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COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION

DECISION MAKING HEARING

LICENSE COMMISSION BOARD MEMBERS:

Gerald R. Reardon, Fire Chief
Christopher J. Burke, Superintendent

STAFF:

Elizabeth Y. Lint, Executive Officer

--held at--

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

Thursday, November 4, 2010

10:00 a.m.

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P R O C E E D I N G S

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2 ELIZABETH LINT: License Commission
3 Decision Making Hearing, Thursday, November
4 4th, at 10:15 a.m. We're in the Michael J.
5 Lombardi Municipal Building, 831 Mass. Ave.
6 basement conference room. Before you are the
7 Commissioners: Chief Gerald Reardon and
8 Superintendent Chris Burke.

9 We have decisions from October 12th and
10 October 26th. And if it's all right with
11 you, perhaps we should go to the 26th and
12 accommodate Mr. Rafferty.

13 And which one are you here for?

14 ATTORNEY JAMES RAFFERTY: It's
15 Mr. Gilmore you would be accommodating.
16 Thank you, we appreciate it.

17 GERALD REARDON: You're already
18 being accommodated by Mr. Gilmore also.

19 ELIZABETH LINT: Want to start with
20 the Western Front?

21 ATTORNEY JAMES RAFFERTY: Oh, we get

1 to come up?

2 ELIZABETH LINT: You can come up.
3 Mr. Gardner was unavailable to be here today
4 but he did give me his input to share with
5 you all.

6 GERALD REARDON: So maybe you would
7 like to do a summary opening?

8 ATTORNEY JAMES RAFFERTY: Oh, thank
9 you, yes. James Rafferty on behalf of the
10 licensee. Just briefly I only would
11 appreciate an opportunity to make a couple of
12 acknowledgements about the matter.

13 There's a consistency or similarity
14 involving both incidents which the licensee
15 acknowledges, and that has to do with an
16 operational issue around the role of the
17 promoter. The club itself is simply not that
18 active on the nights in question. The two
19 incidents, I would suggest taking the beer
20 bottle incident was an incident where when
21 the evening was all but concluded an incident

1 happened. And I would say but for the
2 comment of the promoter to the responding
3 officer on the sidewalk, the licensee did
4 everything that one would commission, would
5 expect and require; assist the victim, make
6 certain the police were contacted, and
7 provide information as needed. The
8 individual at that front door also happened
9 to be an individual that was involved in the
10 incident two weeks prior.

11 That incident involved a set of facts
12 that also suggested that the level of
13 communication and coordination at the door
14 needed to be improved. An incident took
15 place upstairs, and Mr. Gilmore, younger
16 Jeffrey Gilmore had to be in two places.

17 So, the licensee intends to do two
18 things and has asked me to share with the
19 Commission first is, Jeffrey Gilmore
20 Mr. Marvin Gilmore's nephew, we are preparing
21 an application to name him the manager of the

1 licensee. So that he has clear and obvious
2 authority to take steps necessary in the
3 operation of the business. He is very much
4 the operations manager as you may have
5 gathered. Given his age and Mr. Gilmore's
6 age, he frankly is there a lot more and we
7 believe we would be in better position.

8 Secondly, the relationship with
9 Mr. Welbury has been terminated. He is a
10 promoter and he's a successful promoter and
11 he does other clubs. But in this location
12 given the limited amount of staffing, he was
13 doing activities that really best be done
14 under the supervision of Mr. Gilmore. While
15 he may continue to promote events and sell
16 tickets, he is not going to have any activity
17 involving the evenings in question of the
18 operation of the nightclub.

19 GERALD REARDON: I just have a
20 couple of questions. I think I asked it
21 previously.

1 There are house phones up at the bars,
2 land phones for the purposes of calling
3 9-1-1.

4 JEFFREY GILMORE: Yes, sir.

5 GERALD REARDON: Or are they just
6 cell phones?

7 JEFFREY GILMORE: Land lines on both
8 levels.

9 GERALD REARDON: They are land
10 lines? Okay.

11 Superintendent.

12 CHRISTOPHER BURKE: Well, in review
13 of my notes, information and testimony
14 provided at the last hearing, it's pretty
15 clear that this event would fall under the
16 rules and regulations of the Cambridge
17 License Commission specifically Rule 1. And
18 it clearly it's the ultimate responsibility
19 for any violation or infraction of the rules,
20 regulations, disorders or disturbances, they
21 fall on the owner and/or the manager of

1 record. I will take into consideration some
2 of the adjustments that were just mentioned.
3 But I do credit the testimony of the police
4 officers. I find that Mr. Gilmore's
5 statement that the event caught them
6 shorthanded and the crowd got out of control
7 was accurate. And he was present in the bar
8 when the altercation took place and he was
9 aware of the altercation. He had taken no
10 steps to effect any type of notification
11 which is clearly a concern.

12 I find that the arrangements, the
13 security arrangements were not adequate with
14 Mr. Gilmore's coverage of the front door, the
15 first floor and the second floor. And it's
16 my belief that based on the testimony
17 provided, that an adequate security plan of
18 staffing and timely notification to the
19 police may have prevented this incident from
20 escalating to the point where four persons
21 were stabbed.

1 With respect to the second incident, I
2 would also take issue with the security
3 arrangements, and the fact that a person that
4 was delegated the authority to work the front
5 door provided false information to the
6 responding officers. And his later admission
7 to that effect to responding officer, I also
8 credit Officer Bates' testimony on that.

9 Clearly withholding information and providing
10 false information on an investigation of the
11 police department at a licensed establishment
12 is troubling. He was clearly acting as a
13 representative of the club. While you can
14 delegate the authority to perform a task, you
15 cannot delegate the responsibility for the
16 outcome.

17 And given that there's been no prior
18 discipline, and in recognition of the
19 contributions to the community which were
20 noted earlier, I would recommend the
21 following, and given that the one

1 financial profit. And obviously it's a very
2 small crowd. And in that effect they're
3 actually providing a public service to keep
4 people off the street. And I understand all
5 that. But at the same time, you know, when
6 four people get stabbed, it's a serious
7 incident. It could have been much worse.
8 Thankfully it was not. As the superintendent
9 said, the manager is still Mr. Gilmore,
10 Marvin, so that has to be changed. You've
11 made some arrangements. I don't know whether
12 or not this means you open on a night that's
13 so sparse or not because it's cost
14 prohibitive. But having said that, it still
15 has to be run in a safe and effective manner.

16 And I would concur with the
17 Superintendent's review, one day suspension
18 held in abeyance, and review in a six-month
19 period of time. Assuming that the steps that
20 counsel has recommended are enacted ASAP and
21 we get a change of manager in as well.

1 ELIZABETH LINT: It's Mr. Gardner's
2 opi ni on that on the fi rst offense a one day
3 suspensi on hel d i n abeyance for one year
4 woul d be appropri ate. And that he wanted it
5 made very clear that there was a fail ing here
6 i n terms of response i n terms of the person
7 i n charge that night and that coul d have
8 seri ously affected publ ic safety even more so
9 than i t already was. And he feels that thi s
10 woul d gi ve the Li censee the opportuni ty to
11 put i n pl ace correcti ve measures to ensure
12 that such a fail ing does not happen agai n.

13 I n the second si tuati on, he was
14 di sturbed about the fact that mi si nformati on
15 was gi ven to the poli ce whi ch hampered thei r
16 i nvesti gati on, and he feel s that a two day
17 suspensi on hel d i n abeyance woul d be an
18 appropri ate response. He sai d the doorman
19 acti vel y i nterfered i n a l egi ti mate poli ce
20 i nqui ry for reasons that remai n unexpl ai ned.
21 That' s i n essence hi s posi ti on.

1 GERALD REARDON: I'll make a motion
2 that the decision would be a one day
3 suspension held in abeyance to do -- well, we
4 can do it for a year and have a six-month
5 review potentially the same. Maybe we do the
6 review at the change of manager hearing. I
7 don't know how long before that gets in.

8 ATTORNEY JAMES RAFFERTY: We're
9 doing it this week.

10 ELIZABETH LINT: Six months.

11 GERALD REARDON: Yes, held for a
12 year, but a six months review.

13 ELIZABETH LINT: Would you be adding
14 what you had said in terms of submitting a
15 security plan before events?

16 CHRISTOPHER BURKE: I think that
17 that would be appropriate.

18 ATTORNEY JAMES RAFFERTY: Excuse me,
19 Superintendent, would the events of a certain
20 scale or size? More than 40 or 50. There's
21 some nights there are 15, 20 people in the

1 place. But I'm presuming where there's a
2 presale of tickets and it's anticipated
3 they're going to have more than 50 --

4 CHRISTOPHER BURKE: Right. If
5 there's an expectation that the crowd is
6 going to be consistent with the event that
7 got out of control, I think there's a need to
8 have appropriate staff, staff who will be
9 accountable to monitor the situation.

10 ATTORNEY JAMES RAFFERTY: We would
11 file that with the License Commission, the
12 plan?

13 CHRISTOPHER BURKE: Yes.

14 ELIZABETH LINT: We have actually
15 for another establishment in place right now
16 where an e-mail is sent to Ms. Boyer and to
17 the police department. I can find out who
18 that goes to at the police department.

19 CHRISTOPHER BURKE: Well, as long as
20 it's forwarded to Ms. Boyer, she can send it
21 to whoever is appropriate at the police

1 department.

2 ELIZABETH LINT: Yes.

3 ATTORNEY JAMES RAFFERTY: Okay.

4 CHRISTOPHER BURKE: I would second
5 the motion.

6 GERALD REARDON: All in favor?

7 CHRISTOPHER BURKE: Aye.

8 GERALD REARDON: Aye.

9 MARVIN GILMORE: I want to thank you
10 the Commission the Fire Chief and the
11 Superintendent of the Police Department. As
12 you know, since 1968 been in business. We're
13 the oldest club in Cambridge. You never have
14 a problem with us. And we always try to do
15 our best. And we've been part of Western
16 Avenue. And unfortunately these two
17 incidents happened. That's not the way we
18 run the club.

19 This year we plan to have a lot of the
20 music and the kids who play, you know, not
21 jazz or the kind of music like we had that

1 night, which is very quiet. Older people do
2 come there. It's sixties and seventies. We
3 don't really have that crowd. This really
4 has upset me because, you know, it wasn't
5 done quite well. We just don't run that kind
6 of music. So this year we're planning to
7 have a lot of the music with the graduates
8 from both schools. My son is the teacher at
9 one of the schools in Boston. And he's a
10 guitar player. In fact, he's in Nigeria as
11 we speak tonight. He's been in Sweden. He's
12 a drummer. And I graduated from the New
13 England Conservatory of Music. So I really
14 appreciate that. You won't have any
15 problems. It just really got to me really,
16 you know. Even at my age, I don't -- so
17 people who want to fight or do damage and we
18 still don't know who did what, you know, in
19 terms of the stabbing. We've been trying to
20 find out myself, but nobody is saying a word
21 even among the people that got stabbed. I

1 have to deal with that now out of lawsuits
2 that's coming up. So I did get a lot from
3 the lawyers who want to sue us for the damage
4 that was done, but no one is speaking. And I
5 don't know if the chief found out --

6 CHRISTOPHER BURKE: Well, the
7 investigation is still being pursued. So
8 that's still in progress.

9 ATTORNEY JAMES RAFFERTY: Okay.
10 We're good. Thank you.

11 * * * * *

12 ELIZABETH LINT: Okay, October 12th.
13 We could maybe go out of order because I see
14 the applicant from Kolbeh Kabob (phonetic) is
15 here. Is that okay?

16 GERALD REARDON: That's fine.

17 ELIZABETH LINT: The bottom of page
18 three.

19 So since the last hearing I've received
20 numerous e-mails both in favor and opposed to
21 this application. And those that are opposed

1 are basically saying that it's going to be in
2 competi ti on wi th Annapurna and that could
3 harm thei r busi ness.

4 I also have a letter which I believe I
5 forwarded to both of you from the North
6 Cambri dge Stabi l i zati on Commi ttee whi ch
7 i ndi cated that they had many conversati ons
8 wi th Mr. Saji and that they had reached an
9 agreement that they would l i ke the Commi ssi on
10 to acknowl edge. I would poi nt out, however,
11 that a l ot of the condi ti ons are basi cally
12 obeyi ng Ci ty Ordi nances, and that's not
13 somethi ng that we would normal l y i mpose i n a
14 Li cense Commi ssi on heari ng because they' re
15 obli gated to obey the Ci ty Ordi nances.

16 CHRI STOPHER BURKE: Ri ght.

17 GERALD REARDON: Al l the paperwork
18 i s i n order?

19 ELI ZABETH LI NT: Yes.

20 GERALD REARDON: Everythi ng i s al l
21 set?

1 ELIZABETH LINT: Yes.

2 GERALD REARDON: Well, in spite of
3 the fact that there's potentially some
4 similarities between menus, I mean, if that
5 was the case, there's probably 50, 60 pizza
6 establishments on Mass. Avenue as well. And,
7 you know, and I understand in the marketplace
8 today, the marketplace is a tough competition
9 and, you know, people aren't exactly doing
10 banner businesses and loss of businesses is
11 probably disconcerting to anyone they would
12 feel is potential. But I believe at the
13 License Commission level we have to look at
14 each individual and the fact that there's
15 potential competition is not really within
16 the scope of our jurisdiction in terms of
17 licensing meet the terms and conditions for
18 the establishment that they're setting up?
19 So, in this particular case, I don't see
20 anything where we have any issues with the
21 licensee. And I know there's issues with an

1 abutting establishment. Although I'm
2 sympathetic to that, there's really no reason
3 why we can hold any of that standard to the
4 Licensing in this particular case. So I
5 would move approval.

6 ELIZABETH LINT: And that would be
7 the hours as applied for eight a.m. to ten
8 p.m. Monday through Saturday and eight a.m.
9 eight p.m. on Sunday?

10 GERALD REARDON: Is there anything
11 different on there?

12 ELIZABETH LINT: No, that's -- I
13 would just point out some of the things that
14 were agreed to. I believe that they're with
15 the North Cambridge Stabilization Committee,
16 that the licensee will not install outdoor
17 drive-through station or pick-up window and
18 will not apply for a wine license
19 indifference to the other restaurants.

20 MR. SAJI: Right.

21 ELIZABETH LINT: And it talks about

1 obtaining a dumpster permit which would be
2 required in any event, and cleaning ice and
3 snow off of sidewalk. It's all --

4 GERALD REARDON: Ordinance.

5 ELIZABETH LINT: -- Ordinance.

6 And that periodically throughout the
7 day the licensee's employees will prevent
8 customer loitering and check the area for
9 cleanliness, which we require in any event.

10 There's something about installing
11 security cameras in the parking lot, and that
12 when not open, that the lot will be chained
13 or gated to discourage cut-through traffic,
14 vandalism and so forth.

15 Deliveries are twice weekly in the
16 afternoon. The other things are about
17 individual menus and waitperson services, and
18 these are not things that the License
19 Commission would be imposing on the licensee.
20 As long as they're complying with City
21 Ordinance they can see operate the business.

1 GERALD REARDON: I think I would
2 just like to point out that the beer and wine
3 thing is not something that's in agreement
4 with the neighborhood.

5 ELIZABETH LINT: Exactly.

6 GERALD REARDON: If he was to come
7 in here a year or two from now, that's not a
8 condition we're going to stipulate on the
9 license.

10 ELIZABETH LINT: Right.

11 CHRISTOPHER BURKE: Well, I think
12 the police department agrees that the
13 possibility that the restaurant would pose
14 competition by itself is really -- shouldn't
15 be a concern. We need only to look to
16 Central Square with the number of restaurants
17 in the competing menus to see that multiple
18 restaurants can coexist. So given we cannot
19 find any reason not to grant the license
20 application, I would support that.

21 GERALD REARDON: Motion to approve

1 subject with the conditions.

2 CHRISTOPHER BURKE: Second that
3 motion.

4 GERALD REARDON: All in favor?

5 CHRISTOPHER BURKE: Aye.

6 GERALD REARDON: Aye.

7 ELIZABETH LINT: Okay.

8 MR. SAJI: Thank you.

9 GERALD REARDON: Good luck.

10 MR. SAJI: Thank you, sir.

11 * * * * *

12 ELIZABETH LINT: Tommy Doyle's.

13 GERALD REARDON: This is not
14 something --

15 ELIZABETH LINT: They don't
16 usually...

17 GERALD REARDON: I'll let the
18 Superintendent take the first lead on this
19 one.

20 CHRISTOPHER BURKE: Sure. The
21 police department feels it's not clear that

1 suffi ci ent i nformati on was provi ded to reach
2 a deci si on agai nst Tommy Doyl e' s wi th respect
3 to the conduct of the empl oyee toward the
4 patron. However, cl earl y there was a
5 physi cal assaul t that took pl ace agai nst a
6 patron by vi rtue of hi m bei ng physi cal l y
7 removed from the li quor establ ishment. What
8 potenti al physi cal evi dence coul d have been
9 offer ed, namel y, the recordi ngs of the Tommy
10 Doyl e' s establ ishment where we are tol d that
11 the system was i naccessi bl e due to hardware
12 error.

13 What i s most troubl i ng about thi s
14 i nci dent i s the fact that Tommy Doyl e' s di d
15 not report the i nci dent. Especi all y when an
16 empl oyee found i t necessari y to physi cal l y
17 escort the patron from the establ ishment.

18 Al though the poli ce department does not
19 fi nd suffi ci ent i nformati on to support
20 di sci pl i nary acti on agai nst Tommy Doyl e' s i n
21 thi s i nstance, and taki ng i nto consi derati on

1 the written statement of the patron's friend
2 and the medical records that were produced, I
3 do believe that this merits the matter be
4 placed on file and to be taken into
5 consideration should there ever be a
6 reoccurrence of this type of incident.

7 I also would have hoped that a
8 representative from Tommy Doyle's would have
9 been here today, because I certainly would
10 like to have them reminded to the management
11 that it's advisable to report to the police
12 whenever an employee needs to resort to
13 physical force in removing a patron from the
14 establishment. I think that should be
15 definitely a priority in every instance.

16 GERALD REARDON: I would concur with
17 the Superintendent's recommendations.

18 ELIZABETH LINT: Motion?

19 GERALD REARDON: Motion to impose a
20 written warning. You can phrase it better.

21 CHRISTOPHER BURKE: I guess the

1 written warning would be to, again, to act as
2 a reminder to the management to report to the
3 police whenever an employee needs to resort
4 to physical force or physical contact in
5 removing a patron from the establishment.
6 And advisably that should be a real time
7 notice when the incident is occurring so that
8 we can put people on scene to evaluate the
9 situation for ourselves.

10 GERALD REARDON: Second.

11 ELIZABETH LINT: All in favor?

12 GERALD REARDON: Aye.

13 CHRISTOPHER BURKE: Aye.

14 ELIZABETH LINT: Okay.

15 * * * * *

16 ELIZABETH LINT: Green Street. So I
17 have a letter from Dillon Black to Ms. Boyer
18 apologizing to her in the office. He said it
19 was not his intention to be uncooperative.
20 He understands the importance of his response
21 to her about the investigation but

1 unfortunately did not follow through.

2 He says: I was shocked by the
3 allegations against me. They came at a tough
4 time. Your requests were simple and I'm very
5 sorry for stalling the investigation. Since
6 then I've hired two extra people to help me
7 with all the expected and unexpected
8 circumstances here at Green Street. I hope
9 you'll accept my apology.

10 CHRISTOPHER BURKE: Well, if I could
11 first --

12 GERALD REARDON: There's two on this
13 one, wasn't there?

14 ELIZABETH LINT: Yes, there's two.
15 One was informational with regard to the
16 complaint of Ms. Podgers that she was refused
17 service.

18 CHRISTOPHER BURKE: If I may start
19 this one.

20 Based on the testimony of the manager
21 and the patron filing the complaint, it would

1 appear that the patron was escorted into the
2 restaurant and served. It was the patron who
3 challenged the server as her not questioning
4 why the patron brought a dog into the
5 establishment was when the disagreement
6 arose. Based on the actions of the hostess
7 in terms of asking what preference, where the
8 patron wanted to sit, the police department
9 doesn't believe that the licensee denied the
10 patron a reasonable accommodation. In both
11 instances the patron did receive service.
12 However, apparently not to the level of the
13 patron's satisfaction. Despite the patron's
14 assertion that she believed the treatment she
15 received was purely predicated upon her
16 disability, there was not sufficient evidence
17 to demonstrate that this was the case.

18 With respect to the complaint, the
19 police department does not find sufficient
20 facts to support the complaint that the
21 restaurant discriminated or declined service

1 to the patron based upon her disability.
2 With respect to this inquiry, another
3 component came to light, and that was the
4 allegation that the manager was
5 non-responsive to the inquiries made by the
6 License Commission.

7 The manager did not offer any plausible
8 explanation why he failed to cooperate with
9 the investigator, and why it was necessary
10 that the investigator would have to make five
11 attempts to conduct her investigation.

12 I think that's clearly a waste of
13 resources, and the time spent responding to
14 five opportunities to get information was
15 basically wasting valuable resources of the
16 License Commission.

17 However, based upon the testimony, I do
18 believe there's sufficient basis to find
19 against the licensee for this failure to
20 cooperate. Based upon this finding I would
21 recommend that the licensee receive a

1 proposed suspension of his license not to
2 exceed two days, to be held in abeyance for
3 six months, providing there's no existing
4 disciplinary action against the licensee or
5 current management and in consideration of
6 the apology and the letter that was provided.

7 ELIZABETH LINT: Green Street has
8 absolutely no history of disciplinary action
9 whatsoever. Absolutely nothing. Not even a
10 letter of warning in their file.

11 GERALD REARDON: Would you consider
12 a letter of warning on this one?

13 CHRISTOPHER BURKE: I think a letter
14 of warning might be appropriate. It's really
15 clear that five attempts is way, way out of
16 bounds. I think that the cooperation level
17 should be with one attempt. This is urgent
18 business and a resource of the city, and we
19 don't have time to be with this delay tactic.
20 Regardless of the nature of the allegation
21 and what the thoughts were by the licensee on

1 the validity of the complaint, we still have
2 an obligation to follow up in a timely manner
3 and that needs to be put forth to the --

4 GERALD REARDON: And similarly the
5 licensee is compelled to respond in a very
6 timely manner of any inquiries.

7 ELIZABETH LINT: There's rule. I
8 don't know which it is. I will look that up
9 and put that in.

10 GERALD REARDON: I think you can add
11 to that, you know, failure in the future will
12 subject the licensee to a suspension or a
13 loss of license.

14 So I make a motion as -- what was the
15 final determination? What's your pleasure?

16 CHRISTOPHER BURKE: That letter of
17 warning advising the cooperation with the
18 License Commission.

19 GERALD REARDON: I second that
20 motion.

21 ELIZABETH LINT: All in favor?

1 GERALD REARDON: Aye.

2 CHRISTOPHER BURKE: Aye.

3 * * * * *

4 ELIZABETH LINT: And last but not
5 least the Greek-American. And I believe you
6 both received Andrea's report --

7 CHRISTOPHER BURKE: Yes.

8 GERALD REARDON: Yes.

9 ELIZABETH LINT: -- on that?

10 GERALD REARDON: It would appear
11 from Ms. Boyer's report that some of the
12 noise that's being attributed, outside noise
13 at least on her visits, weren't members or
14 patrons leaving. However, at the same time,
15 you know, the license calls for a cut-off by
16 1:30 and clearly there's a misunderstanding
17 or a failure to enforce the closing time as
18 it is right now. The question before us is
19 that they're looking for a two a.m., correct?

20 ELIZABETH LINT: Yes.

21 GERALD REARDON: I mean, in the

1 spirit of cooperation, I can see that we've
2 given an opportunity for a temporary opening
3 to be reviewed in say six months to see if
4 there's -- with the neighborhood and the
5 conditions are subsequent to a later opening.

6 CHRISTOPHER BURKE: Well, I think I
7 agree. I guess the two fundamental issues at
8 play is whether the sound emanates during the
9 events to be heard by the surrounding
10 neighbors and whether the patrons leaving the
11 establishment at the later hour would pose an
12 additional disturbance. And I think that the
13 spot checks that were requested by the Police
14 Department carried out by the License
15 Commission identified or proved negative on
16 those points. I would also be inclined to
17 grant the application with a review period of
18 six months.

19 GERALD REARDON: The applicant also
20 has to be made aware of what the present
21 conditions are in terms of closing or what

1 that closing time would be at two a.m. You
2 know, what time they have to stop last call
3 and what time they have to have patrons out
4 should be clearly stated to them. Which it
5 is anyway, but they should be well aware that
6 the spot checks right now found that it
7 appears as though they're not complying with
8 the present closing.

9 CHRISTOPHER BURKE: And that those
10 requirements are communicated to the people
11 responsible for the access.

12 ELIZABETH LINT: Yes.

13 GERALD REARDON: And subject to any
14 other conditions that they gave us in terms
15 of the actual member residents being present
16 and all that.

17 ELIZABETH LINT: Yes.

18 GERALD REARDON: I make a motion as
19 written.

20 CHRISTOPHER BURKE: Second the
21 motion.

1 GERALD REARDON: All in favor?

2 CHRISTOPHER BURKE: Aye.

3 GERALD REARDON: Aye.

4 ELIZABETH LINT: That's all we have.

5 Motion to adjourn?

6 CHRISTOPHER BURKE: I second that

7 motion.

8 GERALD REARDON: All in favor?

9 CHRISTOPHER BURKE: Aye.

10 GERALD REARDON: Aye.

11 (Whereupon, at 10:45 a.m., the
12 meeting adjourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRI STOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand 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
this matter.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 12th day of November 2010.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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