plans for means of egress both from the basement and upstairs?

DAVID DUBOIS: Well, there are several. One means of egress up the stairs at the entry point. Another means of egress out of this egress door on the Mount Auburn side, okay, as well as obviously, you know, upstairs you have means of egress on both sides of JFK and the Mount Auburn side as well.

FIRE CHIEF GERALD REARDON: This is going to be a full refit obviously from its present use.

ATTY. ANTHONY GALLUCCIO: Yes.

FIRE CHIEF GERALD REARDON: You are looking at new construction basically?

ATTY. ANTHONY GALLUCCIO: Yes.

FIRE CHIEF GERALD REARDON: Are you aware whether or not they will do a full sprinkler system obviously downstairs.

DAVID DUBOIS: There's a sprinkler system.

FIRE CHIEF GERALD REARDON: You're gonna bring everything up to the present code, obviously, to get this done.

DAVID DUBOIS: I believe that's a requirement, yeah.

FIRE CHIEF GERALD REARDON: Okay. And you are aware of the size you have to deal with the crowd manager, and obviously, you will have fryolators, you got that hood law to deal with in terms of how you get that up and out and you have the access panels. Obviously, you have to have a pretty good working relationship with the landlord.

DAVID DUBOIS: Yep, yep.

ATTY. ANTHONY GALLUCCIO: Just to add, the landlord, Mr. DiGiovanni, is here this evening.

FIRE CHIEF GERALD REARDON: So this stage it's all conceptual stuff that has to go before review. Everything is going to be reviewed again in terms of egress, access, exit flow.

DAVID DUBOIS: The application's going to go in, I believe, next week.

CHAIRMAN MICHAEL GARDNER: And could you just describe how the work will be organized? I see you brought two other people with you. You are running five. This will be a sixth restaurant you will be involved in. I'm not sure how much time you will actually be on site. Describe your work plan from that perspective.

DAVID DUBOIS: Well, we built the last two restaurants we've built, we've built with Atlantic Management, and so, we have a strong

working relationship with them. I will be there all the time personally. You know, much to the chagrin of the GC because I'll act as GC for the most part. I find if you are not there during the build-out what happens is, something gets tweaked and then you lose the opportunity to fix it. It becomes too late.

FIRE CHIEF GERALD REARDON: You can always do a change order and fix it.

DAVID DUBOIS: Yeah. That's exactly what I'm trying to avoid.

CHAIRMAN MICHAEL GARDNER: And once it's operational, just the roles of various people.

DAVID DUBOIS: Well, Chris Gothrow is the operations manager. We are also bringing onboard all a lot of the management staff in the existing restaurants currently in order to -- we're carrying a fat payroll right now in order to move these people over when we do get open. A lot of

our work up to this point, too, has been putting the systems work in place that makes this an easier operation in general to oversee and to run, you know, and sort've of the thing that's inherent in any smooth running multi-unit operation, you have to have the technology in place, you know, you've got to be able to see what is going on at all times.

We have stuff that really nobody has. We have things like Tap Minder (phonetic) which, for instance, is a technology that somebody our size usually doesn't use. They use it in big hotels in Vegas. And what Tap Minder does is it monitors everything that is going on in any every walk and every piece of refrigeration, every fryolator, every piece of hot equipment, and it will alert you if the temperature drops in any one of those things as well having a hand-held device that sort of instructs the manager as to

how to do their morning walk-through, their evening walk-through right from the device, as well as, they will be able to take temperatures as they go down the line.

Everything from that, the camera systems and everything else that is generally, you know, sort've cutting edge technology in terms of grease removal and grease storage and things like that as well. There's a lot of that system work that goes into place.

FIRE CHIEF GERALD REARDON: You noticed that we don't Tap Minder here.

DAVID DUBOIS: Yeah. Yeah.

COMMISSIONER MICHAEL GARDNER: So if we were to ask the Boston Police Department or other officials in Boston about the reputation of your establishments and any problems the establishments may have had, what would be found?

DAVID DUBOIS: Oh, I think they think the

world of us. I think they know we're serious operators and we take our neighborhoods really seriously that we're in. We're neighborhood restaurants. We always have been. We don't have a lot of trouble down there or at any of these locations and I've a lot of 2:00 a.m. liquor licenses.

ATTY. ANTHONY GALLUCCIO: Just to note, too, I know of Franklin Southie, which is a little bit of a new frontier in terms of that area has been just lotted in terms of both operation and quality, and I think, as I stated, Mr. Dubois comes from a neighborhood background, he's very proud of it, just from my observations, I know that working with the community to be open certain days that they think it's important to part of community events and so forth, which is just, I think, a nice signal given the organized level of Harvard Square sort've working as a unit

and trying to conduct itself in a way that works in sync for different community events, I think he's well prepared. South End as well, a very tight knit community there as well.

CHAIRMAN MICHAEL GARDNER: For each of the other restaurants that you operate now, what are the hours of operation, both for the liquor licenses and the food?

DAVID DUBOIS: Okay. So if you start with Cafe, which was the first restaurant that was opened about 16 and a half, 17 years ago, that's open to 5:00. Start serving dinner at 5:30, serves dinner to 1:30 a.m., closes at 2:00 a.m. Then the next one would be --

POLICE COMMISSIONER ROBERT HAAS: Do the alcohol services as well, does that run current with the operation of the restaurant, the alcohol service, they run current?

DAVID DUBOIS: Yes. Those hours right

there. Alcohol is -- we try to serve food as late as close to the end of our -- the liquor license service as possible.

So the next one being Franklin Cape Ann is 11, 12 years old now. More 12 years old.

Cape Ann serves -- is open at 4:30, starts serving at 5:00 dinner and drinks, serves until midnight during the week and 1:00 during the weekend, which is the latest license that Gloucester allows.

And we serve a full menu to 12:00 or 12:30 there in the summer and 10:00 during the winter, but that's more of a seasonal-type of location.

The next one being Franklin Southie. Southie again opens at 5:00, and the difference in Southie is that on Sunday we do serve Sunday brunch as well and that starts at 11:00.

POLICE COMMISSIONER ROBERT HAAS: Your

alcohol license?

DAVID DUBOIS: Yes. 11:00.

POLICE COMMISSIONER ROBERT HAAS: 11:00

you start on Sunday?

DAVID DUBOIS: That's correct, yeah, for
brunch.

11:00 open for brunch on Sunday and
everyday of the week there as well we serve until
-- the full menu to 1:30 a.m. and stop drink
service at 2:00 a.m.

Which leaves the Citizen and Tasty.
Tasty opens 11:00, closes at 2:00 a.m., beer and
wine service through that period, that's seven
days a week.

And Citizen, again, the same as Southie
where it serves until 2:00 a.m. and we serve a
full -- you get food until 1:30 a.m. there as
well, and they also have brunch on Sunday.

ATTY. ANTHONY GALLUCCIO: Through you,

Mr. Chair, among the many identities that the Franklin Restaurant Group has is serving good food late. I mean, that has been a signature everywhere and it's been lotted and reviewed in that light both good and late.

POLICE COMMISSIONER ROBERT HAAS: I guess my question is more about the 10:00. I'm guessing you want to have a liquor license from 10:00 until the closing times that you stated here right? What's your hour of operation for alcohol is what I'm trying to get at?

DAVID DUBOIS: In the Harvard Square location?

POLICE COMMISSIONER ROBERT HAAS: Yes.

DAVID DUBOIS: We will be open at 10:00. I think in our application I would say that we would probably start alcohol service at 11:00.

POLICE COMMISSIONER ROBERT HAAS: Okay.

DAVID DUBOIS: And not 10:00. I don't

think anybody who is in there buying a beer at 10:00. The only difference is the one thing different about us, like at Fenway, for instance, you have all the hospitals at the end, right, and you have -- that's all the ambulance drivers, the police officers, the Fire Department, there's a lot of third-shift workers that come in there. And sometimes you will see those people in the restaurant and they may order a beer because it's there -- they just got off work. But it's very rare. In general, alcohol is, you know, not necessarily the predominant thing why they are coming through the door.

POLICE COMMISSIONER ROBERT HAAS: I'm trying to figure out because it doesn't specify when you start serving, that's what I was trying to figure out. If you are going to start serving at 10:00, which doesn't make any sense to me.

DAVID DUBOIS: Yeah, it doesn't make any

sense. 11:00. Same as the existing now.

POLICE COMMISSIONER ROBERT HAAS: How many tables are you putting on the first floor, the upper level?

DAVID DUBOIS: 54 seats.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIRMAN MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Anything else to add before we open it to the members of the public?

ELIZABETH LINT: Miss Miller is applying to be manager of the record, you may want to make inquiry.

CHAIRMAN MICHAEL GARDNER: I was trying to get the roles down here and I didn't quite get there.

So, Ms. Miller, you would be the manager of record?

BETSY MILLER: Yes.

CHAIRMAN MICHAEL GARDNER: Could you describe your experience for us, please, if you have ever held a license in your name before and if not, what experience you have?

BETSY MILLER: I have not held a license before in my name. Right now, I am an operations manager for the restaurant group and staff and train the four Boston locations and have been in the hospitality business for nine years.

CHAIRMAN MICHAEL GARDNER: Have you ever been sort've hands-on manager or assistant manager of a location which has served alcohol?

BETSY MILLER: Always, yes.

CHAIRMAN MICHAEL GARDNER: So as operations manager, I'm not sure I understand.

BETSY MILLER: Very hands-on. Very hands-on.

CHAIRMAN MICHAEL GARDNER: It sounded

like it was a staff job, so...

BETSY MILLER: No. Very hands-on.

CHAIRMAN MICHAEL GARDNER: And the kinds of training you've had so far?

BETSY MILLER: Serve Safe, TIPS certification, and then just general service training.

CHAIRMAN MICHAEL GARDNER: What is ours?

ELIZABETH LINT: 21 Proof.

CHAIRMAN MICHAEL GARDNER: 21 Proof. So if approved you need to do the 21 Proof training.

DAVID DUBOIS: We'll put everybody through that anyway.

ATTY. ANTHONY GALLUCCIO: Mr. Chair, I want to make sure you have Betsy's resume, but her last employ was at Cambridge at Garden of the Cellar which she was manager so -- general manager.

CHAIRMAN MICHAEL GARDNER: I'm sorry,

sir, your role in the operations?

PHIL AUDINO: I'm the owner and CFO, I'm more business end, but as well as hands-on operations because I'm an owner. I'm there all the time.

DAVID DUBOIS: We don't really have a corporate infrastructure. There are four of us who are owners and then there's two operational managers and other managers, but everybody works in the restaurant in the field. There's no corporate offices.

Of everybody here Phil's probably the most -- he handles paying the checks and the payroll.

But all of the owners are chefs by trade. We all come not from the front of the house, but from the kitchen.

CHAIRMAN MICHAEL GARDNER: Uh-huh.

Anything else you would like to add

before we invite the public to speak?

Are there are there any members of the public who would like to be heard on this matter?

Why don't you come forward and we'll ask you to kinda shift to the side or give up your seats for the time being.

So if you would just please state and spell your names for the record, and your interest in the matter.

PRISCILLA McMILLAN: I'm Priscilla McMillan, P-R-I-S-C-I-L-L-A M-C-M-I-L-L-A-N. I live at 12 Hillary Street in Cambridge.

I have known Mr. Dubois almost 20 years. I can say that he's a very, very experienced restaurateur, as you've heard.

I live and work in the square, so I'm often coming home nights where the safety and the orderliness of the square matter a lot to me, and I have usually would -- might oppose this except

that I know Mr. Dubois, and I was a witness to the great care with which he planned Franklin's 18 or so years ago. He just left no stone unturned. And was very conscious all the time of the neighborhood. And particularly of providing good food at a price people could afford.

And I think that area around him, I am sure -- has improved as a result of Franklin's.

I haven't been to the other restaurants yet, although, I heard very good things about the Tasty Burger, too. But the main thing is that he's very conscious of the neighborhood and he will do his best to make it better rather than worse, and I would like to speak very highly of him.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

PRISCILLA McMILLAN: Thank you.

CHAIRMAN MICHAEL GARDNER: Sir.

BILL GLEASON: My name is Bill Gleason,
G-L-E-A-S-O-N. I'm president of the West
Broadway Neighborhood Association in South
Boston, and we're the civic group immediately
surrounding his South Boston location. We have
worked with Dave over the last four or five years
since he's come to the neighborhood. He has
always been very professional and agreeable with
us. We've never had incidents. He operates a
2:00 a.m. liquor license. He also has an outdoor
seating area at his venue in South Boston. And
he's situated smack in the middle of 500 units of
residential housing in the immediate three block
area, and we've never had incident with Dave.
He's always been very amenable to any suggestions
we may have had. The business has been an asset
to the community. It has been adding value since
he came and his generosity to the community, both
our organization and also, South Boston. He's

very well-known and appreciated.

I have been a patron of his other businesses for many years as well. I think he has always run a professional shop.

CHAIRMAN MICHAEL GARDNER: Thank you.

BILL GLEASON: I've also provided a letter to you.

CHAIRMAN MICHAEL GARDNER: We have a letter in the file. If that was from you, thank you.

Anyone else who like to be heard?

Please step forward and state your name and spell it, identify yourself for the record?

DENISE JILLSON: Thank you. Good evening, Denise Jillson, J-I-L-L-S-O-N. I'm the executor director for the Harvard Business Association, and I'm here to lend our support this evening for this application for a lot of reasons.

First and foremost there was just so much excitement when it was announced, and the bloggers were blogging within seconds and, you know, Tasty Burger is coming to Harvard Square and people were anticipating that they were going to Davis Square, and of course, we were delighted to find out that that was, in fact, a rumor. Even my kids were telling me all along, you know, Tasty Burger is going to Davis Square and they were so excited. And I had some suspicion that they were wrong, and we're happy to be able to report to them when it was official, that, no, in fact, they were coming to Harvard Square. There's a great deal of excitement.

And, you know, it's kind of funny when you think that we have over 100 restaurants and how much more excited can we get really.

And, in fact, there's a great deal of excitement and enthusiasm about Paul coming to

Harvard Square being a Cambridge guy back in square, it's really important. So we're in favor of this and hope that you will consider it.

Thank you.

CHAIRMAN MICHAEL GARDNER: A couple questions, if I might.

DENISE JILLSON: Sure.

CHAIRMAN MICHAEL GARDNER: Do you have any concerns about the proposed 4:00 a.m. close, either for the nature of the square or just want to comment on it in general?

DENISE JILLSON: Well, you know, I think the first one that came up was with the International House of Pancakes and there was, you know, a lot of concern, I think, you know, from the neighborhood about what would happen when there's a 4:00 a.m. closing. And in fact, we've never heard a thing. And then there was -- I think it was Tommy's -- isn't it Tommy's?

ELIZABETH LINT: Tommy's Lunch?

DENISE JILLSON: Yeah. They wanted, you know, to have a late night 4:00 a.m., wasn't it or 3:00-ish, and there was some question that they were trying to serve the student population, and then we never heard anything about that. It sort've went and there wasn't any trouble.

And then, of course, when Market in the Square wanted to have the 24-hour service and there was some concern that jeez 24 hours, you know, and the neighbors, there's no complaints there.

I think the most recent one was the Hong Kong with, you know, Paul Lee trying to have late night service. And again, these things happen and they just sort've get absorbed, and there's been no trouble. And, in fact, I think the students like having some late night options. So I think it's fine. I don't think there will be

any trouble at all. You know, the area around Winthrop Park tends to be, you know, I think it could use a little life. I don't think there will be any problems just based on the historical sort've most recent, past again, starting with, you know, Ihop and that was almost five years ago?

ELIZABETH LINT: Oh, no, that was within the last year.

DENISE JILLSON: The Ihop?

ELIZABETH LINT: Oh, Ihop, I'm sorry, I was looking at Hong Kong.

POLICE COMMISSIONER ROBERT HAAS: Three years ago.

DENISE JILLSON: It was three years ago? Yeah. And, you know, since that time we've added a few and really --

ELIZABETH LINT: I can give you the list of what we have on this.

DENISE JILLSON: Yeah, it's okay.

CHAIRMAN MICHAEL GARDNER: Do you have any concerns or -- "concerns" maybe is the wrong word -- but potential for sort've long-time established places in the square, some of which may be known for their burgers who don't have such late hours coming in, and saying "Well, what about us" or "me too," when this newcomer gets what might be considered a perk?

DENISE JILLSON: I suspect you might be talking about Mr. Bartley maybe? The only people who sort've benefit from this, frankly, are the consumers. It's about consumer choice. And, you know, Bartley's has an interesting business plan, and it will be -- I think it will be up to them to sort've see how they react. You know, people have often said, you know, we have a lot of ice cream in the square, we have a lot of pizza in the square, bring on more burgers. I think it's

fine. 8 million people. It's really a consumer choice and what happens every time there's a competitive situation, is, I think, the bar gets raised higher and we're the ones that benefit from that.

So, you know, I had an interesting conversation just yesterday with a young reporter and they asked a similar question, it was like, you know what, competition's a good thing, and if people make it, great, and if they don't, somebody's going to be standing behind ready to take their space, so I don't have those concerns.

CHAIRMAN MICHAEL GARDNER: Thank you.
For the record, I had nobody specific in mind.

DENISE JILLSON: Oh, okay.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who would like to be heard?

JANNEKE HOUSE: Yes.

CHAIRMAN MICHAEL GARDNER: Come, state

your name and spell it for the record.

JANNEKE HOUSE: Absolutely. I'm Janneke House, J-A-N-N-E-K-E, House, H-O-U-S-E. I'm the executive executor of Cambridge Local First. We're a business association of over 300 locally owned independent businesses in Cambridge. I'm here to speak in favor. We're excited for the Tasty Burger to come into the Harvard Square. It's another locally owned and independent restaurant. I think it will add a lot of character to the square as well and be an asset to the neighborhood and the residents and the students as well.

I do have a letter of support, I'll give you that.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Any other members of the public who would

like to be heard?

Mr. Galluccio, do you want to bring your group back?

ATTY. ANTHONY GALLUCCIO: Certainly.

Thank you, Mr. Chair. For a minute there, I thought Ms. Jillson had discovered the art of reading your mind and I was going to ask her quickly how I could learn the same tactics.

CHAIRMAN MICHAEL GARDNER: I do have in my mind the 4:00 a.m. close, which is not something I believe we have done for a brand-new applicant without a track record in Cambridge in the past.

I'm actually not aware of whether or not there's a desire among any existing establishments to make changes along those lines, but I have some sense of concern about equities in that regard.

I also note that apparently all of the

other restaurants have been able to be successful with closings substantial earlier than proposed here, so I'm not sure given the history with the other restaurants that I understand the need or the purpose behind 4:00 a.m. now in this location, and I would like to you elaborate on that.

DAVID DUBOIS: Can I speak to that?

CHAIRMAN MICHAEL GARDNER: Please.

DAVID DUBOIS: So a couple things.

Logistically speaking, I just want to make it clear that one great thing about the layout here is that we shut the whole downstairs down, which means the bar, the pool table, all of that. You know, when the liquor is over, we shut the downstairs down.

So really it just becomes, you know, like the type of place like the Mug & Muffin was when I used to work at Out of Town News or the Tasty

was, you know, those places that you would go in and you would get something to eat. That's really the idea behind it.

You'll notice things like the fixed bar stools here, which is really a homage to Tasty, the original Tasty and places like that that used to exist in the square when I was growing up.

That's the idea behind it. Not to mention the fact that also we really are known as a late night business, in general, across Boston. You will see that in Boston Magazine we have won the best late night dining award around eight or ten times, something like that since we have been open across all our restaurants, and it's a service that we provide. It provides food for the other restaurants that do close at 1:00 and 2:00 a.m., someplace for them to go. We've always been considered industry players.

ATTY. ANTHONY GALLUCCIO: Mr. Chair, can

I also add, it's important to note that the existing location is open 24 hours, so as someone who lives just outside of Harvard Square who is often frustrated at some restaurants that aren't open on Sundays that I wish they were, but seem to have a good enough business during the more touristy times, but this location is open and accessible, it's just -- it's a chain where you can get -- you can certainly get a hotdog on a grill and get prepared foods at any time. I just don't -- I want to be delicate and sensitive.

7-Elevens are important and they certainly serve important needs in certain areas, but this becomes a place where you can get, I would argue, a much better quality food at a late light night time.

So, to me, this is sort of a historic opportunity where I was of the mindset certainly prior to my prior practice, but as an elected

official, too, is thinking that, you know, sort've a locally operated restaurant could never beat out a chain operation in Harvard Square anymore, that it would always be a 7-Eleven or a bank or a drugstore or -- and certainly more chain-oriented restaurants in a similar field.

So I'm not sure we will have an opportunity like this again, but I think if this landlord is proven correct in his risk assessment and this operator does what I think the community feels he will do, I think it also sends a message to our landlords in the square that sometimes if you take a chance, you end up in an even better place, because I can't speak for the landlord, but many would argue a safer move would have been just to continue operation with 7-Eleven or gone to one of those other uses. So I don't think I'm aggravating by saying this is really an historic operation by a proven late night operator that

brings -- there are a lot of consumers that are -- Harvard Square is still a magnet that you pass through, not just for students, but folks like me who live in the city.

If you were to have a late night option, you would hope Harvard Square would be it, and at this point, the Commission has taken some action certainly, but at this point, as Mr. Dubois alluded, with the loss of the Tasty and places like the Mug & Muffin where we grew up in selling newspapers, we both sold newspapers at 4:00 in the morning, and there were places to start -- you could start your shift and get something to eat in the square, and those are gone.

So I would ask that the Commission err on the side of taking a chance given this landlord's experience in these types of assessments, this operator, the location which is currently a 24-hour location where you can go get food at

5:00 in the morning, it's just not the quality and certainly not with the level of supervision that you will get from this restaurant group that currently exists at the 7-Eleven, which it maybe two employees, but certainly not a staff of this experience at that time of night.

So, I think it would be an improvement at that location.

CHAIRMAN MICHAEL GARDNER: I understand, sir, that your intent is to close the downstairs basement down entirely with the ending of the liquor service at 1:00 or 2:00?

DAVID DUBOIS: Yes.

CHAIRMAN MICHAEL GARDNER: And then the only service would be the restaurant food upstairs?

DAVID DUBOIS: Yes.

CHAIRMAN MICHAEL GARDNER: So 54 seats.

DAVID DUBOIS: That's right. And to

speaking to what you were talking about before, I think it's an interesting point, because a lot of people have been coming up to me and asking me that very question. It's like, you know, is Harvard Square saturated with burger places. It's kind of a funny question for me in general because I grew up around here, and I think I had my first Bartley's burger when I was like really like seven years old, and Charlie's double cheese burger specials when I used to work at the Charles Hotel in those kitchens, we used to sneak out during our break and run across and get the double cheese burger special at Charlie's. And I know those burgers pretty well, and I liked those burgers, and I don't think there's anything I could do, under any circumstances, to hurt business that have been around that have that type of reputation. I think they are untouchable. And the beauty of this whole thing

is they are all different, you know.

I mean, you know, Harvard Square has always been competitive when it comes to choices.

It's funny when you were saying Tommy's Lunch, all these memories came flooding back.

But the true of the matter is I don't think I can touch those places. I think there's plenty of room and my product is a little different anyhow.

CHAIRMAN MICHAEL GARDNER: So I understood Mr. Galluccio to say this was a historic opportunity and we shouldn't lose it. One thing that's not clear to me is whether or not your business model or your finances and your projections leave open the possibility of our dealing with this in potentially stages, which has been a practice we have followed well before my tenure on the Board, which is, you're new, you are open with a more conservative set of hours,

you prove yourself over time, we're more amenable at a later time to potentially opening the hours up. And so I think Mr. Galluccio's at least his remarks could be interpreted as sort've this is all or nothing, you know, give us 4:00 a.m. or we're not viable and I don't know if that's, in fact, what you are meaning to communicate to us.

DAVID DUBOIS: Well, the dilemma that's inherent in that type of a statement is having been in this business for a really long time, you really only get one opportunity to present yourself to the community in the way that you want to present yourself.

In other words, this is our business, this is our practice, how we do things. Having had to do it in the past, I can tell you that it does actually hurt the business model. You know, it is always better to come out with, you know exactly who you are and what your restaurant is

gonna do and who you are going to be. People get used to you being open during those hours. It's not always something that you can win back over.

I mean, that said, you know, it's ultimately the City of Cambridge and this Board's determination what is the best thing.

But from my experience, as a restaurateur, it's always really tough to shift gear, you know, it just gets tough.

That initial opening is so important, you know, it's what everybody writes about, it's what everybody talks about, it's the word-of-mouth that goes around is.

I do think there's a service inherent in it, I really do. I've always felt like it in the past in the places that I'm talking about that meant so much to me growing up, and I think that it's something, especially on that corner across from the park, I think it is something that will

bring an added benefit.

Certainly what Priscilla was talking about, about, you know, safety, too, that's another thing. It's always nice to know that there is that place open. I can't tell you how many people that we -- in our Shawmut Ave location, it was a pretty rough neighborhood, it's dead in the center of a residential neighborhood, and something I had never thought of before, but so many people had told me, you know, after we had opened that they knew that if they could at least make it to the Franklin, they had lights on, you know, and they could get there. That's another benefit not that Harvard Square is a particularly dangerous place for the most part. Yeah.

CHAIRMAN MICHAEL GARDNER: Ms. Lint could you review for us what some of the hours of the other operations are?

ELIZABETH LINT: Besides from the obvious 1:00 a.m. and 2:00 a.m., Trotter has a 2:30, that's down on Mount Auburn. Ihop has a 4:00. Hong Kong has a 3:00 and Falafel Corner has a 3:00. Hong Kong just got their 3:00 a.m. within the last year and they have been there for over 30 years.

CHAIRMAN MICHAEL GARDNER: Thank you.

I guess, Miss Miller, I got a little confused by your answer to your experience when I asked before Mr. Galluccio gave us the resume, I understood you to be saying that you were the operations manager for this group.

BETSY MILLER: Yes.

CHAIRMAN MICHAEL GARDNER: But your resume says you were at the Garden at the Cellar. Maybe you can clarify how long you have been with the Franklin Group.

BETSY MILLER: So I left Garden at the

Cellar May of last year. When Chef Will was selling his business, and I joined the first week of June with the Franklin Restaurant Group, so I have been there ever since.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: No more questions.

FIRE CHIEF GERALD REARDON: No. Just for the record my almost 13 years here, I don't take the history, that we do this in steps. I've always taken a vote on all these based upon individual facts. So I would like to state that because it keeps coming up. I don't agree with that philosophy, but it's all based upon where they are going, what is going on. Obviously on my side of the fence and the Commission, too, some of the issues of safety, safety in the square, I think it's probably personally I'm not

defending the 7-Eleven group, a step up in terms of where we are right now in terms of the all-night at that location, but I'm looking at these on a case-by-case basis so everybody understands.

What I agree to tonight may not necessarily what I agree to next week based on the situation that's presented to me, so...

CHAIRMAN MICHAEL GARDNER: Commissioner, do you have any need --

POLICE COMMISSIONER ROBERT HAAS: I don't know if Mr. DiGiovanni --

JOHN DIGIOVANNI: Is it okay?

CHAIRMAN MICHAEL GARDNER: Sure, please. Just state -- identify yourself for the record.

JOHN DIGIOVANNI: SURE. John DiGiovanni, D-I-capital G-I-O-V-A-N-N-I, with Trinity Properties, the property that Tasty is intending to locate. So, obviously, I don't say that I'm

in favor, but I'm pleased to hear what the chief had to say. When we thought about leasing this, and Mr. Galluccio is correct, 7-Eleven wanted to stay, and one of our conditions was that that corner stay alive. We were not going to put in a bank. We were not going to put in a cell phone store. We wanted something alive and truly because of Mr. Dubois' experience, not only just here, but what he has done in the industry is what made us believe he could do this and this would not be a risk for the community.

And proving themselves, whether they approve it here in Cambridge or in Boston, to me, we're looking at people all over, from all over look to come in Harvard Square. And it's really because of his experience and his willingness, we wanted quite frankly 24 hours a day, but as a practical application, that wasn't going to work for this operation. We were pushing for later

hours because we think -- by the way, we have staff in that building 24 hours day. One of the few property owners in the square that has staff on 24 hours a day.

So I just want you to know that it matters from our standpoint because we want this to be viable. We turned away a very creditworthy retailer there. We don't want to have turnover. I want David Dubois and this operation to be here 20 years from now. I do believe that how you come out to the market, the kind of press you get, really does matter.

I just want to be on the record that actually is critical to, I think, the operation and what our goals were for that corner.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you.

Commissioner, anything?

POLICE COMMISSIONER ROBERT HAAS:

Nothing.

CHAIRMAN MICHAEL GARDNER: You feel any need to do any checking of the Boston experience or are you satisfied?

POLICE COMMISSIONER ROBERT HAAS: Would you feel more comfortable if I did the checks and deferred to a decision hearing?

CHAIRMAN MICHAEL GARDNER: I'm more interested in that regard -- we have done that before.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIRMAN MICHAEL GARDNER: And I take the point of view that precedent perhaps counts for more than chief may have indicated, but I defer to you on that issue.

POLICE COMMISSIONER ROBERT HAAS: I mean, I'm encouraged by the number of neighborhood associations, particularly the south location where you've got it imbedded inside a large

apartment -- housing complex and there hasn't been any issues or things like that. I think there's been some testimony already with respect to their reputation in other locations, but I would be more than happy to go further if you'd like.

CHAIRMAN MICHAEL GARDNER: Does that present issues for you logistically? We're scheduled to meet again June the 5th.

ATTY. ANTHONY GALLUCCIO: I would just say and you would know better than I, the timeline if we're fortunate enough to be approved for all of the various applications that are before you, that the ABCC is gonna take a little bit of time.

Mr. Dubois has predicted correctly, I think, on two other occasions and proven me wrong in his ability to get construction schedule done on time. He's probably the only operator I have

seen actually do that. I think the estimated opening is right -- is it after Labor Day?

DAVID DUBOIS: Early September, late August.

ATTY. ANTHONY GALLUCCIO: Again, you and Ms. Lint would know better than I, but I think we're getting close to a turnaround challenge with the ABCC if they -- if they don't move quickly. Summer isn't particularly the best time for investigation.

ELIZABETH LINT: Correct.

CHAIRMAN MICHAEL GARDNER: All I've got is anecdotal experience. But it just seems that they take a lot longer than we do for whatever reasons.

POLICE COMMISSIONER ROBERT HAAS: That's fair to say, yeah.

ATTY. ANTHONY GALLUCCIO: I'm trying to do that subtlety. I'm not sure who is in the

audience tonight. I would not want to go into July and August looking for a quick investigation and decision.

FIRE CHIEF GERALD REARDON: I guess one of the things, you know, I'm still out in the square in the middle of the night less than I used to be in the old days and probably would rather not be out in the middle night as I much as I am.

But there are a lot of other establishments out there and there still is a need for places, liquor services closing at 2:00, just like I was in favor the Hong Kong, again, on a case-by-case basis is that I do as someone who used to frequent the Tasty in the old days, that there is a need out there for a decent quality place to go and grab something before people travel off.

So again, it's the recommendations of the

people involved and the landlord and all the things together that helps me formulate some of my decisions.

Again, the fact if I was to -- if we would approve 4:00 a.m. doesn't mean that I would be in favor of another 4:00 a.m. that came two weeks from now.

So, in this particular case, I think it does serve a valid service and there's a lot of places, people getting out at 2:00 a.m. that I think would be well served by going to someplace and having something to eat.

CHAIRMAN MICHAEL GARDNER: Well, I say I'm -- I guess I'm surprised and encouraged given some of our recent experience that we don't have any public opposition to having another reasonably large operation selling alcohol late into the evening that spills over into the nonoperating subway system.

ATTY. ANTHONY GALLUCCIO: This was also a double-noticed meeting just for your -- which Mr. Dubois doesn't have the bill yet for the mailing, but it was -- I actually think it was helpful because the ask is not insignificant and we spent a lot of time vetting it, and I asked the operator numerous times, "Are you sure this is what you need?" I have been to the other locations, but particularly, the Tasty because that's the concept and really spent a lot of time vetting it, but the fact that we renoticed all those involved, and I received one phone call from Mr. Dickson or Dickerson from hardware and he had some general questions and asked me to send the menu and I did.

But I think the fact that it has been out there for a long time and there's been nothing but support, I think is a good signal.

CHAIRMAN MICHAEL GARDNER: I agree with

you.

Pleasure of the Commission? And if you are comfortable, I don't need to have it delayed. If you want it -- if you think that's something that's prudent, then I, of course, support it then.

POLICE COMMISSIONER ROBERT HAAS: I'm encouraged by the number of people that have come out spoke in favor of the concept. I'm encouraged by the fact that this has been a 24-hour operation. It's not something that's going to be overly unique with respect to the later hours.

I'm encouraged you have 17 years of experience and have been successful in your various different endeavors. I can't expect that this is going to run any less professionally.

I'm particularly encouraged that you are closing the downstairs area, you are not serving

alcohol. It does shrink your business to those later hours and keeps it really confined to an area where the kitchen is, where all your employees are and things like that, so you are not going to experience problems from that standpoint.

So, you know, I would imagine -- it would be very easy for me to vet it further, but I don't know if that's really necessary at this point in time.

I'm also encouraged that we have people that admittedly would be opposed to late opening, but are speaking in favor because of your reputation. That means a lot to me as well.

So, Mr. Chairman, I'm inclined to support the application as stated.

CHAIRMAN MICHAEL GARDNER: All right. I have not yet decided how I'm going to vote. I think that what bothers me the most about it is

that I think a restaurant is, in fact, different than a convenience store in terms of what it brings, adds, detracts from the neighborhood and I'm not sure that I feel sufficiently comfortable that this vote will -- what it will mean with respect to the future of the square in the late night hours and I regard that as a reasonably momentous decision and I'm uncomfortable with it so I will ask the pleasure of the Commission.

POLICE COMMISSIONER ROBERT HAAS: Would you feel more comfortable with a six-month review associated with it? Reserve our right to roll back the hours if they have problems?

CHAIRMAN MICHAEL GARDNER: Yes.

POLICE COMMISSIONER ROBERT HAAS: So I make a notion to support the application as stated with the stipulation of a six-month review and the stipulation that you're assuring us that all your employees will be equivalent proof

certified.

DAVID DUBOIS: Yes.

FIRE CHIEF GERALD REARDON: And, obviously, they have the caveat they have a number of permits and all regulations stipulated.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIRMAN MICHAEL GARDNER: And when you say that you're talking about a 11:00 a.m. alcohol serving which is not in the paperwork from what I understand, but that's --

POLICE COMMISSIONER ROBERT HAAS: I think he clarified that during the system.

CHAIRMAN MICHAEL GARDNER: Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Any further discussion?

All those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: No.

And it's for the reasons stated, but the motion carries.

On that basis, I think I will join the crowd in welcoming you enthusiastically to the City and wish you the very best.

ATTY. ANTHONY GALLUCCIO: Thank you very much.

DAVID DUBOIS: Thank you.

ELIZABETH LINT: For the record, all the background checks were fine.

APPEAL: AJAY SACHAR

ELIZABETH LINT: Hackney appeal: Ajay Sachar, holder of a Cambridge Hackney License No. 29551 is appealing a \$300 fine for failing to provide service to a passenger with a service

animal.

CHAIRMAN MICHAEL GARDNER: So there having been -- this is his appeal, is it not?

ELIZABETH LINT: This is his appeal.

CHAIRMAN MICHAEL GARDNER: So I suppose we have the option of continuing or would you say we have the option of merely denying the appeal based on the failure to prosecute?

I'll make a motion that we deny the appeal based on the failure of the appellant to prosecute his appeal with the caveat that if he presents a satisfactory reason to Ms. Lint for his nonappearance satisfactory to Ms. Lint, that we consider reopening.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion made and seconded.

All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: For anybody who is here for this and who wish to speak, I apologize you didn't get the opportunity, but...

The chair recognizes Michael Muehe, executive director on Commission on Persons With Disabilities for the City of Cambridge, and really one of not so unsung heros anymore of city work, someone who always offers good, sound and sage advice to people who are grappling with some of the most complex and perplexing issues that we face. Michael, thank you for coming. BLUE MOON LIMO, CORP.

REVIEW: BLUE MOON LIMO, CORP.

ELIZABETH LINT: Review of Blue Moon Limo Corporation, Ben Jimma, manager, holder of a

livery license at 33 Lincoln Way as a condition of your original license approval of November 1, 2001.

CHAIRMAN MICHAEL GARDNER: Good evening. If you could just please state again and spell your name for the record?

BEN JIMMA: Sure. Last name is J-I-M-M-A, and first name is Ben, B-E-N.

CHAIRMAN MICHAEL GARDNER: So, I believe we approved the livery license awhile ago, I think?

BEN JIMMA: Yes, six months ago.

CHAIRMAN MICHAEL GARDNER: We asked you to come back and tell us how it was going.

BEN JIMMA: Yes.

CHAIRMAN MICHAEL GARDNER: How is it going?

BEN JIMMA: Doing great. Thinking about expanding, adding one more car in the coming

year.

CHAIRMAN MICHAEL GARDNER: In the coming years?

BEN JIMMA: Yes.

CHAIRMAN MICHAEL GARDNER: Tell us about how the business model is working and how you are able to get clients, and assure us that you are not picking people up without the proper notice.

BEN JIMMA: Actually, on-line marketing is working good pretty good. We have a company from Canada who is doing our marketing on-line, and so, it's working pretty much in our favor.

CHAIRMAN MICHAEL GARDNER: Give us some sense about the sort've volume of the work in terms of different types, whether it's package runs or package delivery or airport work, what is the nature of the business?

BEN JIMMA: We not doing packages due to our -- we don't want to damage any cars. It's

more valuable for us. Our business is just individual transportation, a lot of airport runs from downtown, a lot of corporate accounts, lawyers. Those are the simple carry on we do.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard?

Seeing none, I just make a motion that we place the matter on file.

BEN JIMMA: Okay.

CHAIRMAN MICHAEL GARDNER: And wish you well.

BEN JIMMA: Thank you.

CHAIRMAN MICHAEL GARDNER: I made that motion.

Second?

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Good luck.

ELIZABETH LINT: May I suggest what we take the policy discussion after we get rid of the people.

CHAIRMAN MICHAEL GARDNER: Yes.

APPLICATION: WESTPORT RIVERS

ELIZABETH LINT: Application: Westport Rivers, Robert Russell, manager, has applied for Farmer's Winery license for the Central Square Farmer's Market.

CHAIRMAN MICHAEL GARDNER: Good evening

at this late hour.

We'd appreciate it if you could state and spell your name for the record and also identify your affiliation.

ROBERT RUSSELL: Sure. Robert Russell, R-U-S-S-E-L-L, manager, for Westport River Winery.

CHAIRMAN MICHAEL GARDNER: Tell us about your history with Cambridge, if any.

ROBERT RUSSELL: Well, our history began last year when I attended this meeting at about the same time of the year and you granted me a permit to attend the Central Square Farmer's Market, which we did throughout the farmer's market season, and it was, I guess, uneventful from the standpoint of having come before you for any other reason last year.

It was successful for us, as a business, in many ways, as all the farmer's markets that we

attended -- most of the farmer's markets we attended were. We were able to generate a sample, create a sale possibly, get an email address and also hand people four by nine cards, which I don't have any, but we have a four by nine card inviting people down to our farm. That's a great way of doing marketing and sales for us, and we build the communities awareness to more local agriculture in Massachusetts.

CHAIRMAN MICHAEL GARDNER: Did you experience anything that you thought was an inspection by the City, either from the Police Department or the License Commission, anybody ever come and check upon what you were doing as far as you know?

ROBERT RUSSELL: No.

CHAIRMAN MICHAEL GARDNER: Any incidents?

ROBERT RUSSELL: No.

POLICE COMMISSIONER ROBERT HAAS: We had

a couple folks that were also experimenting with this concept in Cambridge, and they didn't find the experience as rewarding and successful. I'm just trying to figure out why your business plan is different than the others or do you think is it the location?

ROBERT RUSSELL: I spoke briefly, very briefly, with one of the other people and their reason they gave to me was the traffic flow wasn't there through the market. We're in a different market. I haven't been to the other market that they were at, so I can't compare the two. That's the only thing that I can guess because we do similar things. Our wines are different, that may have something to do with it, but I double it. We've got good wines.

POLICE COMMISSIONER ROBERT HAAS: You were established here in Massachusetts commercially in Massachusetts as well, right?

You're established pretty well
commercially in Massachusetts?

ROBERT RUSSELL: Boston is a good market
for us.

POLICE COMMISSIONER ROBERT HAAS: Okay.
I was just curious was your experience
was different than the others, that's all.

ROBERT RUSSELL: I'm not quite sure. I
didn't do all the markets. We got a really great
sales lady who did some of them. I think some of
it's salesmanship, and being local enough to
project -- to encourage people to -- we didn't
hawk at people, but it's not sitting in a chair
waiting for people to come over. It's standing
and encouraging people to engage with them in a
conversation.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, is
this the location which is City owned?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: And whatever issues were dealt with last year status quo is the same, we don't have any problems with that?

ELIZABETH LINT: No problems.

CHAIRMAN MICHAEL GARDNER: Chief?

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add before we open it to the many members of the public who are probably here to comment?

ROBERT RUSSELL: No.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public here to comment?

Seeing none, I make a motion to approve the application for the farmer's winery license for the Central Square Market under the same operating terms as last year.

ROBERT RUSSELL: Correct. No changes.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Motion carries with no nays.

Wish you well. Welcome back to Cambridge. Hope you have an experience which is profitable to the residents, visitors of the City and to your business.

ROBERT RUSSELL: Thank you, Mr. Chair.

APPLICATION: DICIPLES, LLC

ELIZABETH LINT: Application continued from March 20 and April 3, 2012. Diciples, LLC d/b/a Bull BBQ, Daniel Shin, manager, has applied for a new common victualer license at 57 JFK

Street, basement level. Said license, if granted, would allow food and nonalcoholic beverages to be sold and consumed on premise with operating hours from 11:00 a.m. to 1:00 a.m. seven days per week with a seating capacity of 95. The application for an all alcoholic beverages as a restaurant license has been withdrawn.

CHAIRMAN MICHAEL GARDNER: If you could please state and spell your names for the record and identify your affiliations.

ATTY. KAREN SIMAO: Good evening, Mr. Chairman, members of the Board. Karen Simao, McDermott, Quilty and Miller.

Simao, S as in Sam, I-M-A-O. Law firm is McDermott, Quilty and Miller at 131 Oliver Street in Boston.

With me I have Mr. Jin Kim. J-I-N is the first name, last name K-I-M. And also with us is

the contractor on site Chris Yocum, Y-O-C-U-M.

CHAIRMAN MICHAEL GARDNER: Hello. So there's a letter in the file received from the firm, which seems to indicate that you are withdrawing, although perhaps not permanently, a request for an all alcohol license, although I did read it to indicate that if upon passage of time or further investigation and review, and experience, the applicant should come forward again, we would be expecting a nonvalue, nontransfer license as opposed to revival of the prior license which has expired.

ATTY. KAREN SIAMO: You are correct, Mr. Chairman.

CHAIRMAN MICHAEL GARDNER: I think, you know, the subject of this matter being subject to at least two very long hearings in which a lot of evidentiary testimony or evidentiary information was taken, some of it being representations by

you from the client, which subsequently, particularly the activities of what, in fact, was going on last December was potentially brought into question. I think the Commission welcomes the decision to withdraw your request for the alcohol license.

I think, at least in my mind, there were clear credibility problems which perhaps, you know, we can set aside potentially if we're just dealing with the CV. But I also thought there was some competence questions, and whether or not this group, in fact, has the planning, managerial capacity to pull off not only the financing and the construction, but also the restaurant operation.

We did go through the old records, found there was some representations back in, I think, 2010 that the restaurant was about two weeks from opening. Well, you know that's a credibility

question on one hand since, of course, it didn't, but it raises questions about, you know, what possibly could've happened then.

And the -- I don't think any of us think we have the real story about the spring, summer and fall and early winter of 2011 and what was going on.

Having said that, I ask you to persuade us why this group, which has such a poor track record before us to date is deserving of this opportunity?

ATTY. KAREN SIAMO: Thank you,
Mr. Chairman.

To dovetail on to your comments and as I believe was stated in the letter from Attorney Miller and myself, it's clear that there have been inconsistencies presented to counsel and relayed as such to the Board.

I think that many of those same

inconsistencies were, in fact, presented to this licensee, proposed licensee, Mr. Kim, and I need to tread carefully when I say that, but, as I sit before you today, maybe a quarter of the way through our investigation of where these inconsistencies are coming from and how it occurred, I do think that Mr. Kim did his best to try to represent to the Board. I think there was a language barrier on some questions, but some of the issues that were raised that may have related to the property itself, and not this particular operator, they were unaware of, and we do not have any information to date to suggest differently.

I say that cautiously because I have presented information to the Commission before that I had no evidence to the contrary and we know that some of those inconsistencies have come up.

That is precisely the reason and understanding that there is a higher standard and a higher duty for a licensee serving alcoholic beverages, that is the number one reason that we suggested and Mr. Kim agreed that it made sense to withdraw the application for alcohol service and the request for a liquor license.

He understand the questions with credibility that are on the table and would very much like to take this opportunity to show the Commission that this is a viable concept that he is capable of running it to build credibility with the Commission. So that if in the future any additional request is made for a license with a higher standard duty, that this Commission could, number one, have familiarity with them and their operation in your City, and, number two, hopefully have overcome some of those issues.

So, in terms of Mr. Kim's experience in

operating restaurants themselves, I do think that's a separate and distinct issue from the financing pieces over the years.

I am, I can report to you today that we have final signoffs from electrical that was received May 10, plumbing May 15, health May 15, both of which were today. The fire -- final fire is scheduled for 10:15 tomorrow morning after which we call building department for their final inspection.

In terms of the money that went into construction, where we are, there are very specific dates and very specific times. I have the signoff sheets here. I asked that the contractor be here so at least on that issue, which has been a credibility issue for a couple years with this Commission, there are some very concrete answers to that today subject to the building final inspection, and they have been

there several times, so this should really be them coming in and signing off presuming this Board is prepared to do so.

These folks would be able to open, would be able to get themselves to work and other people to work as early as Wednesday next week, so this is really go time on this.

Mr. Kim, and I don't know -- at least during my representation in this, which has been my firm in the last couple hearings, I don't know that at the initial hearings, prior counsel talked about Mr. Kim, his involvement in operations and his involvement in the restaurant business focusing only on food service right now, but Mr. Kim does have experience with Bonchon, which you may or may not be familiar with in the Allston area, which has wonderful write-ups in terms of the food service operation. It's a very clear indicator that should've been presented

initially with the original application. I don't know whether or not it was.

I would like Mr. Kim to maybe just give the Board a little sort've a couple sentences on your experience in running restaurants and operating restaurants to sort've whether to refresh or get it on the record so they can have that information.

JIN KIM: I have been working Korean restaurants around 13 years in Boston area, and the Cambridge location we're going to do Korean restaurant like more likely. Like Korean barbecue restaurant. I know there's one Korean barbecue restaurant in Central Square. It's Koreana, but probably we're the only one restaurant in Harvard Square Korean restaurant and also we're going to do Korean style fried chicken wing and now in Allston location, just as she said that, the Bonchon Restaurant has been

famous in Allston area, so I'm expecting we have a lot of customers around Cambridge area because half of our -- 40 percent of customers is Cambridge area. So that's what I want to do in Cambridge right now, the Korean barbecue restaurant and Korean cuisine and also, you know, Harvard Square is college-town, so we want to Korean style fried chicken wing. That's what I want to do.

CHAIRMAN MICHAEL GARDNER: So, in the past I believe it was Mr. Shin was presented as the general manager. Does he still have a role here?

ATTY. KAREN SIAMO: Both Mr. Kim and Mr. Shin. Mr. Shin had a family issue this evening and couldn't join us. He had been here for the last hearing.

Both he and Mr. Kim will be active. Mr. Kim, in fact, will probably be the person

that if any of the Commissioners were to come in or inspectors were to come in will be there really as an owner, he's an on-site owner that will be there.

JIN KIM: I probably gonna stay inside kitchen because I'm most like cook, so like I have to stay in kitchen more.

ATTY. KAREN SIAMO: Mr. Shin is sort've the face on the outside.

CHAIRMAN MICHAEL GARDNER: So I apologize for not having a good memory here, but I think we have a couple of individuals with the same last name, and my memory is that -- my sense of it is you were at the second hearing, but not the first or do I have it reversed?

ATTY. KAREN SIAMO: Since our firm?

CHAIRMAN MICHAEL GARDNER: Yes.

ATTY. KAREN SIAMO: Mr. Kim has been at both hearings and Mr. Shin has been at both

hearings both the March 20 and April 3rd.

CHAIRMAN MICHAEL GARDNER: Are you a minority owner in the group or -- my sense was at some point there was --

ATTY. KAREN SIAMO: There are four owners. You are recalling correctly. So divided by four people, yes, it's technically a minority interest in that. However, he is paid as the chef and the on-site person there as well.

CHAIRMAN MICHAEL GARDNER: Thank you.

JIN KIM: I'm going to say in the kitchen like seven days, six days.

CHAIRMAN MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: So I guess our concern and oftentimes we're presented with this notion that in order for a business to be successful, it has to be alcohol associated with it. So, I guess my apprehension quite honestly is I understand you are trying to make

your best effort to open the restaurant with alcohol. I just want to be sure that in the course of a month, two months, three months or four months, we don't have the applicant come back saying, "Well, jeez, in order for this restaurant to be viable, we need an alcohol license."

I think what we're looking for at this point in time now is to your point that he needs to establish the credibility with this body, right? So I don't think if the argument is gonna be, I'm cautioning you from my perspective that if you're going to come back in three months and say, "Well, we're not making it, we need the alcohol license," I'm not going to be persuaded in light of everything we've listened to so far, I want to be very clear about my concerns about what is being presented tonight.

So your intent is to -- your intent is to

get a CV license, open up your restaurant in a week, I'm understanding, or in the next couple weeks and then you think you can make a go of it without alcohol.

JIN KIM: I have to prove my term because I know we -- I know without liquor license doing restaurant business, you know, is good and bad. But I thought about a lot -- what I should I do without liquor license, but I have to do what I have to do. I was there like everyday this day, I can see Harvard Square has a lot of lunch business, everybody know, and dinner, I have to push the dinner, and also that's why I want to do a fried chicken wing because probably we gonna have some late night customers. We also do take-out and some delivery business, so, you know, that's what I planning right now do.

I have to prove myself, as I said, to Mr. Chairman, I want to go in Harvard Square. I

don't know what's gonna happen like, you know, six months later or three months later once we prove ourself and once we get a chance then -- that's too far away for me.

POLICE COMMISSIONER ROBERT HAAS: My point to you is I'm just trying to caution you just can't now say, "Well, we tried to make a go of it," and you come back and say "In order to make a go of it, we need an alcohol license."

I think what we're saying to you is based on your representation to us tonight that you want to establish your credibility, and if your view or position, and it might not be anything under your control. There's going to be -- I'm going to come back in two or three months and ask you for the licence because I need to establish -- I can't survive, right?

Then that brings in further question to the chair's position is we're really starting to

wonder your ability to run a business in light of this history you have been through.

ATTY. KAREN SIAMO: To be completely upfront with you, Mr. Haas, I'm not sitting here telling you that this client can make a go of it without a liquor license. I'm sitting here telling you that we understand and we have conveyed to our client and he understands that there are very limited options here at this point because of what has gone on in this particular situation.

One option is I tell this client to walk away, be in default under a lease, having spent about half a million dollars in a space and walk away or try to do what you can to build a good relationship with this City and this Board, try to recoup some of those costs even just selling food. There's no question that there is a different element almost with alcohol service,

but in this case, that's before you tonight, and in looking at things on a case-by-case basis, we completely understand why the Board can't be in a position to grant that right now.

I don't know how many months it will take for this individual and this business to prove themselves to the Board, I can't tell you when we'll be back. It could be we're back in three months, it could be six months and when we do, you know, we have support? Does the Board say "We have been watching you. You have been doing a good job," I don't know.

But the argument at that point in time whenever that happens, will be based on the fact of the history of what's happened here and our understanding that we knew we had to prove ourselves to you.

I just want to be clear we're not saying here that we know we can be successful without a

license because that's the part of the business plan, it's part of the Bonchon business plan in Allston right now, but there are very few options for them. They can either make a go of it right now to prove themselves to the Commission and to the City and serve food and try to -- they are invested in it. The dollars are in it. So it's either that or walk away from the deal, and they chose to really want to be a part of this community, if you'll permit them to do that.

FIRE CHIEF GERALD REARDON: I'm glad you summarized that because that's pretty much my thought process on this. There's not too many options. I personally don't think if you are successful that they won't be back at some point in time, but they will have a track record at that point. Again, I have to tread lightly, too. There has been like two years. It's not exactly a model of construction efficiency. I'm sure you

haven't been there the whole time.

GARY YOCUM: I'm new.

FIRE CHIEF GERALD REARDON: I understand.

But in terms of the amount of time that's been out there and what is going on exactly, I don't think other people are going to take your blueprint as the good way to open a restaurant. You have a lot of trials and tribulations, and, again, I summarize myself that this is your only option other than what counsel has said, and obviously, none of us here want to see anyone fail. None us want to see someone lose money on a venture. And I personally hope that you are successful as you move on because you put a lot of time and effort. Obviously, there's a lot of financial repercussions riding on this.

ATTY. KAREN SIAMO: And let me also just say to the extent our firm represents this particular applicant in the future, if there's a

full license, what we have made very clear is that we would not -- we're doing this very thorough investigation to be able to if and when that point comes up, however many months from now, hopefully it will be all of us still in the same room and we're all here in good health. We all sort've remember the history here, so we know if that happens in addition to the track record there will be, you know, some explaining to do.

FIRE CHIEF GERALD REARDON: Seeing as we all know, he's not a good builder or designer of a restaurant in terms of managing construction, but we don't know what his chef skills are. I guess I have to give him the benefit of the doubt that his powers in the kitchen as a chef is far better than his general contracting overseeing of a project.

ATTY. KAREN SIAMO: Correct. If at any point I represented that he was GC'ing this

project, then I take responsibility for that because he absolutely is the chef owner, admittedly is the back-of-the-room kinda guy and that is where his expertise is.

And I think early on in the process he was relying on people that he paid to do that.

FIRE CHIEF GERALD REARDON: The owners are ultimately responsible for their fate. That's all. I didn't mean to insinuate he was acting as a GC. There's a lack of knowledge in terms of the steps that were involved that have led them to this particular point.

ATTY. KAREN SIAMO: Correct.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to say before we open it up to the public?

ATTY. KAREN SIAMO: I have nothing further, Mr. Chairman.

CHAIRMAN MICHAEL GARDNER: Are there any

members of the public who would like to be heard on this matter?

Ms. Jillson, I think we will take it that you've already identified yourself this evening, we won't ask you to do that again.

DENISE JILLSON: This has certainly been complicated. You know, these folks joined the association probably two years ago and we have received a lot of calls, originally "When is this opening?" Like you, "Oh, in a couple weeks, you know, in a couple weeks." We have just seen so much frustration around this project. But we're here to support these folks tonight. There's so much that has been invested in it and it would be criminal for someone to just walk away.

I really feel like it's important that we all understand that at some point in time, I do think that they are going to need a beer and wine license, and whenever that time comes, hopefully

they'll have a track record that we can look back and say, all right, there haven't been issues, they are doing a good job.

I was talking today, just today in the elevator with the folks from Majerija that are in that building. And, you know, for whatever reason, I think it was their own concern, that there was this delay in getting their license, and I said you know, "How are you doing?"

And he said, "You know, for the first time in months since we opened, we're not losing money, but we're not making any money either." But he just -- you know, it's such an important part of the restaurant scene to have that full complement.

So, you know, I have concerns that they are going to open without one, frankly, and, you know, they are down in the basement of that building, they're in the back. It's a

difficult -- they don't have any street presence. At least at the Majerija you look up from the parking and you see them and they still struggle even after they got their license.

So I just think that it's really important that we also understand that at some point in time we're going to have to support that as I think a full complement as necessary in order for him to be competitive, particularly given the basement situation off the street, no street presence at all.

Having said that now where we are. Next week is graduation, next Thursday. If there's any way to sort've get through this, and at least get him opened, and I would encourage you, if there's any possibility of getting people out there with pieces of chicken and handing it out to all the people going up and down JFK, and saying "Please, go try your chicken at Bonchon."

You don't want to miss that opportunity. So, whatever it takes to sort've get through the next couple days and get your final inspections and get opened, I think it's critical. People are going to be in town, and then, by the way, they're going to go away, and it's going to slow down for a little bit until all the tourists come.

So you got some challenges in front of you, and I know how hard you've worked, but we'll support you in any way that we can, but understand that you got to a tough road in front of you.

CHAIRMAN MICHAEL GARDNER: I will say that I like the sign that's up there now. I think it's attractive and attracts attention. I don't know when we should act favorably on this and you are actually able to open, information on the front doors about either the menu or where to

go, but you've started with a nice sign.

One of the surprises to me in coming into this job is to see how frequently we encounter people with a real entrepreneurial spirit and for risk taking willingness here to try and clearly to do it by working very, very hard.

I personally don't think that the Commission was dealt with in a completely aboveboard manner in this process to date, but I also believe that wasn't all within your control. And I would be prepared to support the issuance of a common victualer license with a three-month review as to how you are doing. We'll tell you -- from my point of view, what I am envisioning is we'll give you a chance to prove yourself as a restaurateur, but with respect to the rest of it from my point of view, it's a very steep slope.

So I'll make the motion to approve the

victualer license with the operating hours as stated subject for a three-month review?

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: I guess I made that motion without checking to make sure that no other members of the public wanted to be heard.

Seeing none, I think we're ready to vote. All those in favor signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: So none opposed.

So good luck with this. As Ms. Siamo indicates, it's all up to you now.

ATTY. KAREN SIAMO: Thank you very much. We really appreciate it. Will the notice also go to our office for a three-month review?

ELIZABETH LINT: I can arrange that.

ATTY. KAREN SIAMO: Thank you.

POLICE COMMISSIONER ROBERT HAAS: Good
luck.

DISCIPLINARY: ALL GARAGE LICENSE HOLDERS

ELIZABETH LINT: We had a disciplinary
matter for all garage license holders that failed
to complete the renewal process for their
2012-2013 licenses. One gentleman was here. He
showed evidence of when the check was cashed, so
that should be arriving in the office any time.
I don't see anyone else here. There was only one
other, but it's very hard to tell from what was
given to me exactly who that is. I will
investigate.

CHAIRMAN MICHAEL GARDNER: So do you
regard it as appropriate to perhaps address the
matter of the person who has sent a late check by
agreeing to continue the license, but to place a

warning in the file with respect to the fact that late notices -- or late payments are a problem and will be dealt with more severely in the future?

ELIZABETH LINT: Typically, we would do that, however, in this particular case, we're talking about a matter of maybe two days. Let's say the person that handles this in our office jumped the gun. We normally give someone more time, but with a lot of these corporations, they have to go through corporate to get the checks cut and by the time it gets approved, it just kind've --

CHAIRMAN MICHAEL GARDNER: Can we have the identity of the one who did pay for purposes of making --

ELIZABETH LINT: That would be RREEF America R-E-I-T II Corporation, one Main Street in Cambridge.

CHAIRMAN MICHAEL GARDNER: So I would make the motion that we -- the license holder for the One Main Street Cambridge location, as identified by Ms. Lint, be notified that the application or that his license has been renewed and encourage in the future to make his payments in a timely manner.

ELIZABETH LINT: It looks like they owe us \$100 late fee. I will contact him myself.

CHAIRMAN MICHAEL GARDNER: I got a motion looking for a second.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Any further discussion?

Public comment was waived because the Chair takes note of the fact that the room is empty.

All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

POLICY: CITY OF CAMBRIDGE BOARD OF LICENSE

COMMISSIONERS

ELIZABETH LINT: Last but not least policy matter, the Board of License Commissioners will discuss increasing the annual fortune teller license be from \$25 to \$50; the annual used car dealing Class 1, 2 and 3 license from \$100 to \$200; and one-day entertainment license fee from \$40 to \$50.

FIRE CHIEF GERALD REARDON: Is this the maximum under the Mass state law?

ELIZABETH LINT: For the fortune teller it is. The City Manager has reviewed all of these proposed fee increases, and the License Commission has not increased any of these fees

for a substantial amount of time.

I think, Commissioner Haas, you would agree that on the times that we have had problems with the some of the fortune tellers in the past, even \$50 for an annual fee doesn't come close to what the amount of time and effort and costs for both my office and your department is in an investigation, so our hands are tied in that respect, but I think the \$50 fee is certainly warranted.

Likewise, with the used car dealers, those have not been raised in -- I was doing a review, I couldn't even find anything. Just given the amount of, again, the investigations involve the cost associated with time in my office that that would be fair and reasonable. And the entertainment license fees as well from 40 to \$50 for the one days. We issue -- I can't even begin to tell you how many of them we issue,

Henderson and Andrea goes around checking all the one day licensees, a \$50 fee doesn't begin to cover what their salary is, and that amount that is involved in policing those activities.

CHAIRMAN MICHAEL GARDNER: Are there any questions or comments from the Commissioners before we ask for comments from the public?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none.

I wonder, Ms. Lint, if we were to approve these this evening, would it be also make sense to also request a schedule for future review, say, that if the Commission -- the Commission indicate the matter of such fees be reviewed on a periodic basis, either annual or biannually or

something like that?

ELIZABETH LINT: Other license fees?

CHAIRMAN MICHAEL GARDNER: Yes.

ELIZABETH LINT: Actually, no. Some have to go through City Council. Some of them have to be approved by the City Manager. So it would have to go to them before it would ever come to us.

Last summer I did an entire spread sheet for the manager with recommendations for the licenses that I felt should be increased. This is what he gave back.

The alcohol license fees are currently being reviewed by the Law Department as just in terms of the new no value nontransferable licenses. I have been told that the other recommendations are made are still being reviewed.

CHAIRMAN MICHAEL GARDNER: So you

got others that --

ELIZABETH LINT: I don't think it would be necessary for us to bring them in because we can't do anything without other bodies' approvals.

CHAIRMAN MICHAEL GARDNER: I guess, perhaps my comments related to maybe it's a staff function that you periodically review these. I'm sort've a little troubled by the idea that nobody can remember how long ago it was that a license fee was changed and maybe we ought to have a more systematic practice of reviewing them.

ELIZABETH LINT: Since I have been working for the City, I had undertaken that task, because it hadn't happened in so long. So several years ago we increased all the lodging house fees as they had not been increased.

And I don't want to cast aspersions on anyone, but there was someone here who felt it

wasn't necessarily important to do that at a given time, and once that person was no longer with the Commission, I undertook to start that again.

CHAIRMAN MICHAEL GARDNER: I'll make the motion to approve the increases in fees as presented by Ms. Lint with the further addendum that the Commission goes on record as encouraging a regular review of the fees.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Any discussion?

Hearing none, the motion having been made and second, all those in favor, signify by aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed, so the fees are approved.

I have the matter of the remainder of this fiscal year's meetings, we apparently don't have a decision hearing scheduled for the 31st.

ELIZABETH LINT: We don't.

CHAIRMAN MICHAEL GARDNER: But I don't think have any issues -- we don't have any issues to be heard on that date. I am interested in finding out whether the calendars of -- from the calendars of the other two Commissioners, they can indicate to us whether they can, in fact, themselves personally be present on our remaining two scheduled hearings of this fiscal year, which, as I remember it, are June 5 and June 19.

We also have a decision hearing scheduled for the 28th of June, I believe.

I'm currently available for all three meetings.

POLICE COMMISSIONER ROBERT HAAS: The 5th is okay. What is the third date?

CHAIRMAN MICHAEL GARDNER: The 28th at 10:00 a.m. that's the decision.

POLICE COMMISSIONER ROBERT HAAS: 28th?

CHAIRMAN MICHAEL GARDNER: Yes.

FIRE CHIEF GERALD REARDON: I have a meeting.

POLICE COMMISSIONER ROBERT HAAS: May or June?

CHAIRMAN MICHAEL GARDNER: June. It's June 5, June 19 and June 28 are the posted remaining dates, as I understand it.

So Commissioner Haas is available for both the 5th and 19th and the 28th, if necessary.

Chief Riordan, do you know if you are available for the 19th?

FIRE CHIEF GERALD REARDON: 19th is okay.

CHAIRMAN MICHAEL GARDNER: Any idea yourself, Ms. Lint, if you will be available for these.

ELIZABETH LINT: I have nothing planned,
but one never knows.

CHAIRMAN MICHAEL GARDNER: Thank you.

ELIZABETH LINT: Do you want me to -- you
want to talk about it among ourselves?

CHAIRMAN MICHAEL GARDNER: In terms of
any issues that we need to put on.

ELIZABETH LINT: Okay.

CHAIRMAN MICHAEL GARDNER: Those agendas
we can -- as long as we know we're all here, we
can do that.

ELIZABETH LINT: Okay.

CHAIRMAN MICHAEL GARDNER: Motion to
adjourn is always in order unless you want to go
through 20 or 30 minutes of minutes approval.

ELIZABETH LINT: I don't have them.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion to
adjourn having been made by Chief Reardon and

seconded by me, all those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

We have adjourned at approximately 9:12.

(Whereupon the Licensing Commission hearing was adjourned at 9:12 p.m.)

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and
for the Commonwealth of Massachusetts, do hereby
certify:

That the hearing herein before set forth
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of May 2012.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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CAMBRIDGE LICENSE COMMISSION GENERAL HEARING
5-15-2012

ERRATA SHEET

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