

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
Monday, July 12, 2010
6:08 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Monday, July 12, 2010. It's 6:08 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: Motion to accept the minutes from the July 1, Decisionmaking meeting.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. SCALI: Aye.

Being a quorum of Commissioners, we have -- Chief Reardon is not here but we're all set. Let's begin. Which item is first, Mrs. Lint?

MS. LINT: If you don't mind, I'll just take the addendum first because it should be a pretty quick matter.

This is an application continued from June 8, 2010. Guckenheimer Enterprises, Inc., Donna Webster, Manager holder of a Common Victualer license at 35 Landsdowne Street has applied for an increase of seating capacity at said address. If approved, the licensed seating capacity will increase from 174 to 206.

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

MR. LEE: My name is Adam Lee.

MR. SCALI: And you are the --

MR. LEE: I'm the new General Manager in place of Donna Webster.

MR. SCALI: So Donna is not there anymore?

MR. LEE: No. She moved on to another position with the company.

MR. SCALI: Was it applied for with her name on there as it was because she thought that she was going to be here and then she left?

MR. LEE: Correct.

MR. SCALI: This is a Common Victualer

so we're okay with advertisement, Mrs. Lint?

MS. LINT: This actually had been continued because we were missing part of the paperwork. It had been on. Chris just handed it to me so I haven't really looked at it.

MR. SCALI: This is an existing restaurant?

MR. LEE: Correct.

MR. SCALI: What was there before, do you know?

MR. LEE: It's always been a foodservice company, but I've been told the occupancy has just been increased. I guess the original number was put on the documentation, whereas, it was supposed to be a higher amount.

MR. SCALI: So you want 206 seats?

MR. LEE: Correct.

MR. SCALI: What are you serving? Is it serving food for a certain community or a certain cafeteria?

MR. LEE: For Millennium Pharmaceuticals over at MIT.

MR. SCALI: The menu is consisting of what?

MR. LEE: Breakfast items and lunch, dessert, along with catering.

MR. SCALI: Your hours of operation?

MR. LEE: We open at 7:00 in the morning and we close at 3:00.

MR. SCALI: So basically just breakfast and lunch?

MR. LEE: Right.

MR. HAAS: No weekend hours?

MR. LEE: No. There are after hours events sometimes depending on Millennium. I'm not sure how that falls within the guidelines.

MR. SCALI: Are those catered events?

MR. LEE: Yes.

MR. SCALI: So that would be outside of the regular business. It would be private events; right?

MR. LEE: Yes.

MR. SCALI: It's all right.

Does anybody from the public want to

be heard on this matter? Questions, Mrs. Lint?

MS. LINT: Just that we're going to need a change of manager application.

MR. SCALI: Not on a Common Victualer. We can just do it right over --

MS. LINT: Then we need to.

MR. SCALI: How long have you been with this company?

MR. LEE: Almost three years.

MR. SCALI: Do you have any other locations?

MR. LEE: Yes. One of them is Slumberjay (phonetic) over on Broadway.

MR. SCALI: What's it called?

MR. LEE: Slumberjay. It's on Broadway and Main Street. The John Hancock Tower, we do theirs. Adobe in Waltham.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Any other concerns? Are you all set with everything?

MS. LINT: Yes.

MR. SCALI: Pleasure of the
Commission?

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve, moved.
I'll second it. All in favor?

MR. HAAS: Aye.

MR. SCALI: All right. You're all set
for now. Make sure you get your sign offs into us,
pay your fee, and get your license before you open.

MR. HAAS: They are open, aren't they?

MR. SCALI: You're open already?

MR. LEE: Yes.

MR. SCALI: How did that happen?

MS. LINT: They had a license. It was
just increasing the seating capacity.

MR. LEE: Payment was made prior to.

MR. SCALI: So you have your license
already posted and your sign offs, you just wanted
to make sure you had the capacity straightened out?

MR. LEE: Correct.

MR. SCALI: Great. I misunderstood.

Thank you.

MS. LINT: Application: BMR-Rogers Street, LLC, holder of a Garage and Flammables license at 301 Binney Street has applied to amend their current Flammables license to include additional quantities of Class 1B and the addition of 377 gallons of Class 2. If approved, the total amount of Class 1 flammable liquids on the license would be 7,670 gallons (5,030 gallons in tanks of cars, 2,490 gallons of Class 1B already licensed, 150 gallons of new Class 1B) and 377 gallons of Class 2. The existing license includes 5,030 gallons of gasoline in the tanks of cars and 2,490 gallons of Class 1.

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

MR. ZINNO: Sal Zinno from BioMed.

MR. SCALI: Last name?

MR. ZINNO: Zinno, Z-I-N-N-O.

MR. EDWARD: Rocky Edwards, Tozentini Associates.

MR. SCALI: You were here before and there was confusion about what was advertised, what

wasn't advertised. Then Chris went through the application with you all and discovered that you needed to add to it all the other items that are on there.

MR. EDWARD: We clarified it all.

MR. SCALI: I'm okay with it now. The fire department I believe is okay with it, too.

MS. LINT: Yes.

MR. SCALI: Questions at all?

MR. HAAS: No questions.

MR. SCALI: Does anybody from the public want to be heard on this? Did we do a butter notifications again?

MR. EDWARD: Yes.

MR. SCALI: You did?

MR. EDWARD: I did.

MR. SCALI: Did you pass them into Chris already, the notifications?

MR. EDWARDS: I sent in the notarized thing but the green cards have not come back, but I did track all 11 in the US Postal and I matched them up with my certified receipts.

MR. SCALI: That's good. You did your homework this time.

MR. EDWARD: I had my receipts last time, too, but the advertisement wasn't what you liked.

MS. LINT: It's perfect now.

MR. SCALI: Pleasure of the Commission?

MR. HAAS: Motion to approve.

MR. SCALI: Moved, and I'll second it. All in favor?

MR. HAAS: Aye.

MR. SCALI: You're all set.

MS. LINT: Application: Lesley University is applying for a Lodging House license at 2 and 4 St. Johns Road. The property consists of 15 rooms and will have 26 occupants. Applicant is also seeking exemption from the residential manager requirement.

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

MR. MURPHY: Kevin Murphy.

MR. SCALI: So this is new dorms?

MR. MURPHY: New dorms. We just acquired the property on July 1. It's a phased purchase over the last two plus years where Lesley has purchased seven buildings and half of the building at the Episcopal Divinity School.

MR. SCALI: So you already have No. 1, 3, and 5; right?

MR. MURPHY: Numbers 1, 3, 5, and 7, which is Winthrop Hall with four separate entrances. Number 2 and 4 Kidder is a six-unit apartment type building immediately across the street.

MR. SCALI: So now you're both sides of the street and this is strictly for undergraduate students.

MR. MURPHY: Undergrads, yes.

MR. SCALI: So 15 rooms, 26 occupants, meaning some will have two people in each room?

MR. MURPHY: Correct.

MR. SCALI: Exemption from residential manager, meaning that Lesley will do the managing, obviously, for each of these dorms?

MR. MURPHY: Yes.

MR. SCALI: How will you monitor them?

MR. MURPHY: We will have a community adviser assigned the building. They're selected through a screening process. They report to a resident director who is on campus but in a different building, and they all in turn, report up to the Residents Life Director. We do have security in the evenings starting at approximately 4:00 p.m. and goes through 7:00 a.m. on that campus, and they also make rounds through the dorms.

MR. HAAS: So is this community adviser on the premises or are they just responsible for that building?

MR. MURPHY: They're on the premise; they live in that building.

MR. HAAS: Are they undergraduate students?

MR. MURPHY: Usually it's a junior or a senior.

MR. HAAS: Undergraduate?

MR. MURPHY: Undergraduate.

MR. SCALI: This would be like any other dorm where there's a resident adviser in the building?

MR. MURPHY: Yes.

MR. SCALI: They live there. They're a senior taking care of issues that are going on?

MR. MURPHY: Yes.

MR. SCALI: And then they report to the Residential Life Director?

MR. MURPHY: They actually report to an RD, resident director. We have one in Lawrence

Hall, which is adjacent to this building. They're actually on the professional staff; that's a graduate student who's a Lesley employee and they report directly to the Director of Residents Life who has been at Lesley for 20 plus years.

MR. SCALI: Refresh my memory, policies in the dorm in terms of parties, events, alcohol.

MR. MURPHY: Students who are 21 and older can have it, but students under 21 cannot be in the presence of alcohol. If there was a party, it has to be approved all the way up through the Dean of Student Life.

MR. SCALI: Are there common areas where there could be events or parties?

MR. MURPHY: There is, but it's a small common area.

MR. HAAS: What happens if there's not a sanctioned party taking place?

MR. MURPHY: Discipline is -- it's handled. In other words, if somebody were to report something to Public Safety, they go over and

check IDs and find out who's there, take down names. If there's alcohol, they'll confiscate it. Then there are reports that are filed that get circulated through all the appropriate folks.

MR. SCALI: So on this side of the street, what do these halls abut? Are there residential abutters behind you?

MR. MURPHY: No. It's almost a clear shot behind that building out to Brattle Street, but on either side is Lawrence Hall, which runs perpendicular, and then there's the Hastings House at 101 Brattle Street that's the historic white building next to the Longfellow Estate.

MR. SCALI: Any questions?

MR. HAAS: No other questions.

MR. SCALI: Does anybody from the public want to be heard in this matter? No hands. Did you get a letter, Mrs. Lint?

MS. LINT: I did. It was actually sent to Mr. Murphy and it was cc'd to me, and I know that he answered that. I have a copy of his response.

MR. SCALI: So there were certain questions? Was it a resident of the area?

MR. MURPHY: It was. It was Mr. Unger at 12 Berkeley Street. In addition to cc'ing the License Commission, he also cc'd two of his next door neighbors at 8 and 6 Berkeley. I hand delivered a copy of my letter to Mr. Unger today as well as the two neighbors.

MR. SCALI: I'm assuming he's satisfied with those answers.

MS. LINT: He has never contacted me.

MR. MURPHY: I know he was here two years ago when we applied for the license for Winthrop. I think one of his concerns is just how far are we going with the student population. Well, we have 166 beds now between Winthrop and Lawrence. We're adding 26 with this building, and then a year from now I hope to be here applying for another Lodging license for 13. This brings us up to 205.

MR. SCALI: Where would that be, the addition?

MR. MURPHY: That would be 6 St. John's Road, which is next to 2 and 4.

MR. SCALI: Is that still part of what used to be the Divinity School section?

MR. MURPHY: We created a condo and that's one of the properties.

MR. SCALI: So it's an additional dorm that was created through a condominium building, or a residential building?

MR. MURPHY: These are residential buildings. The buildings that we're occupying as dorms have been historically used for residential purposes.

MR. SCALI: They were previously for dorm use?

MR. MURPHY: Yes, for students and students' families.

MR. SCALI: Just not for Lesley; it was for the Divinity School.

MR. MURPHY: Yes.

MR. SCALI: Any other concerns, Mrs. Lint?

MS. LINT: No.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Pleasure of the
Commission?

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve. I'll
second it. All in favor?

MR. HAAS: Aye.

MR. SCALI: Thank you. Just make sure
you get your sign offs, pay your fee.

MS. LINT: Application: Indica Ventures, LLC d/b/a Tamarind Bay, Eshwar Shanker, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 75 Winthrop Street has applied to transfer said license to Wagamama Boston One, LLC, Meredith Clancy, Manager, at 57 JFK Street. If approved, the seating capacity of Wagamama will remain at 100.

And the applicant is not applying for a change of manager. The application had been filed in 2007. The ABCC had never corrected their paperwork and we have since taken care of that.

MR. SCALI: Let's take them one at a time. I know that they're related together because you're basically flipping them. We'll just take this one first. Tell us your name for the record, please. Start over here.

MS. CLANCY: I'm Meredith Clancy.

MR. GOLDBERG: Bernard Goldberg, Attorney for Wagamama Boston One, LLC.

MR. SCALI: You're the attorney for Wagamama?

MR. GOLDBERG: Yes.

MR. KAPOOR: Vik Kapoor, Tamarind Bay, Indica Ventures, LLC.

MR. SCALI: So Tamarind Bay is basically staying Tamarind Bay with the 100 capacity; right?

MR. KAPOOR: We're staying Tamarind Bay with 56 capacity.

MS. LINT: That's why I thought we should call them both together.

MR. KAPOOR: And Wagamama is staying with 100 capacity. Tamarind Bay will be owning a Beer and Wine license and will be selling the All Alcoholic to Wagamama.

MR. SCALI: So Tamarind Bay is going to have 56 seats, which is what you have now.

MR. KAPOOR: Yes.

MR. SCALI: And you're going to have the Beer and Wine as opposed to the full alcohol.

MR. SCALI: And are you --

MR. KAPOOR: Wagamama will have the same seats they have now. They will have All

Alcoholic.

MR. SCALI: With the 100 seats?

MR. KAPOOR: Yes.

MR. SCALI: And no one is banking any seats? This is just trading one for one?

MR. KAPOOR: Right.

MR. SCALI: Was there a monetary fee?

MR. KAPOOR: Yes.

MR. GOLDBERG: Wagamama is paying to Indica, LLC \$100,000 for their All Alcoholic license. We are not paying anything to Indica for their Beer and Wine license.

MR. SCALI: So the reduced price reflects what the cost of what the Beer and Wine license would have been?

MR. GOLDBERG: Absolutely.

MR. KAPOOR: We are paying one dollar as a transaction fee to them, or \$100 or something like that.

MR. SCALI: Nothing else is changing, hours, menu?

MR. KAPOOR: No.

MR. SCALI: The corporation isn't changing?

MR. KAPOOR: No.

MR. SCALI: Ownership?

MR. KAPOOR: No manager, no corporation, no ownership. Menus change seasonally but nothing to do with this.

MR. SCALI: Questions?

MR. HAAS: There's no attachments on either license?

MR. GOLDBERG: No attachment on either license at all. Wagamama -- I don't believe.

MR. SCALI: No pledges.

MR. GOLDBERG: No pledges inventory at all. Wagamama intends --

MR. SCALI: Pledge?

MR. GOLDBERG: I don't believe there's an attachment. No pledge, no pledge of license, no pledge of inventory at all.

MR. SCALI: The landlord has no interest in this?

MR. KAPOOR: No.

MR. SCALI: You have no agreements with the landlord at all?

MR. KAPOOR: No.

MR. SCALI: Do you want to hear the other one first? Do you want to take them one by one?

MR. HAAS: We can probably vote on both of them at the same time.

MR. SCALI: Right. Is anyone here from Wagamama?

MR. GOLDBERG: Meredith Clancy is the manager of Wagamama, and she can speak for and on behalf of Frank Peace who is the President of Wagamama Boston One, LLC.

MR. SCALI: SO basically everything that they've just said is what you understand it to be?

MS. CLANCY: Yes.

MS. LINT: So I think it would probably be appropriate to read the other one into the record.

MR. SCALI: Go right ahead.

MS. LINT: Application: Wagamama Boston One, LLC d/b/a Wagamama, Meredith Clancy, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 57 JFK Street has applied to transfer said license to Indica Ventures, LLC d/b/a Tamarind Bay, Eshwar Shanker, Manager at 75 Winthrop Street. Seating capacity of Tamarind Bay will remain at 56.

MR. SCALI: Does anybody from the public want to be heard in this matter? I don't see Ms. Jillson so I guess she's not objecting to this.

MR. HAAS: Is that right though? Or is it the other way around?

MR. SCALI: It's confusing how you have the capacity written, because Tamarind Bay is going to remain at 56 and Wagamama is going to remain at 100.

MR. HAAS: Wagamama is a holder of a Beer and Wine license; right?

MR. KAPOOR: That's correct.

MS. LINT: And they're transferring

it to Tamarind Bay.

MR. HAAS: I've got it, okay.

MS. LINT: It's just confusing.

MR. KAPOOR: Sorry.

MR. HAAS: And the seating capacity has no bearing on either license?

MR. GOLDBERG: No, not at all.

MR. SCALI: It just means that we are going to be having --

MR. HAAS: A decrease in the capacity of the Beer and Wine and an increase in Alcohol.

MR. SCALI: We'll have more All Alcoholic seats in Harvard Square.

MS. LINT: But you're not changing the number of seats, overall.

MR. KAPOOR: We just don't have alcohol sales in the basement. Total alcohol sales in the entire year is \$10,000. I pay more in the fees sometimes.

MR. GOLDBERG: Mr. Chair, if you recall, we've been here before with regard to upgrade, and it was decided by the Board that

inasmuch as there were two All Alcoholic licenses available in Harvard Square that we try and negotiate, and we did for a period of time negotiated with all parties other than Mr. Kapoor here of Tamarind Bay. Finally we were able to come to some agreement, which is a very reasonable agreement, and we're here today to try and effectuate that agreement.

MR. SCALI: I think it's a great solution. I wish everybody else was as cooperative as the two of you have been over the last few months. There's some other parties in Harvard Square who could take some lessons from you all.

MR. KAPOOR: We approached many parties as well and the others came with unreasonable offers or wanting to practically give our license away for free.

MR. HAAS: So the predominance of your business is beer and wine?

MR. KAPOOR: Yes. When I bought the license it was more than -- the Commissioner can remember.

MR. GOLDBERG: I might add, Mr. Chairman, just for the purpose of edification, Wagamama Boston One, LLC is going to do some renovation in anticipation of the grant of the All Alcoholic license for the purposes of making their restaurant more comfortable for their customers. They're doing some lighting changing, acoustic paneling, all for the purpose of comfort and changing their seating type to benches, cushioned back and the like.

MR. SCALI: You're changing the floor plan where you'll need to come into us and apply?

MR. GOLDBERG: Not at all.

MR. HAAS: Just taking the long tables and long benches out?

MR. GOLDBERG: Go ahead.

MS. CLANCY: We'd just be adding cushioning.

MR. HAAS: To those benches?

MS. CLANCY: To the benches; that's really it. And just softer lighting and softer paint.

MR. SCALI: You're not adding any more bar seats or anything like that?

MS. CLANCY: No. And we don't have a bar.

MR. SCALI: Any other questions?

MR. HAAS: No questions.

MR. SCALI: Pleasure of the Commission?

MR. HAAS: Do you want to do them one at a time?

MR. SCALI: We can do them both together if you want.

MR. HAAS: I make a motion to approve both applications.

MR. SCALI: Motion to approve both on the transfers. Moved and I'll second it. All in favor?

MR. HAAS: Aye. And all the training stuff is taken care of; right?

MR. SCALI: You've already been through 21-Proof training?

MS. CLANCY: I have, yes.

MR. KAPOOR: We've been through it a well.

MR. SCALI: Because essentially you're staying the same but it's like a new transfer.

MR. GOLDBERG: All additional staff that may be hired will be taken in by Ms. Meredith Clancy for purposes of training them, as well as taking the necessary training steps with the Board.

MR. SCALI: So you want to make sure all new staff goes through 21-Proof, and Frank will come out to your establishment and do that there for you, or combine with another establishment for you.

All right, thank you very much. Good luck.

MS. LINT: Application: Cakewalk Bakers, LLC d/b/a Flour Bakery & Café, Aaron Constable, Manager, has applied for a Common Victualer license to be exercised at 190 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 52 (40 seats inside and 12 outside patio seats). The hours of operation will be from 7:00 a.m. to 7:00 p.m. seven days per week.

MR. SCALI: Good evening. Tell us who you are for the record.

MR. CONSTABLE: Aaron Constable; I'm the general manager.

MS. CHANG: Joanne Chang, owner.

MR. SCALI: So this was an existing location? Was it a restaurant before?

MS. CHANG: No, it was not.

MR. SCALI: So it's a new location.

MS. CHANG: Correct.

MR. SCALI: I know you're already open. We have to talk a little bit about that

actually, because - well, we'll get to that later.

So this is going to be for 52 seats, 40 seats inside, 12 outside patio seats. Are the outside patio seats on public property or private property?

MS. CHANG: It's on public property.

MR. SCALI: So on the public sidewalk?

MS. CHANG: Correct.

MR. SCALI: And do you have your DPW permit for that?

MS. CHANG: We haven't actually applied for the actual seating. We don't have seating outside.

MR. SCALI: You haven't done it yet?

MS. CHANG: Correct. We'll probably do it for next summer.

MR. SCALI: So you need to go through City Council and to DPW to apply for those sidewalk seats, and be approved by both.

MR. HAAS: Would you take that up now, or defer that to later?

MR. SCALI: If you're not going to do

it this season, we really can't approve it now until you go through that process.

MS. CHANG: So we'll reapply.

MR. SCALI: You probably need to reapply to us because it's going to be a year away.

Tell us a little bit about your -- I know you have other locations, so tell me a little bit about your setup, your menu, your past experience.

MR. CONSTABLE: A busy café. Actually three of our locations including the new one on Mass. Avenue are open seven days a week. We do breakfast, lunch, dinner, takeout dinner specials. We do coffees and pastries.

MR. SCALI: So it's mostly coffee, tea, pastries.

MR. CONSTABLE: In the morning time, and then there's a big lunch business, sandwiches, pizzas, quiches, a lot of deliveries as well, catering deliveries. And then at night time it gets a little bit slower but we do have takeout dinner specials.

MR. HAAS: Just takeout dinner?

MR. CONSTABLE: They can have it there. It's all counter service; there's no servers.

MR. SCALI: And 7:00 a.m. to 7:00 p.m. seven days a week, so you're not really that late into the evening at all. It's early evening. No intention of alcohol in the future, beer and wine?

MS. CHANG: No.

MR. SCALI: Questions?

MR. HAAS: No questions.

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

I just have to say -- I want to explain to you, you know I appreciate you were in a big rush to get open and I thought it was going to be a real soft opening, but it was a real hard opening. You got a lot of publicity and I'm really happy for you. But I do want you to know it's very unusual for us to give permission for you to open up ahead of time.

It seemed like there was a lot of

pressure to do that. I'm not trying to be disrespectful or mean, but in the future you need to come here first. Calling politicians and other people to put pressure on us doesn't really work, and I didn't really appreciate it. We did it because you were in a bind, but that's not how we generally operate here.

We want to make sure that you -- if you had come in here and people objected or there was a problem with the location, and you were already open and operating, it really just makes our job kind of useless at that point. It's really for your protection too, to make sure you don't do things and spend money on things that may not happen. Luckily it's positive for you, and you do have experience, so I can't say you're a first-time operator, so you know what you have to go through. I appreciate that you put a lot of money into it and all that but I just want to make sure you understand for the future.

MS. CHANG: I completely understand and apologize. It was not the right way to go

about it.

MR. SCALI: Pleasure of the
Commission?

MS. LINT: Mr. Chair, I do see also
there's an Entertainment license application. I
don't know if it's --

MR. SCALI: Is it background music?

MS. LINT: Audiotape machine.

MR. SCALI: Above, at, or below.

MS. LINT: Below.

MR. SCALI: Below conversation level
for your background music?

MS. CHANG: Yes.

MS. LINT: And I need the green cards
back as well.

MR. SCALI: Your abutter
notifications.

MS. CHANG: I got these two and one of
them was returned.

MS. LINT: That's okay.

MR. SCALI: Pleasure of the
Commission? They're already open anyway.

MR. HAAS: I want to think about it.

MR. SCALI: You want to think about
it?

MR. HAAS: Motion to approve.

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

MR. HAAS: Aye.

MR. SCALI: Good luck. I'm sure
you'll be very successful there.

MS. LINT: Application: Handi Indian Restaurant, Inc. d/b/a Harvest of India Fine Indian Bistro, Avtar Singh, Manager, 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 39. The hours of operation will be from 11:00 a.m. to 11:00 p.m. seven days per week.

MR. SCALI: Good evening. Just tell us who you are, please.

MR. NARDONE: My first name is Glen, my last name is Nardone, N-A-R-D-O-N-E, and I am the attorney for the restaurant. The owner sits here to my left, Mr. Avtar Singh, and that's A-V-T-A-R, S-I-N-G-H.

MR. SCALI: This is the old Il Panino.

MR. NARDONE: That is correct, and Mr. Singh is seeking to open another restaurant. He's been in the restaurant business for 20 years in Cambridge, Shalimar.

MR. SCALI: That's right.

MR. NARDONE: There was an empty storefront, an existing restaurant, and he saw an opportunity, so he's seeking to move forward on that opportunity.

MR. SCALI: So you're taking the whole space that was Il Panino?

MR. NARDONE: The whole space.

MR. SCALI: It wasn't that big.

MR. NARDONE: There are 39 seats for this particular establishment.

MR. SCALI: So 39 seats, 11:00 to 11:00, and you're looking for no alcohol.

MR. NARDONE: No alcohol.

MR. SCALI: Just the food?

MR. NARDONE: Just the food and drinks like water, soda, things like that.

MS. LINT: And no entertainment.

MR. SCALI: And you think you can make it without beer and wine?

MR. SINGH: Yeah, we apply maybe.

MR. SCALI: You think maybe in the

future you might apply?

MR. NARDONE: In the future perhaps, but he feels confident based upon his restaurant experience that the location itself will bear fruit.

MR. HAAS: Does Shalimar have a liquor license now?

MR. SINGH: Yeah, full liquor license.

MR. SCALI: It's not that I want to see you apply for beer and wine, but we're always worried about people succeeding and we don't want to see you go down the tubes quicker than you have to. So I'm not sure how the neighborhood would react. Il Panino had a Beer and Wine license I think.

MR. NARDONE: That's correct. Yes, they did.

MR. SCALI: I think that they did very well for a lot of years. I'm just saying that if that's in your plan for the future, we would rather see you do that than not succeed.

The menu is going to be similar to

Shalimar?

MR. NARDONE: Yes.

MR. SCALI: Do you have a copy of the menu?

MR. NARDONE: Here you go.

MR. SCALI: Is it just you owning it? Do you have partners?

MR. SINGH: Just me own it.

MR. SCALI: So you are the corporation? You are the president, director?

MR. NARDONE: He holds all positions, yes.

MR. HAAS: Who's the manager of Shalimar now?

MR. SINGH: My wife.

MR. HAAS: Who's the manager of this new establishment, you?

MR. SINGH: Yes.

MR. SCALI: Is your wife going to be working with you in both places?

MR. SINGH: Evenings, evening time. She comes evening time and weekends she come.

MR. SCALI: As you may or may not know, that location is controversial with the residential abutters right in back. Trash pickup is very crucial. When is your trash pickup going to be?

MR. SINGH: Two, three times a week.

MR. SCALI: Are you putting it on the sidewalk?

MR. SINGH: Back side, yeah.

MR. SCALI: There are dumpsters in the back?

MR. SINGH: In the back side, yeah.

MR. SCALI: So that's abutting residential property.

MR. SINGH: Their parking lot there.

MR. SCALI: In the past, there were complaints about noise back there, people smashing bottles. When you go to put the bottles back there you should avoid that. There should be no people smoking back there, if you have employees that smoke.

We do allow trash pickup before 7:00

a.m. if it's on Mass. Avenue, but because it's behind the building abutting residential, it has to be after 7:00 a.m.

MR. SINGH: Okay.

MR. SCALI: We're also telling all new business owners, restaurant owners, that they're responsible for cleaning up the sidewalk in the front, meaning that if there are people out there smoking. You don't have a patio out there but people will be out there.

MR. SINGH: Nobody smoking.

MR. HAAS: Customers.

MR. SINGH: Customers no smoking inside.

MR. HAAS: But they'll come outside and smoke.

MR. SCALI: We just want to make sure you know that your staff has to clean that up in the front.

MR. HAAS: And deliveries are made to the back also?

MR. SINGH: Yes.

MR. HAAS: How often?

MR. SINGH: Two times a week.

MR. SCALI: After 7:00 a.m.; nothing before 7:00 a.m.

MR. SINGH: Okay.

MR. SCALI: Are you changing the venting system at all? Are you changing the hood system or the venting system at all?

MR. SINGH: They already have venting system.

MR. SCALI: It's already there. Nothing is changing?

MR. SINGH: No change.

MR. HAAS: They changed the code though since they were last open; right? Wasn't the Fire Chief talking about the change in the hood systems?

MR. SCALI: Yes.

MR. HAAS: And this restaurant has been closed for a while; right?

MR. SCALI: There is a new regulation. The fire department is usually here to explain

that. On hood ventilation, you may have to upgrade and amend that. I'm not sure exactly what that --

MR. HAAS: You're supposed to have cleanouts every so many feet and things like that.

MR. SCALI: You have to have a certain amount of cleanouts in the vent system, by law.

MR. HAAS: Because they wouldn't be grandfathered; right? It needs to a new establishment.

MR. SCALI: No. It's a new location, a new owner. Abutter notifications?

MR. NARDONE: Existing business.

MS. LINT: It's been closed.

MR. SCALI: You didn't notify abutters?

MR. NARDONE: No. As I read the application inasmuch as it was already a restaurant space, we didn't feel that that was a necessary step.

MR. SCALI: Well, it isn't up to you to decide that.

MR. NARDONE: I understand that.

MR. SCALI: Did Chris notify him to notify abutters? It's been closed for a while so I think that may be the thing that was considered pre-existing. I'm not sure.

MS. LINT: I don't even see the letter that went out, other than telling him when the hearing is.

MR. SCALI: It would be in that letter.

MR. HAAS: So they'd have to do that then; right?

MR. SCALI: It's non-alcoholic and it's pre-existing.

MR. HAAS: I'm just wondering given the previous history.

MS. LINT: It's a tossup.

MR. SCALI: I'm very surprised there are no neighbors here. I didn't ask the question but if there are no neighbors here on this, I would be very surprised. It's a very controversial neighborhood.

MR. NARDONE: I have conversation when

I originally filed and that issue did come up. At the time of the filing the staff that accepted the filing indicated to me that my position was acceptable at that particular time that I filed. Otherwise, it would have been very easy to send out the notice.

MR. SCALI: What's your timeframe on opening?

MR. NARDONE: How much more time before opening?

MR. SCALI: What date? What month are you going to open?

MR. SINGH: Maybe three or four weeks.

MR. SCALI: So you're ready to go? Is it cleaned up and ready to open in a few weeks?

MR. SINGH: It's not too much problem there.

MR. HAAS: So if the residents were going to object to this, they have no recourse at this point?

MR. SCALI: Once we grant it there would be no recourse.

MR. HAAS: I understand that.

MR. SCALI: Except for them to complain about issues that are going on.

MR. HAAS: Right.

MR. SCALI: I think we probably need to research and find out whether we need to do abutter notifications on this just to make sure on this one. This is really not a -- this is not your fault at all, it's just that we want to make sure these neighbors know about this application. Like I said, they've always appeared when anything in that building goes on, so let's find out, Mrs. Lint, if you could.

MR. HAAS: Have your family space that they are on a little issue can't get out of.

MR. HAAS: Have you already signed the lease?

MR. NARDONE: Yes.

MR. SCALI: Is it a lease you can't Get out of?

MR. NARDONE: It's a pretty onerous lease, yes, it is.

MR. SCALI: Is there a contingency to get the license in the lease?

MR. NARDONE: No.

MR. SCALI: I don't understand that. Did you do the lease?

MR. NARDONE: Yes, I did. The negotiations were what they were.

MR. SCALI: I don't understand why any attorney would advise their client not to have that clause in their lease.

MR. NARDONE: I didn't say whether or not I advised him to do anything; that's how the dust settled. Obviously I can't go into any details.

MR. SCALI: I understand. I'm not saying you did anything wrong, I'm just saying that -- and I'm not saying you're not going to get the license. I'm just saying that it really surprises me. Clients say that all the time; that they can't get out of the lease if the license is not granted.

MR. HAAS: How long have they been

closed?

MS. LINT: About a year.

MR. SCALI: Maybe longer than that.

MR. HAAS: I thought it was longer than that.

MR. SCALI: Let's research that Mrs. Lint and find out about the abutter notifications.

MS. LINT: The 26th?

MR. SCALI: We can put it on for that. We'll put it on for July 26. Our next hearing is July 26.

MR. NARDONE: At 6:00 p.m.?

MR. SCALI: Yes. Motion to continue to July 26.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. SCALI: We'll do our best. If you could talk with Mrs. Lint tomorrow and just find out or make sure that people --

Is anybody here from the public -- I didn't ask that question - on this matter? All right, thank you.

MR. KAPOOR: Does it fall in the Harvard Square Cap?

MR. SCALI: This is in the cap area between Harvard and Central, Cap Area No. 2. There's no alcohol anyway so it doesn't fit into a cap. Thank you.

MR. NARDONE: Thank you.

MS. LINT: Application: Northeast Business Group, Inc. d/b/a The Maharaja, Aman Thakur, Manager, has applied for a Common Victualer license to be exercised at JFK Street. 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 125. The hours of operation will be from 11:30 a.m. to 11:30 p.m. seven days per week. Applicant is also applying for an Entertainment license to include background music and two TVs.

MR. SCALI: Good evening. Just tell us who you are for the record, please.

MR. THAKUR: Aman Thakur, A-M-A-N, T-H-A-K-U-R.

MR. SCALI: And you are?

MR. THAKUR: I'm the manager and the owner and the partner.

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

MR. SCALI: And you are also an owner?

MR. LATKA: I'm also an owner.

MR. SCALI: Just the two of you that are owning this?

MR. LATKA: We have a third owner; he's working tonight.

MR. SCALI: So this is 57 JFK Street. This is where Bombay Club used to be?

MR. THAKUR: Right.

MR. SCALI: Are you taking over the entire Bombay location?

MR. LATKA: Yes.

MR. SCALI: No alcohol at this time; right?

MR. LATKA: No alcohol, but it's in the works though, so hopefully --

MR. SCALI: Is it really in the works, close?

MR. LATKA: It is. Mr. Kapoor doesn't want to talk to us but Henry from the Korean barbecue that's going in the basement, they're --

MR. THAKUR: It's called Bull.

MR. SCALI: They're talking to -- are you looking to buy the Bombay Club?

MR. LATKA: No. He's looking to buy the Bombay and that will free us to buy somebody else's then.

MR. SCALI: So you're looking around to buy another one?

MR. LATKA: Once Mr. Kapoor sells it to somebody then we're looking to buy.

MR. HAAS: Have you started looking yet?

MR. LATKA: The brokers are looking around. He said a couple are available, which is all contingent to what happens in the cellar. But we're keeping our fingers crossed that it should happen soon.

MR. SCALI: So opening up with just food right now; that's your intentions?

MR. LATKA: Food right now.

MR. SCALI: And you think you'll be okay temporarily?

MR. LATKA: We have a negotiated lease for the time being until we get a liquor license.

MR. SCALI: Does your lease say that

you have a right to get out of your lease if you don't get the license?

MR. LATKA: Yes. Because we've already put in a lot of money and then we renegotiated saying okay, you know, as it is -- because we have three other Indian restaurants and liquor consumption is not big, like five to maybe seven percent, and I don't know about Harvard Square. So I'm hoping it could be 10 percent.

MR. SCALI: Where are your other locations?

MR. LATKA: We have two in New Hampshire: one in Manchester and one in Nashua, and one in Chelmsford, Mass.

MR. SCALI: Are they all called Maharaja?

MR. LATKA: No. They're called India Palace.

MR. SCALI: So 11:00 a.m. to 11:30 p.m.

MR. THAKUR: 11:30 a.m.

MR. SCALI: Seven days a week?

MR. THAKUR: Yes, sir.

MR. SCALI: So 125 seats.

MR. LATKA: Ten seats at the bar and
125.

MR. SCALI: No standing?

MR. LATKA: No standing. There is room for waiting. There's a corridor in front of it. Then talking with Mr. Grover at the Building Inspector, we are making it all -- there was only two egresses in the old Bombay location so we're putting a third egress in with a fire door in case something happens. There are two separate exits out of it. Technically it doesn't make sense because it all comes down to the same corridor. We have upgraded each and everything. Everything is demolished on the inside so everything is up to the code with sprinklers, HVAC, and everything.

MR. SCALI: Intention to open when?

MR. LATKA: As soon as the contractors
get out.

MR. SCALI: So a couple of months?

MR. LATKA: No. We got a rough

inspection I think either today or tomorrow. So maybe the middle of August.

MR. SCALI: So you've got some work to do.

MR. LATKA: The finishing touches. As soon as the inspection is done we're going to start boarding up.

MR. SCALI: Any problems?

MS. LINT: No.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: So does the landlord have any interest in your license at all? No pledges, no security?

MR. LATKA: No.

MR. SCALI: Just making sure. Does your lease include a percentage of your profits?

MR. LATKA: No.

MR. SCALI: Just a straight lease?

MR. LATKA: Straight lease.

MR. SCALI: Monthly?

MR. LATKA: A straight lease with just

a clause that we have to disclose our revenues every year I think.

MR. HAAS: Is your lease subject to renew every year?

MR. LATKA: Every five years.

MR. SCALI: Did you feel your negotiations went well with your lease? Are you comfortable with the terms?

MR. LATKA: Yes, because we did the numbers fair and square. You know, what are we doing right now for liquor sales, and we think we got a better idea talking to other tenants around, you know, what they do. And Indian food is primarily beer and wine, and that also it's not that common. We'll be doing some Indian non-alcoholic drinks, too, so that kind of complements it.

The brokers were pretty confident the That way the negotiations are going we should see light at the end of the trouble.

MR. SCALI: Just making sure.

Questions?

MR. HAAS: No questions.

MR. SCALI: Does anybody from the public want to be heard in this matter? You know something, Ms. Jillson is on vacation; that's why she's not here. Motion to approve.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. SCALI: Good luck with your negotiations.

MS. LINT: Application: Curry Thai Corporation d/b/a Curry Thai Restaurant, Jiranuch Stepenuch, Manager, has applied for a Common Victualer license to be exercised at 569 Cambridge Street. 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 from 11:30 a.m. to 10:30 p.m. seven days per week.

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

MR. PEDALARO: My name is Mark Pedalaro and I represent Curry Thai.

MR. SCALI: And you are?

MS. STEPENUCH: Jiranuch Stepenuch.

MR. PEDALARO: If it helps you throughout the length of this, it's easier just to go by Nuch, which is what she does.

MR. SCALI: Whatever she feels comfortable with I' would be happy to do.

So this used to be Unique Chinese,

which didn't last very long.

MR. PEDALARO: About a year. It's still open, by the way, and we will take over. The business is ongoing and we would take over that business.

MR. SCALI: Do you know what happened? It's not your responsibility; I was just wondering.

MR. PEDALARO: To my knowledge, he just wants to get out. I think they're doing okay. My client thinks they're doing okay but he just wants to get out.

MS. STEPENUCH: He have another one and he don't have time to manage two restaurants.

MR. SCALI: Too many locations and they can't do it all.

Tell us your experience in the restaurant business.

MS. STEPENUCK: I have a partner in another one in Newburyport, a Thai restaurant, for about five years.

MR. SCALI: In Newburyport?

MS. STEPENUCK: Yes.

MR. SCALI: What's it called.

MS. STEPENUCK: Andaman (phonetic)
Thai Restaurant.

MR. SCALI: Is that your only
location?

MS. STEPENUCK: Yes.

MR. SCALI: Are you keeping that one,
too?

MS. STEPENUCK: Yes.

MR. SCALI: So you're going to have
both locations. Menu? Pass it around. Are you
getting hungry?

MR. PEDALARO: We're hoping you're
getting hungry; that's the idea of all of this.

MR. SCALI: It looks very reasonable.
Hours of operation, 11:30 a.m. to 10:30 p.m., seven
days a week. Any intention to apply for a Beer and
Wine license?

MR. PEDALARO: There is but in
response to an earlier question you had: Are they
far along? No. It will be their long-range plan
to work to try and get a Beer and Wine. No

paperwork has been filled out yet. In fact -- again, in response to some of your earlier questions, I have structured this so it's contingent upon your action. Also, we have a letter of intent for working out a lease with the landlord, which we're fairly close, although this landlord has been very aggressive.

MR. HAAS: Are they selling alcohol there now?

MR. PEDALARO: I don't believe so.

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

MR. SCALI: So 20 seats. A butter notifications; did you have to do that?

MS. LINT: No. It's just moving.

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

MR. HAAS: No questions.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. SCALI: Moved and seconded. All

in favor?

MR. HAAS: Aye.

MR. SCALI: Good luck.

MR. PEDALARO: Thank you.

MR. SCALI: Just one other question about your trash removal. Is your trash on Cambridge Street? Or, do you have a dumpster in the back?

MS. STEPENUCH: We have a dumpster in the back. Someone will pick it up twice a week from the previous owner.

MR. SCALI: The dumpster is being picked up twice a week from the back of your building?

MS. STEPENUCH: Yes.

MR. SCALI: You're not wheeling it out on the street?

MS. STEPENUCK: I'm not sure about that.

MR. SCALI: Can you let us know that plan, because if you're abutting residential property, it cannot be before 7:00 a.m. And we

also want to remind you that in front of your building, the City Council has asked us to remind you that you're responsible for picking up people's trash in front of your restaurant, meaning cigarette butts, trash, paper, whatever it is, right in front of your restaurant. We want to make sure that you maintain that area.

MS. STEPENUCK: Okay.

MS. LINT: Application: Eastern End, Inc. d/b/a Eastside, Christopher Kosinski, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 561 Cambridge Street has applied for a Peddler's license to place a food cart on the sidewalk directly in front of said address.

MR. SCALI: Just tell us your name for the record, please.

MR. KOSINSKI: Christopher Kosinski.

MR. SCALI: So you're going to sell ice cream on the sidewalk now?

MR. KOSINSKI: Yeah. I have Toscanini's that I've worked out a deal to wholesale some ice cream from him, and just have a little ice cream cart out front just to kind of create some foot traffic on the street.

MR. SCALI: How's that going to work? Is it going to be out there like just during the day?

MR. KOSINSKI: At first, when I filled out the application I aggressively was thinking it

would be open the kitchen hours I'm open Tuesday through Sunday, which is 5:00 to 10:00. But Tuesday, Wednesday, I guess operation-wise, logistic-wise it's probably a little more than I could chew. So I'm thinking maybe two to three days a week, whether it be Thursday, Friday, Saturday, or Friday, Saturday, Sunday from 5:00 p.m. to 10:00 p.m., or 9:30 p.m.

MR. SCALI: This is a nighttime thing.

MR. KOSINSKI: Yeah. Those are the time my kitchen hours are now. I'm not open for lunch any longer, so it would coincide with me being open at the restaurant.

MR. SCALI: So you have the patio out there; right? Is there a patio out there?

MR. KOSINSKI: No. Instead of getting a patio and trying to have food out there, and just to take advantage of being able to use the size of the sidewalk, I thought being involved with the East Cambridge Planning Team and other community organizations they have kind of been asking for someone to put some ice cream or a coffee shop in

the neighborhood. So I thought why not try an ice cream stand and see how that goes. I don't intend to have much financial success with this but more just to get people to walk around the neighborhood and draw some more attention to my restaurant in the corner where we are.

MR. SCALI: This is obviously seasonal; right?

MR. KOSINSKI: Absolutely, yeah.

MR. SCALI: Summer, fall, spring.

MR. KOSINSKI: Summer, maybe into fall with the way the weather is changing, but I don't intend to be out there when the weather starts to change that's for sure. And these are all things I have to figure out.

MR. SCALI: Is there going to be a person out there manning the stand?

MR. KOSINSKI: Yes.

MR. SCALI: An employee of yours?

MR. KOSINSKI: Yes.

MR. SCALI: Would they pay right there for the ice cream?

MR. KOSINSKI: Yeah. That's what I have to figure out, whether I have two registers. I would imagine so. That would make more sense to keep a separate thing. The last thing I want to do is to clog up the restaurant with people trying to pay for ice cream while I'm trying to do other business, so yeah.

MR. SCALI: Questions?

MR. HAAS: So you do have a permit with DPW, or you don't have a permit?

MR. KOSINSKI: Most of this paperwork went over while people were on vacation, so whether it's on someone's desk at the bottom of a pile or it's on top --

MR. HAAS: So you haven't heard back yet?

MR. KOSINSKI: I had called them and they had told me that they hadn't received my insurance certificate. I then sent it over twice again. I called today. I didn't get any calls back. I didn't have time to go down there but I brought you a copy. That was the only thing that

was holding it up.

MS. LINT: I would just say that if there's a problem, you can get in touch with me.

MR. KOSINSKI: Yeah, right. And if they have an issue with some kind of sizing, which all they told me was it was the insurance certificate that was holding it up. But if they have an issue with where it's going to be or if there really isn't enough room, then I'll go back to the drawing board. I'm not that desperate.

MR. SCALI: What Mrs. Lint is trying to tell you is that sometimes these things kind of get lost between departments, so it ends up that one department is not telling the other department what's happening. So if you don't get an answer, she will get the answer for you. We've had some other issues like this and we want to make sure that you're not chasing people around. They give you a permit and then we don't know about it.

MR. KOSINSKI: One issue I had, the gentleman that I called told me that the City doesn't allow this and never does allow this.

MR. SCALI: They generally don't for two reasons. One is that you generally can be selling on the sidewalk food that's in like 300 (inaudible) of another restaurant. Although the nearest ice cream place to where you are is like Christina's or something, which is further out.

MR. KOSINSKI: Unfortunately, yeah, that's true.

MR. SCALI: The other thing is that for hand washing facilities, but you've got the restaurant right there so you can go right in and people can wash their hands, health code-wise.

MR. KOSINSKI: I thought it was more so you would say yes or no, as opposed to just someone else calling for information.

MR. SCALI: It's not us. It's not us generally, no.

MS. LINT: I do have a letter from Councilor Toomey. He thinks this would be a great addition to the neighborhood. It would be a positive presence on Cambridge Street similar to the positive effect of outdoor seating; that

Mr. Kosinski has proven to a responsible business owner and he's very involved with the newly formed East Cambridge Business Association.

MR. HAAS: You don't need Board of Health approval?

MR. SCALI: You need Health Department sign offs; right?

MR. KOSINSKI: Right, right. They have to come and check it out. I have to figure out exactly whether it's a cart or if it's an actual freezer that I'm moving out, which shouldn't be anything I can't figure out in the next couple of days.

MR. SCALI: Motion.

MR. HAAS: Motion to approve contingent upon DPW approval and Board of Health approval.

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

MR. HAAS: Aye.

MR. SCALI: So you need to make sure you have Health and DPW. Do not start anything

until you have all of that and our permit as well.

MR. KOSINSKI: Absolutely, no.

Believe me, I am happy to do and I want to do it, but I'm not really set up at the moment. I took a little vacation myself so I'm catching up, too.

MR. SCALI: Get everything in order and then begin, okay.

MR. KOSINSKI: Absolutely.

MR. SCALI: Thanks very much. Good luck.

MS. LINT: Application: Café Mami, Inc. d/b/a Café Mami, Juan Vidal, Manager, has applied for a Common Victualer license to be exercised at 1815 Massachusetts Avenue, Unit D. 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 15. The hours of operation will be from 11:45 a.m. to 9:00 p.m. seven days per week.

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

MR. GONZALEZ: Francisco Gonzalez, attorney for Café Mami, Inc. With me is Juan Carlos Vidal, V-I-D-A-L. He is the President and Manager.

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

MR. GONZALEZ: Yes.

MR. SCALI: Because they do exist?

MR. GONZALEZ: Yes.

MR. SCALI: Café Mami is there, okay So tell me who the owners are going to

be. Is it just Mr. Vidal?

MR. GONZALEZ: Mr. Vidal and his younger sister, Sandra Garcia, who is also a corporate officer.

MR. SCALI: Are you keeping everything the same?

MR. GONZALEZ: Yes.

MR. SCALI: Same menu, same hours?

MR. VIDAL: Uh-huh.

MR. SCALI: Tell us your experience in the restaurant business.

MR. VIDAL: Eleven years at Blue Fin; it's a Japanese restaurant.

MR. SCALI: You worked at Blue Fin?

MR. VIDAL: Yeah. I worked for the 11 years.

MR. SCALI: You decided to venture out on your own and be an entrepreneur.

MR. GONZALEZ: Yes.

MR. SCALI: So 15 seats, 11:45 to 9:00 p.m. seven days a week.

MR. VIDAL: Seven days a week.

MR. SCALI: Questions?

MR. HAAS: No.

MR. SCALI: Does anybody from the public want to be heard in this matter? No abutters because it was previously existing?

MS. LINT: It was in the Porter Exchange.

MR. SCALI: Are you ready to open soon?

MR. VIDAL: I have everything, the corporation, everything ready, yes.

MR. SCALI: Are you changing anything inside?

MR. VIDAL: No, nothing.

MR. SCALI: Everything is just going to be cleaned and ready to go?

MR. VIDAL: Yes.

MR. GONZALEZ: Raring to go.

MR. SCALI: No intention to apply for an alcohol license?

MR. GONZALEZ: No.

MR. SCALI: Beer and Wine?

MR. GONZALEZ: No.

MR. HAAS: Are you the reason why the next application is up?

MR. GONZALEZ: It's a great coincidence.

UNIDENTIFIED SPEAKER: Purely a coincidence.

MR. GONZALEZ: It will be a good challenge.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. SCALI: Aye.

Make sure you get all your sign offs, get your license and pay your fee before you begin.

MR. GONZALEZ: Thank you. Good evening.

MS. LINT: Application: Shino Enterprises, Inc. d/b/a Blue Fin Restaurant, Minemoto Kiyohiko, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 1815B Massachusetts Avenue has applied to transfer said license to T.O.M.I. Brothers, Inc. d/b/a Blue Fin Restaurant, Michael Wang, Manager, at same address. Hours of operation will be from 11:00 a.m. to 11:30 p.m. seven days per week. Applicant is also applying for an Entertainment license to include background music and four TVs.

MR. SCALI: Good evening. Tell us your name, please.

MR. WILSON: I'm Daniel Wilson, attorney for T.O.M.I. Brothers, Inc., which is the transferee. I also have Michael Wang who will be the manager and is one of the partners, owners.

MR. SCALI: Your last name is?

MR. WANG: Wang, W-A-N-G.

MR. SCALI: How many partners are there?

MR. WILSON: There are four.

MR. SCALI: Four under the corporation?

MR. WILSON: As a corporation, yes.

MR. SCALI: So this is a transfer of the existing license; right?

MR. WILSON: Yes. In fact, there's no intention of changing anything. In fact, we're sad that Juan Carlos is not going to be in the kitchen anymore. I just found that out. And not planning to make any changes whatsoever. The existing owner is a friend of the new owners. He's returning to Japan to retire so this is a friendly transfer of the business.

MR. SCALI: Tell us your experience in the restaurant business.

MR. WANG: I worked in Ginsai in Chinatown for like maybe five, six, seven years. The when the same owner went out to Natick, about five years. Then we open a new one in Nashua, New Hampshire at the Takomi Restaurant. So maybe around 20 years for me.

MR. SCALI: You've been operating a

restaurant for 20 years?

MR. WANG: Working in a restaurant for 20 years. Owning, this will be the first one.

MR. SCALI: This is your first time owning?

MR. WANG: Yeah.

MR. SCALI: Have you ever had a liquor license in your name before?

MR. WANG: Not in my name, no.

MR. SCALI: So you decided it was time to do this on your own? Or with your partners?

MR. WANG: Same owner. The owner before, they asked us to join together.

MR. SCALI: So there's one person leaving; is that what it is?

MR. WILSON: There's sort of a principal owner, majority owner who was the owner of Ginza, Oga's and Takomi where my client has worked, and now he has invited Michael and two others to be co-owners with him in this new venture.

MR. WANG: Because we've been working

together like almost 20 years.

MR. WILSON: He's inviting them in on the ownership side of things.

MR. SCALI: Is there any pledge on this license, pledge or security on the license?

MR. WILSON: There is not.

MR. SCALI: Does the landlord have any interest in the license at all?

MR. WILSON: There's no interest from the landlord, which is Lesley University.

MS. LINT: There is an issue with one of the owner's background checks.

MR. SCALI: We will need an explanation on this from one of the owners in terms of the background issues. We can't disclose that to you, obviously, but he should contact --

MR. WILSON: I know of the issue.

MR. SCALI: He needs to contact Mrs. Lint with a written explanation, which we will keep confidential. It will only be submitted to Mrs. Lint and to the Board as to what happened with those two incidents and how perhaps things are

different now than they were before. And then that will be kept sealed with the background information in the future.

MR. WILSON: I do know that - well, we won't talk about it on the record, but I do know that things are different.

MR. SCALI: Any other questions?

MR. HAAS: No other questions.

MR. SCALI: Parking is in the garage there, the lot. Are there any spaces dedicated to you, or is it all part of the whole mall?

MR. WILSON: As far as I know, it's all part of the Porter Exchange parking. There's nothing dedicated to the restaurant itself.

MR. SCALI: What is your capacity?

MR. WILSON: I think it's 80.

MR. SCALI: There is a limited seating capacity in that building by agreement with the landlords from 1989. So if you were to consider changing that capacity, it requires an amendment to the agreement we have with the landlords, which would be through Lesley, obviously. It's all tied

to the number of parking spaces versus the number of licenses in the building. It's a whole formula that was used way back 20 or so years ago. So it's 80 seats.

Pleasure of the Commissioners?

MR. HAAS: Take it under advisement.

MR. SCALI: Motion to take the matter under advisement pending the explanation, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

So we're scheduled to vote on this I think it's August - it's the first Thursday in August. I can't think of the date right now.

MR. WILSON: So that would be August 4, maybe?

MR. SCALI: I think it's August 5. The 7th is a Saturday, so it's August 5, at 10:00 a.m.

MR. WILSON: So we need to get that explanation in before that.

MR. SCALI: Before that date to

Mrs. Lint. Thanks very much.

MS. LINT: The Holiday Inn matters are continued to July 26. That's actually on the first matter; the second matter was already voted.

MR. SCALI: Did we place that matter on file; is that what we did? I can't remember what we did with that.

MS. LINT: Yes, and they submitted us a plan.

MR. SCALI: So July 26 for the Holiday Inn Express on the sign issue, and the other matter has already been placed on file.

MS. LINT: And then we have Ratifications. Medallion 131, 162, 67, 126, 124, and 119.

MR. SCALI: Is all the paperwork in order, Mrs. Lint?

MS. LINT: All in order.

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. SCALI: Other matters before us?

MS. LINT: There are not.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion to adjourn.

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

MR. HAAS: Aye.

MR. SCALI: Aye.

(Whereupon, the proceeding was concluded at 7:22 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 19th day of July, 2010.





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

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