

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Chairman
Robert C. Haas, Police Commissioner
Gerald Reardon, Chief Fire Department

STAFF:

Elizabeth Lint, Executive Director

-- Held At --

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

Tuesday, July 10, 2012

6:11 p.m.

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PROCEEDINGS

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

GERALD REARDON: There's a fire alarm in front of the building and also, obviously, you have to keep the door clear at all time.

* * * *

ELIZABETH LINT: This is the License Commission General Hearing, Tuesday July 10, 2012 it's 6:05 p.m. We are in the Michael J Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you Commissioners Chairman Michael Gardner, Chief Gerald Reardon and Police Commissioner Robert Haas.

* * * *

If anyone is here for the hotel matter, that has been taken off the agenda

18:06:06 until the fall.

18:06:06 * * * *

18:06:11 The first application is: President
18:06:13 and Fellows of Harvard College has applied for
18:06:16 open air parking license at One Arch Street,
18:06:20 76-84 Brattle Street, from four spaces to five
18:06:25 spaces.

18:06:33 MICHAEL GARDNER: Good evening.
18:06:35 Would you be so kind to just state and spell
18:06:37 your names for the record and also your
18:06:40 affiliation. And then I note that there are a
18:06:43 number of items on the agenda about amending
18:06:51 the open air parking licenses and perhaps,
18:06:55 although we have to vote on them individually,
18:06:59 you could talk about them serially.

18:07:05 JENNIFER GRAVEL: My name is Jennifer
18:07:06 Gravel, G-R-A-V-E-L, I'm senior campus planner
18:07:10 with Harvard's Planning and Project
18:07:13 Management.

18:07:14 JIM SARAFIN: I'm Jim Sarafin,
18:07:14 S-A-R-A-F-I-N, Associate Director of Parking

18:07:20 and Transportation at Harvard.

18:07:22 ELIZABETH LINT: We'll quickly go
18:07:24 through what they and go from there.

18:07:28 So President and Fellows of Harvard
18:07:30 has applied for an open air parking lot
18:07:32 license at 3 Garden Street for one space; 15
18:07:38 Ware Street for nine spaces, amending their
18:07:43 existing open air parking license; 16 Prescott
18:07:46 Street from ten spaces to 13 spaces; a new
18:07:51 open air parking license at 16 Grant Street
18:07:54 for two spaces; amending the existing license
18:07:58 at 19 South Street from six spaces to 11
18:08:02 spaces. And that's it.

18:08:05 MICHAEL GARDNER: And you mentioned
18:08:06 the first one was at Brattle, Ash and Brattle
18:08:11 from four to five.

18:08:13 JENNIFER GRAVEL: If this is helpful,
18:08:15 I have a map that shows where the six sites
18:08:18 are located.

18:08:22 MICHAEL GARDNER: We'd like to have
18:08:24 them.

18:08:26 JENNIFER GRAVEL: I'll begin with one
18:08:28 Ash Street Place. One Ash Street Place is
18:08:36 currently a four space open air lot. It's
18:08:40 licensed for four spaces currently. There
18:08:44 have always been five spaces at this location.
18:08:50 We recently realized that it was only licensed
18:08:54 for four, we created a -- we striped it for a
18:08:59 loading area, the initial space for a loading
18:09:01 area so it would not be used.

18:09:03 We have since, because of the change
18:09:06 in programming within the Chronkite Graduate
18:09:10 Center we have the need for the additional
18:09:12 space. We would actually like to take that
18:09:14 space back on line and increase the license so
18:09:17 it corresponds to it. But there is no
18:09:19 physical change to the site. And we'd like to
18:09:24 amend the existing license to bring that one
18:09:26 up-to-date.

18:09:27 MICHAEL GARDNER: How long was it
18:09:32 striped for?

18:09:32 JIM SARAFIN: This is where we

18:09:33 started to do the inventory and trying to
18:09:36 match up the inventory to the license and we
18:09:39 realized it wasn't in sync and we wanted to
18:09:40 make sure we were in agreement and not adding
18:09:45 spaces. When we realized, that was the first
18:09:49 place we looked at, and it wasn't in
18:09:53 compliance so we striped it over until we
18:09:57 could occupy it and reconcile the process.

18:10:00 MICHAEL GARDNER: And, again, these
18:10:01 are places where you are charging faculty or
18:10:05 others a monthly or some sort of periodic fee
18:10:08 to park there?

18:10:09 JENNIFER GRAVEL: Yes. These are --
18:10:11 all five spaces are in the permit pool. So
18:10:15 all the Harvard affiliates, including faculty
18:10:18 staff and students typically pay on a monthly
18:10:22 basis for those spaces.

18:10:28 MICHAEL GARDNER: Any questions?

18:10:29 ROBERT HAAS: No questions.

18:10:32 GERALD REARDON: Ash Place, where is
18:10:35 the loading zone going?

JENNIFER GRAVEL: It's going away.

It's not required or actually needed. It was really striped to prevent people from parking there.

MICHAEL GARDNER: I thought we'd vote on it at the end.

JENNIFER GRAVEL: I believe the next one is 3 Garden Street. This is just across from the Cambridge Common. This is -- these are -- it's one open air parking space to the Western Guardhouse. The purpose of this application is actually to apply for a new license to allow us to charge a permit fee for this space. There is only one of there is also a one-car garage here which does not required a license, although there are actually two spaces on the site, one in the garage and one on the driveway, and we are only seeking a license for the single space.

GERALD REARDON: There is an existing space?

18:11:40 JENNIFER GRAVEL: Actually, with all
18:11:42 of these, these are all existing spaces. We
18:11:44 are not adding any spaces, not changing any
18:11:47 layout.

18:11:48 MICHAEL GARDNER: This is a
18:11:48 conversion, a "free" to a "pay"?

18:11:51 JENNIFER GRAVEL: Yes. To allow us
18:11:54 to charge a fee for the site.

18:12:01 15 Ware Street, this is behind, what
18:12:09 is Harvard University housing for the
18:12:10 residential building. We are seeking a
18:12:15 license for nine existing open air spaces
18:12:19 here. We propose to bring all nine open air
18:12:23 spaces under license, again, to allow us to
18:12:25 charge a fee for the use of these spaces.
18:12:28 There is a two car garage also on the site.
18:12:31 Again, this would not be included under the
18:12:34 license. Although there are. 11 spaces on
18:12:37 the site, we are only seeking a license for
18:12:40 the nine open air spaces. Otherwise there are
18:12:43 no changes to the layout or the number of

spaces.

MICHAEL GARDNER: Are the garage spaces also fee-based?

JENNIFER GRAVEL: They are.

MICHAEL GARDNER: So the rule is if it's a covered space then it's for a fee. Okay.

JENNIFER GRAVEL: And then 16 Prescott Street, also an open air parking facility located behind a wood-framed residential building as part of our housing portfolio.

The purpose of this application is to amend the existing 13 space, license for the existing 13 space lot. There is currently licensed for ten, there were three spaces that were previously assigned to residential uses. This previously did not pay a fee. Because we have changed how it is administered we now charge a fee. We so we had to bring all 13 spaces under license. So we are seeking to

18:13:51 increase the license to 13 to allow us to
18:13:54 charge that fee.

18:13:56 MICHAEL GARDNER: And, again, no
18:13:57 change to the layout?

18:13:59 JENNIFER GRAVEL: No. This is as it
18:14:02 has been for the previous times.

18:14:10 16 Grant Street, this is over the
18:14:15 Riverside area. Again, another of our
18:14:19 wood-framed residential buildings. There are
18:14:21 two existing spaces associated with the
18:14:23 residential use. Again we recently started
18:14:28 charging a fee for these spaces. The driveway
18:14:33 where they are parked has been there for a
18:14:36 long time there is no changes to the number of
18:14:38 spaces they. Obviously we wanted to acquire a
18:14:42 license for the site so that we may legally
18:14:45 charge a fee for the spaces.

18:14:58 And the final application is for 19
18:15:01 South Street. There is actually -- we
18:15:04 previously treated these as two separate lots,
18:15:07 an upper lot and a lower lot. There is sort

18:15:10 of near Holyoke Center and the Athletic Center
18:15:15 and the River Houses. We have a license for
18:15:19 the lower lot, for the six spaces on the lower
18:15:22 lot. We previously did not charge a fee for
18:15:24 the five spaces in the upper lot. Because
18:15:27 these are also now part of the parking pool,
18:15:31 we wanted to combine the two lots under one
18:15:34 license to add the five spaces to the existing
18:15:37 six space license. So the application would
18:15:41 be an amendment to allow 11 open air parking
18:15:45 spaces.

18:15:46 GERALD REARDON: How can you access
18:15:47 the street access?

18:15:49 JENNIFER GRAVEL: There is actually
18:15:51 two access points, one for the upper lot and
18:15:55 the lower lot.

18:15:56 MICHAEL GARDNER: And, again, no
18:15:58 change in capacity, these spaces have been
18:16:00 there for a long time?

18:16:02 JENNIFER GRAVEL: Correct.

18:16:04 MICHAEL GARDNER: Fair to say that

18:16:05 all of these applications come in the sense of
18:16:10 you're not adding any new parking to your
18:16:14 capacity, but you are converting what had
18:16:18 previously been free to fee-based?

18:16:22 JENNIFER GRAVEL: That's correct.

18:16:24 JIM SARAFIN: That's correct.

18:16:25 MICHAEL GARDNER: Any other
18:16:26 questions?

18:16:26 ROBERT HAAS: No questions.

18:16:29 MICHAEL GARDNER: On all of the
18:16:30 separate applications you, are there any
18:16:32 members of the public who would like to be
18:16:35 heard?

18:16:35 No response. Seeing none, I'll make
18:16:43 the motion to approve the application to amend
18:16:48 the existing parking space at One Ash, 76-84
18:16:52 Brattle from four to five spaces.

18:16:56 GERALD REARDON: Seconded.

18:16:58 MICHAEL GARDNER: Motion having been
18:16:59 made and seconded, all those in favor please
18:17:02 aye.

18:17:02

ROBERT HAAS: Aye.

18:17:02

GERALD REARDON: Aye.

18:17:02

18:17:03

18:17:07

18:17:11

MICHAEL GARDNER: I'll make a motion to approve the application for a new open air parking space license at 3 Garden Street for one space.

18:17:12

GERALD REARDON: Second.

18:17:13

18:17:15

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please say aye?

18:17:15

18:17:15

ROBERT HAAS: Aye.

18:17:15

GERALD REARDON: Aye.

18:17:18

18:17:20

18:17:23

18:17:27

MICHAEL GARDNER: None opposed. I'll make a motion to approve the application for an open air parking license for 15 Ware Street for nine spaces.

18:17:29

GERALD REARDON: Seconded.

18:17:30

18:17:33

MICHAEL GARDNER: Motion having been made and seconded many, "none opposed, all those in favor please say aye.

18:17:33

18:17:33

ROBERT HAAS: Aye.

18:17:33

GERALD REARDON: Aye.

18:17:37

18:17:38

18:17:43

18:17:47

18:17:58

GERALD REARDON: Second.

18:17:58

18:17:58

18:17:58

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please say aye.

18:17:58

ROBERT HAAS: Aye.

18:17:58

GERALD REARDON: Aye.

18:17:58

18:17:58

18:18:02

18:18:06

18:18:07

GERALD REARDON: Seconded.

18:18:09

18:18:11

18:18:11

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please say aye.

18:18:11

ROBERT HAAS: Aye.

18:18:11

GERALD REARDON: Aye.

MICHAEL GARDNER: None opposed.

And I will make a motion to approve an application to amend an existing open air parking license at 19 South Street from 6 parking spaces to 11 parking spaces.

GERALD REARDON: Second.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor please say aye.

ROBERT HAAS: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: None opposed.

So all these are approved and I think this is, by my count, the third time maybe or the fourth.

JENNIFER GRAVEL: This is the third. It's 36 applications and this is the last.

MICHAEL GARDNER: So we won't have the pleasure of your company again.

JENNIFER GRAVEL: Not for this matter.

18:18:53 JIM SARAFIN: We truly appreciate
18:18:56 your time.

18:18:57 MICHAEL GARDNER: We appreciate your
18:18:59 care and the attention to making sure that the
18:19:01 paperwork on file with us matches the reality
18:19:04 of your experience. Unfortunately, that isn't
18:19:08 always the case with us and sometimes we have
18:19:10 to do some catch-up on people.

18:19:12 So you have been very good neighbors
18:19:16 and consistently, at least it seems apparent
18:19:21 to us working hard to try to make sure that we
18:19:25 are going about it in the right way and we
18:19:27 certainly appreciate that.

18:19:29 JENNIFER GRAVEL: Thank you.

18:19:30 JOHN LAMPERT: Thank you very much.

18:19:34 MICHAEL GARDNER: Good luck with all
18:19:36 your new fees.

18:19:36 * * * *

18:19:53 ELIZABETH LINT: Application
18:19:53 continued from June 19, 2012, Burger King
18:19:57 Corporation, Elizabeth Deolivei, manager,

18:19:58 holder of a common victualer license at 679
18:20:01 Concord Avenue has applied to amend their
18:20:01 current operating hours of 6:00 a.m. to 1:00
18:20:01 a.m. Monday through Wednesday, 6:00 a.m. to
18:20:08 2:00 a.m., Thursday through Saturday, and
18:20:08 Sunday from 7:00 a.m. to 12:00 a.m. to operate
18:20:13 24 hours per day.

18:20:20 Anybody from Burger king?

18:20:23 MICHAEL GARDNER: As I recall, at the
18:20:25 last hearing this matter was -- somebody did
18:20:29 appear but it really wasn't a person with
18:20:31 authority or information so we continued it to
18:20:33 this evening.

18:20:34 ELIZABETH LINT: That's correct.

18:20:39 MICHAEL GARDNER: I guess I would
18:20:42 make a motion that we send the license holder
18:20:48 a letter noting that the matter has been on
18:20:52 the agenda twice and no responsible party has
18:21:00 appeared and we would like an explanation for
18:21:05 the nonappearance, and we'd like to schedule
18:21:08 it on a date certain when an appropriate

18:21:12 representative can be here.

18:21:19 I make the motion that we send such a
18:21:21 letter.

18:21:21 ROBERT HAAS: Second.

18:21:23 MICHAEL GARDNER: Motion seconded.
18:21:23 All those in favor please signify by saying
18:21:23 aye.

18:21:23 ROBERT HAAS: Aye.

18:21:23 GERALD REARDON: Aye.

18:21:27 MICHAEL GARDNER: None opposed. So
18:21:30 you can prepare the paperwork.

18:21:31 ELIZABETH LINT: Absolutely.

18:21:31 * * * *

18:21:33 Application Heading Home,
18:21:35 Incorporated, has applied for a lodging house
18:21:38 license at 103-109 School Street for 12:00
18:21:43 rooms and 24 occupants. Applicant is also
18:21:43 applying for exemption from the requirement of
18:21:47 having a resident manager.

18:21:58 MICHAEL GARDNER: No one here from
18:22:01 Heading Home?

18:22:03

ELIZABETH LINT: Okay.

18:22:05

18:22:06

18:22:10

18:22:14

18:22:17

ELIZABETH LINT: Okay.

18:22:17

* * * *

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18:22:46

MICHAEL GARDNER: I would suggest administratively to follow-up, including an explanation and not rescheduling until we have one.

Application for Thelonius Monkfish, holder of a wine and malt beverages as a restaurant license at 524 Mass. Avenue, applied to amend their common victualer seating to add 10 tables and 20 seats to a seasonable outdoor patio on the public sidewalk without alcohol.

MICHAEL GARDNER: If you would be so kind as to come up and state and spell your name for the record and also identify yourself.

JAMIE CHANTLER: I'm Jamie Chantler, C-H-A-N-T-L-E-R, manager of Thelonius Monkfish.

18:22:49 MICHAEL GARDNER: So tell us about
18:22:50 your plans.

18:22:52 JAMIE CHANTLER: The plan is to have
18:22:54 10 tables with 20 chairs out in the brick part
18:22:59 of the sidewalk and a with a boarder of
18:23:09 plants.

18:23:11 MICHAEL GARDNER: So is this in the
18:23:12 area to the street side of the sidewalk where
18:23:18 the passersby would typically walk?

18:23:22 JAMIE CHANTLER: Yes.

18:23:23 MICHAEL GARDNER: So this is closer
18:23:26 to the curb?

18:23:27 GERALD REARDON: This is closer to
18:23:29 the curb or closer to the building?

18:23:31 JAMIE CHANTLER: Closer to the curb.

18:23:35 MICHAEL GARDNER: And have you been
18:23:37 in touch with the Public Works Department
18:23:40 about this?

18:23:41 JAMIE CHANTLER: Yes.

18:23:43 MICHAEL GARDNER: And they've
18:23:44 reviewed the plans?

18:23:44 JAMIE CHANTLER: They did and they
18:23:47 already gave us the obstruction permit.

18:23:49 ELIZABETH LINT: Yes, they have a
18:23:50 sidewalk obstruction program and they have
18:23:52 also been to city council.

18:23:54 JAMIE CHANTLER: And today a fire
18:23:56 inspector came in and checked the place and
18:23:59 said it was fine. And he was there for the
18:24:01 purpose of checking for this application.

18:24:05 MICHAEL GARDNER: And what are the
18:24:10 hours that this would be open?

18:24:15 JAMIE CHANTLER: The same hours that
18:24:16 we had inside.

18:24:18 MICHAEL GARDNER: Which are?

18:24:19 JAMIE CHANTLER: 11:30 to 10:00
18:24:24 between Sunday and -- I'm sorry. So Monday
18:24:29 through Thursday 11:30 to 10:00, and then
18:24:34 Friday, Saturday, 11:30 to 11:00 and then
18:24:39 Sunday 12:00 to 10:00.

18:24:43 MICHAEL GARDNER: Is there no alcohol
18:24:45 service at the establishment at all?

18:24:46

JAMIE CHANTLER: There is, inside.

18:24:49

18:24:50

MICHAEL GARDNER: But you are not proposing alcohol outside?

18:24:53

JAMIE CHANTLER: No.

18:24:56

MICHAEL GARDNER: Questions?

18:24:57

ROBERT HAAS: Why no alcohol outside?

18:25:00

18:25:02

18:25:04

18:25:07

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18:25:40

JAMIE CHANTLER: Because it would be more complicated. At the time that I started the application with the Public Works, we had not yet passed the State for the beer and wine license, and so I thought it would be too complicated to try to do all that at the same time so maybe next year.

Also, I hear there are a lot more complications if you have alcohol outside. So we really do not want to have complications.

MICHAEL GARDNER: And remind us, sir, how long the facility, the establishment, has been in operation there?

JAMIE CHANTLER: A year and five months.

18:25:42

MICHAEL GARDNER: Any issues?

18:25:43

ELIZABETH LINT: None at all.

18:25:46

ROBERT HAAS: I can't conceive that.

18:25:50

MICHAEL GARDNER: That's all I heard

18:25:52

was that it was hard to get a space.

18:25:55

So how is it going?

18:25:57

JAMIE CHANTLER: It's going pretty

18:25:59

well.

18:26:00

MICHAEL GARDNER: Can I ask you could

18:26:03

to give us any reflections on what it's been

18:26:06

like to be a business like this both in

18:26:08

Cambridge and also Central Square from your

18:26:11

experience?

18:26:12

JAMIE CHANTLER: Well, I'm also

18:26:15

involved in Pepper Sky (ph.sp.), I'm a part

18:26:18

owner there, so I knew the area already.

18:26:22

But I think it's pretty friendly. I

18:26:25

think that most of the restaurant owners, we

18:26:28

are kind of all friends, and so that part has

18:26:31

been good. Because I was afraid there would

18:26:33

be a feeling of competition among the people,

18:26:37 and it's nothing like that. It's been much
18:26:38 more supportive and I prefer that when doing
18:26:41 business.

18:26:42 MICHAEL GARDNER: Any other
18:26:43 questions?

18:26:44 GERALD REARDON: Second.

18:26:47 MICHAEL GARDNER: Are there any
18:26:48 members of the public who would like to be
18:26:50 heard on this matter? Notice for abutters.

18:26:57 ELIZABETH LINT: Sure did. Do you
18:26:59 have the green cards back?

18:27:01 JAMIE CHANTLER: Yes, here.

18:27:07 MICHAEL GARDNER: And do you have any
18:27:09 other steps that have to be taken before the
18:27:15 Public Works and City Council?

18:27:17 ELIZABETH LINT: No, that's all he
18:27:19 needed.

18:27:20 MICHAEL GARDNER: I'll make a motion
18:27:21 that we approve an amendment to the common
18:27:29 victualer license to add seating for 10 tables
18:27:31 with 20 seats and a seasonable outdoor patio

18:27:36 on the public sidewalk without alcohol
18:27:38 service.

18:27:39 GERALD REARDON: Second.

18:27:42 MICHAEL GARDNER: Just one last
18:27:43 question, sir. Your expected period of
18:27:49 operation, warm weather functions, or do you
18:27:51 have a definite time when you expect to start?

18:27:54 JAMIE CHANTLER: Warm weather
18:27:56 functions, and I imagine that at some point in
18:27:58 October it would be too cold.

18:28:05 MICHAEL GARDNER: All those in favor,
18:28:05 please signify by saying aye.

18:28:05 ROBERT HAAS: Aye.

18:28:05 GERALD REARDON: Aye.

18:28:10 MICHAEL GARDNER: Good luck with the
18:28:11 new addition.

18:28:13 JAMIE CHANTLER: Thank you.

18:28:15 * * * *

18:28:15 ELIZABETH LINT: Application C & R
18:28:15 Corporation, Inc., Joey Macs, Renee Callahan,
18:28:15 Manager, holder of an all alcoholic beverages

as a restaurant license at 23 Warren Street
has applied for a transfer of stock, new
officers/directors, and new stockholders.

And secondly, an informational
hearing for C & R, Inc., d/b/a Joey Macs, due
to the following alleged violations: Mass.
General Laws, Chapter 138, Section 15A,
failure to disclose all persons who have a
direct or indirect interest in said license,
To Wit: Failure to notify the licensing
authorities of a change of officers/directors;
Mass. General Laws Chapter 138, Section 23,
Transfer of the privilege of a license without
proper approval; Mass. General Laws Chapter
138, Section 64 - License issued under this
chapter by the local licensing authorities in
violation of Section 16A or any other
provision of this chapter; and 204 CMR 2.05(2)
- Permitting an illegality on the licensed
property, To Wit: 26 USC Section 5301(c)
refilling of liquor bottles (1) place in any

18:29:23 liquor bottle any distilled spirits whatsoever
18:29:25 other than those contained in such bottle at
18:29:27 the time of tax determination under the
18:29:29 provisions of this chapter (6 counts).

18:29:29 CHARLES CREMENS: My name is Charles
18:29:34 Cremens, C-R-E-M-E-N-S, my address is 19
18:29:39 Beacon Street in Boston.

18:29:40 And this would be René Callahan, the
18:29:45 manager. Would you identify yourself.

18:29:46 RENÉ CALLAHAN: I'm Rene Callahan,
18:29:48 C-A-L-L-A-H-A-N.

18:29:53 CHARLES CREMENS: I don't know what
18:29:54 you'd like to address at the beginning, but
18:29:56 I'm happy to do whatever it is.

18:29:58 MICHAEL GARDNER: Why don't you go
18:30:00 chronologically.

18:30:02 CHARLES CREMENS: First of all, it
18:30:04 came to our attention they were not properly
18:30:08 changed officers and directors of the
18:30:10 corporation, that was a result of an ABCC
18:30:13 investigation which was conducted at the

18:30:17 premises by an investigator who determined all
18:30:20 of this.

18:30:21 And I guess for the chronology,
18:30:25 there's a gentleman by the name of Dan Evans
18:30:27 who originally purchased the property. He was
18:30:30 the principal stockholder. His wife, Frances,
18:30:33 owned one share of stock and his sister Norma
18:30:37 owned another share of stock.

18:30:39 I don't know if you are familiar with
18:30:40 Joey Macs, I presume you are, it's been there
18:30:43 for ever and ever. Basically, it's a Ma and
18:30:44 Pa store. I'm assuming the reason it was
18:30:47 incorporated was for liability purposes years
18:30:50 ago, that was what happened. Often people are
18:30:52 not told what their responsibilities are when
18:30:55 you are a fiduciary of a liquor license or
18:30:58 when you are an officer or a director of a
18:30:59 corporation or a stockholder of a corporation.
18:31:03 And they have certain responsibilities, both
18:31:05 the Licensing Board and the Secretary of
18:31:08 State's office for corporate purposes.

18:31:10 It's always been run as a Pa and Ma
18:31:13 business, a family business. Mr. Evans bought
18:31:14 it, as I understand, he's very ill right now,
18:31:17 he's 87 years old, I guess he's got a very
18:31:20 serious heart condition.

18:31:21 And at some point in time I think he
18:31:24 was an employee here in the Inspectional
18:31:26 Services. He was planning to use this as a
18:31:29 retirement. As it turned out, like everything
18:31:33 else, everybody thinks you're going to make a
18:31:35 lot money in the liquor business and you
18:31:37 really don't. So that's what it was, it was
18:31:39 merely struggling.

18:31:50 But we also have today a person named
18:31:50 Thomas Ryan, Junior, and Mrs. Callahan who has
18:31:50 been suggested as the person who should
18:31:50 succeed Mr. Evans.

18:31:51 He basically and, I guess honestly,
18:31:53 just said, "Here, you people try to make a
18:31:56 living out of it if you can because I can't
18:31:59 make a living out of it." And this has been

18:32:00 going on since he purchased the place,
18:32:03 probably a few years later.

18:32:06 Did he make any changes? No. Why?
18:32:08 As best we can determine is that he didn't
18:32:11 know that he should make any changes; and, in
18:32:13 fact, the same people continue to be named as
18:32:16 stockholders and the same people continue to
18:32:16 be named as officers and directors of the
18:32:18 corporation.

18:32:18 Apparently, when the certificate of
18:32:21 condition was filed with the Secretary of
18:32:23 State's office but the accountant, they did
18:32:25 make some changes in the officers and
18:32:28 directors. Nobody knew that. Again, I'm
18:32:30 going back to a Ma and Pa type of business,
18:32:34 hand-to-mouth.

18:32:35 So certain transactions took place.
18:32:38 And so --

18:32:38 MICHAEL GARDNER: Sir, could you just
18:32:40 be clear here in terms of certain transactions
18:32:44 took place. Did Mr. Evans actually sell the

18:32:47 business to Mr. Ryan and Mrs. Callahan?

18:32:51 CHARLES CREMENS: No, he didn't. He
18:32:53 just made a decision recently that, as he had
18:32:56 been in the business so long, that he would
18:32:56 sell to each one of the a 50 percent of the
18:32:59 business for a dollar a piece.

18:33:01 MICHAEL GARDNER: I think I
18:33:03 understood you to say that after he had had it
18:33:05 for a relatively short time, he said, "I'm not
18:33:08 making a go of it, here, see what you can do."

18:33:11 CHARLES CREMENS: What he did, these
18:33:12 people had been the employees there. They
18:33:14 were family. He said, "You people run the
18:33:16 business. You conduct the business, if you
18:33:17 make some money, fine; if you don't, you
18:33:20 don't," basically.

18:33:21 He wasn't going to be able to do what
18:33:23 he originally intended. He continued to be
18:33:24 the stockholder. He continued to disclose
18:33:27 that. All the tax returns were filed,
18:33:30 everything was filed in an appropriate

18:33:32 fashion. As a matter of fact, as recently as
18:33:33 a couple of years ago there was an audit done
18:33:34 by the Department of Revenue and cleared it
18:33:37 without any issue whatsoever.

18:33:39 MICHAEL GARDNER: And who was the
18:33:40 manager of record?

18:33:42 CHARLES CREMENS: Right now,
18:33:43 Ms. Callahan is the manager.

18:33:45 RENÉ CALLAHAN: I am.

18:33:47 MICHAEL GARDNER: How long have you
18:33:48 been the manager of record?

18:33:49 RENÉ CALLAHAN: Probably about 15 or
18:33:52 20 years. I don't know exactly.

18:33:54 CHARLES CREMENS: And she is one of
18:33:56 the persons that's been working the business.
18:33:56 Thomas Ryan, Junior, the other gentleman
18:34:00 sitting in the back, has been working the
18:34:02 business.

18:34:02 MICHAEL GARDNER: You said "certain
18:34:04 transactions" and I interrupted you.

18:34:05 CHARLES CREMENS: The transactions

18:34:07 I'm talking about, there were requirements to
18:34:09 the Secretary of the Commonwealth that you
18:34:11 file a certificate with them on an annual
18:34:14 basis naming the officers and directors of the
18:34:18 corporation. For some reason it appears that
18:34:20 that might have been changed by the
18:34:22 accountant. Just when he filed he said the
18:34:25 certificate was filed. But the names that are
18:34:26 presently on the license here at this time are
18:34:28 the people that have been on it since the day
18:34:31 it was purchased.

18:34:32 I suggest to you that there was never
18:34:34 an intention for anybody to not disclose who
18:34:39 was there. It had been in Mr. Evans's name
18:34:42 for 30 years. Everybody's known, never had a
18:34:45 problem with the Licensing Board, never had a
18:34:47 problem that we are aware of with the police,
18:34:49 fire department or anybody else. This has
18:34:51 always been run as just a neighborhood tiny
18:34:55 place.

18:34:55 I find this in my practice, I find

18:34:58 often enough people run corporations and they
18:34:59 don't even know whether they are in existence
18:35:02 or not. This continues to be a valid,
18:35:05 existing corporation. Other times people just
18:35:08 don't do what they are supposed to do because
18:35:09 they never were properly advised by their
18:35:12 attorneys or whoever set up the business.

18:35:14 MICHAEL GARDNER: Files taxes as a
18:35:16 corporation?

18:35:17 CHARLES CREMENS: Everything. Files
18:35:19 taxes as a corporation, taxes have been filed
18:35:20 to date. As I said, there was about two years
18:35:23 an audit by the Department of Revenue. And he
18:35:26 completely cleared muster.

18:35:28 So Mr. Evans now is day-to-day, he
18:35:32 may pass away, we really don't know. And he
18:35:34 just said, "Hey look, this is the way it's
18:35:38 been. If you want to, you can run it and do
18:35:41 what you've been doing for all those years."

18:35:43 I should point out that his wife,
18:35:46 Frances, passed away several years ago. She

18:35:49 continues to be listed on your records as a
18:35:52 one share stockholder.

18:35:54 Norma, who owns the other share,
18:35:57 Norma Berkowitz, has agreed to transfer the
18:36:01 stock, too.

18:36:01 So it would be 100 percent stock
18:36:01 transferred, if it's permitted, it would be
18:36:04 going to Thomas Ryan, Junior and to
18:36:07 Ms. Callahan, who sits here beside me.

18:36:11 MICHAEL GARDNER: 50/50?

18:36:13 CHARLES CREMENS: 50/50, that's
18:36:14 correct.

18:36:15 GERALD REARDON: Are they related?

18:36:18 CHARLES CREMENS: Tommy is a nephew
18:36:21 and Ms. Callahan has been a family friend
18:36:25 forever and ever. And she has worked there
18:36:27 for the last 25 years.

18:36:29 It doesn't really have any
18:36:31 significant value. I mean, if you take a look
18:36:34 at the place, you couldn't give it away. It's
18:36:36 something that is run as I say as a family

18:36:38 business.

18:36:39 I do want to point out one thing.
18:36:41 This wasn't intentional. I don't know how
18:36:45 often it comes before the Board, but I often
18:36:46 find myself in a position where people haven't
18:36:48 done what they have and you have. They pretty
18:36:52 much did everything they should have done
18:36:54 except for one thing. When those corporate
18:36:58 changes were made on that certificate, that
18:37:01 was being filed with the Secretary of State,
18:37:03 it didn't come before this Board, or the ABCC
18:37:06 is another issue.

18:37:06 Three's another issue, and that issue
18:37:09 is the pouring of alcohol from one bottle to
18:37:11 another bottle. I'll tell you exactly what
18:37:15 happened.

18:37:15 I guess they've always had
18:37:16 half-gallon bottles there. They've always had
18:37:20 small bottles on the bar, fifths. They use
18:37:33 those bottles to fill up the small bottles for
18:37:33 convenience and easier to work with and so on

18:37:33 and so forth. They never, ever, put anything
18:37:33 into the bottles other than what was in the --
18:37:34 it was Canadian Club -- it was Canadian Club.
18:37:38 If this was some other alcoholic beverage, it
18:37:40 would be the exact same thing. It was for
18:37:41 convenience purposes. It was done there
18:37:44 forever. At lease as long as half-gallons
18:37:46 came in. I don't know remember when
18:37:47 half-gallons actually came in. It's more done
18:37:50 for convenience. No purpose to evade, no
18:37:55 purpose to do anything, no purpose to in any
18:37:58 way dilute or to give a customer something
18:38:00 that they didn't order or they didn't expect
18:38:03 to order.

18:38:04 I'm asking you to take a close look
18:38:06 at this because, again, I say this is one of
18:38:08 those Ma and Pa businesses, you know, we've
18:38:11 all grown up with them. They don't do the
18:38:14 accounting they way maybe -- they're ins and
18:38:16 outs, they're not debits and credits or other
18:38:19 things.

18:38:19 And fortunately or unfortunately the
18:38:22 way it has been run. It's now going to be run
18:38:25 properly, done properly. The people that have
18:38:27 been involved in the business are going to
18:38:27 continue to be running the business. And,
18:38:29 again, there's never been a problem that we
18:38:32 are aware of at the premises.

18:38:36 So I ask you to strongly consider the
18:38:38 people are both very well qualified. They
18:38:43 have been, as I say, in the business for a
18:38:45 long time, they have no criminal record, no
18:38:47 record at all of any issues that would
18:38:50 interfere with your decision to approve as you
18:38:55 see fit.

18:38:56 We have, and for the record, we do
18:38:58 have an appeal. We do have a hearing before
18:39:01 the Alcohol Beverage Control Commission on
18:39:04 September 11th concerning the same issues. I
18:39:08 was hopeful that the approval of the change of
18:39:14 officers/directors and so on, would be
18:39:16 approved prior to that time. All we are

18:39:18 trying to do is clean up something that should
18:39:21 have been attended to before, but, again, it
18:39:23 was never intentional.

18:39:25 MICHAEL GARDNER: Sir, I'm not sure I
18:39:27 understand the violation specifically. The
18:39:32 manager of record has never been an issue.

18:39:34 CHARLES CREMENS: Never.

18:39:36 MICHAEL GARDNER: And the stock
18:39:40 owners have always been as they are listed?

18:39:47 CHARLES CREMENS: Correct.

18:39:48 MICHAEL GARDNER: So the issue is who
18:39:51 are the officers and directors of the
18:39:58 corporation? And I'm assuming that Mr. Evans
18:40:04 was the president, and perhaps the other two
18:40:08 stockholders were officers?

18:40:10 CHARLES CREMENS: Yes, correct,
18:40:12 absolutely.

18:40:14 MICHAEL GARDNER: And at some point,
18:40:17 even though there was no transfer of stock
18:40:19 ownership, the accountant, the story is, he
18:40:26 took it upon him or herself the fact the

18:40:30 officers or directors were the people who are
18:40:32 actually more directly involved in the
18:40:35 business.

18:40:35 CHARLES CREMENS: As I understand it.

18:40:37 MICHAEL GARDNER: And who is listed,
18:40:38 Mr. Evans and Ms. Callahan?

18:40:42 CHARLES CREMENS: I'm not sure. I
18:40:43 don't have that. Again, I don't have my
18:40:44 secretary to blame because she's on vacation,
18:40:47 and I couldn't file my file the other day so I
18:40:51 don't recollect.

18:40:51 MICHAEL GARDNER: Well, I guess in
18:40:52 terms of trying to understand the story line,
18:40:54 knowing who is listed as the officers and
18:40:57 directors in the Secretary of State's filing
18:41:00 is of at least some relevance.

18:41:04 Is it -- your application is to
18:41:09 make -- your application is to make Mr. Ryan
18:41:13 and Ms. Callahan the officers?

18:41:16 CHARLES CREMENS: Officers and
18:41:17 directors of the corporation.

18:41:19 MICHAEL GARDNER: As well as the
18:41:20 stockholders?

18:41:21 CHARLES CREMENS: Stockholders,
18:41:23 correct.

18:41:24 MICHAEL GARDNER: Has the stock
18:41:26 transfer actually taken place?

18:41:28 CHARLES CREMENS: No. I have not
18:41:30 filed with the Secretary of State's office.
18:41:32 I've been approved by a vote, but until I got
18:41:35 approval from this Board, I would not file any
18:41:39 documents without approval.

18:41:41 MICHAEL GARDNER: With the Secretary
18:41:42 of State.

18:41:42 CHARLES CREMENS: Right.

18:41:45 MICHAEL GARDNER: And you don't know
18:41:46 what the Secretary of State --

18:41:46 CHARLES CREMENS: I haven't had a
18:41:48 chance to review it. I thought what I would
18:41:51 do is clean it up so I would pull everything
18:41:51 together.

18:41:53 And I should point out something

18:41:54 else. I don't know whether that was brought
18:41:56 up. There were three stockholders at one
18:41:58 point in time. And there were three -- one of
18:42:03 the stockholders has since passed away. I
18:42:06 think Mr. Evans inherited the stock from his
18:42:11 wife. So I don't know --

18:42:11 MICHAEL GARDNER: And probably not
18:42:12 probated?

18:42:13 CHARLES CREMENS: Exactly. And as
18:42:15 can you see the way I framed it, I said
18:42:18 "deceased," so we don't know how that took
18:42:21 place.

18:42:23 I don't know what the thought process
18:42:24 was with the investigator here. We cooperated
18:42:28 100 percent. We gave them all the records
18:42:31 that they wanted, gave them everything they
18:42:33 needed. They've made allegations, but the
18:42:36 facts beneath those allegation, I can only
18:42:37 assume, and what I'm assume is what my
18:42:40 research has shown, that there may have been a
18:42:44 deceased stockholder that had never been

18:42:46 changed here. I don't know what the
18:42:48 fundamental facts are behind it. So I'm only
18:42:52 trying to clear up a situation, basically
18:42:56 saying, and I'm going forward this way. And
18:42:58 I've taken the time to meet with Mr. Evans,
18:43:01 I've spoken with Mrs. Podowski (ph.sp).

18:43:01 MICHAEL GARDNER: Berkowitz?

18:43:01 CHARLES CREMENS: Berkowitz, I'm
18:43:09 sorry. So Mrs. Berkowitz, and this is what
18:43:12 they really want to do. And, as I say,
18:43:16 Mr. Evans is unfortunately in a circumstance
18:43:21 that if we don't do it rather quickly, we may
18:43:24 not be able to do it without a probate or
18:43:27 something else.

18:43:29 MICHAEL GARDNER: I wonder if either
18:43:31 Mr. Ryan or Mrs. Callahan have any information
18:43:37 about who the officers and directors listed
18:43:40 with the Secretary of State were?

18:43:43 RENÉ CALLAHAN: I was just as
18:43:44 surprised as everybody else when they put that
18:43:48 paper out there. I couldn't tell you.

18:43:59 MICHAEL GARDNER: And is this
18:43:59 material, Mr. Cremens, that you can forward to
18:43:59 Ms. Lint?

18:44:00 CHARLES CREMENS: I could. I could
18:44:02 go to the Secretary of State's office and
18:44:04 certainly check it out and see whose names it
18:44:08 is in. It's one of those things. But I
18:44:12 should only say that I don't know the answers.
18:44:14 I can do whatever you want me to do, I'm happy
18:44:18 to do it, I'm pleased to do it.

18:44:19 Again, all I'm trying to do is sweep
18:44:22 this into -- put it in the proper form that it
18:44:27 should have been in.

18:44:28 ELIZABETH LINT: I can tell you right
18:44:31 now --

18:44:32 GERALD REARDON: Is Mr. Evans the
18:44:34 business owner and the property owner?

18:44:37 CHARLES CREMENS: No. The property
18:44:38 is owned by -- the landlord is Thomas Ryan,
18:44:41 senior, Mr. Ryan, Junior's father. I mean,
18:44:45 it's the old Bellucci Associates. They have

18:44:52 been upstairs for years. I used to go there
18:44:55 with my dad. Bellucci Associates, right down
18:45:01 there on Washington Street.

18:45:02 MICHAEL GARDNER: I think what we are
18:45:03 basically dealing with right now is the first
18:45:06 issue here, the application to change the --
18:45:11 to approve the transfer of stock and the new
18:45:14 directors and officers.

18:45:16 But I am a little troubled and would
18:45:21 just ask you, sir, for any information you
18:45:28 have, it looks like one of the charges before
18:45:31 the ABCC is a claim that the license issued
18:45:35 under this chapter by the local licensing
18:45:38 authority, that is us, was in violation of
18:45:42 Section 16A, and perhaps other provisions of
18:45:46 the chapter, and 204 CMR 2.05(2).

18:45:52 So it sounds like the ABCC is saying
18:45:57 we did something wrong. And I'm just
18:46:00 wondering if you can give me your
18:46:02 interpretation of what that is supposed to be.

18:46:05 CHARLES CREMENS: Let me tell you

18:46:06 what my investigation show. There was an
18:46:08 anonymous letter sent to the ABCC making a lot
18:46:11 of crazy allegations, this is what I
18:46:15 understand.

18:46:16 The ABCC came in and checked the
18:46:19 whole place out, and this is apparently what
18:46:21 they found; that there was some corporate
18:46:24 technical issues involved, and from what I say
18:46:28 weren't even a part of what the allegations
18:46:31 were.

18:46:33 And what is here is here, it's been
18:46:36 here for 30 years, it wasn't changed and it
18:46:47 should have been changed. That's all I can
18:46:49 tell you.

18:46:50 Again, it's an unsophisticated
18:46:54 corporation. The people ran it like a
18:46:56 proprietorship, I guess. And that's the only
18:47:00 explanation that I can give you.

18:47:02 What they are saying here -- again, I
18:47:04 don't know -- we did agree with them, with
18:47:08 what I'm telling you actually was the case.

18:47:11 But maybe by omission we admitted to them --
18:47:15 we don't have a defense.

18:47:17 All we can say is it was not
18:47:19 intentionally done, it was not the purpose of
18:47:22 anybody to hide from anybody or whatever.
18:47:25 They have been there for 30 years. The same
18:47:28 people have been in this place for 30 years,
18:47:29 they same people that have run it. There is a
18:47:31 festival down there every year. This place
18:47:35 has been there forever. And anybody and
18:47:35 everybody in the neighborhood, new or old,
18:47:42 were aware of Joey Macs. So it's not
18:47:44 something that was intentionally done.

18:47:45 (Discussion off the record.)

18:47:46 ELIZABETH LINT: I have the answer to
18:47:54 your question.

18:47:55 Michael Ryan is the president of the
18:47:57 corporation and Judith Romano is the
18:48:01 treasurer. It was incorporated and organized
18:48:04 in 1970. That's all it has.

18:48:07 MICHAEL GARDNER: So organized in

18:48:09 1970 and those are the people who are listed
18:48:12 as the current directors. Michael Ryan and
18:48:15 the last name --

18:48:17 ELIZABETH LINT: Judith Romano.

18:48:20 CHARLES CREMENS: Those would be
18:48:23 nieces and nephews of Mr. Evans.

18:48:25 MICHAEL GARDNER: Do they any
18:48:26 activity or involvement in the business?

18:48:28 CHARLES CREMENS: No involvement in
18:48:30 the every day operation of the business, no,
18:48:33 none whatsoever. Never have.

18:48:37 MICHAEL GARDNER: And they're not
18:48:39 stockholders?

18:48:40 CHARLES CREMENS: Not stockholders.

18:48:43 ELIZABETH LINT: I have a little more
18:48:43 information for you.

18:48:44 So in 1996 there was a change of
18:48:47 officers and directors, and in '95, and that's
18:48:51 it.

18:49:01 GERALD REARDON: While she's looking
18:49:02 that up, the transfer of liquor, was that

18:49:05 something that the investigator saw or was
18:49:10 just asked about.

18:49:12 CHARLES CREMENS: It was there in the
18:49:14 bottles and Mrs. Callahan explained exactly
18:49:19 what I just told you.

18:49:19 RENÉ CALLAHAN: And I explained it to
18:49:20 him.

18:49:20 GERALD REARDON: Because you have to
18:49:22 be there a long time to see the transfer.

18:49:24 CHARLES CREMENS: Everything was --
18:49:30 (Discussion off the record.)

18:49:30 MICHAEL GARDNER: So when did
18:49:32 Mr. Evans' wife who was a holder of one share,
18:49:35 I believe, when did she die?

18:49:38 CHARLES CREMENS: I've got to be
18:49:40 honest with you, I don't have that
18:49:42 information, but it was several years ago. I
18:49:45 don't know, but I can tell you that it was
18:49:46 more than ten years ago that she passed away.
18:49:49 Probably 20. I don't know. Maybe Tommy
18:49:49 knows.

18:49:55

THOMAS RYAN, JR: Ten years ago.

18:49:55

It's been a while.

18:49:57

18:49:58

18:50:00

18:50:03

18:50:06

18:50:07

THOMAS RYAN, JR: Yes.

18:50:13

18:50:15

18:50:22

18:50:25

18:50:28

18:50:31

18:50:43

18:50:43

18:50:43

18:50:43

18:50:46

18:50:48

18:50:52

MICHAEL GARDNER: I think what we have was Mr. Thomas Ryan, Junior, was in the back and made a representation that it was more than ten years ago and it's been a while since the date.

MICHAEL GARDNER: So I guess I'm a little perplexed that Michael Ryan and Judith Romano weren't actually involved in the day-to-day operation of the business. Did they have any involvement that would explain why they were listed as the directors?

CHARLES CREMENS: I can only assume that they were there for corporate purposes. I don't know the answer. It goes back now, 10 or 15 years. I mean, these are things that, again, I say to you, there was nothing intentional. I mean, I bought it up to you and I tell you what we think happened. By the

18:50:55 way, that's what I think might have happened.
18:50:57 I don't know that that's what happened. But
18:50:59 it's always been disclosed.

18:51:02 And, yes, they should have filed it
18:51:04 here and, yes, they should have filed it at
18:51:06 the Secretary of State's office. Yes, they
18:51:08 did file at the Secretary of State's, for some
18:51:08 reason, it was filed.

18:51:10 I'm not trying to go hide anything,
18:51:13 but they never came here, unfortunately, and I
18:51:13 presume when Mrs. Evans died should have come
18:51:19 here. I'm trying to be, you know, as candid
18:51:22 as a possibly can.

18:51:24 MICHAEL GARDNER: I appreciate that.
18:51:25 I'm trying too tease it out myself trying to
18:51:27 understand.

18:51:28 CHARLES CREMENS: I understand what
18:51:29 you're saying. Again, it's one of those
18:51:32 things. I mean, Mr. Evans, he is a very nice
18:51:35 man but, you know --

18:51:40 MICHAEL GARDNER: So the problem is

18:51:42 with not applying to change the officers and
18:51:49 directors, I think. Because the stock was
18:51:51 never transferred.

18:51:51 CHARLES CREMENS: Never transferred.

18:51:53 MICHAEL GARDNER: So there was a
18:51:54 death and there was a share or a problem out
18:51:58 there and perhaps her name should have been
18:52:00 taken off the listing.

18:52:02 But what you are asking for now is
18:52:06 permission to actually transfer the stock as
18:52:09 you told us at a dollar each.

18:52:12 CHARLES CREMENS: Basically, right.

18:52:15 MICHAEL GARDNER: To then have the
18:52:16 new stockholders listed and to make the new
18:52:19 officers and directors, Mr. Ryan and
18:52:22 Ms. Callahan?

18:52:23 CHARLES CREMENS: That's correct.

18:52:25 MICHAEL GARDNER: And you'd like to
18:52:27 do that before you process with the ABCC.

18:52:33 CHARLES CREMENS: I'm trying to do
18:52:34 what we were supposed to do, let me put it

18:52:36 that way. That's as simple as I can put it.
18:52:39 We are trying to do what we were supposed to
18:52:42 do.

18:52:42 MICHAEL GARDNER: Questions?

18:52:43 GERALD REARDON: So you are still
18:52:45 have to adjudicate this whole issue?

18:52:45 CHARLES CREMENS: Correct.

18:52:49 GERALD REARDON: So that doesn't
18:52:50 change?

18:52:51 CHARLES CREMENS: No, it doesn't.

18:52:53 GERALD REARDON: But it makes you
18:52:54 whole to go in there and say that --

18:52:57 CHARLES CREMENS: We are trying to do
18:52:59 what we should have done. I can't say
18:53:01 anything more. My father used to tell me,
18:53:04 "Keep your mouth shut and you wouldn't get in
18:53:07 trouble." So that's what I'm trying to say as
18:53:07 to what happened. And I'm being honest and
18:53:11 straightforward with any questions that were
18:53:13 asked. This is not something that anybody
18:53:15 tried to hide.

18:53:18 GERALD REARDON: Could I ask you,
18:53:21 Ms. Lint: Have all the fees been kept up?

18:53:25 ELIZABETH LINT: Always.

18:53:27 MICHAEL GARDNER: Any issues? Any
18:53:27 complaints?

18:53:28 ELIZABETH LINT: Never, none.

18:53:30 MICHAEL GARDNER: Are there any
18:53:32 members of the public who would like to be
18:53:34 heard on this matter.

18:53:35 Mr. Ryan, is there anything you would
18:53:37 like to add?

18:53:38 (Mr. Ryan indicated)

18:53:39 MICHAEL GARDNER: Mr. Ryan is shaking
18:53:40 his head no.

18:53:43 THOMAS RYAN, JR: All set.

18:53:45 ELIZABETH LINT: You were inquiring
18:53:46 about 16A, that is the renewal statute,
18:53:50 something they automatically renew annually
18:53:53 provided that the manager or one of the
18:53:56 corporate officers comes in and signs the
18:53:59 renewal. So we would renew it based on the

18:54:03 information we have.

18:54:04 MICHAEL GARDNER: So whatever
18:54:05 violation there was by us or whomever was
18:54:09 based on the bad information supplied by the
18:54:13 applicant?

18:54:14 ELIZABETH LINT: Unknowingly, yes.

18:54:17 MICHAEL GARDNER: I'm not saying it
18:54:19 was intentionally done.

18:54:21 CHARLES CREMENS: The manager has the
18:54:23 right to sign the application. And that's
18:54:27 what was done, I think, every year, was the
18:54:29 manager did it.

18:54:31 GERALD REARDON: So that fact was
18:54:33 correct, it was the stockholders and directors
18:54:36 that -- (inaudible)

18:54:37 CHARLES CREMENS: That's correct,
18:54:38 yes, sir.

18:54:40 ROBERT HAAS: This is a for value
18:54:42 license, this license was purchased?

18:54:44 CHARLES CREMENS: Oh, yes, users ago.

18:54:47 MICHAEL GARDNER: For how many seats?

18:54:48

RENÉ CALLAHAN: 95.

18:54:51

MICHAEL GARDNER: 95 seats.

18:55:13

(Discussion off the record.)

18:55:13

18:55:14

18:55:18

18:55:24

18:55:27

18:55:30

MICHAEL GARDNER: I think, you know, the only thing I'm troubled by is sort of not knowing the story about how the directors' names changed and whether that had any implications for the operation of the business.

18:55:30

18:55:35

18:55:43

18:55:49

18:55:51

18:55:55

But I think based on Mr. Cremens' representations, I will make the motion that we approve the transfer of the stock, the naming of the new officers and directors and the new stockholders as Mr. Cremens has represented to us.

18:55:56

18:55:58

18:56:00

18:56:04

ROBERT HAAS: I just want to be clear. This is all from a handshake? There is no legal documents that show the transfer, a stock certificate or --

18:56:04

18:56:06

CHARLES CREMENS: I drafted a bill of sale and have not got it back yet.

18:56:09 ROBERT HAAS: So you haven't
18:56:12 finalized it yet?

18:56:13 CHARLES CREMENS: It is finalized
18:56:15 because Mr. Evans actually signed the
18:56:17 documents requesting that he be permitted to
18:56:21 transfer. He and Ms. Berkowitz signed the
18:56:25 paper work that is here before this Board
18:56:27 asking that he be able to do just what I said.

18:56:31 Now, I formerly would go, I don't
18:56:33 take any action, I don't transfer any of it,
18:56:35 until I have the approval of the board. Once
18:56:36 I do that, I file everything with the
18:56:38 Secretary of State's office, and then I
18:56:40 basically have what's called a closing.

18:56:43 MICHAEL GARDNER: But do you have the
18:56:44 signature of purchasers yet and has the money
18:56:47 been transferred?

18:56:49 CHARLES CREMENS: No. I can't do
18:56:51 that until you people allow me to do that.
18:57:02 I'm being extra careful, too, just so you
18:57:02 know.

18:57:02 ROBERT HAAS: And you have no
18:57:02 concerns about the one remaining stock being
18:57:02 held by the person who is now deceased?

18:57:04 CHARLES CREMENS: You know, I do.
18:57:05 But there has never been a probate. I guess I
18:57:05 could go down and do a voluntary petition with
18:57:09 the probate; if that becomes necessary, I'll
18:57:12 do that.

18:57:13 GERALD REARDON: And you're talking
18:57:14 about Mr. Evans' wife (inaudible) --

18:57:17 MICHAEL GARDNER: He said that both
18:57:17 the wife and sister had one share. How many
18:57:20 shares did Mr. Evans have?

18:57:23 CHARLES CREMENS: 98.

18:57:25 MICHAEL GARDNER: So these were a one
18:57:27 percent interest in the business?

18:57:29 CHARLES CREMENS: Right.

18:57:31 MICHAEL GARDNER: Well, Mr. Evans can
18:57:34 only transfer what he legally owns. So I'm
18:57:40 prepared to stand by the motion and say,
18:57:45 obviously, that it's subject to the

18:57:48 finalization of the business transaction in
18:57:52 anticipation.

18:57:54 CHARLES CREMENS: If you feel that I
18:57:56 should probate it, I'll do it.

18:58:00 GERALD REARDON: I guess I seriously
18:58:04 doubt anybody is going to probate for a one
18:58:07 share.

18:58:08 CHARLES CREMENS: It guess, frankly,
18:58:11 I didn't have the time to do it when we were
18:58:14 trying to get this before you.

18:58:15 MICHAEL GARDNER: The business has a
18:58:17 value, including the value on the license.
18:58:22 And whatever good will has been generated over
18:58:26 30 years, which I assume is a substantial
18:58:29 amount.

18:58:31 CHARLES CREMENS: It's a matter of
18:58:33 opinion, I guess, isn't it.

18:58:36 GERALD REARDON: I second the motion.

18:58:39 MICHAEL GARDNER: Motion having been
18:58:41 made and seconded, any further discussions
18:58:43 with? All those in favor, please signify by

18:58:43 saying aye.

18:58:43

ROBERT HAAS: Aye.

18:58:43

GERALD REARDON: Aye.

18:58:47

MICHAEL GARDNER: I see none opposed.

18:58:51

So thank you for coming in,

18:58:55

belatedly. Thank you for coming in to

18:59:00

straighten out the paperwork, as you were

18:59:03

present during the Harvard University

18:59:06

presentation. We really do appreciate it when

18:59:10

people keep ahead of the facts when they come

18:59:14

to us, but I can understand how it may have

18:59:20

happened.

18:59:22

Is there anything more you would like

18:59:25

to add with respect to the other matters

18:59:32

pending before the ABCC and the schedule for

18:59:39

the hearing?

18:59:42

CHARLES CREMENS: I can tell you

18:59:43

this. I have personally transferred

18:59:46

everything that the ABCC wanted, which

18:59:48

included more than I think they really need

18:59:50

but they got everything they wanted. But what

18:59:53 they have determined is exactly what I
18:59:55 determined when I looked at the corporate
18:59:58 records. That's what the problem was and an
19:00:01 admission that they did have half-gallons.
19:00:01 That's it.

19:00:06 I don't know why and I wish I did.
19:00:10 But the underlying fact is they are right.
19:00:12 And what I'm saying is, the law does require
19:00:16 intent, and there was never any intent here to
19:00:21 do anything other than what is here.

19:00:21 MICHAEL GARDNER: I guess the only
19:00:22 think that troubles me about that is if you
19:00:25 don't know or you didn't know who was -- who
19:00:29 the directors listed on the Secretary of
19:00:31 State's offices were or when the transfer took
19:00:35 place, there is still, in fact, more
19:00:37 information that the ABCC might want.

19:00:41 CHARLES CREMENS: That's the next
19:00:42 priority on my list.

19:00:44 But thank you very much for your
19:00:45 time.

MICHAEL GARDNER: Well, I think with respect to this, do you just suggest we put this matter back on the agenda for some time after September 11th.

And do we have a time frame of when we could expect the ABCC to act?

ELIZABETH LINT: That, I don't know.

CHARLES CREMENS: Well, I think the dilemma I have is, I'd like to try to clear up the corporate records now.

MICHAEL GARDNER: Well, we voted to approve the corporate -- we voted to approve the change. We have a separate agenda item, which is an informational hearing to find out what the heck else is going on.

CHARLES CREMENS: I'm happy to come back after the hearing, it's scheduled for September 11th.

MICHAEL GARDNER: So why don't I suggest to you, sir, that you be in touch with Ms. Lint after the hearing, give her an

19:01:45 update, whether in writing or orally, and then
19:01:49 she can confirm with us as to whether or not
19:01:52 we want to put it on for any further review or
19:01:56 action pending the ABCC decision, or do you
19:01:59 want to wait until after --

19:02:00 CHARLES CREMENS: I will represent
19:02:02 that I will send a copy of the ABCC decision
19:02:05 to Ms. Lint upon receipt.

19:02:08 I don't whether I'm going to get it
19:02:09 -- my experience there is you don't get a
19:02:11 decision, it's always in writing. So I'll be
19:02:15 happy to provide that to you and get all the
19:02:18 information and facts to you.

19:02:20 Again, thank you very much.

19:02:24 MICHAEL GARDNER: If you do obtain
19:02:26 the Secretary of State's records with respect
19:02:29 to the change in filing, please make sure that
19:02:33 Ms. Lint has a copy of that.

19:02:34 CHARLES CREMENS: I'll give you
19:02:36 everything, I will put a package together.

19:02:40 MICHAEL GARDNER: Good luck with your

new venture and your new stock ownership.

* * * *

ELIZABETH LINT: Application for Alewife Cafe, LLC, doing business as Casbah Restaurant, Sari Abuljubein, Manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at 26 New Street has applied to amend their current closing time on Thursdays, Fridays, and Saturdays from 1:00 a.m. to 2:00 a.m.

SARI ABULJUBEIN: My name is Sari S-A-R-I, Abuljubein, A-B-U-L-J-U-B-E-I-N.

MICHAEL GARDNER: And you are the manager?

SARI ABULJUBEIN: I'm the owner and manager, yes, sir.

MICHAEL GARDNER: How long have you been operating the business, sir?

SARI ABULJUBEIN: The Casbah Restaurant I've been operating it since last September.

19:03:38 MICHAEL GARDNER: My memory of this
19:03:41 establishment is that it for a very long time
19:03:56 had a 1:00 license. We changed it under a
19:03:56 different ownership, we changed it to a 2:00
19:03:56 license within the last -- and relatively
19:03:58 shortly thereafter there were problems there
19:04:00 and we moved the license back to 1:00.

19:04:03 Is that a fair summary, Ms. Lint?

19:04:06 ELIZABETH LINT: Yes.

19:04:08 MICHAEL GARDNER: So tell us about
19:04:10 your experience since last fall.

19:04:14 SARI ABULJUBEIN: My experience is
19:04:16 when I came before you asking for the license,
19:04:19 my hope then and still, by the way, is that I
19:04:26 would create kind of a neighborhood eatery, a
19:04:29 neighborhood cafe type that I will bring with
19:04:33 me some of my experience from the Casablanca
19:04:37 Restaurant. And I wasn't necessarily looking
19:04:40 for a 2:00.

19:04:42 But what has happened between then
19:04:44 and now is, as an eatery, it has proven to be

19:04:49 a very difficult venture for me. And I'm
19:04:52 still hoping that we can put it on the map, so
19:04:57 to speak. The only thing that seems to be
19:04:59 working is, I had to go back to some of the
19:05:02 entertainment aspects that the predecessor
19:05:06 used to do, and we were doing it every
19:05:11 Saturday night and some Friday nights.

19:05:13 And those nights have been important
19:05:16 to us business-wise. That kind of a crowd
19:05:21 doesn't show up until 10:00 or 10:30, and,
19:05:24 frankly, when I'd like to be going to bed.

19:05:28 And so it leaves a very short window
19:05:32 of opportunity to do business and it
19:05:35 discourages that kind of a trade to want to
19:05:39 come back.

19:05:53 GERALD REARDON: So I guess the
19:05:55 question I had is, you believe there is that
19:05:58 much difference between the extra hour?

19:06:02 SARI ABULJUBEIN: Unfortunately, yes,
19:06:04 I do believe that. Which I didn't think so at
19:06:06 the beginning. But if we are doing that kind

19:06:09 of entertainment -- and now in the summer, it
19:06:12 actually slows down a little bit, or a lot.
19:06:16 It makes a huge difference with the amount of
19:06:19 sales, including food, and surprisingly people
19:06:23 are ordering food until 12:30, 1:00.

19:06:27 But at 1:00 everything is shut but
19:06:30 that kitchen is serving food until, on Friday
19:06:34 night and Saturday night until around 12:30
19:06:37 with various entertainment.

19:06:40 MICHAEL GARDNER: What is the nature
19:06:41 of the entertainment, sir?

19:06:44 SARI ABULJUBEIN: Music, belly
19:06:46 dancers sometimes, singers sometimes, and
19:06:49 dancing to the music. Sometimes there is a DJ
19:06:53 and with just dancing.

19:06:57 MICHAEL GARDNER: So sometimes live
19:06:57 acts.

19:07:04 SARI ABULJUBEIN: Yes.

19:07:04 MICHAEL GARDNER: That's all
19:07:05 consistent with the license.

19:07:07 MS. LINT: Yes, it is.

19:07:10 MICHAEL GARDNER: Any complaints or
19:07:12 issues since the transfer?

19:07:18 ELIZABETH LINT: Yes.

19:07:18 ROBERT HAAS: You're familiar with
19:07:19 the some of the difficulties the prior owner
19:07:21 had with the late night crowd. You haven't
19:07:25 seen that since you've been operating in these
19:07:27 hours?

19:07:28 SARI ABULJUBEIN: No, I have not.
19:07:29 But it has not been anywhere near as busy
19:07:33 since I've taken it over as it used to be when
19:07:37 he was running it. So I am very aware and
19:07:45 perturbed by the potential of that kind of --
19:07:49 those kinds of issues. I have to admit this
19:07:52 to you, to the Commission.

19:07:59 MICHAEL GARDNER: Any members of the
19:08:02 public who would like to be heard on this
19:08:04 matter?

19:08:09 I guess, seeing none, the concern I
19:08:12 have is that this was sort of always a 1:00
19:08:19 place. We made a decision to go to 2:00 and

19:08:28 found it to be, at least in my interpretation
19:08:30 of it, it backfired. And it was a mistake,
19:08:39 and which contributed to a lot more
19:08:42 complications and problems. I guess none of
19:08:46 which are attributable to you, but I'm
19:08:53 reluctant to jump into those waters again,
19:09:00 given the history of this location.

19:09:11 Is there anything else that you would
19:09:12 like to add at this point?

19:09:15 SARI ABULJUBEIN: No, sir.

19:09:16 MICHAEL GARDNER: We have a hearing
19:09:17 on the 24th and our decision hearing is the
19:09:21 26th, tentatively scheduled.

19:09:24 ELIZABETH LINT: No, the 2nd.

19:09:26 MICHAEL GARDNER: The 2nd of August?

19:09:27 ROBERT HAAS: I'll be out of town on
19:09:32 the 2nd.

19:09:32 MICHAEL GARDNER: At least, as you
19:09:33 know, my inclination is to not approve. But I
19:09:38 would ask the Commissioners if they are
19:09:41 prepared to take a vote this evening or if

19:09:44 they want more time to consider it?

19:09:48 GERALD REARDON: I guess I'm a little
19:09:50 leery, too, but under the circumstances there
19:09:53 are no issues that we've had since this owner,
19:09:57 and in light of what he has had in Harvard
19:10:01 Square for a number of years, I think we have
19:10:04 to take that into consideration.

19:10:05 The other thing is that there is
19:10:08 really not a lot of neighbors in terms of
19:10:10 noise up there, it's pretty much an industrial
19:10:13 area.

19:10:14 I guess the third thing would be
19:10:18 that, you know, he understands that if this
19:10:21 doesn't work out, not only would it be a
19:10:23 potential problem but also would jeopardize
19:10:27 his license and his livelihood.

19:10:29 I guess I have to ask him,
19:10:31 understanding all that, does he still think it
19:10:34 is something that you feel comfortable with?

19:10:37 SARI ABULJUBEIN: Obviously, from my
19:10:39 experience at Casablanca all these years, I

19:10:52 agree, and thank you for the fact that -- for
19:10:52 your kindness that it could jeopardize the
19:10:52 license and ultimately would jeopardize my
19:10:55 livelihood. I agree with you, but I just feel
19:11:00 that I'm forced to do that. It's not really
19:11:02 what I want to do. And, quite honestly, it is
19:11:05 yet to be determined.

19:11:11 I don't think much is going to change
19:11:13 this summer in terms of the entertainment, it
19:11:17 tends to slow down in July and August. And we
19:11:21 never really did it as big as the previous
19:11:25 owner and I'm still struggling to try to keep
19:11:31 tinkering with the concept to try and create
19:11:36 some sort of a steady, six or seven days a
19:11:36 week business that will end at a reasonable
19:11:45 hour, which was my intention.

19:11:45 MICHAEL GARDNER: What are the hours
19:11:46 of Casablanca?

19:11:46 SARI ABULJUBEIN: Casablanca has
19:11:49 Thursday, Friday, Saturday is 2:00, and the
19:11:51 rest 1:00. Casablanca, if I may, maybe ten

19:11:56 years ago, or up until ten years ago, that was
19:12:00 very important. As more and more 2:00
19:12:03 licenses came, not only in Harvard Square but
19:12:07 in the City of Cambridge, that had dwindled
19:12:10 and we were happy about that because
19:12:16 Casablanca never had entertainment. We were
19:12:17 happy with that because we were happy serving
19:12:17 people that had been there for an hour or two.

19:12:20 What we used to hate about it is the
19:12:23 people that would leave one bar a half-hour
19:12:26 early to run over so they can come to
19:12:29 Casablanca and spend an hour and a half there.
19:12:33 And some point we stopped admitting people.
19:12:34 We would stay open until 2:00, but we stopped
19:12:37 admitting people after 1:00 because we did not
19:12:42 want that fresh blood. Now, we are really
19:12:45 closed by 1:00 or 1:30.

19:12:50 GERALD REARDON: Are they allowed to
19:12:52 do that?

19:12:53 ELIZABETH LINT: You are supposed to
19:12:55 be open the hours on your license.

19:12:59 SARI ABULJUBEIN: What, I can't close
19:13:01 earlier?

19:13:02 ELIZABETH LINT: You're not supposed
19:13:03 to.

19:13:06 MICHAEL GARDNER: I understand your
19:13:08 frustration.

19:13:12 SARI ABULJUBEIN: At the least, I
19:13:13 apologize.

19:13:17 MICHAEL GARDNER: That's perhaps an
19:13:19 issue for another time.

19:13:20 Pleasure of the Commission?

19:13:23 GERALD REARDON: I guess under the
19:13:24 circumstances, knowing this is not his first
19:13:27 rodeo, he's been in the city for quite some
19:13:32 time, and he understands the issues that this
19:13:35 may jeopardize his operation if it doesn't go
19:13:41 well, if he is willing to take the chance,
19:13:44 based upon his history, I guess I would be
19:13:47 willing, especially where there is not a lot
19:13:49 of neighbors where this would impact the
19:13:52 additional hour. It sounds as if the whole

19:13:55 license would be in jeopardy if he doesn't, I
19:13:58 understand that, but I do have some
19:14:01 equivocations. But I guess if he is willing
19:14:04 to take it on, I'd give it to him.

19:14:06 MICHAEL GARDNER: So I suggest, if
19:14:08 you want, you could make that in the form of a
19:14:11 motion.

19:14:12 GERALD REARDON: I make a motion to
19:14:19 extend Casbah Restaurant from 1:00 to 2:00
19:14:25 a.m. on the following nights: Thursdays
19:14:27 Fridays and Saturdays for 26 New Street from.

19:14:34 MICHAEL GARDNER: Subject to any
19:14:36 particular review period?

19:14:38 GERALD REARDON: I would think maybe
19:14:42 six months. I think we should have him back
19:14:45 in and see how things are going and whether or
19:14:49 not this made a difference and whether or not
19:14:51 you would like to turn it around and get some
19:14:54 sleep at night and deal with the 1:00.

19:14:59 SARI ABULJUBEIN: I appreciate that.

19:15:00 GERALD REARDON: I think he has been

19:15:01 a restaurateur for quite a number of years,
19:15:06 so it's a little bit different.

19:15:10 If he is not going to -- July,
19:15:13 August, unless you want to do something
19:15:15 earlier?

19:15:16 ROBERT HAAS: I think there is an
19:15:17 issue with respect to the summer months being
19:15:21 slower months. I share the same concerns as
19:15:27 you. It sounds like it's the same thing as
19:15:27 your predecessor which ran into some trouble.
19:15:31 I mean, if that is the only way this is going
19:15:33 to work, I don't think that is the business
19:15:36 model that you want.

19:15:37 But by the same respect, I appreciate
19:15:39 you are getting a late night business. I'll
19:15:44 tell you, I will not wait six months, if we,
19:15:48 in fact, have complaints, we'll get in there
19:15:52 on the first complaint. We'll bring you -- if
19:15:56 we see another situation evolving the past.

19:16:01 But I agree with the Chief, you need
19:16:03 to reassess whether or not this is going to be

19:16:05 a business model you can develop or not. But
19:16:09 in the same respect, I do agree, the
19:16:12 business --

19:16:14 SARI ABULJUBEIN: I really respect
19:16:15 what the Chief is saying and what the director
19:16:19 is saying. I understand. Whatever the
19:16:24 decision is, the decision is. There are
19:16:29 enough problems in the business, problems for
19:16:32 me. I'm just trying the figure out --

19:16:40 MICHAEL GARDNER: So a motion has
19:16:41 been made, it's a waiting for a second.

19:16:44 ROBERT HAAS: I'll second.

19:16:46 MICHAEL GARDNER: A motion having
19:16:47 been made and seconded. Ms. Lint, is this a
19:16:51 for value? No value?

19:16:53 ROBERT HAAS: No value.

19:16:54 ELIZABETH LINT: No value.

19:16:56 MICHAEL GARDNER: Any further
19:16:57 discussion? All those in favor of the motion
19:16:59 signify by saying aye.

19:16:59 GERALD REARDON: Aye.

19:16:59

ROBERT HAAS: Aye.

19:17:02

MICHAEL GARDNER: No, I'm opposed.

19:17:04

No. So the motion passes two to one.

19:17:07

Good luck with your operation and

19:17:09

we'll see you back here in, if I can do the

19:17:16

math, in December or January.

19:17:18

SARI ABULJUBEIN: Thank you.

19:17:32

* * * *

19:17:32

ELIZABETH LINT: Application for Eyob

19:17:43

Limo has applied for a livery license at 28

19:17:43

William Street, No. 2.

19:17:43

MICHAEL GARDNER: Good evening.

19:17:44

Would you be so kind as to please state and

19:17:46

spell your name for the record and also

19:17:48

describe the business.

19:17:50

EYOB TOLESSA: My name is Eyob,

19:17:52

E-Y-O-B, TOLESSA, T-O-L-E-S-S-A.

19:17:58

MICHAEL GARDNER: Tell us, sir, about

19:18:00

what it is that you plan to do with the livery

19:18:05

business here.

19:18:09

EYOB TOLESSA: I'm trying to do the

19:18:11 livery business. I've been on unemployment
19:18:13 for the past two months, so I would like to
19:18:18 start this livery service. Because I spoke to
19:18:21 some friends so she can give me -- they have a
19:18:26 company, a limousine company, so I buy the car
19:18:33 and I'm trying to get the license to do the
19:18:37 business.

19:18:37 MICHAEL GARDNER: Have you already
19:18:39 bought the car.

19:18:43 EYOB TOLESSA: Yes.

19:18:43 MICHAEL GARDNER: What kind?

19:18:48 EYOB TOLESSA: Cadillac DTS.

19:18:52 MICHAEL GARDNER: Where will the
19:18:53 vehicle be parked?

19:18:55 EYOB TOLESSA: I live at 28 William
19:19:02 Street right now. I can open my own office,
19:19:05 which I'm going to be working at in the
19:19:08 future. I would like to have my office.
19:19:11 Right now I'm parking on the street.

19:19:15 MICHAEL GARDNER: So the business
19:19:19 is -- you live at 28 William Street, your plan

19:19:24 is to continue to operate the business out of
19:19:26 there, or are you having an office with this
19:19:29 other company?

19:19:31 EYOB TOLESSA: I'm going to be with
19:19:32 the office. Right now I'm going to have it on
19:19:36 the street, but in the future I would like to
19:19:38 have it in the office.

19:19:40 MICHAEL GARDNER: So your plan is to
19:19:42 park it on the street now. Are you going to
19:19:44 run the business out of 28 William Street?

19:19:48 EYOB TOLESSA: Yes. I figure -- I'm
19:19:51 doing the transportation business.

19:19:54 MICHAEL GARDNER: How is it that you
19:19:55 will get your customers?

19:19:58 EYOB TOLESSA: The company, there is
19:20:00 one CC Limo Company. They are going to give
19:20:04 me a job. They have reservation, they have
19:20:07 their own office so they give me the job. So
19:20:12 they take 20 percent.

19:20:14 MICHAEL GARDNER: So you'll be
19:20:15 subcontracting right from them. They'll steer

19:20:19 referrals to you?

19:20:19

EYOB TOLESSA: Yes.

19:20:20

MICHAEL GARDNER: And what is the name of this company again?

19:20:21

19:20:24

EYOB TOLESSA: CCE Limo.

19:20:27

MICHAEL GARDNER: CCE --

19:20:29

EYOB TOLESSA: Limo. And also there is a Hubert Cab Company, so I'm going to join with him.

19:20:38

19:20:39

MICHAEL GARDNER: So this is the Hubert Cab System that you are claiming to work with.

19:20:40

19:20:44

19:20:45

EYOB TOLESSA: Yes.

19:20:47

MICHAEL GARDNER: Do we know CCE?

19:20:49

ELIZABETH LINT: I'm not familiar with it.

19:20:51

19:20:52

MICHAEL GARDNER: Do we know if they are licensed in Cambridge?

19:20:54

19:20:56

ELIZABETH LINT: I don't know.

19:20:57

MICHAEL GARDNER: Do you know where this CCE does its business?

19:20:58

19:21:00

EYOB TOLESSA: I don't.

19:21:04

19:21:05

MICHAEL GARDNER: Are they licensed in Cambridge? Where are their offices?

19:21:07

19:21:09

EYOB TOLESSA: I think they are in Boston.

19:21:10

19:21:12

19:21:15

19:21:19

19:21:22

MICHAEL GARDNER: And I believe there was a -- we've had some information about the Hubert Cab System in the past, but have we held a hearing on that that perhaps I wasn't at?

19:21:25

19:21:27

19:21:32

19:21:32

19:21:35

19:21:38

ELIZABETH LINT: No, Hubert is an application. Right now they do have an office in Cambridge. Officer Szeto verified that. That they are moving out of Cambridge. But basically you just use the application on your phone to hire the vehicle.

19:21:39

19:21:43

19:21:46

19:21:51

19:21:56

There was a hearing yesterday at the Division of Standards, I believe, in regards to whether or not it is operating as a taxi or a livery, and whether or not the application is a device that should be regulated through

19:22:01 Weights and Measures. So we don't know what
19:22:04 the outcome of that is.

19:22:05 And I know the City's attorney is
19:22:08 going to be writing a brief in response to the
19:22:13 hearing yesterday. So it's really a huge
19:22:15 question.

19:22:16 Part of the problem is we have
19:22:17 serious public safety issues. If you are
19:22:20 using an application to hire a vehicle and
19:22:23 Hubert says that they don't have any control
19:22:26 over the vehicles in terms of who is driving
19:22:28 them, they were not CORI checked, you have no
19:22:32 idea who is picking you up.

19:22:34 MICHAEL GARDNER: And when you say,
19:22:35 "a hearing was held just yesterday," I'm
19:22:38 little confused.

19:22:41 ELIZABETH LINT: The Commonwealth --

19:22:42 MICHAEL GARDNER: You have said the
19:22:43 Division of Standards. I'd forgotten that the
19:22:49 Division of Standards may have had a different
19:22:51 name at one point.

19:22:54 ELIZABETH LINT: Weights and
19:22:55 Measures.

19:22:57 MICHAEL GARDNER: The State agency is
19:22:58 the division of Weights and Measures, a
19:23:00 helpful member of the audience tried to
19:23:03 clarify for us.

19:23:05 ELIZABETH LINT: It was the Division
19:23:06 of Standards, that's what it was. So we don't
19:23:09 know the outcome of that at this point. But
19:23:12 that was based on a sting operation that we
19:23:15 did in the office to see who picked the person
19:23:20 up, how they were charging them. There's no
19:23:23 standard rates. It's -- for one ride, it
19:23:26 might be a flat fee for one, it might be
19:23:31 calculated by the application. So it's really
19:23:33 questionable as to what it is.

19:23:36 MICHAEL GARDNER: So this,
19:23:39 unfortunately, for now, sir, we are sort of in
19:23:46 the middle of a process of attempting to
19:23:49 understand ourselves the situation. I think
19:23:54 being mindful of that, we need to be open to

19:23:57 the new technologies which are available and
19:24:02 to allow services to the public to take
19:24:05 advantage of the productive of the flexibility
19:24:08 that new technology might provide.

19:24:10 But as Ms. Lint said, also being
19:24:15 concerned about standards and both personal
19:24:19 and public safety questions also, I'm a little
19:24:33 concerned that CCE, if it's operating out of
19:24:43 Boston, I'm not sure what the implications of
19:24:43 that are for your business.

19:24:45 EYOB TOLESSA: Also I've spoken to
19:24:49 hotels to pick up from them, to have a
19:24:52 contract with them. But they told me I need
19:24:55 to have a license in order to make a contract
19:24:58 with them.

19:24:59 MICHAEL GARDNER: And so the hotels,
19:25:01 would you envision that being primarily
19:25:05 airport runs?

19:25:07 EYOB TOLESSA: Yes, pick up from
19:25:08 airport and drop off.

19:25:11 MICHAEL GARDNER: What's your

19:25:12 understanding as of the rules that you would
19:25:16 operate under with respect to how much notice
19:25:19 there needs to be to make the arrangement, and
19:25:23 also what arrangements you need to make at
19:25:29 Massport?

19:25:31 EYOB TOLESSA: I guess at Massport, I
19:25:34 will do anything to do the right thing. I
19:25:39 just don't want to stay home. I've been
19:25:41 working with the parking company the past five
19:25:44 years, so since I lost my job, I can't find
19:25:47 another one. So that's why I said I should
19:25:50 move on to something new with myself to start
19:25:53 a business.

19:25:54 MICHAEL GARDNER: What's your
19:25:56 understanding of the rules with respect to how
19:26:01 much time it requires or when it is legal for
19:26:04 you to pick up a fare or to give a ride in
19:26:08 Cambridge? Do you have any understanding
19:26:11 about what those rules are?

19:26:14 EYOB TOLESSA: I don't.

19:26:20 MICHAEL GARDNER: Any questions?

19:26:22 ELIZABETH LINT: We actually have a
19:26:28 moratorium on issuing more livery licenses.
19:26:32 I'm seeing Officer Szeto today and I feel that
19:26:37 we absolutely have even more than what we
19:26:40 need.

19:26:40 And it's putting a tremendous burden
19:26:45 on the taxi industry in particular because
19:26:48 they tend not to abide with our rules where
19:26:51 they have to sit at the hotels and take all
19:26:54 the airport jobs away from the cabs.

19:27:02 MICHAEL GARDNER: Well, that's an
19:27:04 enforcement issue, right?

19:27:07 ELIZABETH LINT: It's very difficult
19:27:08 to enforcement. They say, "Oh, no, it was
19:27:12 prearranged."

19:27:15 MICHAEL GARDNER: Conspiracy of the
19:27:18 willing buyer and willing seller.

19:27:23 ELIZABETH LINT: And a doorman.

19:27:26 MICHAEL GARDNER: Any members of the
19:27:28 public who would like to be heard on this
19:27:30 matter?

19:27:33 Well, I don't think the Commission
19:27:35 has ever taken any action to what I recall to
19:27:38 actually impose a moratorium. If I understand
19:27:41 it, what we have is a recommendation from the
19:27:44 staff.

19:27:44 ELIZABETH LINT: There has been a
19:27:46 moratorium for many, many years.

19:27:51 MICHAEL GARDNER: We've approved a
19:27:52 couple recently?

19:27:53 ELIZABETH LINT: Yes.

19:27:58 MICHAEL GARDNER: Which no doubt
19:28:00 helps explain the rise in applications.

19:28:04 ELIZABETH LINT: I wouldn't know.

19:28:11 GERALD REARDON: We have approved
19:28:12 several in the past year.

19:28:15 MICHAEL GARDNER: And I'm not sure
19:28:18 how you got the idea sir that a livery service
19:28:24 would be a viable business for you?

19:28:27 EYOB TOLESSA: I think that's the
19:28:28 only option I have right now. I'm not
19:28:31 working, and I just don't want to stay home.

19:28:41 Right now I stopped collecting unemployment.
19:28:45 I've been collecting the --

19:28:50 MICHAEL GARDNER: You stopped
19:28:53 renewing your application?

19:28:56 EYOB TOLESSA: I'm hoping to have
19:28:58 this and do my own business.

19:29:02 GERALD REARDON: Is there a plan with
19:29:03 the other companies to do more people
19:29:05 transport or package transport or both.

19:29:09 EYOB TOLESSA: People transport.

19:29:16 MICHAEL GARDNER: Any questions?

19:29:19 ROBERT HAAS: No.

19:29:21 MICHAEL GARDNER: I guess, sir, that
19:29:25 I'm concerned that you really are coming
19:29:31 before us without a fully established
19:29:37 knowledge of sort of what the rules are with
19:29:39 respect to how to operate such a business
19:29:42 within Cambridge lawfully, and that the
19:29:46 business plan that you have, including the
19:29:52 reliance on Hubert, is not something that I
19:29:57 think we feel we can support at the present

19:30:02 time.

19:30:04 And I'm very disturbed to hear that
19:30:07 you already bought the vehicle. And I don't
19:30:12 know if you have any flexibility with that,
19:30:15 but I really don't think, under the
19:30:17 circumstances, that this is something that I,
19:30:22 at least personally, can support as approving
19:30:27 a new license based on the representations
19:30:30 that we've heard from you and the concerns
19:30:34 that Ms. Lint has expressed, and current lack
19:30:42 of certainty over exactly what the Hubert
19:30:48 Service is and what its future would be.

19:30:58 So I guess with great regret. I
19:31:01 would make the motion that the application for
19:31:07 a livery license be disapproved, and simply
19:31:19 indicate that, if you wanted to keep track of
19:31:29 developments with respect to the Hubert
19:31:30 Service, or wanted to present to us a
19:31:34 different business plan, you are always free
19:31:39 to reapply. But that would be my motion.

19:31:48 ROBERT HAAS: Seconded.

19:31:51 MICHAEL GARDNER: We have to be a
19:31:52 little more formal than that.

19:31:53 The motion has been made and seconded
19:31:55 to disapprove the application for the reasons
19:31:58 stated. Are there any further discussions?

19:32:01 GERALD REARDON: No.

19:32:02 MICHAEL GARDNER: All those in favor,
19:32:06 please signify by saying aye.

19:32:06 GERALD REARDON: Aye.

19:32:07 ROBERT HAAS: Aye.

19:32:08 MICHAEL GARDNER: So the motion was
19:32:09 to disapprove the application, and the
19:32:11 application was not approved.

19:32:15 As I said, this is with deep regret
19:32:21 with respect to your obvious desire to change
19:32:25 your status and get into a business. I hope
19:32:30 that the decision to buy the car is one which
19:32:37 will, not getting the license now, you can
19:32:40 make appropriate adjustments to. But we
19:32:53 really don't think we can support the livery
19:32:53 license under these circumstances at this

19:32:53 time. I wish you well. Sorry for the
19:32:54 disappointment.

19:32:58 EYOB TOLESSA: Thank you.

19:33:03 * * * *

19:33:03 ELIZABETH LINT: Application for Go
19:33:04 Café, LLC, doing business as Rafiki Bistro,
Manager, holder of an all alcoholic beverages
as a restaurant licence at 1682 Massachusetts
Avenue has applied to transfer said license to
Giulia, Inc., doing business as Giulia, Ernani
Michael Pagliarini, Manager. The proposed
hours of operation are 7:00 a.m. to 1:00 a.m.
Monday through Saturday, and 11:00 a.m. to
1:00 a.m. on Sundays. Proposed capacity is 70
seats inside and 20 standing. Applicant is
also applying for an entertainment license to
include background music below conversational
level and one TV.

19:33:24 MICHAEL GARDNER: Good evening. If
you would be so kind as to state and spell
your name and identify your affiliation.

19:33:24 ROBERT DUNKLESS: Good evening and
19:33:45 thank you for hearing us.

19:33:46 My name is Robert Dunkless,
19:33:48 D-U-N-K-L-E-S-S. I'm an attorney with the law
19:33:48 firm of Ottenberg, O-T-T-E-N-B-E-R-G, and
19:33:56 Dunkless, the 101 Ash Street in Boston. I'm
19:33:59 representing Giulia, Inc. the applicant. With
19:34:04 me tonight is Ernani Michael Pagliarini, who
19:34:04 is one of the two stockholders in Giulia,
19:34:12 Inc., and his wife Pamela Raulston, who is the
19:34:12 another stockholder of Giulia, Inc. To my
19:34:15 right is Daniel Goldstein, who is the manager
19:34:19 and one of the members of the current operator
19:34:23 and the transferor Go Café, LLC.

19:34:27 I would just add to the application
19:34:31 that we are seeking is for a transfer of the
19:34:35 all alcoholic beverages license for the
19:34:37 operation of a restaurant at this location,
19:34:39 entertainment for audiotape music below
19:34:42 conversation level and one television, we are
19:34:45 also asking for permission to pledge the

19:34:48 license to Cambridge Savings Bank as security
19:34:51 for a loan, the finances of which are being
19:34:55 used to purchase the operating assets.

19:34:59 Giulia, Inc., has entered into a
19:35:00 purchase and sale agreement for the purchase
19:35:03 of the operating assets and license from Go
19:35:07 Café, LLC, which is contingent upon licensing
19:35:10 approval.

19:35:14 Giulia, Inc., the corporation, has
19:35:16 also entered into a lease with the owner of
19:35:19 the real estate, in which Mr. Goldstein is
19:35:23 also a member of the landlord entity. That
19:35:28 lease is also contingent upon license
19:35:32 approval.

19:35:32 The concept that Mr. Pagliarini
19:35:37 intends for this location is somewhat
19:35:39 different than what's been there before. He
19:35:40 is intending to operate a fine dining, sort of
19:35:44 regional style, Italian restaurant. And it
19:35:47 will be chef owned and operated.
19:35:49 Mr. Pagliarini will be the executive, he will

19:35:53 be the on-site manager, and as an owner he
19:35:58 will on the premises really all the time.

19:36:00 Mr. Pagliarini has an extensive
19:36:01 résumé as a chef in and around the Greater
19:36:05 Boston area. He has had a chef position at
19:36:08 Radius Restaurant in Boston and most recently
19:36:10 was the executive chef at Via Matta at Park
19:36:15 Plaza in Boston for three and a half years.
19:36:17 And as the executive chef at Via Matta, he
19:36:22 also had extensive supervisory
19:36:25 responsibilities supervising and training the
19:36:27 staff.

19:36:28 The plan is really to have
19:36:33 essentially the same layout as the current
19:36:37 restaurant. It's sort of a turnkey operation
19:36:42 with cosmetic improvements made to the floor
19:36:46 and wall coverings, some paintings, and some
19:36:49 fixture and equipment upgrade, but really no
19:36:53 construction or major changes to the physical
19:36:56 site.

19:36:59 As I mentioned earlier, there is a

19:37:02 commitment letter from Cambridge Savings Bank,
19:37:05 a local bank, to provide the financing under
19:37:09 an SBA loan guarantee program. And the
19:37:13 expectation is that this operation will be
19:37:18 consistent with Cambridge's reputation to be
19:37:21 the home of an independent chef-owned-operator
19:37:25 restaurant with constant owner executive
19:37:30 management supervision.

19:37:34 MICHAEL GARDNER: And who would be
19:37:36 the manager of record for the liquor license?

19:37:41 ATTORNEY DUNKLESS: Mr. Pagliarini.

19:37:44 MICHAEL GARDNER: And what experience
19:37:46 have you had in being a manager of record or
19:37:48 being responsible for the sale of alcohol in
19:37:56 the past, sir?

19:37:58 ERNANI PAGLIARINI: As the executive
19:38:00 chef at Via Matta, I was very involved in the
19:38:03 training of our staff in all manners related
19:38:06 to the service of wine, beer and spirits. And
19:38:11 I helped create an environment conducive to
19:38:15 responsible consumption and support of the

19:38:19 staff and fellow managers in making proper
19:38:22 decisions concerning alcohol service and the
19:38:25 well-being of our guests.

19:38:28 MICHAEL GARDNER: Would I be right to
19:38:30 assume that you were mostly in the kitchen
19:38:33 and there was somebody else who was actually
19:38:35 supervising the wait staff and all the
19:38:38 administration of all the alcohol service?

19:38:41 ERNANI PAGLIARINI: My
19:38:42 responsibilities were primarily with the
19:38:45 kitchen, but as executive chef and managing a
19:38:49 susse chef, I was engaged with guests and
19:38:51 involved with preshift training to deal with
19:38:56 these situations. I was present on the floor
19:38:59 and I did have guest interaction as it
19:39:02 pertained to all aspects of dining, and I was
19:39:08 responsible directly and present for dining
19:39:12 experiences that occurred in our kitchen where
19:39:14 there was a table of 10 or 12 guests at a
19:39:19 time.

19:39:20 MICHAEL GARDNER: Guests actually

19:39:21 came into the kitchen to eat?

19:39:24 ERNANI PAGLIARINI: They did.

19:39:26 MICHAEL GARDNER: And your
19:39:28 experience?

19:39:28 PAMELA PAGLIARINI: MY experience is
19:39:29 more on the business side. My role with
19:39:32 Giulia is going to be on the business side. I
19:39:36 have supervisory experience, not in
19:39:47 restaurants, but my role is really to help
19:39:47 manager some of the business service aspects
19:39:47 of what we do. Going forward my role will be
19:39:47 to work with our attorneys, to work with the
19:39:47 insurance agent, to work with public relations
19:39:50 group, those kinds of business service
19:39:52 providers.

19:39:53 I will be a presence at the
19:39:55 restaurant, but I'm not seeking to be the
19:39:57 manager of the license, that would be Michael.

19:40:00 MICHAEL GARDNER: And in terms of
19:40:02 your envisioned staff organization, who would
19:40:06 be the person or persons who you would be

19:40:10 expecting to make sure that the proper IDs are
19:40:14 checked, the patrons who are intoxicated are
19:40:17 not served, all of the functions that come
19:40:21 with administering a license?

19:40:23 ERNANI PAGLIARINI: Our most
19:40:26 important hire will be a general manager. We
19:40:30 have recently made offer of employment to a
19:40:33 manager who has extensive experience both in
19:40:36 Boston and recently in the City of Cambridge,
19:40:40 managing the full license in a restaurant that
19:40:43 has a very similar level of services and
19:40:46 concept. That is to say, one in which the
19:40:50 beverages are in a complementary role to the
19:40:55 food. So that being our most important hire,
19:40:58 we have just made that offer of employment.

19:41:01 And also, we are in the interviewing
19:41:04 process right now of a bar manager. And
19:41:10 what's very important to understand about our
19:41:12 establishment is this we have full dinner
19:41:15 service at the bar. We manage those seats the
19:41:20 same way we manager our tables. So not only

19:41:23 if the full dinner service available there and
19:41:27 encouraged there, there will also be a bar
19:41:30 menu so that the consumption of alcoholic
19:41:33 beverages is always in the context of the
19:41:38 food.

19:41:39 ATTORNEY DUNKLESS: I would also
19:41:41 point out that historically this location had
19:41:43 been licensed for a pinball machine and juke
19:41:48 boxes, and the applicant is not seeking that
19:41:52 type of entertainment, which is more
19:41:54 representative of a bar crowd; not seeking
19:41:57 that, simply one television set and low level
19:42:02 background dining music.

19:42:04 PAMELA PAGLIARINI: I'd also like to
19:42:06 add that both Mike and I have undergone tips
19:42:09 training and have successfully completed that
19:42:13 course. We have also been in touch with, I
19:42:15 believe it's Frank Connolly who does the floor
19:42:17 service for the City of Cambridge, and we'll,
19:42:17 of course, make arrangements to do that when
19:42:19 the time is right.

19:42:21 MICHAEL GARDNER: My next question
19:42:23 was going to be: How different is this
19:42:25 operation from the existing operation and
19:42:28 you've given us a little about bit about that.

19:42:31 Mr. Dunkless, I wonder if we could
19:42:35 hear from the current owner and the
19:42:36 prospective owner to just understand a little
19:42:40 more about what it has been, some history
19:42:44 about how long the business has been there,
19:42:48 and how each of you envision its change, for
19:42:53 example.

19:42:54 DANIEL GOLDSTEIN: The business has
19:42:56 there been -- there has been a restaurant
19:42:58 there for --

19:42:59 ATTORNEY DUNKLESS: 60 years, I
19:43:01 believe. Since the 40's.

19:43:04 DANIEL GOLDSTEIN: So it's really
19:43:06 been this neighborhood place. It operated
19:43:08 under of the name of the Forest Café. Maybe
19:43:12 three years ago we purchased the building and
19:43:15 the restaurant from Sy. And then already then

19:43:19 we saw a morph away from what I would say was
19:43:22 accurately represented as a bar oriented
19:43:28 clientele to a food establishment.

19:43:29 MICHAEL GARDNER: What kind of food
19:43:32 have you been serving in the last three years
19:43:35 at the Rafiki Bistro?

19:43:38 DANIEL GOLDSTEIN: The premise of it
19:43:40 is very similar to the cafe in Central Square,
19:43:42 it's that all natural organic foods center at
19:43:47 a local source. The culinary flavor would be
19:43:50 French Provincial. Also very oriented to
19:43:57 buying local things from the market. And then
19:44:01 we met Michael.

19:44:05 ERNANI PAGLIARINI: I think that we
19:44:06 will have much more in common with the
19:44:09 approach taken by Daniel and his partner Jack
19:44:15 Cutner, in the sense of a full service
19:44:18 restaurant that positions itself among the
19:44:25 other owner-operated restaurants. And I'll
19:44:28 name a few, such as, Steve Johnson's place
19:44:32 Rendezvous here in the square, I think Craigy

19:44:36 on Main is a great example of the type of
19:44:40 establishment that we aspire to be like.
19:44:45 Oleander, Hungry Mother, as I look at the
19:44:48 landscape of Cambridge.

19:44:50 So our idea is to join that
19:44:53 community, that group, and to bring what we
19:44:57 feel is a somewhat under represented Italian
19:45:02 concept, Italian menu, to take space.

19:45:05 But as far as ownership presence and
19:45:07 full service dining, I think that we'll have a
19:45:11 certain amount in common with the approach
19:45:14 that Jack and Dan took to the property.

19:45:18 MICHAEL GARDNER: What can that
19:45:19 estimated typical and hungry person expect for
19:45:22 prices, entre prices?

19:45:26 ERNANI PAGLIARINI: Mid to upper 20's
19:45:28 into the low 30's. I think the restaurant in
19:45:32 our little business group was priced for most
19:45:38 people approached that of Chez Henri, priced
19:45:43 appropriately with Chez Henri.

19:45:46 MICHAEL GARDNER: Other questions?

19:45:47 ROBERT HAAS: Mr. Goldstein, during
19:45:49 the three years of operation have you had any
19:45:51 problems with the restaurant?

19:45:52 DANIEL GOLDSTEIN: I have good
19:45:56 relationships around the neighborhood. I have
19:45:58 good relationships with the other proprietors
19:46:02 that are on the Massachusetts Avenue frontage.
19:46:05 In fact, a little bit of spirit that we find
19:46:09 in Central Square is that they are developing
19:46:19 in that bit between Porter and Harvard
19:46:19 environment, so there is a nice cooperative
19:46:19 spirit, not just restaurateurs, but business
19:46:20 owners. I encourage and invite guess to that
19:46:25 part of town.

19:46:27 ERNANI PAGLIARINI: We've also had a
19:46:28 very positive experience. We had coffee with
19:46:32 Charlie Christopher and his wife, Holly
19:46:36 Hessler (ph.sp.) just the other day, and our
19:46:41 experience has been thus far very positive and
19:46:45 supportive.

19:46:46 DANIEL GOLDSTEIN: Those other

19:46:48 proprietors are the West Side Lounge,
19:46:50 Cambridge Common and Christopher's. So they
19:46:53 are active in that community of this Porter to
19:46:56 Harvard area.

19:47:01 MICHAEL GARDNER: From either of you,
19:47:03 how has the deliveries and trash removal been
19:47:09 managed? How frequently have there been any
19:47:14 rodent issues and noise concerns from the
19:47:17 neighborhood?

19:47:18 DANIEL GOLDSTEIN: I think that you
19:47:20 are directing that at me.

19:47:22 MICHAEL GARDNER: Well, yes. If you
19:47:24 can give us your experience and then you can
19:47:28 tell us about any changes.

19:47:30 DANIEL GOLDSTEIN: When we assumed
19:47:32 ownership of the place, there was also
19:47:35 somewhat of a community sentiment expressed
19:47:38 about exactly the point you just made.

19:47:41 We have a two-yard dumpsters.
19:47:45 Charlie Christopher has a two-yard dumpster
19:47:49 next to us. We have what appears like a

19:47:52 common space there although it's not, it
19:47:56 belongs to 1682, and there is a two-yard
19:48:00 cardboard receptacle as well. They are well
19:48:03 off the thoroughfare.

19:48:05 And there has been questions about
19:48:07 that. But we meet all the standards. And no
19:48:09 issues about that, there are no issues.

19:48:12 In the course of three years, there
19:48:14 was a rodent issue and then we worked with
19:48:18 inspectional services. There was a rodent
19:48:22 issue where somebody had found a burrow, which
19:48:24 was also closer to the thoroughfare, and we
19:48:27 just filled them in. And the pest service
19:48:32 came and it was monitored by us and by the
19:48:34 Inspectional Services and the problem no
19:48:38 longer exists. I don't think that is a result
19:48:39 of garbage, acknowledge on a precautionary
19:48:43 basis we had all the bins changed just to
19:48:46 assure there were no holes, et cetera.

19:48:48 The noise level is an open issue.
19:48:51 The noise level is hard to discern because we

19:48:55 looked at the back of the buildings, and you
19:48:59 see the two restaurants abut each other and it
19:49:02 almost feels like it's one.

19:49:04 The equipment that we have that's on
19:49:06 the outside of the building is in a small
19:49:10 external air fan. And then at the West Side
19:49:15 Lounge, the HVAC unit is on the back of the
19:49:18 building as opposed to the top of the
19:49:21 building. So it's very hard to answer where
19:49:23 the noise comes from. Those are the noise
19:49:25 sources.

19:49:26 And then you have one last point. I
19:49:30 can't remember. There was garage, noise --

19:49:33 MICHAEL GARDNER: Deliveries of food.

19:49:37 DANIEL GOLDSTEIN: That's right. It
19:49:38 is a point of contention. We operate within
19:49:41 the guidelines of the city. There is a
19:49:43 loading zone behind, loading is not supposed
19:49:46 to take place before 7:00, so it doesn't.

19:49:48 We've been extra careful. We've
19:49:52 asked our vending support to come in after

19:49:54 10:00. There is one exception, which is bread
19:49:56 delivery. There's a bread box in the back
19:49:57 that gets delivered. I assume that is
19:50:00 probably in the 7:00 range when the grocery
19:50:04 stores get their bread, same time.

19:50:11 And we are sensitive to it. But we
19:50:13 don't stop taking deliveries in the back
19:50:17 because we are allowed to. The neighborhood
19:50:18 would prefer deliveries be in the front, but
19:50:21 that is imposing when you are running a
19:50:21 restaurant to take deliveries in the front.
19:50:26 And quite often it's not even feasible to take
19:50:29 deliveries in the front.

19:50:30 At that particular restaurant, the
19:50:36 kegs are stored in the basement, you couldn't
19:50:40 take a keg down the stairs. And there is a
19:50:43 back egress to the basement that allows you to
19:50:44 have that delivered.

19:50:46 So, to be open and honest, the
19:50:49 neighborhood doesn't like deliveries down
19:50:51 Bowden Street. And equally open and honest is

19:50:55 Charlie Christopher and myself. If you talk
19:50:58 to the Lee Brothers and you talk to Paul at
19:51:00 Chez Henri, everybody is sensitive to it. And
19:51:03 they try to work around what are the
19:51:06 parameters in the city, and they are sensitive
19:51:10 to it.

19:51:12 MICHAEL GARDNER: Mr. Pagliarini, do
19:51:14 you have anything to add to that in terms of
19:51:16 your own plans?

19:51:17 Thank you, Mr. Goldstein.

19:51:19 ERNANI PAGLIARINI: Sure. I
19:51:21 certainly made it our business to not only get
19:51:23 to know the vendors and the services that were
19:51:28 used by these gentlemen to operate their
19:51:32 restaurant, I've contacted them all personally
19:51:35 and just reviewed their schedules, and any
19:51:39 issues that they may have had, certainly
19:51:41 talking to Dan as well.

19:51:44 And we have in place the vendors that
19:51:48 have worked, that have serviced responsibly
19:51:51 this premise, and we have discussed, you know

19:51:55 the various issues that occurred because of
19:51:58 using Bowden Street as the main means of
19:52:01 egress for the property. I will add that in
19:52:05 my own personal experience, and I point
19:52:09 especially to Via Matta and the challenges of
19:52:15 managing that property, it was in the Heritage
19:52:18 in the Garden Building, it was a mix between
19:52:23 commercial and residential. So I'm very
19:52:28 familiar working with not only with
19:52:29 residential units that abut the restaurant,
19:52:33 but also in cases where there is a building
19:52:38 management team or neighborhood group or
19:52:40 whomever might be affected by this.

19:52:42 I've always been very engaged, and
19:52:46 certainly as new small business owners in the
19:52:58 community, we are very receptive and committed
19:52:58 to creating an environment that works for the
19:52:58 good of our business and for the good of the
19:52:58 quality of life for the people behind us.

19:53:03 MICHAEL GARDNER: Do you agree that
19:53:05 there isn't any viable alternative to

19:53:08 deliveries on Bowden?

19:53:11 ERNANI PAGLIARINI: I had this
19:53:12 conversation with our vendors. And I think
19:53:16 there is a few letters here from our vendors.
19:53:21 One particularly I'll mention is the Allstate
19:53:24 Fire Equipment, and I asked them if it was
19:53:27 even possible to service through the front
19:53:29 door -- and I'll sort of let the letters speak
19:53:33 for themselves, but just saying the
19:53:35 impracticality of servicing kitchen equipment
19:53:40 through the dining room seems illogical to a
19:53:45 point. Taking deliveries of food and beverage
19:53:50 through a clean dining room ready for dinner
19:53:54 service is both, disruptive to our business
19:53:57 and potentially to the guests who are there.
19:54:01 And just the sheer practicality that if we did
19:54:06 receive a livery through the front door, it
19:54:08 would have to traverse the dining room, exit
19:54:11 through the back, and then go down the back
19:54:14 steps.

19:54:15 MICHAEL GARDNER: So you'd be in the

19:54:17 back outside anyway.

19:54:19 ERNANI PAGLIARINI: Yes. Because the
19:54:21 storage, the walk-in storage and the ramp and
19:54:21 access to the basement necessitates passage
19:54:24 through the basement. So I have thought this
19:54:29 through and discussed it with these vendors
19:54:33 and I don't see --

19:54:34 DANIEL GOLDSTEIN: I'd like to
19:54:35 interject. First, I'd like that remind you
19:54:38 that I'm still present, so I'm part of the
19:54:41 ownership of the building.

19:54:43 When we arrived on the scene, the
19:54:46 neighborhood had my personal cell phone
19:54:54 number. So this was an environment that we
19:54:58 created at that time that said "we're
19:54:59 arriving." And it started at the initial
19:55:03 hearing here at this address, where people
19:55:05 came and they were voicing concerns, and I
19:55:08 invited them all to lunch at the cafe that
19:55:12 nobody accepted.

19:55:14 I've since then gone around and there

19:55:17 is a nice good will that's in this
19:55:21 neighborhood from the people who had their
19:55:23 concerns.

19:55:23 We operate a business in front of a
19:55:26 house with an handicapped person. We plow her
19:55:31 sidewalk for her, we clean off her car, we
19:55:34 take our neighbors' recycling bins in. There
19:55:40 is good will being extended all the time.

19:55:43 And I would just remind you that I'm
19:55:45 not disappearing as a consequence of the
19:55:49 hearing, and that neighborhood still has my
19:55:51 cell phone number and they are welcome to call
19:55:54 me. If they have a concern about something,
19:55:56 our approach has been, nothing has to come
19:56:01 before this hearing Commission, sure pick up
19:56:05 the phone and call us.

19:56:05 (Not sure his name above)

19:56:06 ATTORNEY GOLDSTEIN: I'd like offer a
19:56:08 letter that was delivered by Allstate Fire
19:56:11 Equipment point out that there really are
19:56:12 safety issues that require, in their case,

19:56:15 that the beer service goes through the back
19:56:19 entrance.

19:56:20 MICHAEL GARDNER: Thank you, sir.

19:56:21 DANIEL GOLDSTEIN: This is also, by
19:56:23 the way, this is not a question about
19:56:26 encroaching on public space. There is a
19:56:28 parking lot in the back of the restaurant. So
19:56:31 absolutely within reason to invite people to
19:56:34 come onto the property and use the back of the
19:56:37 building as a way to meet the requirements of
19:56:42 the City and safety for the establishment.

19:56:45 MICHAEL GARDNER: Thank you.

19:56:46 I note that the hours of operation
19:56:48 for both were 7:00 a.m. to 1:00 a.m. Monday
19:56:50 through Saturday, 11:00 a.m. to 1:00 a.m. on
19:56:53 Sundays. What's the business that you will
19:56:56 have at 7:00 a.m.

19:57:00 DANIEL GOLDSTEIN: Those are the
19:57:00 historical licensed hours of operation for
19:57:04 this location. And so as not to change the
19:57:08 existing license hours, that was carried

19:57:12 forward. At that point the expectation is
19:57:14 that they won't be doing breakfast and they
19:57:14 would be opening for lunch, primarily dinner.
19:57:23 But there may be the need, depending how
19:57:24 business is, to actually have a breakfast
19:57:27 hour.

19:57:28 MICHAEL GARDNER: What is the
19:57:30 experience with Rafiki?

19:57:34 DANIEL GOLDSTEIN: Sir, my start was
19:57:39 in a cafe in Central Square.

19:57:41 MICHAEL GARDNER: I'm sorry, I want
19:57:42 to know about breakfast. What are you doing
19:57:44 there.

19:57:45 DANIEL GOLDSTEIN: We offered
19:57:46 breakfast at the beginning. And it's a crowd
19:57:50 that is not -- it's a community that doesn't
19:57:53 really engage in the sit down and eat
19:57:58 breakfast experience. It's a to-go
19:58:03 environment.

19:58:03 So for a while we were offering kind
19:58:06 of a cafe offering at the Bistro where people

19:58:09 would come in, and it was a low volume
19:58:11 business.

19:58:12 Now, that being said, we may not have
19:58:14 done it well because we see that high-rise
19:58:19 that opened up in June across the street and
19:58:20 they are in front. I think it's a nice
19:58:24 opportunity to keep that in check and a
19:58:26 possibility.

19:58:27 GERALD REARDON: The problem is, if
19:58:28 you have advertised opening hours, you have to
19:58:32 be open. If you say 7:00 a.m., you have to be
19:58:35 open at 7:00 a.m., it's not pick and choose.

19:58:39 MICHAEL GARDNER: I think our
19:58:41 preferred mode is if you plan to start serving
19:58:45 lunch at 11:00, you apply for an 11:00
19:58:50 license. And then if the business changes and
19:58:53 you want to do 7:00 a.m. for breakfast, we are
19:58:58 prepared to consider it and take into account
19:59:00 the complaint history, et cetera.

19:59:04 DANIEL GOLDSTEIN: I think it would
19:59:06 be consistent with Michael's plans to seek

19:59:12 hours of operation of 11:00 a.m. to 1:00 a.m.,
19:59:16 and if he decides to do breakfast we can come
19:59:19 back.

19:59:20 ERNANI PAGLIARINI: I think that's a
19:59:21 reasonable --

19:59:22 MICHAEL GARDNER: Is 11:00 the right
19:59:24 time?

19:59:25 ERNANI PAGLIARINI: Yes.

19:59:29 ATTORNEY DUNKLESS: Is it too early?

19:59:31 MICHAEL GARDNER: Any other questions
19:59:43 from the Commission? Anything else you'd like
19:59:43 to add.

19:59:43 ATTORNEY DUNKLESS: I just want to
19:59:43 review the hours on Sunday.

19:59:43 MICHAEL GARDNER: It's 11:00 to 1:00
19:59:45 is what is stated here.

19:59:47 ATTORNEY DUNKLESS: Right, that's
19:59:51 correct.

19:59:51 MICHAEL GARDNER: Anything else you'd
19:59:53 like to add before we open it to general
19:59:56 comments by the public?

19:59:59 ATTORNEY DUNKLESS: Not at this time.

20:00:00 MICHAEL GARDNER: Any members of the
20:00:02 public who would like to be heard on this
20:00:05 matter?

20:00:05 (Audience member)

20:00:06 MICHAEL GARDNER: If you would be so
20:00:08 kind, at least one of you, to give us your
20:00:08 name and spell it for the record and your
20:00:08 affiliation.

20:00:15 ATTORNEY BENSON: Good evening,
20:00:16 Mr. Chairman. I'm ATTORNEY BENSON, attorney
20:00:19 at the law firm of Alben and Alben. I'm here
20:00:27 on behalf of several neighbors that live in
20:00:32 the areas surrounding the restaurant, some
20:00:35 immediate abutters, some on Bowden Street, and
20:00:39 they have several concerns.

20:00:40 One of the concerns that was
20:00:42 discussed earlier is using the rear door,
20:00:45 which historically has been a concern for that
20:00:47 space dating back from 1970, with the use of
20:00:52 the rear door by employees and others.

20:00:54 I had an opportunity to discuss this
20:00:56 issue earlier today based on a letter that I
20:01:01 had sent to Attorney Dunkless, and he had
20:01:04 mentioned to me that Chef Michael would keep
20:01:08 an extra eye on the back door. And this is
20:01:11 going to be a chef owned and operated
20:01:13 restaurant. And he would ensure employees
20:01:16 don't loiter outside the door and neither
20:01:20 smoke outside the door.

20:01:22 So it was great to hear that they
20:01:24 wouldn't be able to do that.

20:01:26 MICHAEL GARDNER: If I could just
20:01:27 understand better, sir, you said several
20:01:30 concerns about the use of the rear door by
20:01:32 employees and others. And the focus here is
20:01:34 really on during hours of operation the
20:01:37 employees taking breaks, being outside perhaps
20:01:41 talking, or at least smoking, and being a
20:01:44 presence that the neighborhood found
20:01:47 objectionable.

20:01:49 ATTORNEY BENSON: And I did submit a

20:01:50 letter to the Commission and I thought I
20:01:54 outlined several issues.

20:01:56 The next major issue is the use of
20:01:59 the rear for the collection of garbage as well
20:02:04 as for the pick-up of garbage because there is
20:02:07 several, again, residents that live on Bowden
20:02:10 Street and the noise related to garbage
20:02:14 pick-up impacts the quality of life.

20:02:17 The other issue as well is that there
20:02:21 is a piece of equipment, mechanical equipment,
20:02:22 in the rear of the building that is extremely
20:02:25 loud and affects, again, the quality of life
20:02:29 for many of the abutters.

20:02:31 Now, the major issue that many of the
20:02:36 neighbors are having is that this is happening
20:02:38 fairly quickly. They understand, they've
20:02:40 received notice of this hearing on the 22nd,
20:02:43 many of them could not come tonight as a
20:02:46 result of this falling just shortly after a
20:02:49 vacation week, the Fourth of July.

20:02:52 And they retained private counsel

20:02:56 because they wanted to ensure that the
20:02:59 commissioners understood that they wanted an
20:03:01 opportunity to meet with Attorney Dunkless,
20:03:06 the restaurant owners as well as the property
20:03:09 owners to discuss all these issues which had
20:03:13 been concerns that they've had for a very,
20:03:15 very long time; these are just not new
20:03:19 concerns now.

20:03:20 And they want to make clear, they
20:03:22 want this business to succeed, and they do not
20:03:26 want to see the business fail. However, they
20:03:28 feel that there has to be more communication
20:03:31 before the Commission moves forward and grants
20:03:35 the license. And we believe that the
20:03:41 commission should not act tonight, but to
20:03:45 permit some additional time, possibly another
20:03:46 two weeks, so that the neighborhood can meet,
20:03:49 discuss these issues and reach an agreement to
20:03:52 move on and hopefully see a successful
20:03:55 business in place.

20:03:59 MICHAEL GARDNER: I'll go with

counsel first.

ATTORNEY DUNKLESS: I would first submit that some of the issues raised are a bit outside of the scope of the application to transfer the existing license. There are no cited violations, no cited complaints in either the ISD or with the License Commission, so they seem a bit outside of the scope of our agenda.

However, Mr. Pagliarini is committed to work with the neighbors and, from an ongoing basis, not simply prior to a license hearing but throughout his tenured ownership of the restaurant, would be available to speak with neighbors and try to accommodate and address their concerns.

The concern about the rear door and the concern about employees loitering and smoking in back of the restaurant after hours is something he will be on top of from day one. And he plans on having an employee

20:04:59 manual in place, which all employees are going
20:05:04 to have as a result of employment. And he
20:05:08 will address issues such as that in the
20:05:09 employee manual.

20:05:10 A lot of the other areas of concern,
20:05:14 which Attorney Benson raised in his letter,
20:05:17 are really, I think, somewhat operational and
20:05:20 somewhat historical to the site.

20:05:25 The fact that is the rear area, which
20:05:30 is the -- it's a parking area which is owned
20:05:35 by the owner of 1682 Mass. Ave. has always
20:05:40 been used as the delivery to this building and
20:05:44 it's the only practical way of receiving
20:05:46 deliveries. It's an old building but it was
20:05:49 built and designed that way with an entry
20:05:51 directly into the kitchen from the rear and an
20:05:54 entry into the basement where the storage is.
20:05:57 There is really no other practical way of
20:05:59 addressing that except to, as Mr. Goldstein
20:06:03 referred to earlier, to do your best to
20:06:06 control the hours so that the requirements of

20:06:09 the city are adhered to.

20:06:20 And as far as the waste removal, it's
20:06:20 always been stored in the rear. Michael has
20:06:20 spoken to the Public Works, he has spoken to
20:06:22 the waste removal company, there is no other
20:06:25 way of storing or removing the waste.

20:06:28 So he is always happy to speak to the
20:06:31 neighbors, and we'll speak to them now and
20:06:36 speak to them throughout his operation. But I
20:06:39 think there is sort of a mixed message here
20:06:42 that there needs to be an agreement with
20:06:45 neighbors on things or agreeing to terms
20:06:48 submitted by neighbors as part of the process;
20:06:51 that seems a bit outside of the scope of the
20:06:53 application process.

20:06:59 MICHAEL GARDNER: Let me give the
20:07:02 current owner the opportunity to speak.

20:07:04 DANIEL GOLDSTEIN: I would like to
20:07:06 point out that there is something that leaves
20:07:12 me with a sense of incredulity that at a
20:07:16 hearing when somebody decides that they are

20:07:20 going to engage a lawyer and come to a hearing
20:07:22 to resolve problems.

20:07:24 So I come from a place where I've had
20:07:26 an open invitation for a consideration with
20:07:30 the community. Never been engaged to a
20:07:32 dinner, never been engaged to a coffee. When
20:07:36 I receive a phone call, I take it with a
20:07:40 seriousness and purpose. And in the course of
20:07:41 my three years, I've received two phone calls.
20:07:44 Despite that you can go back and look at what
20:07:45 the records when I also came to this hearing
20:07:48 to assume the license, right?

20:07:50 And my engagement is still
20:07:56 open-ended. If you'd like to have a
20:07:59 conversation, I'm open to receiving phone
20:08:01 calls. God knows, the members of this
20:08:04 Commission know my track record about that
20:08:07 kind of willingness.

20:08:08 So the fact that you've shown up
20:08:10 tonight without notice to me, ever, without
20:08:14 receiving a phone call to say, "Hey, listen,

20:08:17 we are concerned about the noise level." The
20:08:19 fact that there is existing procedures within
20:08:22 the city to address those concerns, if you
20:08:25 have a concern about noise. The city will
20:08:29 send a resource to do a meter reading on your
20:08:33 behalf. And then, if there is a dispute, you
20:08:36 can come and address it.

20:08:37 If you are concerned about garbage,
20:08:40 there is a guideline about where garbage needs
20:08:43 to go and there is a process to pursue it.

20:08:45 MICHAEL GARDNER: Okay. I got that
20:08:48 part. Mr. Benson.

20:08:48 Attorney Benson: I just want to
20:08:51 point out, that once the neighbors received
20:08:52 the notice of this hearing, they immediately
20:08:55 scheduled meeting for the 28th of June.

20:08:57 Last week, beginning on July 5th, one
20:09:02 of the neighbors contacted Attorney Dunkless.
20:09:06 He again contacted him on Friday. Because of
20:09:09 the Fourth of July week, the neighbors were
20:09:14 not in a position to organize themselves to be

20:09:16 at this hearing; therefore, they hired counsel
20:09:19 to come into this hearing to request that this
20:09:23 Board not take action and permit them to meet
20:09:28 with all the parties involved during the next
20:09:31 two weeks so that they can reach an agreement
20:09:34 on some of these issues.

20:09:35 And Dan is absolutely correct. When
20:09:38 he came before this Board to transfer the
20:09:42 license to him, several neighbors had some
20:09:48 issues and many of the issues are the same
20:09:51 issues that are before the Board today.

20:09:53 The problem is that there wasn't any
20:09:55 communication. And for whatever reason, and
20:09:59 I'm not going to blame it on Dan nor on the
20:10:03 neighbors, but I will tell you this, there are
20:10:05 several neighbors, there are over 12 and as
20:10:08 much as 19 residents in this neighborhood that
20:10:11 want to sit down with all the folks in this
20:10:15 room today to figure out a better plan.

20:10:18 Now, one of the concerns that arise
20:10:22 out-of-servicing the equipment is the

20:10:25 collection of grease right on Bowden Street at
20:10:29 the end of driveway. Now that is something
20:10:31 that could be remedied. And, you know, that
20:10:35 is something that could be remedied with a
20:10:39 simple conversation.

20:10:39 The issue of trash. Now, rather than
20:10:42 collecting the trash in dumpsters, how about
20:10:43 collecting them in totes? Bringing the trash
20:10:45 out right before collection day out to the
20:10:47 curb of Massachusetts Avenue and having the
20:10:50 garbage picked up there on certain times.

20:10:54 Deliveries. Now because the hours
20:10:55 are being changed from 7:00 a.m. to 11:00
20:10:58 a.m., you have a four-hour window in the front
20:11:01 to accept the deliveries at the front door.
20:11:03 And I'm not in the position to reach an
20:11:07 agreement with anyone here at this table
20:11:10 tonight, but what I am in the position to say
20:11:12 to you is that it makes perfect sense if you
20:11:14 intend to operate the business within the
20:11:17 neighborhood that you have very organized

20:11:21 residents that are concerned about several
20:11:21 issues that impact the quality of life, it
20:11:21 makes perfect sense for you to sit down to
20:11:24 talk to them and try to work this out.

20:11:27 ATTORNEY DUNKLESS: I'd like to
20:11:28 correct a few statements that were made here.

20:11:30 Number one, we complied with the
20:11:34 requirements for accepting notice. Notice was
20:11:36 received on June 22nd. So that's about --

20:11:40 MICHAEL GARDNER: I got that.

20:11:43 ATTORNEY DUNKLESS: Secondly, I was
20:11:44 out of the office on July 6, Friday, July 6.
20:11:49 From the airport I called my office. A call
20:11:51 had come in from one of these neighbors at, I
20:11:55 think it was, 7:00 Thursday night, July 5th,
20:11:59 after hours. I was gone. I called my office
20:12:03 from the airport and had my secretary get in
20:12:06 touch with -- I can't remember his name right
20:12:11 now -- on Friday, July 6th. Informed him
20:12:15 that, no, we are not in a position nor
20:12:19 interested in postponing the hearing, but that

20:12:22 I would make sure that Mr. Pagliarini got in
20:12:25 touch with him to discuss anything he would
20:12:37 like to discuss.

20:12:37 Mr. Pagliarini left a message with
20:12:37 him on Monday and he never heard back.

20:12:37 So then I would just like to go one
20:12:39 step further. I don't believe it's a
20:12:44 requirement for a transfer of a license to
20:12:46 reach agreement with neighbors on issues like
20:12:49 this. And reaching an agreement, a
20:12:52 contractual agreement, I think is way outside
20:12:55 of the scope of this.

20:12:57 MICHAEL GARDNER: I got this. What I
20:13:00 would like to say about that, I would agree
20:13:02 that we are not necessarily expecting and
20:13:07 certainly not requiring an agreement to be
20:13:12 reached with anyone, that would end up
20:13:19 delegating our responsibility beyond anything
20:13:26 that is contemplated in the statute as our
20:13:31 responsibility.

20:13:33 On other hand, of course we think

20:13:35 it's always better if a new business venture
20:13:42 that is under our licensure starts in
20:13:47 something other than extreme conflict mode, we
20:13:50 think that improves the viability of business.

20:13:55 I will note that it sounds like a lot
20:13:58 of the issues which have been raised are
20:14:00 issues which are of very long-standing and is
20:14:08 it necessarily the right thing, at lease in my
20:14:11 view, to transfer the license trying to deal
20:14:18 with issues which may result from the physical
20:14:23 layout of the location, which still comports
20:14:27 with all of the City's requirements.

20:14:36 So the question I have for the
20:14:37 applicant is: Are there reasons of business
20:14:42 necessity or timetable which make it
20:14:49 disadvantageous or highly disadvantageous for
20:14:53 you to have this hearing continued to our next
20:15:00 meeting, which is the 24th, and for you to
20:15:04 report back to us on any conversations you
20:15:08 have had within the neighborhood in that time
20:15:19 period.

20:15:20 And I'm prepared to hear from you
20:15:22 whether or not that's a process which,
20:15:24 understanding, nobody is requiring anybody to
20:15:25 reach any agreements, signed or otherwise, but
20:15:35 whether or not that is a process that you are
20:15:37 prepared to engage in, or there are reasons
20:15:41 why you feel from your own timetable you can't
20:15:45 do that?

20:15:45 ATTORNEY DUNKLESS: I think that the
20:15:47 applicant can certainly have discussions with
20:15:51 the neighbors about all sorts of operational
20:15:54 issues. But I'm not sure why that should
20:15:57 require the hearing to be continued?

20:16:01 MICHAEL GARDNER: Is that a no?

20:16:05 ATTORNEY DUNKLESS: I think we are
20:16:06 sort of advancing old discussions and old
20:16:14 issues that have been discussed and raised at
20:16:18 prior hearings.

20:16:19 MICHAEL GARDNER: I agree these are
20:16:21 old issues, this is a new business.

20:16:24 ATTORNEY DUNKLESS: I think the

20:16:24 applicant is certainly committed to speak with
20:16:27 neighbors, but I'm not sure if we necessarily
20:16:30 have to have a second hearing.

20:16:32 ATTORNEY BENSON: With all due
20:16:33 respect, Attorney Dunkless and Mr. Chairman,
20:16:37 doing this forces the conversation, and it
20:16:39 forces the conversation that really hasn't
20:16:42 happened, whether it's the fault of the
20:16:44 neighbors or whether it is Dan's fault.

20:16:46 And so I think it's wise to wait a
20:16:50 couple weeks. The neighbors are prepared to
20:16:53 meet with you over the next couple of weeks,
20:16:55 come back here and report to the Commission as
20:16:58 to what happened at that meeting. And I think
20:17:00 we can at least make that effort; it goes a
20:17:03 long way in creating goodwill, and it goes a
20:17:06 long way in showing there is good faith.

20:17:09 ATTORNEY DUNKLESS: I think goodwill
20:17:11 can be created without the necessity of having
20:17:14 a second hearing.

20:17:15 I would suggest that the neighbors

20:17:17 certainly have had plenty of time to try to
20:17:20 have discussions and a meeting. And the first
20:17:22 time we heard from them was really last Friday
20:17:25 and they didn't return the phone call.

20:17:27 ERNANI PAGLIARINI: If I may, I'd
20:17:29 like to be heard. The process that we're
20:17:32 going through of opening a restaurant is a
20:17:34 very challenging one. And you ask if there
20:17:37 are specific reasons why we might not to wait.

20:17:41 I'll site, first of all, the window
20:17:44 of time in which our approval from Cambridge
20:17:49 Savings Bank, the funds that we've been
20:17:53 approved for there is a limit. And we are
20:17:55 already pushing that limit with this hearing
20:17:58 and the time that the ABCC normally takes.

20:18:01 To postpone that further, we would
20:18:04 incur several thousand dollars' worth of fees
20:18:07 paid upfront over the course of our loan. So
20:18:10 there is a heavy financial burden, that is the
20:18:13 first thing.

20:18:13 The second thing, the time line for

20:18:16 the hiring of our managers, the notices that
20:18:18 they need to give at their current jobs, and
20:18:21 the coordination of the work that we are
20:18:24 having done are all very time sensitive. And
20:18:27 the longer we wait, the more expense we incur
20:18:31 in retaining those services or for work done
20:18:36 when we don't have the bank fees yet because
20:18:39 they haven't been released. We are walking a
20:18:41 very tight line.

20:18:43 I would also say that the language
20:18:45 here about forcing a conversation, I think
20:18:47 that we are kind of, in a nutshell, that is
20:18:50 what the problem is. The conversation doesn't
20:18:53 need to be forced. We are here, we are open,
20:18:56 we are willing to discuss. So that language
20:18:58 about forcing this, I think, is rather
20:19:01 aggressive language and it's one that
20:19:04 certainly, as a new business owner, I'm not
20:19:08 very receptive to.

20:19:10 MICHAEL GARDNER: Could I have a copy
20:19:12 of letter that was filed.

20:19:14 ELIZABETH LINT: Yes. If I may,
20:19:17 Mr. Chair, I am very familiar with one of the
20:19:20 abutters. He has been before the Commission
20:19:22 many times. He has done a lot of work around
20:19:25 Cambridge.

20:19:26 I received that letter, a copy of the
20:19:28 letter yesterday, and I really felt it was
20:19:30 very disingenuous on his part. Where he knows
20:19:43 the office very, very well, he knows we have
20:19:43 investigators that will go out and explore
20:19:43 noise issues, in particular, and trash and
20:19:43 everything else and make recommendations as to
20:19:46 how it might be improved.

20:19:48 So the fact that he knows us and he
20:19:50 worked with us and didn't call us, I really
20:19:53 take issue with. And it seems to me like at
20:19:58 the 11th hour everything kind of came up.

20:20:14 MICHAEL GARDNER: Thank you.
20:20:16 Although, it is part of the record for the
20:20:20 information on the public and to make it
20:20:22 clearly part of the minutes, I will read into

20:20:27 the record the following, this is from a July
20:20:30 9, 2012 letter.

20:20:33 "The neighborhood's issues are as
20:20:38 follows: (1) heavy use of rear emergency exit
20:20:41 by employees including loitering and smoking.
20:20:45 (2) use of the rear entrance for deliveries
20:20:47 rather than designated loading zones in front.
20:20:50 (3) use of trash totes similar to new
20:20:53 recycling bins for all garbage and placing of
20:20:58 all trash totes on Massachusetts Avenue for
20:21:00 pick-up. (4) limiting maintenance for service
20:21:03 equipment to the front end, but not limited to
20:21:06 cleaning duct work. (5) locating all exterior
20:21:12 mechanical equipment to the roof and fencing
20:21:17 in (Inaudible) to minimize noise level. And
20:21:17 (6) installation of a panic bar on the rear
20:21:20 door to minimize use by employees and others.
20:21:23 This has been a neighborhood concern since
20:21:26 1970 according to the License Commission
20:21:28 hearing notes."

20:21:32 I guess that, what I would suggest in

20:21:37 terms of whatever action the Commission takes
20:21:42 tonight, is to act directly on the transfer or
20:21:45 to defer, I would hope and expect that the new
20:21:54 applicant would commit to a review of all of
20:21:58 these issues in a timely way as you go
20:22:04 forward.

20:22:04 And also I would suggest that,
20:22:11 Ms. Lint, if you've had noise complaints, we
20:22:15 should deal with the noise complaints.

20:22:17 ELIZABETH LINT: I have no
20:22:19 complaints.

20:22:19 MICHAEL GARDNER: We do have the
20:22:23 capacity to investigate if the noise is in
20:22:28 violation of the ordinance. Sometimes it is
20:22:30 difficult to actually locate the source of the
20:22:33 noise, but we are prepared to do that.

20:22:41 I guess, seeing that so many of the
20:22:45 issues are, in fact, of a very long-standing
20:22:48 nature and ones which are really complete and
20:22:56 separate from the transfer of ownership, I
20:22:59 would be prepared to arrange for the transfer.

20:23:10 So thank you, Ms. Lint.

20:23:12 And any other members of the public
20:23:15 who would like to be heard, please come
20:23:17 forward and state and spell your name for the
20:23:19 record. An apologize.

20:23:19 (Audience member)

20:23:27 DENISE JILLSON: Good afternoon. My
20:23:27 name is Denise Jillson, director of Harvard
20:23:32 Square Business Association. I'm going to
20:23:34 change the tone of this meeting, please.

20:23:37 I'm delighted to be here tonight to
20:23:39 speak on behalf of Michael Pagliarini.

20:23:43 I met Michael probably a month ago.
20:23:45 And while some people call the section between
20:23:49 Porter and Harvard, "the section between
20:23:51 Porter and Harvard," we try to think of it on
20:23:54 the outskirts of the Cambridge Common. And we
20:23:57 have Temple Bar and Chez Henri and New Bar.
20:24:01 And so we are hoping that we can encourage
20:24:04 Michael to also become a member of Harvard
20:24:08 Square Business Association as part of his

indocctrination.

He has reached out to us he has met with leaders already and, in fact, we'll being, teaching a class the fall at the Cambridge Center for Adult Education. I feel very lucky to be here in Cambridge. These problems that go back to 1970, which clearly, I'm sure, there will be much more discussion about. But the reality is, I also live on Wells Avenue, not too far from the restaurant. And when you live on the avenue or close to the avenue, noise and garbage pick-up, it's inherent, it's an urban environment and that's what we deal with, in addition to sirens from the fire engines and police cars.

GERALD REARDON: Thank you for bringing me into this. It's what happens. And you are right.

DENISE JILLSON: So aside from that, you know, I'm delighted that Michael is here. And we'll work very hard to ensure that his

20:25:15 business is successful by driving traffic to
20:25:18 the area that we consider just west of the
20:25:21 Common.

20:25:21 So thank you very much for giving me
20:25:24 the opportunity to speak.

20:25:28 ELIZABETH LINT: And I also have a
20:25:30 letter in support from Benson Willis, at the
20:25:33 Hotel Veritas. And he said he's known Michael
20:25:36 for over a decade and he fully supports him
20:25:40 and his wife.

20:25:42 MICHAEL GARDNER: Any other members
20:25:44 of the public who would like to be heard on
20:25:46 this matter?

20:25:53 Attorney Benson: Before I started to
20:25:54 speak, I think I made it clear that the
20:25:56 neighbors want to see you succeed, Michael. I
20:26:00 think the problem is that there is not enough
20:26:02 communication and whether or not the
20:26:04 communication took place too late or not at
20:26:09 the right time it's really not the issue, the
20:26:13 thing the conversation needs to happen.

20:26:15 And whether the Board decides to
20:26:17 grant the transfer tonight or not, no matter
20:26:21 what the conversation need to happen and I
20:26:24 think someone needs to take the initiative if
20:26:30 you expect to succeed in this neighborhood.

20:26:30 I just wanted for the record say that
20:26:42 the neighbors do want him to succeed.

20:26:42 MICHAEL GARDNER: Thank you, Counsel.
20:26:42 Any other questions, comments,
20:26:42 concerns by members of the Commission?

20:26:45 ROBERT HAAS: No.

20:26:46 GERALD REARDON: I think I would be
20:26:47 inclined to move. I would be inclined --

20:26:47 THE COURT REPORTER: Excuse me. I am
20:26:47 having a hard time hearing you tonight.

20:26:55 GERALD REARDON: I'm sorry. I am
20:26:56 prepared to vote on this issue tonight. We
20:27:00 are aware of some of the long standing issues.
20:27:03 I also grew up in the city, a walk back from
20:27:06 the avenue, and I've dealt with the cooking
20:27:09 and the dumpsters and the issues, it is part

20:27:11 and parcel. I do understand the neighborhood
20:27:15 concern, however.

20:27:16 And taking this information in, there
20:27:17 is no complaints that are going on here that
20:27:21 we have on record, and I find it that it's a
20:27:26 little bit too late to come in at the last
20:27:29 hour and have a litany of complaints that
20:27:31 don't seem to be substantiated.

20:27:35 And I don't disagree, the neighbors
20:27:38 have issues with it, and I would hope that the
20:27:41 licensee would move in good faith and turn
20:27:44 around and deal with the neighbors because
20:27:46 that's the best relationship. But I don't see
20:27:50 a reason for not moving on this evening.

20:27:57 MICHAEL GARDNER: Just a matter of
20:27:58 clarification, I did happen to notice the
20:28:01 sample menu you gave us lists -- although, I
20:28:06 think it's the same business name, it lists
20:28:09 Pamela Raulston (ph.sp.) and it was for the
20:28:12 week of March 18, 2012. So perhaps this is a
20:28:17 mock-up, not a real menu for what you plan?

20:28:19 ERNANI PAGLIARINI: We've gone
20:28:22 through different iterations. Well, she is
20:28:25 the owner of the property.

20:28:30 PAMELA RAULSTON: Co-owner.

20:28:32 ERNANI PAGLIARINI: And this was a
20:28:34 the sample plan that we shared with the
20:28:36 Cambridge Savings Bank.

20:28:40 MICHAEL GARDNER: Any other comments?
20:28:43 Questions?

20:28:43 So I would will make a motion to
20:28:47 approve the transfer of the license with the
20:28:59 amended hours of 11:00 a.m. to 1:00 a.m.
20:29:05 Monday through Saturday, and the stated hours
20:29:07 on the application for Sunday, subject to a
20:29:14 review by the office of the pledge
20:29:17 agreement --

20:29:18 ATTORNEY DUNKLESS: We provided that,
20:29:20 I believe.

20:29:20 ELIZABETH LINT: I have it.

20:29:25 MICHAEL GARDNER: And with the
20:29:33 addendum, I would hope and expect that the new

20:29:39 holder of the alcohol and restaurant license
20:29:42 would do everything reasonable to consult with
20:29:49 the neighborhood and try to find as much
20:29:53 common ground as possible.

20:29:54 ERNANI PAGLIARINI: I'd like to
20:29:57 assure everyone present at this meeting it
20:29:59 will happen, and it's been our intention from
20:30:02 the beginning to engage in a positive matter
20:30:04 with the neighbors, and we hope that they are
20:30:06 also patrons of our restaurant. So I think
20:30:08 our interests can be aligned.

20:30:13 MICHAEL GARDNER: Motion having been
20:30:14 made. Is there a second?

20:30:16 GERALD REARDON: Second.

20:30:18 MICHAEL GARDNER: Any further
20:30:19 questions?

20:30:20 Seeing none. All those in favor,
20:30:20 please signify by saying aye.

20:30:20 ROBERT HAAS: Aye.

20:30:20 GERALD REARDON: Aye.

20:30:25 MICHAEL GARDNER: None opposed.

20:30:27 Mr. Benson thank you for your
20:30:29 comments this evening. I think that the
20:30:32 efforts of the conciliation of the feelings
20:30:35 can go forward and was not ignored but perhaps
20:30:42 temporarily overlooked.

20:30:45 The member of the public,
20:30:48 Ms. Jillson, commented. Welcome to the
20:30:50 neighborhood and good luck.

20:30:53 ATTORNEY DUNKLESS: Thank you.

20:30:54 I want to be sure that I heard that
20:30:56 right. The pledge is also approved subject to
20:30:59 review of the pledge agreement? And is that
20:31:00 approval also for the entertainment?

20:31:03 MICHAEL GARDNER: Yes.

20:31:04 ATTORNEY DUNKLESS: Thank you.

20:31:06 MICHAEL GARDNER: I probably didn't
20:31:07 say it but, yes.

20:31:11 DANIEL GOLDSTEIN: I'd like to thank
20:31:13 the Commission for their time this evening.

20:31:16 PAMELA RAULSTON: Thank you.

20:31:18 * * * *

20:31:18 ELIZABETH LINT: We just have a few
20:31:22 ratifications. Refinance of 226, 151, 153,
20:31:29 168, 200 and a loan for 206. All paperwork is
20:31:35 in order.

20:31:40 GERALD REARDON: Motion to accept.

20:31:41 MICHAEL GARDNER: Motion having been
20:31:43 made and seconded to accept the ratification
20:31:46 as reviewed by the Executive Director, all
20:31:48 those in favor, signify by saying aye.

20:31:48 ROBERT HAAS: Aye.

20:31:48 GERALD REARDON: Aye.

20:31:49 MICHAEL GARDNER: Aye. None opposed.
20:31:54 So in terms of additional business?

20:32:00 ELIZABETH LINT: I have two things.
20:32:02 One is I don't have -- have you had an
20:32:05 opportunity to review the minutes from June
20:32:08 19?

20:32:09 MICHAEL GARDNER: Yes.

20:32:10 ELIZABETH LINT: I have.

20:32:13 You weren't here (indicating).

20:32:17 ROBERT HAAS: Yes, I have.

20:32:19 MICHAEL GARDNER: Can I make a motion
20:32:20 to approve the minutes of June 19th then with
20:32:23 any obvious typo corrections.

20:32:26 ROBERT HAAS: Seconded.

20:32:31 MICHAEL GARDNER: So Commissioner
20:32:32 Haas and the Chair, Mr. Gardner voted yes, the
20:32:35 Fire Chief, not being present, sustained.

20:32:39 ELIZABETH LINT: And the other issue
20:32:40 is pedicabs. So the gentleman that had made
20:32:44 the presentation contacted me again today, he
20:32:47 has been in touch with the mayor and called
20:32:49 the city councillor's office and the office of
20:32:52 tourism, etc, and it seems to be garnering a
20:32:55 tremendous amount of support for the business.

20:32:57 The issue I have is: If you were
20:33:04 inclined to hear the rest of the application
20:33:08 and approve it, how are we going to regulate
20:33:13 it? Is it going to be through Hackney or some
20:33:16 other function and would it follow the Hackney
20:33:23 rules? Or do you want me to explore what
20:33:26 other jurisdictions do? Because we have never

20:33:29 done it.

20:33:30 GERALD REARDON: We have to have
20:33:31 specific regulations.

20:33:36 MICHAEL GARDNER: So I did on the day
20:33:45 of Harvard Commencement, I think, see Pedicabs
20:33:45 going up Mass. Avenue towards Harvard Square
20:33:47 and crossing in front of City Hall and
20:33:49 pointing out that it was City Hall. And I
20:33:52 called Ms. Lint right away, but it was pedaled
20:33:56 away before anybody could do a visual on it.

20:34:00 ELIZABETH LINT: In fact, Harvard and
20:34:02 MIT are very much in favor of pedicabs.

20:34:05 MICHAEL GARDNER: I did have the
20:34:07 experience of being in Plymouth not too long
20:34:12 ago and seeing a number of pedicabs in
20:34:16 operation down along the waterfront.

20:34:20 ELIZABETH LINT: That's his business.

20:34:23 MICHAEL GARDNER: And it looked to me
20:34:25 both interesting and potentially hazardous.

20:34:31 GERALD REARDON: I would say that
20:34:33 stretch of road is much, much wider than

20:34:36 anything you have got in Cambridge, down in
20:34:38 that area there is quite a bit of space.

20:34:50 MICHAEL GARDNER: The road around
20:34:51 Plymouth Rock essentially where I saw them
20:34:55 going, then up towards some of the restaurants
20:35:00 near the marina. But they are out there.

20:35:12 ELIZABETH LINT: So it was his
20:35:13 intention to send me a letter requesting that
20:35:15 it be put back on the agenda sometime in the
20:35:19 fall, possibly October, because it would take
20:35:22 him that long assuming it was going to happen
20:35:25 to get the business in place, hire the
20:35:27 appropriate people, find the place to store
20:35:30 them and all of that.

20:35:35 GERALD REARDON: Not to put the horse
20:35:37 before the cart, before we have to regulation
20:35:40 in place before with we can approve them.

20:35:45 ELIZABETH LINT: Right. I'm seeking
20:35:47 your guidance.

20:35:49 MICHAEL GARDNER: We could
20:35:50 conceivably have a two-step process of having

20:35:54 the staff research Plymouth and other New York
20:35:57 City and other places that have such
20:36:00 operations and then report back to us on their
20:36:07 findings so that we could then, prior to the
20:36:16 consideration of any individual applicants, at
20:36:19 least be versed in the matter and conceivably
20:36:25 publish some prepared regulations.

20:36:28 And then I would think potentially
20:36:31 include the -- I'm thinking out loud here
20:36:40 include advertisement and say that the
20:36:42 Commission is entertaining the possibility of
20:36:50 approving some Pedicab license or licenses and
20:36:54 invite applicants, not necessarily sure that
20:37:03 it goes to the question of how many taxes, how
20:37:09 many liveries, how many pedicabs, and what the
20:37:13 process is.

20:37:18 Assuming we were interested, we were
20:37:20 interested in limiting the licenses at least
20:37:22 in the beginning to have a process for
20:37:28 consideration for other potential people with
20:37:30 experience in the area.

20:37:35 I'm a little troubled by simply
20:37:40 starting out in a completely raw or open area
20:37:46 without at least giving notice to the world
20:37:49 that we were considering something.

20:37:58 MICHAEL GARDNER: So how do you feel
20:38:00 about a motion to the staff to direct the
20:38:04 staff to explore the matter and report back to
20:38:07 us in September?

20:38:16 Headshakes all around?

20:38:19 I'll make the motion to ask the staff
20:38:24 to acknowledge the interest in Pedicab
20:38:29 operation in Cambridge and ask them to explore
20:38:33 it including getting us some samples or
20:38:39 perhaps some proposed regulations that we
20:38:42 might consider.

20:38:46 ROBERT HAAS: Second.

20:38:48 MICHAEL GARDNER: Motion having been
20:38:49 made and seconded. All those in favor,
20:38:52 signify by saying aye.

20:38:54 GERALD REARDON: Aye.

20:38:54 ROBERT HAAS: Aye.

20:38:55 MICHAEL GARDNER: None opposed.

20:39:02 And the question I had about the
20:39:04 taxicabs, I did get these by e-mail. And is
20:39:15 there a red-lined version of this to help us
20:39:18 see what exists now and see what the changes
20:39:21 are?

20:39:22 ELIZABETH LINT: Not anymore.
20:39:24 Because we have done it literally 15 times.
20:39:29 The old rules.

20:39:33 MICHAEL GARDNER: How can I know what
20:39:35 the changes are?

20:39:36 ELIZABETH LINT: Pretty much
20:39:38 everything has changed to bring it up-to-date.
20:39:41 Things like we've redefined taxicab in view of
20:39:46 what's happened with Hubert and things like
20:39:49 that. Some of it we just took out chunks
20:39:53 because it was redundant.

20:40:03 MICHAEL GARDNER: I need to have
20:40:06 somebody duplicate it we need to see the prior
20:40:10 reg.

20:40:13 ELIZABETH LINT: The prior regs were

20:40:14 a mess.

20:40:16

MICHAEL GARDNER: That is fine.

20:40:18

20:40:19

ELIZABETH LINT: We just brought it all up-to-date. We didn't even have in the regs that they had to supply us with proper phone numbers.

20:40:22

20:40:25

20:40:35

MICHAEL GARDNER: Could I just ask you: Do you know if we are on for the 24th of July? And then how many hearings in August.

20:40:37

20:40:41

20:40:44

ELIZABETH LINT: One.

20:40:46

20:40:47

MICHAEL GARDNER: And that would be the 14th? And then in September we are back to --

20:41:01

20:41:02

ELIZABETH LINT: We only have one because of the Jewish holidays.

20:41:04

20:41:07

MICHAEL GARDNER: So that would be --

20:41:09

ELIZABETH LINT: The 11th, because the 18th and the 27th are both high holidays.

20:41:11

20:41:11

MICHAEL GARDNER: And that leaves the 9th and 23rd of October.

20:41:13

20:41:26

General reaction from the

20:41:28 Commissioners. Are you all here on the 24th?
20:41:30 Do you think that is enough time to review the
20:41:33 regs?

20:41:35 ROBERT HAAS: I'm on vacation on the
20:41:37 24th.

20:41:37 MICHAEL GARDNER: Got it, you said
20:41:39 that before.

20:41:47 What about the 14th, is it the 14th
20:41:53 of August, is that what you said?

20:41:56 ELIZABETH LINT: The 14th.

20:42:00 MICHAEL GARDNER: Are we all here on
20:42:04 14th? I'm wondering if there is enough time
20:42:17 to review these in two weeks, and whether or
20:42:20 not we should -- all the members should be
20:42:26 present. Is there any if I can urgency with
20:42:36 respect to this?

20:42:36 ELIZABETH LINT: The only urgency is
20:42:36 that we've been working on them for three
20:42:36 years and it is time. Basically it's that we
20:42:39 have nothing in place because the other ones
20:42:42 don't apply anymore.

20:42:45

MICHAEL GARDNER: Well, will be
expecting lot of --

20:42:47

20:42:48

ELIZABETH LINT: I don't think so.

20:43:02

(Discussion off the record.)

20:43:02

MICHAEL GARDNER: I'm prepared to do
it on the 24th then.

20:43:03

20:43:09

ROBERT HAAS: Provide an opportunity
to have a discussion. When is the decision
meeting?

20:43:11

20:43:14

20:43:27

MICHAEL GARDNER: Chief, can you
review them and Ms. Lint and any comments so
we can at least have the advance of your
thinking.

20:43:29

20:43:33

20:43:36

20:43:39

Any other business? Motion to
adjourn is always in order.

20:43:42

20:43:44

ROBERT HAAS: Motion to adjourn.

20:43:46

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

20:43:47

ROBERT HAAS: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: This hearing is now adjourned. The time is 8:43 p.m.

(Whereupon the Hearing is adjourned at 8:43 p.m.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified
Shorthand Reporter and Registered Professional
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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, skills and ability.

IN WITNESS WHEREOF, I have hereunto set
my hand this 25th day of July, 2012.

Evelyn M. Slicius
Notary Public
Certified Shorthand Reporter
License No. 127193
My Commission Expires:
May 15, 2013

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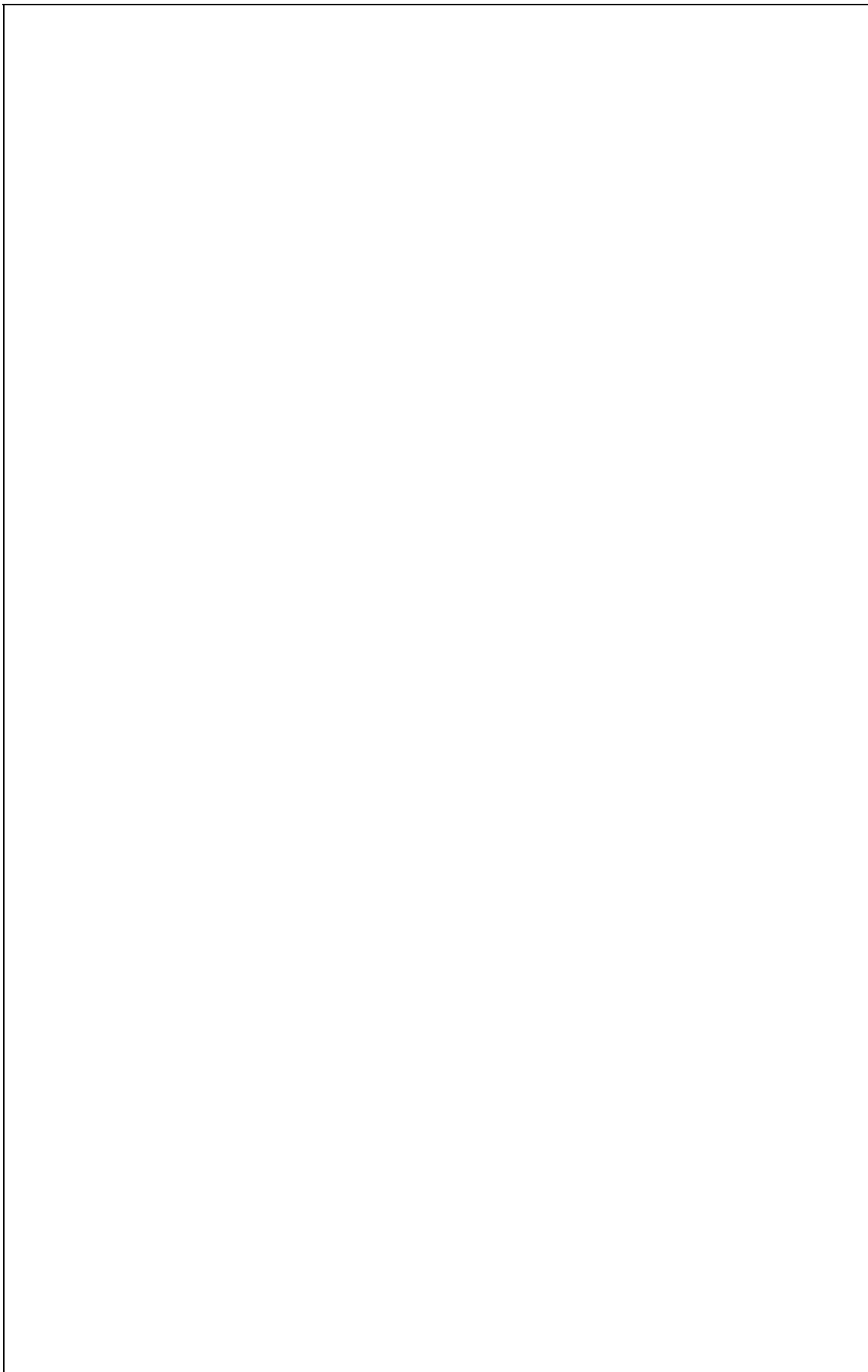
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