

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C. Haas, Police Commissioner

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Tuesday, June 8, 2010
6:15 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday, June 8, 2010. It's 6:10 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali and Commissioner Robert Haas.

MR. SCALI: Before we begin, motion to accept the minutes from our last meeting of June 1, the Decisionmaking meeting.

MR. HAAS: I wasn't there for it. We'll have to put it on hold.

MR. SCALI: We'll have to do that next time because we don't have the right people to do the minutes acceptance. Just remind me at the next meeting.

There being a quorum or two, we're ready to begin on the first item. Are we going in order, Mrs. Lint?

MS. LINT: Not exactly, but I will

take the first matter. Disciplinary matter continued from April 27, 2010. Grace Vision United Methodist Church located at 56 Magazine Street due to a complaint received by the License Commission regarding amplified music emanating from the church that is in violation of the City of Cambridge Noise Ordinance.

MR. SCALI: Ms. Boyer is here.

MS. BOYER: Andrea Boyer, Licensing Investigator for the City of Cambridge License Commission.

MR. OPIE: Lyman Opie, 60 Magazine Street.

MR. LEE: Don Lee, 56 Magazine Street, elected representative of the congregation.

MR. KIM: Han Kim, 56 Magazine Street.

MR. SCALI: The Reverend.

MR. KIM: Yes, senior pastor there.

MR. SCALI: Ms. Boyer, maybe you can give us an update as to how far we gotten since our last hearing on April 27.

MS. BOYER: We were asked to actually

go back to the location to really finalize what would be plainly audible from 50 feet and what would be acceptable by Mr. Opie, and also what the church would be able to do now to have it be within that guideline, and also what future work may be done to the building itself, or maybe if they could at least follow the guidelines with regard to the noise decibel for inside and what's outside.

We had met previously altogether on April 30, around 7:30, which was when one of the -- I'm not sure if it's --

MR. SCALI: Events.

MS. BOYER: It's not an event.

MR. SCALI: Concert?

MR. LEE: Service.

MS. BOYER: Service, thank you -- when one of the services was going to start. And Mr. Opie was there, the Reverend, and Don. We agreed for a level. Then it had gotten a little bit loud. Mr. Opie had e-mailed me the next time, so there had been a few weeks in between. The next time I went was May 28, and I could not hear it from the

corner at all, which was the 50-foot rule. I actually had to go onto the ramp to even make sure they were even having music, which was a wonderful solution, but I'm not sure exactly what was done to find the solution. So that's why the church is here today.

MR. SCALI: So you haven't met since May 30?

MS. BOYER: May 28 is when I went to see if it was still going to be a problem and it wasn't. So at the hearing we're going to discuss exactly what solutions had been employed.

MR. SCALI: Tell us what you've done on the changes at the church.

MR. LEE: We played with the musical setting along with the electrical musical equipment to make sure that we have full control of that to begin with. We have lowered the volume down a slight bit and then just played with different settings here and there. We'd go out and test, go out and test, and adjust the inside again, and go out and test a few times. We believe we found the

level that's comfortable for the congregation to hear.

MR. SCALI: So you know now the maximum setting you can put it on? Is it marked?

MR. LEE: We have a very good understanding that's what's going to work to be compliant with the City Noise Ordinance. However, that setting changes time to time due to conditions, sometimes internally, sometimes external, whether the noise on the street, so that we can have a comfortable level outside and at the service inside.

So we have now a very good understanding, and we have people, including me, doing the decibel watchers and we do that every week, not continually, but a few times during the service to be sure that as the program continues and flows we are in compliance with the Noise Ordinance.

MR. SCALI: So you are there at every one of the sermons to determine that, or one of your people is?

MR. LEE: If not, one of my team. We take our turns and do spot check.

MR. SCALI: So everybody knows what that setting is and how you can adjust it if you have to adjust it?

MR. LEE: The folks who are involved with the setting, yes.

MR. SCALI: Mr. Opie, how has it been?

MR. OPIE: It's been a fine. From my perspective the problem has been solved for the time being. All I can say is thanks to the City, thanks to the License Commission, thanks especially to Ms. Boyer for all of her excellent work, and a warm thanks to my good friends at Grace Vision for all the hard work they've done.

MR. SCALI: Wow. Ms. Boyer is so thankful. It doesn't happen this easily usually.

So everyone in my neighborhood is okay with this, Mr. Opie?

MR. OPIE: As far as I know.

MR. SCALI: Questions, Commissioner?

MR. HAAS: I'm just trying to figure

out how we do adequate follow-up just to make sure that it maintains the same level. So I'm kind of looking to you to kind of help us understand it. Do you think we can just close the matter at this point in time? Do you want to bring it back up for review in six months?

MR. OPIE: I would prefer that none of us have to deal with more hearings in the future.

MR. HAAS: I think we're all on the same page.

MR. OPIE: So as long as we keep doing things the way they've been happening, everything is fine with me.

MR. HAAS: So you'd be satisfied that we just leave things alone unless something triggers another event; right?

MR. OPIE: Yes.

MS. BOYER: Can I have a recommendation, also?

MR. SCALI: Sure.

MS. BOYER: If we could have it possibly just a six month review, and if there have

been no complaints then we can remove it like we have with other cases, so this way we don't have to come unless it's necessary.

MR. SCALI: You can let us know whether there has been a complaint or not, Ms. Boyer, and what the issue is.

MS. BOYER: Correct. And if there hasn't been then it will be just taken off the agenda.

MR. SCALI: Does anybody from the public want to be heard on this matter? No hands.

MR. HAAS: So I'd make a motion to place this on a six-month review.

MR. SCALI: Motion to place on file with a six-month review, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Thank you very much for all of your work. That's the way it should happen every time. You work it out together and we don't have to do anything.

MS. LINT: Application: Checkraise, LLC d/b/a Lord Hobo, Daniel Lanigan, Manager, holder of an All Alcoholic Beverages as a Restaurant License at 92 Hampshire Street has applied to extend their closing hour until 2:00 a.m. on Thursdays, Fridays, Saturdays, and the night before a legal holiday.

MR. SCALI: We're taking our CLAB members; right, our dedicated CLAB members who come to every one of our meetings.

MS. LINT: I'm not Ms. Boyer.

MR. SCALI: I mean Ms. Lint. I have Ms. Boyer on the brain after that last one.

Just so you all know, if you're a dedicated CLAB member, which is a Licensee Advisory Board member, and you come to the meetings, you get to be moved up on the agenda.

MR. SCALI: Just tell us who you are for the record.

MR. LANIGAN: Daniel Lanigan, 500 Atlantic Avenue, Boston, MA, the manager and owner of Lord Hobo.

MR. SCALI: How long have you been open now?

MR. LANIGAN: Six months and change.

MR. SCALI: So you've been open for six months, and we gave you a 1:00 a.m. Is that what we gave you?

MR. LANIGAN: Right.

MR. SCALI: You had bought the 2:00 a.m., and we had said that if you could operate at the 1:00 a.m. for a while, we could see how things went and we could come back and revisit this.

So it would be 2:00 a.m. Thursday, Friday, Saturday, and the night before a legal holiday. Any problems with that?

MS. LINT: None whatsoever.

MR. SCALI: Does anybody from the public want to be heard on this matter? Did we notify abutters on this?

MS. LINT: He did.

MR. SCALI: No trouble with the people next door? There was one woman who was right to the left of your building that lived in that

condominium there. Have you heard from her at all?

MR. LANIGAN: We haven't heard anything, which I take as a good sign. I don't see a stampede coming out against us, which is good.

MR. SCALI: I'm really shocked actually. Even if you were excellent, they would be here usually. Questions?

MR. HAAS: No questions.

MR. SCALI: Recommendations?

MS. LINT: None. I just hear very good things all the time.

MR. HAAS: Mr. Chair, what I would recommend is since Lord Hobo has only been in operation for six months that we do place them on a six-month review; grant the extension and then we look at it in six months and see if we can extend beyond that.

MR. SCALI: Motion to allow the 2:00 a.m. closing on Thursday, Friday, Saturday, and the night before a legal holiday with a six-month review. That is moved by the Commissioner, seconded by me. All in favor?

MR. HAAS: Aye.

MR. SCALI: Good luck. Just make sure you come and get your new licenses before you do it.

MS. LINT: We'll let you know.

MS. LINT: Top of page three.

Application: Massachusetts Institute of Technology, Dennis J. Collins, Director of Housing, has applied for an exemption from the resident manager requirement and a change of manager at: 235 Albany Street, 362 Memorial Drive, 50 Massachusetts Avenue, 410 Memorial Drive, 3 Ames Street, 143 Albany Street, 350 Memorial Drive, 450 Memorial Drive, 320 Memorial Drive, 471 Memorial Drive, 500 Memorial Drive, 282 Massachusetts Avenue, 2 Ames Street, 70 Pacific Street, 229 Vassar Street, 550 Memorial Drive, and 224 Albany Street.

MR. SCALI: Good evening. Just tell us your name.

MR. COLLINS: My name is Dennis Collins. I'm the Director of Housing.

MR. SCALI: So you're going to be the guy that everyone is going to go to now when the problems occur and the bills aren't paid?

MR. COLLINS: Exactly.

MR. SCALI: So these are all the residence halls?

MR. COLLINS: These are all 17 residence halls that we have, yes.

MR. SCALI: The way we had it before was that there was individual people responsible for the building; is that the way it was?

MR. COLLINS: Each building was different. Some buildings had former managers that are no longer at MIT. Some had housemasters living in it. It was not consistent. That's why I'm requesting that it's all consistent; that I'm the one person that you come to. But if there are any issues or concerns and I was brought before this Board, I would bring the housemaster that's living in the building, a professor and his or her wife or partner to this with me, if there were anything going on.

As I have stated in the letter that I sent you, to Ms Lint, I have staff on campus 24 hours a day, seven days a week. I have night watchman at all my buildings from midnight to 8:00 a.m. every day. I'm on call if there's any major thing that is going on. So I'm really the first

person that would be involved.

MR. SCALI: So the people that are assigned to those buildings are still there. And if we had a problem, we would get a hold of you and you would get a hold of them; is that what it is?

MR. COLLINS: Correct.

MR. SCALI: All the bills would go directly to you?

MR. COLLINS: They all come to me already.

MR. SCALI: And these are not the fraternities; right?

MR. COLLINS: Not the fraternities, just the residence halls on campus.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Does anybody from the public want to be heard on this matter? I see Ms. Gallop is here for moral support. I guess she supports it.

MR. COLLINS: She does.

MR. SCALI: We know Mr. Collins very

well so I have no doubt that he can handle the responsibility. It's just a matter of making sure we know who's who. Motion to approve.

MR. HAAS: I make a motion to approve.

MR. SCALI: Moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MS. LINT: If anyone is here for the application of Guckenheimer Enterprises, Inc. Donna Webster, Manager, for an increase in seating capacity, that has been continued to July 12.

MR. SCALI: Guckenheimer Enterprises, anybody here for that? Continued to July 12.

MS. LINT: Application: Basha Cafe, LLC d/b/a Basha, Jack Markarian, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 26-48 New Street has applied for a change of premises description to modify the existing patio at said location. Applicant is also applying for an increase of seasonal patio seating from 18 seats to 50 seats.

MR. SCALI: Good evening. Just tell us your name, please.

MR. MARKARIAN: Jack Markarian.

MR. SCALI: So this is for your patio; right?

MR. MARKARIAN: Uh-huh.

MR. SCALI: I guess it's become a great big success; is that what it is?

MR. MARKARIAN: It's coming along good being from automobile to a restaurant, and the neighborhood is changing. We've got a lot of residential mixture now. They put I think 55 units at the end of the street next to JC Adam.

MR. SCALI: So you're getting a lot of

customers from the neighborhood. Are people coming in from outside, too?

MR. MARKARIAN: Yeah, because the patio has really attracted a lot of people because we're industrial. I brought some pictures if you would like to see it.

MR. SCALI: That would be great. It's on private property; right?

MR. MARKARIAN: It's on my private property.

MR. SCALI: This would be for the alcohol and the food?

MR. MARKARIAN: Yes.

MR. SCALI: That can hold 50 people? It doesn't look very big.

MR. MARKARIAN: It used to be like 18, 20. Then I added I think 18 by 20.

MR. HAAS: Is it set up for 50, now?

MR. MARKARIAN: Yeah, with the existing.

MR. HAAS: Are there tables under that awning as well?

MR. MARKARIAN: Yes.

MR. HAAS: So you've got four umbrellas and then an awning?

MR. MARKARIAN: An awning and then I put a handicap ramp, too.

MR. SCALI: It looks nice with the lighting and the flowers. Abutter notifications?

MR. MARKARIAN: I'm the abutter.

MR. SCALI: You're the only abutter? You own all the property? Is it all automotive around you?

MR. MARKARIAN: Yes. There's a gym next to me, and behind me I own the gym, another gym, and the parking lot is right in the middle and then I own everything across the street.

MR. SCALI: Does anybody from the public want to be heard on this matter at all? No hands.

MS. LINT: I do have a letter from Councilor Reeves in support of the application.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye. Just make sure you get your new licenses with the description and the additional seats on there before you start.

MR. MARKARIAN: Thank you.

MS. LINT: Application: Ace Brand, LLC d/b/a Firebrand Saints Ltd., Gary Strack, Manager, has applied for a new All Alcoholic Beverages as a Restaurant license at One Broadway. The hours of operation would be 11:00 a.m. to 1:00 a.m. Sunday through Wednesday, and 11:00 a.m. to 2:00 a.m. Thursday, Friday, Saturday, and the night before a legal holiday. Applicant is applying for a seating capacity of 180 (120 seats insides and 60 seasonal patio seats on private property), an audio tape machine/CD, which may play music below, at, or above conversation level; DJ; and four TVs.

MR. SCALI: Tell us who you are for the record, please.

MR. RAFFERTY: For the record, James Rafferty on behalf of the applicant seated to my right, Gary Strack, S-T-R-A-C-K. Mr. Strack is the principal of the entity Ace Brand Inc. for which -- Ace Brand, LLC.

MR. SCALI: Is anything there now at One Broadway? Is this a new entity, a new business?

MR. RAFFERTY: This is the Badger Building, of course. Mr. Owu is here from MIT. Was this previously occupied?

MR. OWU: By -- who was there last time?

UNIDENTIFIED SPEAKER: Residential. It was rental property.

MR. SCALI: Isn't there a restaurant in that building?

MR. OWU: There's a Dunkin' Donuts, a bank. There's a couple other retail uses in that strip.

MR. SCALI: I vaguely remember a coffee place.

MR. RAFFERTY: You know, Mr. Scali, as is so often the case your encyclopedic knowledge of Cambridge Licensing matters is serving you well. When we went and looked at the records here, back in the '80s there was a variance approved for what looks like some type of a diner there, about a 40 or 50 seat restaurant.

MR. SCALI: Is that before the

building was built?

MR. RAFFERTY: No. I wouldn't presume that your age would give you that level of knowledge. It could be that -- you started this job after high school, I recall. Maybe that's why you recall that, but there was many years ago.

I would say in the early '80s, according to the variance we found, there was a 60 seat restaurant. It became relevant to us because despite all the effort that the City is engaged in trying to promote active street uses in Kendall Square and other parts of eastern Cambridge, there's a little bit of a zoning anomaly here, because the building is in an office district, and the office districts don't allow retail uses on the ground floor.

So we had to get a variance but we explored what the history of the use was and found the prior variance. So that's how we became aware of that, but that's a few decades ago.

MR. SCALI: It's irrelevant. It's just that I remember it being there.

So this is a new venture.

MR. RAFFERTY: This is a new venture by a familiar face. I know you recognize Mr. Strack; he's the proprietor of Central Kitchen and he's enjoyed a great success. You might recall he then had a fledgling venture up in North Cambridge, Bombaci, that despite Mr. Strack's best intentions did not come to fruition, but that was transferred onto another entity, and I suspect we'll be hearing more about them at a later date.

Not to mix hearings, but I did want to acknowledge the Mr. Strack has been here before, not only with Central Kitchen but with that.

In the case of Firebrand Saints Limited, this is a concept where Mr. Strack was really the successful applicant in a process managed by MIT trying to find an appropriate use for this space.

As I noted, and I know the Commission and staff are aware, there has been a great deal focus about creating active street uses in this area. It is not a cap district. There has been a

smashing success around the corner thanks to the foresight of the Commission in granting a license at the Watermark residential building abutting the Broad Canal that is now the home of Evoo and Za. And you could be the lawyer that got them the license and you couldn't get a reservation on a Friday night. I can attest to that personally.

MR. SCALI: No pull Mr. Rafferty?

MR. RAFFERTY: The Irish have an expression: a bird once eaten is soon forgotten. With clients sometimes that's the case. But not in Mr. Strack's case. I'm sure if I showed up there looking for reservations I might -- I stood in line at Bambaci one night for hours and then I realized it wasn't personal; he never opened.

In this case, this is a really exciting opportunity. As I noted, it's really a bit of a joint venture in the sense that the landlord here had a range of options, and as much as we all enjoy cell phone stores and banks, the thinking was that that isn't what that stretch of Kendall Square really could benefit from.

Mr. Strack has a proven success at Central Kitchen. His concept here really is to take advantage of the physical nature of the space. You'll recall there's a huge expanse between the building and the public sidewalk, and the plan does call for an outdoor patio in that location, all on private property, but still to create a level of activity and activation.

There have been in the last three years 700 dwelling units created on Third Street between the 303 Third Street building containing 500 apartments and the 200-plus apartments at the Watermark Building. So the demand is there. It continues to be the --

That location is the epicenter of our technology economy here in Cambridge. The building houses the very successful Cambridge Innovation Center that Mr. Row has made a mark on with Incubator and start-up companies. The space would be right in that building.

It also as you know is in close proximity of Microsoft with an expanding footprint

both at One Memorial Drive and now taking over a significant portion of the building at One Cambridge Center. Google is in the neighborhood too. It has a very vibrant active business community and Mr. Strack is hoping to be able to respond to the public need that has arisen as a result of the level of activity both in the residential and business side.

As I noted in the application, the location is outside of the cap district but that's not to suggest that the licensee doesn't enjoy a wide -- or the applicant doesn't enjoy a wide level of support. We received enthusiastic endorsement from the East Cambridge Planning Team. When we appeared before them they sent the communication to the Zoning Board, and I believe they told me they were filing one with you but I have a copy if you would like it.

MR. SCALI: Do you have a letter or support?

MS. LINT: No, but I do have a letter of support from Councilor Reeves.

MR. RAFFERTY: So in addition to that we have met with the neighborhood residents and we have met with a number of officials around the revitalization efforts in Kendall Square, and they're very supportive as well. The concept is a kind of a slow -- I should perhaps let Mr. Strack best describe it. But it is a full service restaurant and maybe you could just briefly give a few features about it.

MR. SCALI: I'm curious about the Firebrand Saints name.

MR. STRACK: I think the neighborhood is very -- at this point -- underserved. Much like when I started in Central Square 11 years ago, it was another sort of underserved population. I think what Central Kitchen brought to that neighborhood was of course, you know, now we have a collection of restaurants and a different sort of vibe than we did, and it continues to improve there. I hope to have the same kind of impact on the Kendall Square area, because I think there's a lot of need.

This particular concept -- the food is focused on rotisserie, sort of classic rotisserie stuff: rotisserie chickens and hand-sliced sandwiches, really great burgers. Everything will be natural, organic, and the quality of the food will be very high, sort of following in the standards of what I created at Central Kitchen. But this will be much more publicly accessible, a much more kind of open space. The price points will be geared towards I think what the community is looking for.

With the Sloan School opening up across the street, there will be 1,800 graduate students in the area, and that's obviously a focus; to make a place where they feel welcome. I think we're just continuing on the vibe we created in Central Square.

MR. SCALI: Kind of similar to Central Kitchen but a little bit more medium price; is that what you're saying?

MR. STRACK: Yeah. I would say the prices are -- you know, it a medium-range, full service restaurant with -- the cuisine is just a

little bit simpler with the same sort of high quality and sort of focusing more on -- you know, at Central Kitchen we like to throw octopus and bunch of other stuff like that at you. This will be sort of a little bit less -- chef driven a little more.

MR. SCALI: How come 2:00 a.m.?

MR. STRACK: Again, I think there's a community need for it. When I talk to people in the community, they don't have any sort of range of options.

MR. SCALI: I'm just wondering what's close by there. What's close by there?

MR. RAFFERTY: The hotel has late-night arrivals and part of the discussion about remaining open. The workforce demographic -- I'm told this secondhand. Other than nights I'm here I don't tend to stay out too late. They tend to not work the 9:00 to 5:00 operation, so they're anticipating people coming right down from the building. There are people working in the building regularly until 11:00 and 12:00. Particularly in

the Innovation Center there's a lot of young people and people who've put their whole life savings into a startup company, and when they're on a project or on assignment, they tend to work around the clock. So that market is part of what we're trying to serve.

MR. SCALI: Is there an alternate floor plan at a certain time where it turns into -- you've got a DJ but no dancing.

MR. RAFFERTY: No dancing.

MR. SCALI: So DJ on weekend nights? I'm just trying to figure out whether you change concepts at a certain time of the night.

MR. STRACK: The DJ is sort of part of the ambiance that we're trying to create on some level. You know, creating that sort of music and having somebody mix that vibe. So I don't really see it as a concept change. I think that the food will be -- you know, we'll sell food late and we'll just be open late. I think that's sort of what the community is looking for.

MR. SCALI: So no dancing, no change

of floor plans?

MR. STRACK: No pulling the tables out and starting a dance club; that's not what we're looking to do.

MR. SCALI: Just explain how the DJ fits into that when there's no change of floor plan.

MR. RAFFERTY: Do you see the DJ as a regular feature or kind of a special occasion?

MR. STRACK: I don't think that the DJ is always there. I think it's an added incentive in the sort of better bars and clubs at this point, you know what I mean? People expect to have mixed music instead of just recorded or taped music.

MR. RAFFERTY: Mr. Strack is known for his innovation. Years ago he started that Elephant Room upstairs and he explained the concept to me. People lie on beds and eat food. I remember thinking, well, how is this going to go over? But he spends a lot of time following trends. He goes to New York. He has had enormous success with the Enormous Room. I had questioned the same thing

about the DJ, because I said how about dancing? But it's a very conscious decision to not have dancing but DJ as a form of entertainment for people who are eating.

MR. SCALI: Just kind of a background kind of thing but it could be a little louder than background.

MR. RAFFERTY: Exactly, just one step above background.

A lot of these concepts -- Mr. Owu is here and he is pleased to speak, because a lot of the questions you're asking in an understanding of how this will work were questions that were appropriately asked by MIT in vetting this opportunity. So I know he's got a prepared statement and would like to speak on the record.

MR. SCALI: Did you bid this out looking for a restaurateur?

MR. OWU: It wasn't a bid process. It was working with brokers. My name is Michael Owu, O-W-U. We basically went around looking for and interviewing, and interacting and getting a feel

for the kinds of things that we're trying to create in Kendall Square.

As Jim described, we see Kendall Square as a place with a lot of potential, and it's an area that MIT is interested in focusing energy on, on really creating the kind of active street environment that the City is looking for us to do, the neighbors are looking for us to do, and we see a lot of potential. So we've spent a lot of time trying to find the right operator for this space because this is sort of the first of what we hope will be new opportunities in the future, so we need to make the first one is really the right one.

So it needs somebody who understood the market, understood the local market, understood Cambridge and had a really good track record, and had a concept that we felt the customers were looking for. And that's how we sort of came up Gary and his operation.

We literally went around and looked at different operators, dined in different places, met with different people to really get a feel for not

just the individual, the operation, how they think about food service and restaurants to really find the right person. We feel that we've got the right person.

MR. SCALI: And you're okay with the patio being out there on the sidewalk? Is the patio going to be open until 2:00 a.m.?

MR. RAFFERTY: Yes.

MR. OWU: Yes. We recently invested a fair amount of money completely re-doing that whole plaza, the façades of the building, really with the intent of creating a much better environment and the opportunity for outdoor seating. There a little bit of outdoor seating there today with the Dunkin' Donuts but we're looking to expand that and really make it very active.

MR. SCALI: I'm not sure that fits into our policy of outdoor patios being open until 2:00.

MR. RAFFERTY: But this is private property. This would be consistent with the Harvest, or the Beer Garden, or other places.

There is really not any close-in residential abutters. The building behind largely shielded by this building. It's a short patio season. It's an integral part of the concept and I think it creates a level of Harvard Square in Kendall Square. The thinking has been suggested that having some of that in that Square might be a good thing.

MR. SCALI: You know what would be real exciting is if the patio at Central Kitchen was opened up.

MR. STRACK: We continue to work towards that every year and we get a little closer every year.

MR. SCALI: It would be good if it was this year.

MR. STRACK: We have made every effort to try and get it going and I know that I have the support of the License Commission in terms of moving forward on this.

MR. SCALI: And Public Works as well. They're ready to go forward.

MR. STRACK: We tried a few years ago

and our customers had a hard time working with the street population. We continue to have a lot of drinking in the area and stuff like that. I know lots of strides have been made to move that population out and away and around, but when I canvassed my customer base we're still -- we're almost there I think.

MR. SCALI: I know we're off the subject matter but just before I forget, I think if you put the patio there, the environment will change completely. I think if you have vision you'll see that you'll change the landscape just by having the patio there, but that's another subject matter. It's just a suggestion.

MR. STRACK: And we really look forward to doing it. It's just that we did try two years ago and it wasn't as much of a success as we would have hoped. We continue to hope that we're going to get it done. So we'll get there.

MR. SCALI: I'm just saying I hope you do.

MR. STRACK: We understand.

MS. LINT: No pressure.

MR. SCALI: That's an aside.

MR. RAFFERTY: I think the point is well taken but I think we all know some spaces lend themselves better than others. The whole orientation of this place and the nature of this expanse of area -- this is not going to be a mere sidewalk. This actually has, if you look at the plan, it has a little bit of a raised level to it. This is going to have a railing. This might feel more like a deck than just simply sitting on an outside patio.

MR. SCALI: Is there a bar with seats?

MR. RAFFERTY: Yes.

MR. SCALI: Is there a floor plan?

MR. SCALI: Did you try to buy a license at all? Did you go through the process of looking for a license to purchase?

MR. RAFFERTY: I think there was a general understanding that being in a non-capped area and the amount of capital required here, it was thought that we would try this process. I

wouldn't want to mislead the Commission and suggest that we called around to see, I mean other than our general understanding of what's available and what the pricing is associated with those.

MR. SCALI: So a 10 seat bar; is that what it is?

MR. RAFFERTY: Yes.

MR. SCALI: No standing?

MR. STRACK: There is standing.

MR. SCALI: Standing for eight.

MR. RAFFERTY: I think there's a service bar on the patio as well.

MR. SCALI: But no seats.

MR. RAFFERTY: No. And the thinking was frankly -- there was a desire at one point to have that and the thinking was and Mr. Strack concluded that that might give it a prominence that he didn't want it to have. So he would make the patio just table.

MR. SCALI: Good idea.

MR. RAFFERTY: I anticipated that reaction.

MR. SCALI: Questions, Commissioner?

MR. HAAS: No questions.

MR. SCALI: Does anybody from the public want to be heard in this matter? There is a hand. Do you want to come forward? Good evening. Tell us your name.

MS. SHUTTLEWORTH: Ingrid Shuttleworth.

MR. SCALI: And you live at?

MS. SHUTTLEWORTH: 1517 Massachusetts Avenue in Cambridge.

MR. SCALI: Is this near this restaurant?

MS. SHUTTLEWORTH: No. It's a ways away. It's the first time I've heard of it. I think it's a great idea. My concern is in general restaurants being open as late as 2:00 in the morning. I live in an area that has a very high student undergrad and graduate content, and we deal with excessive noise from people typically coming back from the bars, usually Harvard Square area. But it's just a consideration of what might evolve

from restaurants staying open that late. But I support the concept of this restaurant.

MR. SCALI: I question the 2:00 a.m. patio issue only because you noise is going to emanate if people are living nearby.

MS. SHUTTLEWORTH: From me it's only what happens after they leave the restaurant. I don't live near the restaurant and generally it's a quieter noise near restaurants, but it's what's happens after they leave.

MR. RAFFERTY: Understand the concern. There is a garage attached to the facility so patrons -- I think it might be less a case of people -- there are no really close in residential neighborhoods or streets. There will be a parking accommodation with the landlord. But there really is -- the 2:00 a.m. is related to the ability to keep the kitchen open and to be able to seat a diner at 11:00 or 12:00. The 2:00 a.m. as we all know is not about when you serve your last drink, it's when you have to get people out. So at 1:00 it means everyone has to be gone by 1:00, which

means you stop the kitchen at midnight. It really kind of falls back. And of course, we are talking the traditional Thursday, Friday, Saturday period.

MR. STRACK: Also, when you exit the space and you walk to the Red Line T at Kendall Square, and also even if you go the other way and you go across the bridge to Charles Street, you don't pass any residential areas at all.

MR. SCALI: Well you're not barroom or entertainment oriented, so you're really going to be serving food the majority of the time; right?

MR. STRACK: That's our plan.

MR. SCALI: Any questions?

MR. HAAS: No questions.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Just hearing your reservation about the 2:00 patio, what I would make for a recommendation is that we approve the application with a six-month review.

MR. SCALI: For the whole thing?

MR. HAAS: Yes. You'd still be in

operation; right?

MR. RAFFERTY: Well chances are the construction period would probably begin in the fall with an opening in November.

MS. LINT: Six months from the opening of the patio.

MR. HAAS: So you'd be opening at the beginning of the year then?

MR. RAFFERTY: I think the plan would be late fall. And we have the zoning approval in place and we would wait on this, and then I think things will proceed in earnest within the next month or so.

MR. SCALI: Motion then to approve as outlined. No changes; right?

MR. HAAS: No.

MR. SCALI: With a six-month review from opening.

MR. HAAS: Of the patio.

MR. SCALI: That's moved, seconded.
All in favor?

MR. HAAS: How about the TIPS and

stuff?

MR. SCALI: Have you been through the 21-Proof training, Mr. Strack? Your new staff will have to go through that too, with Mr. Connolly; right?

MR. STRACK: Yeah. We will definitely be in touch with Mr. Connolly before opening and we'll make sure everybody is TIPS trained.

MR. SCALI: Not TIPS, 21-Proof.

MR. STRACK: I got the name wrong.

MR. STRACK: Absolutely. We've worked with Mr. Connolly in the past and he's always been very good with us at the Kitchen.

MR. SCALI: Thank you very much.

MR. HAAS: Are we going to take a vote?

MR. SCALI: I thought we just voted. Oh, adding on the 21-Proof training.

MR. HAAS: I stopped you in the middle of your motion.

MR. SCALI: Motion to approve six-month review from opening of the patio with 21-

Proof for all staff. That's moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. STRACK: Thank you.

MR. SCALI: Just one other question I had that I forgot to ask you. In terms of MIT, is it MIT that's part owner of this?

MR. RAFFERTY: They own the building.

MR. SCALI: Are you the only person involved in the ownership, Mr. Strack?

MR. RAFFERTY: There is another investor who is disclosed on the ownership, a Chris Garcia, whose information is contained in Question 14, and his background check was submitted.

MR. SCALI: Is he an active member of the operation or an investor?

MR. RAFFERTY: He's more of an investor.

MR. SCALI: And you have no ownership rights in the license, or pledges, or liens, or anything like that?

MR. OWU: We're heavily invested but not in the license.

MR. SCALI: That's right. The other issue is it's a no-value non-transferable license as well. We need to add that in.

MR. RAFFERTY: From Mr. Strack's perspective this was a much more pleasant hearing than the Zoning Board hearing.

MR. SCALI: What was so bad about the Zoning Board hearing?

MR. RAFFERTY: He received a phone call 10 minutes before we went on. His home in Ipswich caught fire. It burnt completely. It just so happened the night of the hearing so it could only be better.

MR. STRACK: Everybody was fine.

MR. SCALI: At least you've got your license here now.

MS. LINT: Application: Restaurant Associates, LLC d/b/a Pound Hall Servery, Colleen Duddy, Director of Operations, Restaurant Associates-Harvard Law School has applied for a Common Victualer license at 1563 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a seating capacity of 199. The hours of operation will be from 8:00 a.m. to 3:00 p.m. Monday through Friday.

MR. SCALI: Good evening. Just tell us your name.

MS. DUDDY: Colleen Duddy.

MR. CASTO: Tommy Casto, project manager at Harvard.

MR. SCALI: So this is a restaurant for Pound Hall?

MS. DUDDY: That's correct.

MR. SCALI: You temporarily moved to a different place; am I right?

MS. DUDDY: Our Harkness Building, which we currently hold licenses at is currently

closed to undergo renovations for the summer. So in order to feed the staff and students throughout the summer we have set up a temporary cafe in Pound Hall, which is part of Harvard Law, to feed the students and staff throughout the summer.

MR. SCALI: And that's this application; right?

MS. DUDDY: That's correct.

MR. SCALI: I think we gave permission to open up ahead of time because of the emergency situation that you had.

MS. DUDDY: You gave permission for us to open up on June 3.

MR. SCALI: Which is five days early, assuming you had all your sign offs and all that. So tell us a little bit about this. It's 199 seats, 8:00 a.m. to 3:00 p.m. Monday through Friday, basically serving the law students; is that right?

MS. DUDDY: Law students and staff. It's very similar to our Harkness Cafe, albeit a much smaller version. It's a corporate cafe

serving typical breakfasts, continental breakfast, some breakfast sandwiches, coffee service. And then our lunch is a hot buffet with a protein/veg, small salad bar, quick pick sandwiches, salads, your typical bottled soda, bottled water, juice, and a soup as well.

MR. SCALI: Is this going to be a permanent location for this?

MS. DUDDY: This is permanent until August 14, and then we go back into our Hark Building.

MR. SCALI: Then this goes away.

MS. DUDDY: Yeah, and then it comes back again next year as well, 2011.

MR. SCALI: Why is that?

MS. DUDDY: We go under another renovation in April 2011.

MR. CASTO: The new building on Mass. Avenue connects to Harkness, the Harkness Common, so this summer there's enabling work going on in Harkness, which they need to be displaced because of that to Pound. Then next summer they make the

actual connection to the building. During that phase of construction they move the temp cafe back to the Pound space, and then in the fall they open the new building and the new Harkness Cafe as one complex.

MR. SCALI: And then this goes away completely.

MR. CASTO: Yes.

MR. SCALI: So June to August 13. And then what are the other dates?

MR. CASTO: It will be April to August of the following year, August 2011.

MR. SCALI: So August 2011.

MR. CASTO: The space now is event space throughout the rest of the year on campus in that building.

MR. SCALI: So in 2011, it will go back to event space.

MS. DUDDY: Event space.

MR. SCALI: Is there a kitchen there?

MS. DUDDY: There's a prep kitchen there.

MR. SCALI: So no cooking?

MS. DUDDY: We prep all our sandwiches there, we cut all of our salads, and we reheat the food that comes from our base operation.

MR. HAAS: So would they have to come back each and every time they move?

MR. SCALI: That's why I was asking the date.

MS. DUDDY: I think the way we set up the application was a Common Vic for this time around. I know for our food handlers we did one that would cover for both terms. But I believe the Common Vic that we signed up was just for this period.

MR. SCALI: It actually will expire at the end of this year anyway.

MS. DUDDY: So we'd have to do it again.

MR. HAAS: So would they have to come back on August 13, or can they wait until the end of the year when they renew it and they show the new location?

MR. SCALI: They can come back anytime before April if they want to be heard.

MR. CASTO: Before we open again.

MS. LINT: With enough time to --

MR. SCALI: To apply and be heard.

MS. DUDDY: And we really do appreciate you getting us in.

MR. SCALI: Does anybody want to be heard on this matter?

MS. SHUTTLEWORTH: Ingrid Shuttleworth, again. I just wanted to show you the notice that we received and just voice my displeasure at Harvard for spending so much money to special deliver these letters, but then them hardly able to be read. I have no problem at all with what's going on but the notice is really illegible. This is a neighbor's copy; mine is even a little worse.

MR. SCALI: The trouble with these is that we recommend they photocopy the newspaper ad and sometimes they don't come out the best.

MS. SHUTTLEWORTH: Just in the past

we've had nice letters when they get us, but we could barely read the date and the time. If it was something of great importance to us, I find that that's an unacceptable way to receive a notice.

MR. SCALI: Harvard is better than that usually I think they should do a better job. Get some nice stationary.

MS. DUDDY: I'll speak to the dean.

MR. SCALI: Does anybody else want to be heard? Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve for this year, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye. Thank you again. It may change, you never know.

MS. LINT: Application: Continued from May 25, 2010. Life Alive Cambridge, LLC d/b/a Life Alive Urban Oasis and Organic Cafe, Heidi Feinstein, Manager, has applied for a new Wine and Malt Beverages as a Restaurant license at 765 Massachusetts Avenue. The hours of operation will be from 8:00 a.m. to 10:00 p.m. seven days per week with alcohol sales starting after 12:00 p.m. on Sundays. The restaurant will have a seating capacity of 70 and a total occupancy of 99. This is located in Cap No. 3. Applicant is also seeking an Entertainment license to include: Reading of poetry or other works; live acoustic performances as background music, no amplification; audio tape machine/CD playing background music below ordinary conversation level.

MR. SCALI: Good evening. Just tell us your name again.

MS. FEINSTEIN: Heidi Feinstein.

MR. SCALI: So the last time you were here there was some confusion about the number of seats, the floor plan.

MS. FEINSTEIN: I sent the new floor plan.

MR. SCALI: I know Chris mentioned that you submitted a new plan but I haven't seen it yet. And the other issue was your overwhelming neighborhood support and proof of need in Central Square.

MS. LINT: Is that the new one?

MS. FEINSTEIN: That's the old one. It has no furniture.

MS. LINT: It may be in the back of that pile.

MR. SCALI: You've done your homework. You went from one extreme to the other.

MR. HAAS: How did you collect these signatures?

MS. FEINSTEIN: Like you told me to; I stood outside my store. Also, George Mesker of the -- he asked me to see if that was in there because he did it last minute.

MR. SCALI: Mrs. Lint usually does this.

MS. LINT: That came late today.

MR. SCALI: Central Square Business Association supporting, the Chamber of Commerce, Central Bottle, Redevelopment Department, Ms. Stella Johnson.

MS. FEINSTEIN: The owner of the Phoenix Landing, the owner of Mass. Chicken. There was quite a few.

MR. SCALI: You've got quite a few signatures here.

So on the plan, what's the total number going to be; 60?

MS. FEINSTEIN: It's going to be 66.

MR. SCALI: On the lower level.

MS. FEINSTEIN: Top floor is 24, lower level is 42.

MR. SCALI: 24 and 42?

MS. FEINSTEIN: Yes.

MR. SCALI: No outside seats?

MS. FEINSTEIN: Not this year.

MR. SCALI: You're going to come back.

MS. FEINSTEIN: Yes.

MR. SCALI: Does anybody from the public want to be heard on this matter? No hands. Readings of poetry still.

MS. FEINSTEIN: Uh-huh.

MR. SCALI: Acoustical performances, no amp?

MS. FEINSTEIN: No amp.

MR. SCALI: CD player below ordinary conversation level; 8:00 a.m. to 10:00 p.m.; 12:00 to 10:00 on Sundays?

MS. FEINSTEIN: Probably less than that on Sundays.

MR. HAAS: You've got to tell us.

MS. FEINSTEIN: Does it really say until 10:00 on Sundays? I can't imagine that. Let's say 7:00 p.m. on Sundays.

MR. SCALI: You're clarified all the issues. Pleasure of the Commissioners? It would be a no-value nontransferable Beer and Wine.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve as stated: 66 seats, 24 upstairs, 42 downstairs, 8:00

a.m. to 10:00 p.m. Monday through Saturday, 12:00 to 7:00 Sundays.

MR. HAAS: 21-Proof.

MR. SCALI: 21-Proof training for all staff, no value non-transferable. If you leave, you turn the license back in.

MR. HAAS: And the license is not being used as any kind of collateral; right?

MS. FEINSTEIN: No.

MR. SCALI: No liens or pledges on it?

MS. FEINSTEIN: No.

MR. SCALI: That's a motion. Moved.

MR. HAAS: I moved.

MR. SCALI: Seconded. All in favor?

MR. HAAS: Aye.

MS. FEINSTEIN: Thank you very much.

MS. LINT: Application: India House of Mass., Inc. d/b/a Bombay Club, Vinod Kapoor, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 57 JFK Street has applied to further extend the inactive status of said license.

MR. SCALI: Good evening. Just tell us your name.

MR. KAPOOR: Vinod Kapoor. I'm the President of India House of Mass.

MR. SCALI: So has it been six months already?

MR. KAPOOR: Yeah, time flies.

MR. SCALI: Any offers?

MR. KAPOOR: There was an offer from these guys but my problem is that I have to settle my case, law suit with Raj Dhanda and the offer was not enough to cover that.

MR. SCALI: So these guys are from where? Where are they from; which restaurant?

MR. KAPOOR: The new lease that Mr. Dhanda has signed.

MR. SCALI: Bull BBQ?

MR. KAPOOR: No, upstairs, my spot, same location.

MR. SCALI: So they offered you an amount and that wasn't enough for you?

MR. KAPOOR: That was not enough to cover all those things that I have a dispute with Mr. Dhanda; that I owe him a certain amount of money and he owes me a certain amount of money. So if we package the whole thing together in a way that everybody comes out as a winner, that is the day I'm waiting for. We have a lawsuit going on and I cannot have that lawsuit hanging if I sell the license. So that's where we are at this point.

I had a long meeting with them six or seven months back and I explained my situation, so that is where we are.

MR. SCALI: Isn't your license free and clear of Mr. Dhanda?

MR. KAPOOR: Yeah.

MR. SCALI: He's got no liens on it; right?

MR. KAPOOR: No.

MR. SCALI: So you can sell that without any problem with Mr. Dhanda; right?

MR. KAPOOR: Yeah, I can.

MR. SCALI: You have to look at it this way: You have to look at whether what they're offering is a reasonable amount for that license. Just because it doesn't cover your lawsuit doesn't really translate to what they're going to offer you.

MR. KAPOOR: I totally agree with you but at the same time I have to get rid of everything. I came out with nothing. After all that goodwill and everything, I came out with zero. I have to have some money.

MR. SCALI: But you may have absolutely nothing because you've got someone who's offering you something right now, which is something. I don't know what they're offering you. I guess that's not public information at this point, but if it's a reasonable amount that you can get, it's an easy transaction right there in the same location.

MR. KAPOOR: I know, but I've decided not to take that at this point. And we have much ahead in the lawsuit and we might settle that. Once that settles, I'll settle everything.

MR. SCALI: I'm not quite sure what you're settling. You're settling what, the lease dispute you have with him?

MR. KAPOOR: Yeah.

MR. SCALI: Have you had any other offers on it? Just one?

MR. KAPOOR: Just one.

MR. SCALI: Did you want to speak? You have to come up if you want to talk. Have a seat tight here. Tell us who you are.

MR. LATKA: My name is Sajal Latka, spelled S-A-J-A-L, last name Latka, L-A-T-K-A.

MR. SCALI: What the name of your restaurant?

MR. LATKA: It's going to be the Maharaja. The corporation name is Northeast Business Group. We have filed for a Victualer, hearing to be on July 12. We talked to Mr. Dhandra

about the lease back in July and we started the lease on January 15.

MR. SCALI: You have a lease already?

MR. LATKA: Yes, sir.

MR. SCALI: Do you have a way of getting out of the lease?

MR. LATKA: We had, but we was so much deep into it that we decided to open it without a liquor license in the hope that --

MR. SCALI: So you're stuck with the lease whether you have a liquor license or not; right?

MR. LATKA: Yeah.

MR. SCALI: I just don't understand any restaurateur who signed a lease without a way to get out of the lease if you don't get a license. Why did you do that?

MR. LATKA: The reason was we made a good faith offer before signing the lease, which was counter-offered by Mr. Kapoor to us, and we thought it was a done deal.

MR. SCALI: Nothing is done until it's

done. Did you have an attorney?

MR. LATKA: Yes, we did.

MR. SCALI: Is it a Cambridge attorney?

MR. LATKA: A Cambridge attorney.

MR. SCALI: What do you want us to know now? Because now you're stuck with a lease.

MR. LATKA: We just want the City to consider that we did make a good faith offer which was very reasonable, 25 percent above the reasonable price that the last license in the City was sold. Mr. Kapoor came back with a counter-offer through the broker with Diamond Group. We accepted that offer as well. But then he decided not to sell it and we're just requesting the City to just consider the whole process. That's all we're here for.

MR. HAAS: The risk you run, both of you run, is if he applies for a new license and there's no available liquor licenses being offered, that's going to undercut the value of your license.

MR. KAPOOR: There are other licenses

available.

MR. HAAS: Just be aware of the fact that the market is going to kind of float.

MR. KAPOOR: I'm not holding them. My problem is that if we can package the whole thing together. I talked to them. There's a prior to everything. I tried to sell them the equipment and everything, and they wouldn't buy. They wouldn't buy the goodwill. They wouldn't pay me anything for anything, so that's why I'm in that situation.

I want to get rid of this as much as they want to, trust me. I don't want to keep it. There's no point. I wish them luck if they want to do business there. I have no problem.

MR. LATKA: What he's asking for is very unreasonable, which we don't have any control over it. We can't -- being a third-party I can't tell Mr. Kapoor or Mr. Dhanda what to do about the lawsuit.

MR. KAPOOR: I'm not saying that. I'm saying that we can discuss the numbers so that everybody comes out as a winner.

MR. LATKA: He's asking for my firstborn and I can't do it. It's as simple as that.

MR. SCALI: You want to sell equipment and goodwill. They made you an offer.

MR. KAPOOR: No, no. It's all gone now. What I'm saying is the equipment is gone and goodwill gone. I'm not saying that. All I'm saying is that if we can come to terms at a certain price, that's what I want for the liquor license.

MR. SCALI: So your dispute is just the price of the liquor license?

MR. KAPOOR: Yeah. There's nothing left there.

MR. SCALI: There's nothing else for you to sell.

MR. KAPOOR: No. There's nothing left there. And goodwill will be gone now. It's almost eight months it's closed.

MR. SCALI: And your dispute with Mr. Dhanda is in court?

MR. KAPOOR: Yes.

MR. SCALI: And that's on lease issues?

MR. KAPOOR: Yeah, money issues. We have counter sued him for the CAM charges, common area maintenance charges, and he won't give us the books for the past year-and-a-half. We have been asking for the papers for the past eight years; he never gave us.

MR. SCALI: The truth of the matter is that unless somebody moves somewhere along the way, it stays exactly as it is right now.

MR. LATKA: In our last offer --

MR. KAPOOR: I want to work with them.

MR. LATKA: The last offer we made was \$195,000. We checked with the City and the last license was sold at \$140,000.

MR. SCALI: Not in Harvard Square.

MR. LATKA: This is the information I had.

MR. SCALI: You've got the wrong information.

MR. LATKA: We're willing to pay

whatever the reasonable amount is.

MR. SCALI: If you really want to know the price in Harvard Square, the last price was closer to \$400,000. So you had better think again. I'm just saying to you because otherwise you're going to be there with a CV and no liquor for a very long time, because until he sells that license, transfers it off that spot, nothing is going to happen.

MR. KAPOOR: And trust me, I want to sell. I want to get rid of that and I want them to be successful because I was not making money so I have --

MR. SCALI: You've moved on.

MR. KAPOOR: Yeah, I've moved on. I'm a businessman and they are business people also. They should consider that.

MR. LATKA: But the contingencies that he put on the license and the last time we had the meeting he wanted to give us x-amount of dollars, plus the fact that we help him settle his lawsuit. It has nothing to do with us.

MR. KAPOOR: No. You have nothing to do with the lawsuit. That's between him and me.

MR. SCALI: That's between your attorney and your attorney. I'm just saying that if he's offering a reasonable amount for the license that's all you really need to worry about.

MR. LATKA: We keep offering but he keeps turning down.

MR. SCALI: At some point we have to say then you're not accepting a reasonable offer and then we take the license.

MR. KAPOOR: We can talk in front of our attorneys this time and try to resolve it. We'll see if it happens.

MR. SCALI: I think the two of you can come to some agreement.

MR. LATKA: We've been trying for the last --

MR. KAPOOR: No, no. We met only once.

MR. LATKA: We met for six hours. We talked to him.

MR. KAPOOR: I can talk to him right now and do it.

MR. SCALI: I think you should all talk and come back to us. Nothing is going to happen until you talk.

MR. LATKA: I know but I don't want to keep running around in circles just to get the final number. He tell me the final number and last time I talked to him he gave me a number plus of the fact that I help him settle his lawsuit and that I can't do.

MR. SCALI: I can't help you with that.

MR. LATKA: Neither can I. Neither can I, so we just dropped the ball.

MR. SCALI: We're talking about the price of a liquor license; that's the only thing that's relevant to us.

MR. LATKA: That's what I want him to do.

MR. SCALI: So you need to come to terms with that. I don't think it's reasonable for

them to get involved in your lawsuit.

MR. KAPOOR: I'm not saying that. I'm saying if I can pay him and get rid of him, and I have enough money, I'll do it. He says reasonable offer, I say market offer. That's all, and we can resolve it.

MR. SCALI: It's just a matter of numbers; that's all it is. You make a number, you make a number, and then you come together.

MR. LATKA: That's what we wanted to do last time but I don't want any contingent plans.

MR. KAPOOR: There won't be contingency.

MR. LATKA: I know we're willing to talk right now. It's a numbers game, that's it, but I can't help him with his lawsuit, nobody can.

MR. SCALI: We are in sync here.

MR. KAPOOR: I'm on the same page too.

MR. SCALI: So you're looking for an extension, Mr. Kapoor. I think maybe we'll take the matter under advisement and see if you all can come up with some agreement between now and our

Decisionmaking meeting, which is July 1. It's the first Thursday of the month. So do you think between now and July 1 you all can come to some agreement?

MR. LATKA: Definitely. My broker is here and we can go through our attorneys on that.

MR. SCALI: Who's your broker?

MR. LATKA: Diamond Group.

MR. SCALI: Can you assist somehow in negotiations with these people?

UNIDENTIFIED SPEAKER: I can try. I don't have Raj here to settle with Mr. Kapoor.

MR. KAPOOR: That has nothing to do with it.

MR. SCALI: We're talking about just the liquor license.

UNIDENTIFIED SPEAKER: I understand.

MR. SCALI: The landlord issues --

MR. KAPOOR: It's a separate issue.

MR. UNIDENTIFIED SPEAKER: I agree.

MR. LATKA: All the offers are made to the broker.

MR. HAAS: You don't want any contingencies with the landlord on the license; right?

MR. SCALI: The landlord has no rights to this liquor license; right?

UNIDENTIFIED SPEAKER: None whatsoever.

MR. SCALI: If that involves anything with that liquor license and the landlord, then the license is coming back to us.

MR. LATKA: Nothing has to do with the landlord or anything.

MR. SCALI: There's no pledge?

MR. LATKA: That's the reason we didn't move the conversations further ahead, because we didn't want to get involved with that. Thank you, Mr. Chairman.

MR. SCALI: Motion to take the matter under advisement.

MR. HAAS: Motion.

MR. SCALI: Moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: July 1. You're welcome to be here that day at 10:00 July 1. That would be very helpful. That's when our Decisionmaking meeting is, July 1.

MS. LINT: Here at 10:00.

MS. LINT: Application: Clara Gomes d/b/a Superior Market has applied for a secondhand good license at 1190 Cambridge Street.

Before we get started on this there's a housekeeping issue. We had the officers run a standard Massachusetts background check and it came back with absolutely no information whatsoever as if she does not exist.

MR. SCALI: Did you fill out the form correctly? Are you Ms. Gomes?

MS. GOMES: Yes.

MR. SCALI: On your background check, which we do on all secondhand goods licenses, it comes back as you not existing at all. You don't exist. Maybe you filled it out wrong. I don't know.

MS. GOMES: I don't exist. So what happened to me?

MR. SCALI: I don't know. Are you a citizen here?

MS. GOMES: I'm not an American citizens but I'm a legal immigrant here. I've been

here 40 years. I'm in the store for 22 years.

MR. SCALI: And you have a Mass. drivers license and all that?

MS. GOMES: I don't drive. My husband drives me back and forth every day to work.

MR. SCALI: Is the form wrong?

MS. LINT: I don't know.

MS. GOMES: I'm the one who signs the checks to pay the taxes, the water bill, and everything else.

MR. SCALI: So we can run it again, maybe? Is there some way to --

MS. LINT: Do you want to check the information to make sure it's correct?

MS. GOMES: Sure.

MR. SCALI: Do you have a Social Security number?

MS. GOMES: Yes.

MR. SCALI: Maybe you put the wrong number in or something.

MS. GOMES: That's my Social Security number, yes. That's the store, the store number,

the phone number to the store.

MR. SCALI: Is your address right?

MR. HAAS: Your date of birth and your name?

MS. GOMES: I don't live at this address.

MR. GOMES: That's the business address.

MR. SCALI: Did you put down your residence?

MS. GOMES: No, I did not. Maybe that's the problem.

MR. SCALI: You've got to put your residence.

MS. LINT: Is the date of birth correct?

MS. GOMES: September 7, 1952.

MR. HAAS: That's your full legal name that's on there?

MS. GOMES: Yes, Clara Batista Gomes.

MR. HAAS: Is that your married name or your maiden name?

MS. GOMES: Gomes is my married name, and my maiden name is Batista before getting married.

MS. LINT: But nothing came up under the name.

MR. SCALI: Something should come up under the Social Security number. She pays taxes.

MR. HAAS: Can we check with the Department of Revenue? You're paying business taxes and payroll taxes and stuff like that?

MS. GOMES: Of course, yes.

MR. HAAS: Call the Department of Revenue and just check to see if they have a record of that.

MR. SCALI: Something must be wrong.

MS. LINT: It still wouldn't give us a background.

MS. GOMES: I own that building for 22 years.

MR. SCALI: So she clearly exists.

MR. GOMES: She's been in the country for 40 years and she's never had an incident.

MR. SCALI: It just doesn't make any sense. I don't know why. We'll check it again. Maybe if you fill out another form --

MS. LINT: As you know, what would come up if there was nothing --

MR. HAAS: You get the header.

MS. LINT: -- we would get the header.

MR. SCALI: Putting that aside for a moment, you're Ms. Gomes and you are?

MS. GOMES: That's my son Michael.

MR. SCALI: Is this a store that you own now?

MS. GOMES: Yeah. I own it for 22 years.

MR. SCALI: Are you changing something there now? Are you selling secondhand goods?

MS. GOMES: I'm just trying to some secondhand videogames like PlayStation, things like that.

MR. SCALI: So this is new items that you're selling?

MS. GOMES: Yes. It will be like a

quarter of the store.

MR. SCALI: What else do you sell there?

MS. GOMES: I sell groceries like milk, cigarettes, canned goods.

MR. SCALI: So you're primarily a grocery store, a market?

MS. GOMES: A market, yes.

MR. SCALI: So this is just a small little section you're going to have for secondhand video games?

MS. GOMES: Yes.

MR. SCALI: A butter notifications?

MS. LINT: I don't have the green cards.

MR. GOMES: She's got the two of them right there.

MR. SCALI: Did you get any green cards back?

MS. GOMES: Yes.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Does anybody from the public want to be heard? No hands.

So I guess just pending the background check.

MS. GOMES: What can I do now then to appear?

MS. LINT: Maybe they inverted numbers.

MR. HAAS: But you get possible matches too. That doesn't make any sense.

MR. GOMES: She's got a federal ID.

MR. SCALI: It doesn't make any sense that it wouldn't come up with something.

MS. GOMES: This is my Social Security number.

MS. LINT: I need the form.

MR. SCALI: Why don't you come by tomorrow or the next day and fill out another form and we'll start all over again with all the right address and everything, and then we'll try to run it again for you. We'll just have you fill out another form.

MS. GOMES: I can't believe this is happening.

MR. SCALI: It's probably just something in the system. They typed in a wrong number or something.

Are you already operating now with the videogames?

MS. GOMES: No, I'm waiting for the license. I was hoping to get the license for it.

MR. SCALI: Take the matter under advisement?

MR. HAAS: Yes.

MR. SCALI: Motion to take the matter under advisement pending the background check.

MR. HAAS: Moved.

MR. SCALI: Seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: We'll vote July 1. In the meantime, come in and fill out that form again and we'll try to run it again for you and see how it comes out.

MR. GOMES: Does she bring the form

back to the Licensing Commission?

MR. SCALI: Come back upstairs and talk to Chris upstairs. Fill out the form all over again and make sure it's all right. We'll make sure we punched in all the right numbers. Maybe we somehow inverted something. I'm sure it's just some kind of a glitch.

Thank you very much.

MS. LINT: Application: Edmilson Louzada d/b/a Metamorphosis has applied for a secondhand goods license at 1693 Massachusetts Avenue.

MR. SCALI: Good evening. Just tell us your name for the record.

MR. LOUZADA: My name is Edmilson Jose Louzada, L-O-U-Z-A-D-A.

MR. SCALI: So this is a change of ownership?

MR. LOUZADA: Yeah. It used to be my brothers so I bought him out.

MR. SCALI: So your brother is gone. Is he leaving?

MR. LOUZADA: No. He owns two more stores: Eddy's Furniture in Somerville and Sunshine Lucy in Davis Square.

MR. SCALI: So he's going to be at those store.

MR. LOUZADA: He's trying to open another one.

MR. SCALI: Is this the only one you

have?

MR. LOUZADA: So far.

MR. SCALI: Are you selling the same thing he was selling?

MR. LOUZADA: Yes.

MR. SCALI: What are you selling?

MR. LOUZADA: Custom-made bookcases, armoire, used furniture.

MR. SCALI: Mostly furniture?

MR. LOUZADA: Yeah.

MR. SCALI: Have you been in this business before?

MR. LOUZADA: I was a nurse's aid at Salem Hospital for 19 years. Nursing home and hospital, two jobs.

MR. SCALI: Are you going to be doing this full-time now?

MR. LOUZADA: Forever. I just found it. It's the best.

MR. SCALI: So no more nursing?

MR. LOUZADA: Never again. I did my share.

MR. SCALI: Nineteen years is a long time.

MR. LOUZADA: Alzheimer's.

MR. SCALI: So you know the reporting mechanism to the Police Department; you know how to do that with the forms to Sergeant Ahearn; right?

MR. HAAS: That would be Lieutenant Aiello -- Sergeant Aiello is in charge of records. He takes care of that.

MR. SCALI: So you know where to go to do that at the Police Station?

MR. LOUZADA: For what?

MR. SCALI: Whenever you sell an item or you take an item in you have to report, do like a monthly report on those items that you sold or took in, and you report that to the Police Department on a monthly basis, so they know it's not a stolen good or that someone fenced something through your store.

MR. LOUZADA: I buy almost all my stuff from Jerry's in Salem, the Antique Mall in Lawrence, and I don't like to buy from people. I

go to places, auctions. You know what I mean?

MR. SCALI: Yes. It doesn't mean that they're not stolen in Lawrence.

MR. LOUZADA: At the Antique Mall I don't think they steal.

MR. SCALI: Questions?

MR. HAAS: No questions. You did a background check?

MS. LINT: All set.

MR. SCALI: At least yours is okay; you exist.

MR. LOUZADA: For the record, my father is a police officer. I grew up with a police officer in the house and he taught me well.

MR. SCALI: What city?

MR. LOUZADA: Hisplandu(phonetic), Brazil. He's a police officer in the same city and never got transferred. You know what that means? Good, good police.

MR. HAAS: Is he still in Brazil?

MR. LOUZADA: He passed away. My mother is here.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve, moved, seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Good luck. Make sure you get your license and all of your documents squared away with us before you continue, okay.

MR. LOUZADA: All right. Thank you.

MR. SCALI: Thank you very much.

Anything else, Mrs. Lint?

MS. LINT: Nothing else.

MR. SCALI: No ratifications?

MS. LINT: Nothing.

MR. HAAS: Motion to adjourn.

MR. SCALI: Motion to adjourn, moved, seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

(Whereupon, the proceeding concluded at 7:36 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 16th day of June, 2010.





ANNE OUELLETTE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 16, 2012

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