

CAMBRI DGE LI CENSE COMMI SSI ON

Li cense Commi ssi on General Heari ng

i n the

Mi chael J. Lombardi Bui l di ng
Basement Conference Room
831 Massachusetts Avenue
Cambri dge, Massachusetts

6: 05 p. m.

Mi chael P. Gardner, Chai r
Chi ef Gerald R. Reardon, Fi re Department,
Commi ssi oner Robert C. Haas,
Pol i ce Department

El i zabeth Y. Li nt, Executi ve Di rector

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P R O C E E D I N G S

ELIZABETH LINT: This is the License Commission general hearing, Tuesday, August 14, 2012, 6:05 p.m. We're in Michael J. Lombardi Municipal Building, 831 Mass. Ave., basement conference room.

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

The first matter is a disciplinary matter, Sunset Cafe, Incorporated, doing business as Sunset Grille, Fernando Castanheira, manager, holder of an all alcoholic beverages as a restaurant license at 851-857 Cambridge Street due to a police report alleging consumption of alcoholic beverages beyond allowable hours.

MICHAEL GARDNER: Please come forward, Officer O'Hearn. Have a seat.

Officer, if you would be so kind to state and spell your name for the record and

1 then advise us as to your observations.

2 OFFICER BRENDON O' HEARN: Good
3 afternoon. Brendon O' Hearn, B-r-e-n-d-o-n
4 O-' -H-e-a-r-n. I'm just going to read the
5 police report if that's all right.

6 MICHAEL GARDNER: That's all right.

7 OFFICER BRENDON O' HEARN: On May 24,
8 2012, while assigned to cruiser 3R, I was
9 patrolling my route and made numerous passes
10 by the Sunset Cafe on Cambridge Street.
11 Shortly after one in the morning I observed
12 that there were still numerous patrons at the
13 bar. I decided to monitor the bar's
14 activities to ensure they closed in a timely
15 fashion, and drove by on repeated occasions
16 all the way to approximately 2:10 in the
17 morning when I exited my cruiser and
18 approached the front window of the Sunset
19 Cafe. From there I monitored activity and
20 observed three patrons sitting at the bar,
21 later identified Anderson Perreira, Matthew

1 Moran, and a person named Roberta. I note
2 that Roberta ran out the back door when we
3 made contact.

4 I observed Anderson and Perreira each
5 had a full 16-ounce draft beer in front of
6 them that they were consuming, and the
7 bartender reached over and lit a cigarette
8 for the person that fled named Roberta. I
9 also observed the third patron Matthew Moran
10 with a partially consumed 16-ounce draft beer
11 in front of him. At one point I observed the
12 bartender drinking an unknown beverage.
13 Through the apparent violations, I contacted
14 the Sergeant. Sergeant McHale responded to
15 my location. Sergeant McHale arrived at
16 approximately 0223 hours. Prior to his
17 arrival I continued monitoring the activities
18 within the establishment. At approximately
19 2:28 in the morning we knocked and David
20 answered the door, the bartender. As we
21 entered the premise, Roberta opted to flee

1 out the back door. Once inside the barroom
2 we observed two full beers, one directly in
3 front of Anderson and the other in the spot
4 where Roberta had been sitting. Both drinks
5 appeared fresh and cold due to frost on the
6 glasses. Matthew's once partially consumed
7 glass of beer was now empty and slid towards
8 the center of the bar. The beverage I
9 observed David consuming behind the bar was
10 determined to be Stella Beer by David's
11 admission. Officers noted money on the bar
12 top for apparent payment and cigarettes and a
13 lighter. There was also a white dog walking
14 around the barroom which David claimed
15 ownership of. The patrons were sent on their
16 way and David was advised that a report would
17 be filed. David was very remorseful and
18 admits to officers that he screwed up.

19 MICHAEL GARDNER: Thank you.

20 So you didn't enter the bar until 2:28?

21 OFFICER BRENDON O'HEARN: Correct.

1 MICHAEL GARDNER: So, if you would
2 please state and identify yourselves for the
3 record and advise us as to who you are and
4 what you have to say about the allegations.

5 FERNANDO CASTANHEIRA: Fernando
6 Castanheira, owner and liquor license owner.

7 MICHAEL GARDNER: And could you just
8 spell your last name for the record, please.

9 FERNANDO CASTANHEIRA:
10 C-a-s-t-a-n-h-e-i-r-a. First name Fernando.

11 MICHAEL GARDNER: And, sir.

12 DAVID CASTANHEIRA: David
13 Castanheira. I'm the manager.

14 MICHAEL GARDNER: Same spelling?

15 DAVID CASTANHEIRA: Yes.

16 MICHAEL GARDNER: From your
17 perspective what happened?

18 FERNANDO CASTANHEIRA: I wasn't
19 there that night.

20 MICHAEL GARDNER: From your
21 investigation as the -- are you the manager

1 of record, si r?

2 FERNANDO CASTANHEIRA: Yes.

3 MICHAEL GARDNER: From your
4 i nvesti gati on, what happened?

5 FERNANDO CASTANHEIRA: Basi cal l y
6 what thi s gentl eman had sai d.

7 MICHAEL GARDNER: Do you have
8 anything to add to that, si r?

9 DAVID CASTANHEIRA: Just that maj or
10 error. It' s not somethi ng we usual l y do.
11 We' re at a red l ight where the poli ce stop
12 all the time. We woul d be here a l ot more
13 times i f we di d i t. The other -- Anderson
14 works for me, so we were the ones cl osi ng up
15 the bar that ni ght. One of the gentl emen
16 that was at the bar. And unfortunatel y I
17 wasn' t col l ecti ng money for the dri nks. The
18 money was on the bar, but that' s j ust -- i t' s
19 not l i ke I was doi ng a busi ness thi ng.
20 Stupi di ty, absol utel y. I' m not argui ng
21 anythi ng. That' s -- everyone knows the l aw,

1 and I know better than anybody, and that -- I
2 can't have people after hours.

3 MICHAEL GARDNER: So you were
4 present?

5 DAVID CASTANHEIRA: Yes, sir. I was
6 the bartender.

7 MICHAEL GARDNER: You're the
8 bartender --

9 DAVID CASTANHEIRA: Yes, sir.

10 MICHAEL GARDNER: David, you're the
11 bartender?

12 DAVID CASTANHEIRA: I'm sorry, yes,
13 I was the bartender.

14 MICHAEL GARDNER: Who was allegedly
15 drinking the Stella beer?

16 DAVID CASTANHEIRA: Yes. I was
17 drinking.

18 MICHAEL GARDNER: And why was the
19 dog in the bar?

20 DAVID CASTANHEIRA: When I close up
21 at one, I usually grab him and bring him in

1 just to -- because when I go home I take him
2 for his walk and then we go in.

3 MICHAEL GARDNER: So you grab him
4 and bring him in. You mean he's on premises
5 during your entire shift?

6 DAVID CASTANHEIRA: No, at one
7 o'clock when I close the bar. Because I live
8 right around the corner.

9 MICHAEL GARDNER: So you -- what you
10 say is you leave the bar at closing and then
11 go and get your dog and bring your dog back
12 to the bar?

13 DAVID CASTANHEIRA: Uh-huh.

14 MICHAEL GARDNER: And why do you do
15 that?

16 DAVID CASTANHEIRA: I just -- when I
17 leave the bar, I just take him for the walk
18 and bring him home.

19 MICHAEL GARDNER: Do you sell food
20 in the bar?

21 DAVID CASTANHEIRA: Not after

1 el even.

2 MICHAEL GARDNER: Is there any
3 sanitary issues with having a dog --

4 DAVID CASTANHEIRA: Yes.

5 MICHAEL GARDNER: -- in the bar?
6 Are there?

7 DAVID CASTANHEIRA: You're not
8 supposed to have dogs in restaurants.

9 MICHAEL GARDNER: I understand you
10 to have said that it's a standard practice of
11 yours, however. It's what you normally do?

12 DAVID CASTANHEIRA: When I close,
13 yes.

14 MICHAEL GARDNER: And I'm sorry, if
15 you could explain, sir, your role in the bar.
16 Are you a partial owner, an employee, just --

17 DAVID CASTANHEIRA: Employee
18 manager.

19 MICHAEL GARDNER: And are you
20 telling us that you were serving drinks but
21 not charging for them?

1 DAVID CASTANHEIRA: Well, yeah --
2 well, unfortunately we were gonna leave. We
3 were gonna call Anderson a cab. And I said
4 why don't we come back in and we'll call from
5 inside. And bad mistake, we'll have a drink.

6 MICHAEL GARDNER: What's your
7 understanding of the last legal time you're
8 allowed to serve?

9 DAVID CASTANHEIRA: 12:30.

10 MICHAEL GARDNER: When did you in
11 fact serve these what were described as cold,
12 frosty 16-ounce drafts?

13 DAVID CASTANHEIRA: Sometime after
14 two.

15 MICHAEL GARDNER: Sometime after
16 two?

17 DAVID CASTANHEIRA: Two. He came in
18 at 2:30, so...

19 MICHAEL GARDNER: I think our
20 records show that you had a hearing before us
21 on May the 15th which would have been eight

1 full days, and then this is the morning of
2 the 24th I take it. So going into the ninth
3 day after the hearing. My memory from that
4 hearing was that essentially you represented
5 yourselves as quite contrite over the
6 violations at the time and made numerous
7 representations to us with respect to being
8 prepared to do better in the future and
9 follow the rules. I am perplexed that eight
10 days later we end up having in fact a much
11 more serious violation than occurred, for
12 then the violations for which you were here
13 on the 15th.

14 Do you have any insight or thoughts on
15 that for us?

16 FERNANDO CASTANHEIRA: No. I'm
17 Fernando. I'm pretty upset at him for what
18 happened. It should never have happened. I
19 mean, we were just here. This is something
20 that has never occurred for, I don't know the
21 last time we got caught over serving -- not

1 over serving, late serving. But it really
2 put me in -- it's putting us both in a bad
3 situation, but me in a worse situation.

4 MICHAEL GARDNER: Well, I understand
5 why you would be worried about the last time
6 you got caught, but in fact we would be even
7 worried the last time you didn't period. I'm
8 perplexed as to what was the story that it
9 was -- that you ended up doing this that
10 night. It sounded like well, we were going
11 to call a cab for somebody, but we decided to
12 have another drink instead. Do I have the
13 story right?

14 DAVID CASTANHEIRA: Because when we
15 finished cleaning up, it was a busy night, it
16 was about close to two when we stepped out on
17 the sidewalk, and as a matter of fact, we
18 even saw a police car drive by, I don't know
19 whether it was him or not. And then we went
20 back in to call a cab and I made the very bad
21 decision.

1 MICHAEL GARDNER: Are these people
2 friends of yours?

3 DAVID CASTANHEIRA: Matt Moran, I
4 buy energy from. Anderson works for me. I'm
5 the third person. And the girl Roberta, I
6 just -- she just happened to be there with
7 Matt.

8 MICHAEL GARDNER: I'm sorry, I'm not
9 sure understand the relationship with
10 Anderson.

11 FERNANDO CASTANHEIRA: He works for
12 us. He's an employee of the Sunset Cafe.

13 DAVID CASTANHEIRA: He's an
14 employee.

15 MICHAEL GARDNER: Was he working
16 that night?

17 DAVID CASTANHEIRA: Yes.

18 MICHAEL GARDNER: Doing what?

19 DAVID CASTANHEIRA: Bartending with
20 me.

21 MICHAEL GARDNER: And the other two

1 were just patrons, although friend -- one of
2 them a business associate or a friend of
3 yours?

4 DAVID CASTANHEIRA: I buy my
5 electricity from him, and he's trying to get
6 me to go with the gas, as part of the reason
7 for him being there.

8 MICHAEL GARDNER: How would you
9 describe the level of cooperation, Officer,
10 once you and the Sergeant arrived?

11 OFFICER BRENDON O'HEARN: The
12 bartender David was very cooperative with us
13 and remorseful.

14 MICHAEL GARDNER: Any particular
15 reason you were paying attention to the bar
16 that evening?

17 OFFICER BRENDON O'HEARN: The open
18 sign was still on and the lights were on, and
19 I could see the patrons in the bar. And I
20 just looked at the time and noticed that it
21 just kept getting later and later.

1 MICHAEL GARDNER: Do you know if the
2 door was locked?

3 OFFICER BRENDON O' HEARN: The door
4 was locked.

5 MICHAEL GARDNER: Is this a location
6 where based on your patrol activities, you
7 feel it requires additional attention?

8 OFFICER BRENDON O' HEARN: It's right
9 on Cambridge Street so I pass it on a regular
10 basis.

11 MICHAEL GARDNER: Okay.

12 Other commissioners?

13 ROBERT HAAS: So just remind me, did
14 we have any discussions about the rear door,
15 use of the rear door of the restaurant?

16 DAVID CASTANHEIRA: It's a push
17 door. Both doors in the restaurant are push
18 doors.

19 ROBERT HAAS: So is that door --
20 were there restrictions for people using that
21 door to go in and out because of the

1 neighbors behind you? Am I thinking about
2 the same place or no?

3 DAVID CASTANHEIRA: You're thinking
4 about the same place. Well, it's a corner
5 street so the residents are on Hunting
6 Street.

7 ROBERT HAAS: Right.

8 DAVID CASTANHEIRA: And we only
9 allow the front to be used.

10 ROBERT HAAS: Right.

11 DAVID CASTANHEIRA: But if somebody
12 does push on the side door, it can go down
13 about --

14 FERNANDO CASTANHEIRA: You can't
15 open it from the outside. For 24/7 you can't
16 open it from the outside. But it's an access
17 -- it's an egress 24/7.

18 ROBERT HAAS: For emergency purposes
19 only, though, right?

20 FERNANDO CASTANHEIRA: For emergency
21 purposes, yes.

1 ROBERT HAAS: No other questions.

2 GERALD REARDON: Were you working

3 the whole night, sir, as a bartender?

4 DAVID CASTANHEIRA: Working all

5 night.

6 GERALD REARDON: So you had two

7 bartenders --

8 DAVID CASTANHEIRA: Yes.

9 GERALD REARDON: -- most of the

10 night? So when you left, you still had a

11 bartender there, went home, grabbed the dog

12 and came back?

13 DAVID CASTANHEIRA: Yes.

14 MICHAEL GARDNER: Still bring your

15 dog in?

16 DAVID CASTANHEIRA: (Witness shakes

17 head).

18 And I've been taken off nights, also.

19 MICHAEL GARDNER: Other disciplinary

20 history, Mrs. Lint?

21 ELIZABETH LINT: None.

1 MICHAEL GARDNER: Except for the May
2 15th?

3 ELIZABETH LINT: Yes.

4 GERALD REARDON: Is there an issue
5 of warrant?

6 ELIZABETH LINT: The review that was
7 supposed to take place this month, but which
8 would have happened but for this warrant.

9 MICHAEL GARDNER: As the manager,
10 sir, what other steps, if any, have you taken
11 to make sure this doesn't occur in the
12 future?

13 FERNANDO CASTANHEIRA: Well, I had a
14 conversation with him and Anderson about this
15 whole thing. And today I had another one
16 with them. And I actually took him off a
17 couple night shifts and I've been closing up
18 at night. The only problem is that I -- I
19 try to save some money by doing all the
20 buying in the morning before the restaurant
21 opens, so it's difficult for me to do both

1 all the time. That's about it right now that
2 I've tried.

3 (Whereupon, a discussion was
4 held off the record.)

5 MICHAEL GARDNER: Thank you.

6 So we're back on the record after an
7 approximately two or three minute delay based
8 upon computer problem for the creation of our
9 transcript.

10 I believe I had asked what steps you as
11 the manager of record had taken to correct
12 this problem going forward. You had
13 indicated that you were working -- doing some
14 of the closing now, and have spoken to the
15 staff about the matter. You indicated that
16 that caused some problems because of your
17 need to do early morning work.

18 Is there anything more you you'd like
19 to say about any steps you've taken?

20 FERNANDO CASTANHEIRA: I just got a
21 loss of track of mind right now. Basically

1 that's what I guess I'd have to say about
2 that. There's not much more I can do but
3 verbally tell him that, you know, especially
4 after what just happened, too. It just burns
5 me big time.

6 DAVID CASTANHEIRA: And financial.

7 MICHAEL GARDNER: And I need you to
8 speak up, sir.

9 DAVID CASTANHEIRA: And financially
10 we've been hit, both of us.

11 MICHAEL GARDNER: How so?

12 DAVID CASTANHEIRA: Anderson and I.
13 Holding back some pay.

14 FERNANDO CASTANHEIRA: Yeah, I've
15 given them penalties on their salary.

16 MICHAEL GARDNER: Do we have any
17 unpaid bills issued since then?

18 ELIZABETH LINT: We do.

19 MICHAEL GARDNER: Could you just
20 advise us of that then?

21 ELIZABETH LINT: I will.

1 There' s an unpaid water and sewer bill
2 that was due on September 19, 2011, in the
3 amount of \$3,020.39.

4 MICHAEL GARDNER: Is this news to
5 you, sir, are you aware of this outstanding
6 bill?

7 DAVID CASTANHEIRA: We got a letter
8 from the bank that said that they had paid
9 that. I can find out from Immigrant Bank. I
10 got a letter in February or March.

11 GERALD REARDON: So you have a
12 mortgage on the property and they -- and
13 you --

14 FERNANDO CASTANHEIRA: They pay that
15 out of the payment.

16 GERALD REARDON: Okay. So they pay
17 the insurance or just the taxes and the sewer
18 and water?

19 FERNANDO CASTANHEIRA: Taxes, sewer
20 and water, taxes, yeah.

21 MICHAEL GARDNER: Well, we recommend

1 that you --

2 FERNANDO CASTANHEIRA: Yeah,

3 obviously.

4 MICHAEL GARDNER: -- inquire with
5 the city's finance department to find that
6 out and get that confirmed, then, if that's
7 the case to please make sure they let
8 Ms. Lint know.

9 FERNANDO CASTANHEIRA: Yes, sir.

10 MICHAEL GARDNER: Is our practice to
11 ask for public comment on disciplinary
12 hearings?

13 ELIZABETH LINT: On anything.

14 MICHAEL GARDNER: Other questions?

15 ROBERT HAAS: No other questions.

16 GERALD REARDON: All set.

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

20 (No Response.)

21 MICHAEL GARDNER: Seeing none, so

1 what do you think we should do to make sure
2 that in fact we have your attention? Because
3 we certainly thought we had your attention
4 last May 15th.

5 FERNANDO CASTANHEIRA: I thought so,
6 too. My brother dropped the ball here. What
7 I can say is I mean it's common practice for
8 them to do what they do. If they want to
9 come by every night, that's fine.

10 MICHAEL GARDNER: Were you aware of
11 the practice with the dog?

12 FERNANDO CASTANHEIRA: Yes, I was,
13 but it was only supposed to be after one
14 o'clock in the morning, after the place was
15 closed which is not --

16 MICHAEL GARDNER: Is it your view
17 that it's okay to have a dog on premises
18 after --

19 FERNANDO CASTANHEIRA: No, it's not.
20 I've actually argued with him a bunch of
21 times about it. But I let him bring the dog

1 in after one as long as all the patrons are
2 out the door.

3 MICHAEL GARDNER: I think you've
4 heard his representations that that practice
5 has stopped. Do you agree with that?

6 FERNANDO CASTANHEIRA: Yes, sir,
7 yes.

8 MICHAEL GARDNER: And when did this
9 stop?

10 FERNANDO CASTANHEIRA: Right after
11 this happened, sir, as soon as I read that
12 report, I said, here we go again with the
13 dog. Because I don't him in there -- I've
14 been fighting with him. I don't want him in
15 there.

16 MICHAEL GARDNER: Are you prepared
17 to act this evening or would you like to hold
18 this for --

19 ROBERT HAAS: I am.

20 MICHAEL GARDNER: Are you prepared?

21 GERALD REARDON: Yes.

1 MICHAEL GARDNER: Well, there were
2 three patrons in the bar who shouldn't have
3 been there and a dog who shouldn't have been
4 there; right?

5 FERNANDO CASTANHEIRA: Two patrons
6 and a dog; right.

7 GERALD REARDON: And an employee.

8 MICHAEL GARDNER: Well, there were
9 also two other employees drinking; is that
10 right?

11 FERNANDO CASTANHEIRA: Okay, so
12 basically, yeah.

13 MICHAEL GARDNER: So there were four
14 individuals drinking which shouldn't have
15 been drinking, plus a dog.

16 FERNANDO CASTANHEIRA: Right.

17 MICHAEL GARDNER: In light of what I
18 believe to be the flagrancy of that
19 violation, the active participation of a
20 manager/owner in the violations and the
21 recency of the violation compared to the

1 hearing before the Commission on a matter
2 which in form is unrelated, but in essence
3 had to do with how well the premises were
4 being managed, I would first ask Ms. Lint
5 what are the hours of operation both during
6 the week and on weekends?

7 ELIZABETH LINT: I believe they have
8 a one o'clock close during the week and two
9 o'clock on weekends. No, you're one o'clock
10 the whole time?

11 FERNANDO CASTANHEIRA: One o'clock.

12 MICHAEL GARDNER: One o'clock.

13 So in light of the factors that I just
14 mentioned, I will make a motion for a three
15 day suspension of your license to be served
16 as scheduled with Ms. Lint.

17 FERNANDO CASTANHEIRA: Would that be
18 -- I guess it really doesn't matter. I would
19 say if it's just liquor, but I figure I'm
20 going to close no matter what. If there's no
21 liquor, I'm not going to serve food either.

1 MICHAEL GARDNER: I was --

2 ELIZABETH LINT: Yes.

3 MICHAEL GARDNER: I appreciate your
4 asking for the clarification. My motion
5 would be that your license both for liquor
6 and food both be suspended.

7 FERNANDO CASTANHEIRA: Okay. I'm
8 sorry, I shouldn't have asked that.

9 MICHAEL GARDNER: That's okay.

10 ROBERT HAAS: I second the motion.

11 FERNANDO CASTANHEIRA: Will we get
12 notified what days, sir?

13 ELIZABETH LINT: We'll have a
14 conversation.

15 FERNANDO CASTANHEIRA: Okay.

16 MICHAEL GARDNER: So, before we take
17 the vote, I guess what I would be hoping for
18 is indication that you understand the reasons
19 for this action, and that hopefully in light
20 of the egregiousness of the offense and
21 involvement of the principle in the offenses

1 that you would consider it a just outcome.

2 FERNANDO CASTANHEIRA: Absolutely.

3 I mean, especially like I was telling him,

4 like it was only eight days after we were

5 here already. I mean, this shouldn't happen

6 at all. I mean eight days later so I mean

7 you guys have to do what you have to do. I'm

8 just sorry it happened. I'm just sorry it

9 happened not only for myself but having to

10 come here and have to -- I don't know, I

11 don't know what the word is, beg you guys not

12 to do anything more than you have to do.

13 MICHAEL GARDNER: Well, to make an

14 appearance and essentially own up to the

15 failure of responsibility.

16 FERNANDO CASTANHEIRA: Absolutely.

17 Oh, yeah, absolutely. Sure.

18 MICHAEL GARDNER: That's what I see

19 is what's happening here.

20 FERNANDO CASTANHEIRA: Sure. We

21 have to do what we have to do to make things

1 right. It's disciplinary, so that's what
2 we're gonna do.

3 MICHAEL GARDNER: Motion having been
4 made and seconded, all those in favor signify
5 by saying "Aye."

6 GERALD REARDON: Aye.

7 ROBERT HAAS: Aye.

8 MICHAEL GARDNER: Aye.

9 None opposed.

10 So Ms. Lint will work with you with
11 respect to the scheduling of the suspensions
12 and it is our sincere hope that --

13 FERNANDO CASTANHEIRA: Mine also.

14 MICHAEL GARDNER: -- that we do not
15 see you again for a very long time. But I
16 will also recommend that Ms. Lint schedule a
17 review of the general operation of six months
18 from this hearing.

19 FERNANDO CASTANHEIRA: Okay.

20 MICHAEL GARDNER: And please make
21 sure that the water and sewer bill is taken

1 care of otherwise you'll have to take other
2 action.

3 FERNANDO CASTANHEIRA: Okay.

4 MICHAEL GARDNER: All right. Thank
5 you very much.

6 FERNANDO CASTANHEIRA: Thank you
7 very much.

8 ROBERT HAAS: Thanks, Officer
9 O'Hearn.

10 MICHAEL GARDNER: Thank you, sir.

11 * * * * *

12 ELIZABETH LINT: Application,
13 Pemberton Fruit Orchard, Incorporated, Thomas
14 Saindaway, manager, holder of an all
15 alcoholic beverages as a package store
16 license at 20 Mooney Street has applied to
17 transfer said license to Cambridge Spirits,
18 LLC, Charles Marquardt, manager, at 250
19 Kendall Street.

20 MICHAEL GARDNER: Good evening. If
21 you would be so kind to please state and

1 spell your names for the record and identify
2 yourself and affiliations.

3 ATTORNEY JAMES RAFFERTY: Certainly.
4 Good evening, Mr. Chairman, members of the
5 Commission. My name is James Rafferty,
6 R-a-f-f-e-r-t-y. I'm an attorney with the
7 law firm of Adams and Rafferty located at 130
8 Bishop Allen Drive in Cambridge appearing
9 this evening on behalf the applicant
10 Cambridge Spirits, LLC. Seated to my far
11 left is the manager and 80 percent member
12 interest, Charles Marquardt,
13 M-a-r-q-u-a-r-d-t. And seated to my
14 immediate left is Daniel Marquardt. He's
15 also a member of the LLC, and he is the
16 brother of Charles Marquardt.

17 MICHAEL GARDNER: So this being my
18 first transfer of a package store license, I
19 think, I would appreciate it, Mr. Rafferty,
20 if you could tell us what the plans are and
21 why this is in a public interest.

1 ATTORNEY JAMES RAFFERTY: Surely.
2 Well, Mr. and Mr. Marquardt are local
3 entrepreneurs here in Cambridge. They
4 operate businesses side by side on Cambridge
5 Street. The Coady Florist is owned and
6 operated by Daniel, and next-door the
7 Mid-Cambridge Dry Cleaner is operated by
8 Charles. And their family has a long history
9 of serving the Cambridge community. Charles
10 lives in East Cambridge and has been very
11 mindful of the expanding residential
12 population in the greater Kendall Square/East
13 Cambridge area and was looking for a business
14 opportunity to obtain a liquor license. The
15 license in question is a package store
16 license that is currently held by Pemberton
17 Farm, Pemberton Markets. They use it in the
18 somewhat of a non-conventional sense. It's
19 part of their gift packaging business that
20 operates out of a warehouse on Smith Place.
21 The Pemberton Market is probably best known

1 to people in Cambridge for their farm market
2 located on Mass. Ave. just north of Rindge
3 Ave. But they've also for many years had a
4 package store license at this location in
5 Smith Place. So, the Saidnaweys have
6 consolidated the operations of their gift
7 basket business into the basement of their
8 retail store so they're able to rely upon
9 that license for purposes of selling liquor,
10 and they don't need this license and have
11 offered it on the market. Mr. Marquardt was
12 able to arrive at a contractual agreement for
13 the acquisition of the license. He then has
14 identified a location. It's on the ground
15 floor of a building presently under
16 construction in Kendall Square. It's called
17 the Watermark II building. Watermark -- the
18 existing Watermark building is a 20 or
19 22-story residential building located on
20 Third Street at the corner of Third and
21 Kendall Street. There are two -- well, there

1 is a single restaurant, two restaurants under
2 a single license on the ground floor of that
3 business. A pouring license operated by
4 Eagle and Czar. I don't know if the
5 Commissioner is familiar with those licenses.
6 They are currently in the ground floor of the
7 present building. This is the second phase
8 of that residential project. A very similar
9 in design and size apartment building. So
10 this will occupy a portion of the ground
11 floor of that building. It's approximately
12 1,000 square feet. That building will house
13 approximately 200 residents. I believe the
14 front building has a slightly larger
15 residential population. There's a new
16 residential building on the other side of
17 Third Street known as 303 Third Street. That
18 has over 450 dwelling units located in it.
19 And as I'm sure the commission members are
20 familiar, Kendall Square in general continues
21 to experience a significant amount of

1 activity both on the commercial side and is
2 anticipated in the residential side. So
3 there is a merging mix use district what may
4 have historically been more of an office or a
5 commercial based district. It's now
6 coalescing around this area, and there is a
7 need in the estimation of Mr. Marquardt and
8 his brother for providing this service in the
9 package store license that's currently being
10 used, became available. So they have
11 demonstrated, I think, through their
12 operation of their existing business that
13 they have a full appreciation for the
14 responsibility that goes along with operating
15 a business in the City of Cambridge. They're
16 eager to be able to capture this opportunity
17 when the new building opens. And it's being
18 reported and estimated that building will
19 probably be ready some point in the second
20 quarter of next year. So the timing would be
21 that as that building is nearing completion

1 Mr. Marquardt could complete the tenant
2 fit-out for his retail space. So it
3 represents an opportunity to serve certainly
4 the new residents in that area as well as the
5 residents in the greater East
6 Cambridge/Kendall Square neighborhood.

7 MICHAEL GARDNER: And do I
8 understand that the current license then has
9 been used for some kind of mail order or gift
10 packaging --

11 ATTORNEY JAMES RAFFERTY: Yes.

12 MICHAEL GARDNER: -- and has not
13 been used for retail walk-in trade?

14 ATTORNEY JAMES RAFFERTY: Yes, that
15 would be an accurate characterization.

16 Councilor Reeves was here earlier, and
17 he asked me if I could represent to the
18 Commission his enthusiastic support for the
19 transfer itself. He's -- he's not prone to
20 hyperbole, but he would extend his arm for
21 these young men. He thinks they're wonderful

1 entrepreneurs wo do a great service to the
2 communi ty and asked that I do my utmost to
3 convey the hi gh degree of enthusi asm he has
4 for them as i ndi vi dual s, operators, and hi s
5 support for thi s transfer.

6 MICHAEL GARDNER: Thank you for
7 that. I di d note the Counci ll or' s presence
8 earl i er.

9 Could you tel l us about the package
10 stores that serve the East Cambri dge and
11 Kendal l area now?

12 ATTORNEY JAMES RAFFERTY: Wel l , I
13 don' t have a command knowl edge -- I bet
14 Mr. Marquardt knows.

15 CHARLES MARQUARDT: There' s a very
16 sparse ci rcl e -- i f you draw a ci rcl e from
17 that l ocati on, a one mi l e ci rcl e, the cl oset
18 establ i shment that serves East Cambri dge i s
19 i n Boston i n Charles Ci rcl e. So the Top
20 Shel f Li quors or Beacon Hi ll Li quors. And
21 then you have -- I al ways get the name change

1 because they changed their name. 660 or now
2 University Liquors. Save More. And then --

3 ATTORNEY JAMES RAFFERTY: Where is
4 that on Cambridge Street?

5 CHARLES MARQUARDT: Yes.

6 ATTORNEY JAMES RAFFERTY: Near the
7 river, right.

8 CHARLES MARQUARDT: And that was it.
9 There's nothing down in that neighborhood.
10 I've run into a number of folks walking
11 either from Kendall Square or the hotels
12 looking for a place to pick up a drink for
13 the evening otherwise. There's just no place
14 to go aside from hopping in your car and
15 heading off to either Boston or someplace
16 else. It is one of the top three things that
17 everybody has asked for in all our
18 discussions about what is needed in the
19 neighborhood? The other two being a pharmacy
20 and a supermarket.

21 MICHAEL GARDNER: If you could be a

1 little more clear, Mr. Marquardt, about who
2 the our is. You said in our conversations.

3 CHARLES MARQUARDT: Sorry. In
4 conversations with either developers for MIT
5 development. MIT, as you know, has put
6 forward a Zoning Petition which they allowed
7 to expire and they, based upon the
8 discussions at the last Planning Board, will
9 be filing again sometime in the not too
10 distant future. As well as the entire
11 Kendall Square/Central Square study and the
12 retail discussions that went around that.
13 There have been numerous means -- they call
14 them charrettes I think is the new term, to
15 talk about what people want in the Kendall
16 Square area. And the Kendall Square study is
17 recommending somewhere around two to three
18 thousand additional units of housing in that
19 couple of, you know, square block area.

20 MICHAEL GARDNER: And for both you
21 and your brother, could you describe what if

1 any experience you have in the managing sales
2 related to alcohol at all and the steps you
3 intend to take to better familiarize yourself
4 with the challenges?

5 CHARLES MARQUARDT: Well, I will
6 tell you that I've never managed a liquor
7 store. I've watched people do it. In the
8 last couple of months I've spent quite a bit
9 of time discussing with folks in and around
10 Boston that do the work, what are some of the
11 better ways to do it? What are some of the
12 ways you want to look out for? They actually
13 gave high marks to Cambridge's 21 Proof
14 training force and recommended as soon as I
15 get through this, to take that, that would be
16 helpful in setting the stage. Another
17 brother, I have quite a few brothers, knows
18 someone who owns an establishment on the
19 Burlington/Billerica line, and he's walked
20 through the needs to have controls over cash,
21 controls over the flow of people, controls

1 over your inventory, and controls over who's
2 working at what times of the day because
3 different times of day have different flows
4 of people. And in my past in addition to
5 doing this, I've done controls at financial
6 services firms, controls over movements of
7 money. I'm a control expert for my CPA, so I
8 look at applying controls to both how the
9 inventory moves, how the people come in, and
10 how you both capture and record who's buying
11 the product so you cannot only just mark it,
12 but in this case make sure there's a proper
13 agent and proper ID in terms of being able to
14 buy alcohol.

15 MICHAEL GARDNER: And what do you
16 view as the major challenges for you to have
17 a successful operation?

18 CHARLES MARQUARDT: Down there is --
19 probably the three big ones would be if the
20 entire Kendall Square build out stalls and
21 it's pushed off say another five to ten

1 years, that reduces the number of new units
2 being built, that would be harmful. Not
3 devastating, but it could be harmful. I
4 won't say a economy, that's always out there.
5 If another store were to move in in close
6 proximity, if they could find a license and
7 find a location to that, would be offset by
8 No. 1. They would have to build something in
9 order to get in there. There are no real
10 open spaces in the neighborhood. And the
11 last one is making sure I'm able to setup
12 good relationships with both vendors and hire
13 employees. If you hire good employees, I've
14 talked to some of the folks over at culinary
15 school in terms of giving their students a
16 place to work while they're going to work,
17 and from a culinary perspective they all
18 understand wine and liquor and how it matches
19 with food and they're right around the corner
20 so it's a pretty good fit.

21 MICHAEL GARDNER: And operationally,

1 particular ly wi th respect to underage sales?

2 CHARLES MARQUARDT: The goal would
3 be that everybody' s carded unless they look
4 older than me, which is 45. And wi th the
5 advent of Smartphone and smart technology,
6 looking into POS systems where you can take a
7 picture of a license or a passport or other
8 form of acceptable IDs to tie it to the sale.

9 MICHAEL GARDNER: Other questions?

10 ROBERT HAAS: What' s your expected
11 hours of operation?

12 CHARLES MARQUARDT: 10 to 10 Monday
13 to Saturday, and 12 to 6 on Sunday.

14 ATTORNEY JAMES RAFFERTY: You said
15 10 to 11.

16 CHARLES MARQUARDT: 10 to 11. Okay.

17 MICHAEL GARDNER: Is that in the
18 appl i cati on, Ms. Lint?

19 ATTORNEY JAMES RAFFERTY: I thought
20 we said 11. Because, you know, there' s a --
21 when you' re acqui ri ng an exi sti ng busi ness,

1 there's an established -- I think there's
2 been lots of evidence to suggest that the
3 demographic of the predominant demographic of
4 the population that seems to be granted to
5 the Kendall Square area tends to skew towards
6 more nocturnal activities, so we recommended
7 an eleven p.m. closing as appropriate closing
8 time.

9 There are people, as I said, there are
10 between this building and the building in
11 front of it, there are 400 people living
12 either on top of or next-door to this, so it
13 would not seem unusual for someone coming
14 home at ten o'clock at night to want to be
15 able to get a bottle of wine or a six-pack of
16 beer. It would be an attempt to capture that
17 population. And I would venture to say that
18 the average closing time of package stores in
19 the city is eleven p.m.

20 MICHAEL GARDNER: I believe that
21 indicates, Ms. Lint, you were nodding your

1 head in the affirmative to Mr. Rafferty's
2 statement?

3 ELIZABETH LINT: That's correct.

4 ROBERT HAAS: So with regard to --
5 you already have an established business and
6 so does your brother. How are you going to
7 spread your time over this new proposed
8 venture and your existing businesses?

9 CHARLES MARQUARDT: I'm going to let
10 you in on a secret, that the alcohol business
11 probably is a little more profitable, more
12 revenue driven than the dry cleaning
13 business. So we will hire someone to manage
14 the bulk of that.

15 ROBERT HAAS: The dry cleaning?

16 CHARLES MARQUARDT: The dry
17 cleaning. Being co-located with him, he's my
18 landlord, we will work together to balance
19 that off.

20 ROBERT HAAS: So you plan to spend
21 most of your time at the liquor store?

1 CHARLES MARQUARDT: Yes.

2 ELIZABETH LINT: I don't see your
3 hours.

4 GERALD REARDON: And you already
5 have a tentative agreement for the space?

6 CHARLES MARQUARDT: We have an LOI
7 for the space already that the state has
8 agreed to, and there's a draft lease I should
9 be getting a copy of early next week.

10 GERALD REARDON: How many square
11 feet is it?

12 CHARLES MARQUARDT: About 1200 or
13 so.

14 MICHAEL GARDNER: I believe
15 Mr. Rafferty said 1,000, but closer to 1200?

16 ATTORNEY JAMES RAFFERTY: The plan I
17 looked at I thought said 1028.

18 UNIDENTIFIED MALE: 1200.

19 ATTORNEY JAMES RAFFERTY: 1200.

20 MICHAEL GARDNER: How is the license
21 being financed if it is?

1 CHARLES MARQUARDT: Cash.

2 ATTORNEY JAMES RAFFERTY: It's in
3 the plans, 1201 square feet.

4 MICHAEL GARDNER: And the proposed
5 hours are ten a.m. to eleven p.m. and twelve
6 to six on Sundays.

7 ROBERT HAAS: Ten to six or twelve
8 to six? Did you say ten to six or twelve?

9 ELIZABETH LINT: Twelve.

10 MICHAEL GARDNER: He said twelve.

11 ATTORNEY JAMES RAFFERTY: He said
12 twelve, but he didn't check with me before he
13 said that.

14 ROBERT HAAS: Okay.

15 ATTORNEY JAMES RAFFERTY: The
16 application for package stores do not contain
17 the hours. The state statute controls the
18 hours. If they don't have an accompanying
19 CV, it's generally -- there had been a push
20 on some of the -- they can open by statute as
21 early as seven. I know in some locations

1 eight o'clock is the starting time
2 particularly in places where people are lined
3 up for eight o'clock, and it's not for a
4 party that evening. So we don't anticipate
5 that population here. But I represent enough
6 operators that deliveries are taken at that
7 hour, and there is business conducted from
8 eight or nine o'clock on. So I would suggest
9 that it might be premature for Mr. Marquardt
10 to limit himself at the outset here.

11 MICHAEL GARDNER: Well, I'm not sure
12 I understand. Are you saying you don't think
13 the License Commission has control over the
14 hours, that it's a state statute?

15 ATTORNEY JAMES RAFFERTY: No, no.
16 I'm saying that there's a state statute that
17 sets limits, an opening time and a closing
18 time.

19 MICHAEL GARDNER: But you agree the
20 Commission has the authority to within that
21 band of hours --

1 ATTORNEY JAMES RAFFERTY: Right.
2 But I'm saying the form itself, it doesn't
3 appear in the notice and it doesn't appear in
4 the application, the hours --

5 MICHAEL GARDNER: I think we would
6 be more comfortable voting on a specific set
7 of hours then.

8 ROBERT HAAS: So the plan is ten
9 a.m. to eleven p.m. Monday through Saturday.

10 ATTORNEY JAMES RAFFERTY: No, that
11 was a mistake. The plan is eight a.m. to ten
12 p.m. . The Sundays are ten a.m. or is it
13 noon?

14 ELIZABETH LINT: Noon.

15 MICHAEL GARDNER: I'm not sure we
16 see a great purpose to being open for sales
17 at eight a.m. , particularly I think for a new
18 operator. But, you know, we've -- in the
19 places where we have had trouble about the
20 sale of liquor, much of it relates to sales
21 around the time school kids are walking down

1 the street, and I'm not sure that I get your
2 need to be selling at eight a.m. I
3 understand how you might want to take
4 deliveries at eight a.m., but I'm not sure I
5 get that early an opening in terms of
6 balancing the potential trouble that may
7 cause versus the economic benefit to you and
8 the convenience to the neighbors. I would be
9 happy to hear from you.

10 ATTORNEY JAMES RAFFERTY: Well, I
11 would, you know, it is an issue that is
12 within the judgment of the Commission. I
13 would venture to say if the Commission were
14 to conduct a review of the opening times,
15 that the majority of the liquor stores in the
16 city, I think you would find that it is
17 probably either eight a.m. or nine a.m.
18 There was a voluntary program instituted a
19 few years ago in places like Central Square
20 where there was a population that was
21 frequenting it before that time. In fact, I

1 would only tell you that business-wise if you
2 have an employee in there receiving, you're
3 paying for someone to be there to receive
4 deliveries, it's a revenue driven business,
5 but I would say anything, anything shorter
6 than nine a.m. places a new business at a
7 competitive disadvantage. I think the
8 Commission has enough understanding of the
9 neighborhood in question here. This business
10 actually doesn't even front on Third Street.
11 It's going to be a bit of a challenge,
12 frankly, from a retail perspective to even
13 find this business. So it's not along any
14 well traveled pedestrian path to any
15 elementary school. It is a technology --
16 it's a second building in what would be
17 described as an office park. And if you're
18 in and you're paying the lights and you're
19 paying rent, and you don't have the occasion
20 to sell a bottle of wine if someone might be
21 coming by, it hurts you financially. It's

1 just the business model that these businesses
2 operate under. Some are -- if you go up to
3 the Fresh Pond rotary, where the Whole Foods
4 opens at -- it's open seven in the morning,
5 the liquor store there opens at eight o'clock
6 across the street. So there are people out
7 conducting business at eight in the morning
8 who have no desire to drink alcohol at that
9 hour, but tend to be engaged in retail
10 activity. And you preclude an operator from
11 taking advantage of those customers if you --
12 to narrow -- I understand the logic in civic
13 interest, but I would ask the Commission to
14 take some recognition of the location as well
15 as the surrounding uses here so they're not
16 -- so there's a real sense that there's a
17 relationship there that would have an adverse
18 affect upon surrounding uses. The landlord
19 is controlling the building. He has staff
20 and management from the building running the
21 residential building. If it was a problem

1 with people hanging around that liquor store,
2 you can be sure given the rents that are in
3 that apartment building, that the landlord is
4 not going to allow that to take place.

5 MICHAEL GARDNER: I guess I'm a
6 little concerned, Mr. Marquardt, that your
7 sense of the business operation and you're
8 going to be the business owner is a little
9 different than your lawyer's. So...

10 ATTORNEY JAMES RAFFERTY: In
11 fairness to Mr. Marquardt I've been coming
12 here a lot longer than he has, and I
13 represent a lot of people. It's up to the
14 Commission, but I think Mr. Marquardt's has a
15 track record and he's striving to be honest
16 and I'm just trying to counsel --

17 MICHAEL GARDNER: Cover his
18 mistakes.

19 ATTORNEY JAMES RAFFERTY: Not
20 covering his mistakes. We had two brothers
21 in the last case, these are two different

1 brothers. These two brothers are really
2 going to be doing the right thing. And I
3 understand the need about not having liquor
4 stores open, but if you go up to Fresh Pond
5 Market on Huron Ave. and they open at eight
6 o'clock in the morning and you're going in
7 there and you're buying some groceries and
8 you're having company that night, you can
9 grab a bottle of wine while you're there.
10 There are many, many locations with an eight
11 o'clock opening for which there is no history
12 of problems. And I would think this
13 neighborhood in this location would be
14 consistent with the vast majority of those
15 types of locations. There is not a street
16 population that I think needs to be concerned
17 about here.

18 MICHAEL GARDNER: Thank you. You
19 were asking questions.

20 ROBERT HAAS: No, I'm just trying to
21 get square in my head what the hours were.

1 You' re goi ng back and forth. You' re aski ng
2 ei ght to el even?

3 ATTORNEY JAMES RAFFERTY: Ei ght to
4 el even.

5 ROBERT HAAS: And twel ve to si x?

6 ATTORNEY JAMES RAFFERTY: Yes.

7 GERALD REARDON: Ei ght to el even,
8 Monday through Saturday.

9 ATTORNEY JAMES RAFFERTY: Saturday.

10 GERALD REARDON: And twel ve to si x
11 on Sunday?

12 MI CHAEL GARDNER: Twel ve to si x.

13 ATTORNEY JAMES RAFFERTY: Twel ve to
14 si x.

15 ROBERT HAAS: Now, wi ll
16 Mr. Marquardt have to come back wi th a
17 di spl ay of the i nteri or of the store wi th
18 respect to --

19 ELI ZABETH LI NT: We al ready have
20 that.

21 ATTORNEY JAMES RAFFERTY: We have

1 the floor plan.

2 ROBERT HAAS: Oh, you do?

3 ATTORNEY JAMES RAFFERTY: Oh, yes.

4 We have a -- we're able to lay out the space
5 based on the plans -- I mean, you know, so
6 many linear feet.

7 ROBERT HAAS: Okay. It meets all
8 the criteria?

9 ELIZABETH LINT: It does.

10 ATTORNEY JAMES RAFFERTY: I mean
11 sometimes it's more of an issue in a grocery
12 store situation. Here the entire premises is
13 the licensed premises so I think we just did
14 a calculation on linear feet.

15 ROBERT HAAS: Is there storage in
16 the basement?

17 CHARLES MARQUARDT: No.

18 ROBERT HAAS: So it's all one level?

19 CHARLES MARQUARDT: All one level.

20 There's actually no basement, it's just a
21 slab.

1 ROBERT HAAS: So where would you
2 store your product?

3 CHARLES MARQUARDT: In the back.

4 ATTORNEY JAMES RAFFERTY: In the
5 back.

6 ROBERT HAAS: Where do you get your
7 deliveries, in the front?

8 CHARLES MARQUARDT: By Canal Way,
9 yes.

10 ROBERT HAAS: You're not going to be
11 carrying a lot of trash, are you?

12 CHARLES MARQUARDT: No, it's all
13 recycle.

14 MICHAEL GARDNER: What do you do
15 with the boxes?

16 CHARLES MARQUARDT: Some will be
17 used for customers who want to use boxes to
18 carry things home. The rest will be
19 recycled, either brought out by our recycling
20 vendor or we have longstanding tradition of
21 bringing track recycles to the recycle center

1 on either Tuesday, Thursday, or Saturday.

2 MICHAEL GARDNER: We, meaning the
3 business that you currently run?

4 CHARLES MARQUARDT: Yes.

5 MICHAEL GARDNER: Any questions?

6 GERALD REARDON: No further
7 questions.

8 ROBERT HAAS: All set.

9 MICHAEL GARDNER: Are there any
10 members of the public who would like to be
11 heard on this matter? Please come forward
12 and state and spell your name for the record.

13 DAVID DOWNING: My name is David
14 Downing, D-o-w-n-i-n-g. I work for the
15 developer of the new building, 20 properties
16 as well as the leasing arm City Retail, LLC.
17 I'm here on behalf of Charlie, because I
18 think we understand Charlie is, he's part of
19 the member of the ECBT. He's around the
20 neighborhood. We're looking for operators
21 who are going to come into it and do a

1 tasteful job. We see this being a nice
2 liquor store. There will be restrictions in
3 terms of what he's going to be selling.
4 There won't be things like nips and other
5 things that might attract the wrong crowd.
6 So I believe this will be a very tasteful
7 operation and that's, that's what we're
8 looking for out of Charlie and his brother.
9 And I think, you know, all the conversations
10 that we've had, that's exactly what we're
11 gonna get. So we feel very confident that
12 Charlie and his brother can execute on a very
13 high level and bring a really nice store to a
14 nice liquor store to the Kendall Square
15 neighborhood.

16 MICHAEL GARDNER: Thanks.

17 DAVID DOWNING: Sure.

18 MICHAEL GARDNER: Do you agree with
19 that, Mr. Marquardt, no nips.

20 CHARLES MARQUARDT: No nips. Not
21 enough profit for the trouble.

1 MICHAEL GARDNER: Ms. Lint, do you
2 have any other matters in the record that
3 shoul d be known publ ic?

4 ELIZABETH LINT: I do. I have
5 several letters of support.

6 One from Councilor Toomey who writes
7 in support of the application of Pemberton to
8 transfer their license. (Reading) As Kendall
9 Square continues to evolve into a liveable
10 communi ty, there will be an increased desire
11 to have a package store accessi ble to the
12 resi dents. I know Mr. Marquardt will be a
13 responsi ble busi ness owner and bel ieve that
14 best practi ces will conti nue to be upheld in
15 hi s new busi ness venture.

16 There' s also a letter from Pat McGee
17 who' s presi dent of the East Cambri dge
18 Busi ness Associ ati on, who al so supports the
19 transfer of the license. He says, as a
20 member of the ECBA we know Mr. Marquardt to
21 be a responsi ble busi ness owner. We often

1 hear about the need for additional beer and
2 wine retail in the neighborhood. Cambridge
3 Spirits will help fill a growing need in the
4 community, and he will do so in a responsible
5 and appropriate way.

6 And there is a letter from Nancy
7 Steining who lives in the area, and she's
8 also in support of the application. She
9 says, Mr. Marquardt is a capable and
10 knowledgeable businessman.

11 MICHAEL GARDNER: Thank you.

12 Other members of the public who would
13 like to be heard? Please come step forward,
14 state and spell your name for the record.

15 CHARLES TEAGUE: I'm Charles Teague,
16 T-e-a-g-u-e, 20 Edmunds Street, and I came
17 down from North Cambridge to offer a personal
18 recommendation for Charlie Marquardt. I went
19 around with him door to door when he was
20 campaigning for City Council. He's a
21 community guy. And if anyone knows how to

1 run a business correctly and fit in with the
2 community and not -- and just do everything
3 right, it's him. He's been on the other side
4 of that table so many times. So, it's all I
5 have to say. I came here just for that.

6 Thank you.

7 MICHAEL GARDNER: Thank you very
8 much.

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

11 (No Response.)

12 ELIZABETH LINT: There is an unpaid
13 excise tax, but that belongs to Pemberton.
14 I'm going to call them tomorrow. I'm sure
15 they will take care of it.

16 MICHAEL GARDNER: Pleasure of the
17 Commissioners?

18 GERALD REARDON: I'd like to make a
19 motion that we approve the application for
20 Pemberton Fruit Orchard to transfer the
21 package store license to Cambridge Spirits,

1 LLC, at 250 Kendall Street with the stated
2 hours of -- I would make a recommendation for
3 nine a.m. to eleven p.m. and twelve p.m. to
4 six p.m. on Sunday.

5 MICHAEL GARDNER: So the nine to
6 eleven being Monday through Saturday?

7 GERALD REARDON: Yes.

8 MICHAEL GARDNER: I'll second that
9 motion.

10 Any further discussion?

11 ROBERT HAAS: No.

12 MICHAEL GARDNER: I guess I would
13 also request that we have a six-month review
14 of the operation after you open, which I get
15 is the second quarter of next year. I think
16 that's sometime between April and June of
17 2013?

18 CHARLES MARQUARDT: That's when we
19 get the building. So would be probably
20 opening at this time next year.

21 MICHAEL GARDNER: As late as August

1 next year?

2 CHARLES MARQUARDT: Yes.

3 MICHAEL GARDNER: All those in favor
4 signify by saying "Aye."

5 ELIZABETH LINT: Mr. Chair, 21 Proof
6 training?

7 MICHAEL GARDNER: Yes. And subject
8 to the manager and employees receiving all of
9 the requisite trainings, 21 Proof.

10 So all those in favor signify by saying
11 "Aye."

12 GERALD REARDON: Aye.

13 ROBERT HAAS: Aye.

14 MICHAEL GARDNER: Aye.

15 None opposed. So, not fair to say, you
16 know, welcome to the neighborhood by any
17 means, but good luck in your new operation
18 and wish you well.

19 ATTORNEY JAMES RAFFERTY: Thank you.

20 * * * * *

21

1 ELI ZABETH LINT: Appl i cati on
2 Parki ngway Wi nes, Incorporated doi ng busi ness
3 as Supreme Li quors, Sharon Wal sh, manager,
4 holder of al l al coholic beverages as a
5 package store li cense at 600 Mass. Ave. al so
6 known as 598-614 Mass. Ave. has appl ied for
7 al terati on of premi se to expand the retail
8 space.

9 MI CHAEL GARDNER: Good eveni ng. I f
10 you' d so be ki nd to please state and spel l
11 your names for the record and al so i denti fy
12 your rol e here.

13 TOM CI FRINO: My name i s Tom
14 Ci fri no, C-i -f-r-i -n-o. I 'm the presi dent
15 and pri nci pal owner of Parki ngway Wi nes doi ng
16 busi ness as Supreme Li quors.

17 SHARON WALSH: Sharon Wal sh,
18 W-a-l -s-h, store manager.

19 MI CHAEL GARDNER: Before we begi n
20 coul d you tel l us what your hours of
21 operati on are?

1 TOM CI FRINO: Our hours are nine
2 a.m. to eleven p.m. and twelve p.m. to nine
3 p.m. on Sundays.

4 MICHAEL GARDNER: Thank you very
5 much.

6 TOM CI FRINO: We did that
7 voluntarily when Mr. Calvarro (phonetic)
8 asked us to four years ago?

9 ELIZABETH LINT: I think it was
10 five or six years ago.

11 MICHAEL GARDNER: You moved from
12 eight a.m. to nine?

13 TOM CI FRINO: We moved from eight
14 a.m. to nine a.m. His wife was still alive
15 at the time. She was having difficulty with
16 homeless people going to work and he asked us
17 to open at nine and we agreed to it.

18 MICHAEL GARDNER: So tell us about
19 your plan.

20 TOM CI FRINO: Our plan -- well, a
21 little bit of history is we -- our family

1 bought the building we're in now in 1964. It
2 was a Supreme Markets at the time. And it
3 became a Purity Supreme. And our father and
4 uncle sold the supermarket in roughly 1970 to
5 Purity Supreme, and they subsequently sold it
6 in about 1994 to Stop-N-Shop. And it was run
7 by a company by the name of City Foods for
8 about three years and closed. About eleven
9 or twelve years ago we renovated the building
10 completely and subdivided it, enlarging the
11 liquor store from 1200 square feet in front
12 of the grocery store to about 3600 square
13 feet on the side where it currently is, and
14 put in a Wendy's hamburger operation and a
15 Tello's Department store at the time. Four
16 years after that we enlarged the liquor store
17 again to its current size of 5400 square feet
18 going all the way back to the back of the
19 building from the front. The building -- the
20 liquor store itself is 22 feet wide at the
21 front. It goes back 189 feet. It's kind of

1 I like a bowling alley.

2 MICHAEL GARDNER: So it's long and
3 narrow?

4 TOM CIFRINO: Yes, it is.

5 We signed a ten year lease with Wendy's
6 at the time in 2001. In 2011 Wendy's decided
7 not to extend the terms of the lease and we
8 needed to rent the space out.

9 MICHAEL GARDNER: You mean Wendy's
10 didn't want to continue operating?

11 TOM CIFRINO: Wendy's did not want
12 to stay, and we did not want to pay the high
13 rent the landlord wanted to charge us being
14 ourselves. So we wanted to rent the space to
15 another restaurant. It's had a fast food
16 license, and I think there's a restriction of
17 fast food licenses in the Central Square
18 area. We didn't want to lose that. We hired
19 a broker who brought us Chipotle. And
20 Chipotle's agreed to rent the space that
21 Wendy's was in except for 900 square feet in

1 the rear of the space. Wendy's had 3600
2 square feet and Chipotle only wanted 2700
3 square feet. They didn't want as large a
4 dining room as Wendy's. They found that
5 people tended to sit there and camp out. As
6 a matter of fact Wendy's had a problem with
7 some people going into Dunkin' Donuts and
8 then going back into the Wendy's and camping
9 out. And so Chipotle recognized that fact
10 and said they wanted a smaller dining room.
11 Subsequently we ended up with 900 square feet
12 empty in the middle of the building. If you
13 look at the plans you'll see where the space
14 is. What we want to do is take over that 900
15 square feet and put in a finer wine section.
16 That's the one thing we're missing in that
17 store, is higher end wines and a small
18 tasting room. We do tastings on Thursday and
19 Friday nights, but we don't have a place to
20 do them. We set up a folding table and we
21 sort of do it right at the front of the

1 store.

2 MICHAEL GARDNER: Do we have the
3 plans?

4 TOM CIFRINO: We have some copies.

5 MICHAEL GARDNER: Why don't you
6 share them with us.

7 ROBERT HAAS: So I just got a little
8 confused. So you own the property, you had
9 leased it to Wendy's. Wendy's did not want
10 to renew its lease. You've leased it to
11 Chipotle. And except they don't want to take
12 900 square feet of it?

13 TOM CIFRINO: They would only take
14 2700.

15 ROBERT HAAS: So you want to reclaim
16 that 900 square feet for your operation?

17 TOM CIFRINO: Right.

18 MICHAEL GARDNER: Which is on this
19 drawing, if I understand it, in the bottom
20 drawing, that area with -- that's sort of
21 rectangular with the dotted lines?

1 TOM C I F R I N O: Yes.

2 ROBERT HAAS: Okay.

3 MI CHAEL GARDNER: So does thi s show
4 three shel ves, shel vi ng areas pl us some space
5 for the tasti ng?

6 TOM C I F R I N O: Yes, si r.

7 MI CHAEL GARDNER: Any di sci pl i nary
8 hi story to speak of here, Ms. Li nt?

9 ELI ZABETH LI NT: Not wi thi n the l ast
10 ei ght years I can tel l you that.

11 ROBERT HAAS: I 've been parti cul arly
12 i mpressed wi th your operati ons. I want to
13 compl i ment you wi th the way you've been
14 runni ng operati ons.

15 TOM C I F R I N O: Thank you.

16 MI CHAEL GARDNER: And any unpai d
17 bi l l s?

18 ELI ZABETH LI NT: No.

19 MI CHAEL GARDNER: Anythi ng el se
20 you'd l i ke to add?

21 TOM C I F R I N O: Thank you for putti ng

1 air conditioning in here.

2 MICHAEL GARDNER: What did you say?

3 I'm sorry.

4 GERALD REARDON: It's always had air
5 conditioning. It just didn't always work.

6 ELIZABETH LINT: Just didn't always
7 work, right.

8 MICHAEL GARDNER: Any questions?

9 GERALD REARDON: No questions.

10 MICHAEL GARDNER: Are there members
11 of the public who would like to be heard on
12 this matter?

13 (No Response.)

14 MICHAEL GARDNER: Seeing none, I'll
15 make the motion that we approve the
16 alteration of the premises at 600 Mass. Ave.
17 for Parki ngway Wi nes doi ng busi ness as
18 Supreme Li quors to al ter the premi ses by
19 expandi ng the retai l space as descri bed i n
20 the appl i cati on.

21 ROBERT HAAS: Second.

1 MICHAEL GARDNER: Motion having been
2 made and seconded, all those in favor signify
3 by saying "Aye."

4 GERALD REARDON: Aye.

5 ROBERT HAAS: Aye.

6 MICHAEL GARDNER: Aye.

7 So the motion is approved. No nays.

8 I think that, you know, when the police
9 commissioner says that a liquor store
10 operating in Central Square is doing a nice
11 job, it is an important component of our
12 thinking about what to do and we appreciate
13 the seriousness with which you have addressed
14 the business and handled the situation well,
15 and that goes for the manager as well as the
16 owner.

17 TOM CIFRINO: She's chiefly
18 responsible.

19 MICHAEL GARDNER: So good luck. I
20 suppose there's always room for more fine
21 wine.

1 TOM CIFRINO: Thank you very much.

2 * * * * *

3 ELIZABETH LINT: Appli cation CDM
4 International Enterprises, LLC doi ng busi ness
5 as Ki tchen Sushi and Lounge, Derek Brady,
6 manager, holder of an al l al coholic beverages
7 as a restaurant li cense at 104 Mount Auburn
8 Street has appl ied for a change of manager to
9 Ti mol eon Panagopoul os, change of busi ness
10 name to OSushi Cambridge, transfer of stock,
11 and change of members of the LLC.

12 ATTORNEY SEAN HOPE: Good eveni ng,
13 Mr. Chai rman, members of the Commi ssi on. For
14 the record, attorney Sean Hope, Hope Legal
15 Offi ces in Cambri dge. I'm here today on
16 behal f of CDM Internati onal Enterprises.
17 Before we begi n I woul d like to just clari fy
18 for the record, so ini ti al ly we appl ied for a
19 transfer of stock, new sharehol ders, change
20 of manager, and change of busi ness name. So
21 we are only movi ng forward wi th the change of

1 business name. We wanted to withdraw the
2 other applications and all we'd like the
3 Commission to decide on would be just the
4 change of business name. There was from the
5 time we applied there was some discussion in
6 reorganizing the organization. And we are
7 not changing the manager. We're going to
8 leave that with Mr. Derek Brady. But when we
9 changed the manager, if we had a new manager,
10 that would trigger changing LLC structure
11 which you're going to give an interest, which
12 according to the ABCC application required
13 all these other components. So we're leaving
14 the manager the same. Mr. Tim is what I call
15 him, he is not, he is not going to be part of
16 the LLC. So there's no reason to transfer
17 any of the stock or to reorganize the LLC.
18 So tonight we're only asking to change the
19 business from Kitchen Sushi and Lounge to
20 OSushi Cambridge. And just to refresh the
21 Commission, this was a space formerly known

1 as Conga's. This was on restaurant row in
2 Harvard Square. It was a space that when
3 they converted it to a Spanish or Mexican
4 type restaurant, it was a concept that didn't
5 work and the previous licensee who also had
6 an all alcohol license for value started
7 doing lounge and different things there, and
8 kind of been in violation of the
9 entertainment license. So when the alcohol
10 license was transferred, it was -- the
11 Commission wanted us to use it primarily as a
12 restaurant. So this was part of the
13 application and the transfer. So the idea is
14 this is going to be a sushi restaurant. My
15 only point to the Commission is that it was a
16 challenging space. It's one that the
17 applicant is looking forward to opening as a
18 sushi restaurant in Harvard Square. Our
19 projected opening date is September 1st. I
20 just want to let the Commission know that we
21 have a projected opening date. There has

1 been some delay in the actual construction of
2 the space, but if you go by now, you'll see
3 that the space is almost completely done.
4 There are tables and chairs, and I believe
5 the final walk through is happening with the
6 appropriate city departments in the next
7 weeks or so. So they're doing a soft opening
8 planned for Labor Day weekend, and then a
9 launch of the restaurant which is primarily
10 why the name changed to Kitchen Sushi and
11 Lounge to OSushi, this was necessary to do at
12 this point as they're getting ready for the
13 final.

14 MICHAEL GARDNER: So how recently
15 were you here for the original application?

16 ATTORNEY SEAN HOPE: So the original
17 application was the transfer. That was
18 approved -- it did take sometime at the ABCC,
19 but it was approved in early January of this
20 year. And so I think July was the actual
21 six-month deadline in which they were

1 projected to be open, and I know that
2 licenses are supposed to be open within six
3 months. It was really due to construction
4 delay and timing. This was a space with no
5 gas. This was some kind of -- it had all
6 electrical. So all electric. I think there
7 was a type of hot pot concept where they were
8 going to be cooking on individual stoves.
9 So it wasn't just a minor renovation. It was
10 a major renovation. They had to do piping
11 which causes a delay in terms of the extent
12 to which they had to do the renovation. If
13 you look at the space now, it's a totally
14 different space. Much brighter. But I think
15 the gas and the duct work, dealing with --
16 this is a building that has had several other
17 offices in it, so it wasn't a simple
18 renovation. Either way the projected opening
19 date is September and --

20 MICHAEL GARDNER: And is Derek Brady
21 in fact going to be the manager and on-site

1 and doing the work?

2 ATTORNEY SEAN HOPE: Yes.

3 MICHAEL GARDNER: And what role for
4 Tim Panagopoulos?

5 ATTORNEY SEAN HOPE: So Tim is a
6 paid consultant. So he actually is one of
7 the owners that owns OSushi in Boston.
8 There's one other restaurant OSushi, so they
9 both do sushi restaurants. They pay him to
10 come in and try to help kind of form the
11 concept, help with the menu, and the
12 advertising. This is primarily, this is a
13 restaurant. It has a very limited
14 entertainment, only background music with a
15 strong emphasis on food. So that's his role.
16 If his role changes, we'd be back before the
17 Commission. At this point he's a paid
18 consultant to really help with the sushi
19 concept in opening a sushi restaurant.

20 MICHAEL GARDNER: So what we're
21 basically being asked to do is simply approve

1 a marketing decision by you that you think it
2 would --

3 ATTORNEY SEAN HOPE: On behalf of my
4 client.

5 MICHAEL GARDNER: On behalf of the
6 client to go with OSushi Cambridge.

7 ATTORNEY SEAN HOPE: That's right.

8 MICHAEL GARDNER: And there is an
9 OSushi in Boston so you're looking for some
10 brand connection?

11 ATTORNEY SEAN HOPE: Right. It's
12 not a chain or franchise, none of those
13 aspects, but in terms of name recognition I
14 think and also familiarity with the type of
15 food although they have their own chefs, but
16 they're working together on this. And I
17 believe that if this goes well,
18 Mr. Panagopoulos may be transformed from a
19 consultant to be part of the LLC, but I think
20 that's further down the line. And if and
21 when that happens, we'll be back before the

1 Commission for approval on that.

2 MICHAEL GARDNER: But Derek Brady is
3 going to be the person, he's the go-to
4 person?

5 ATTORNEY SEAN HOPE: Yes.

6 MICHAEL GARDNER: Any further
7 questions?

8 ROBERT HAAS: No other questions.

9 GERALD REARDON: No other questions.

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

13 (No Response.)

14 MICHAEL GARDNER: Anything else
15 you'd like to add, Mr. Hope?

16 ATTORNEY SEAN HOPE: No.

17 MICHAEL GARDNER: I make the motion
18 to approve the change in name only --

19 ATTORNEY SEAN HOPE: Yes.

20 MICHAEL GARDNER: -- from Kitchen
21 Sushi and Lounge to OSushi Cambridge.

1 ATTORNEY SEAN HOPE: That's right.

2 MICHAEL GARDNER: With no change in
3 the other components here, including no
4 change in manager or stock or members of the
5 LLC.

6 ATTORNEY SEAN HOPE: That's right.

7 GERALD REARDON: Seconded.

8 MICHAEL GARDNER: Motion having been
9 made and seconded, all those in favor signify
10 buy saying "Aye."

11 GERALD REARDON: Aye.

12 ROBERT HAAS: Aye.

13 MICHAEL GARDNER: Aye. There's none
14 opposed.

15 Good luck with the launch and please
16 pass on to the owner and managers our best
17 wishes.

18 ATTORNEY SEAN HOPE: Thank you.

19 * * * * *

20 ELIZABETH LINT: Application Hoppy,
21 LLC doing business as Trata, Meghan Hopkins

1 formerly known as Meghan Southwood, manager,
2 holder of an all alcoholic beverages as a
3 restaurant license at 49 Mount Auburn Street
4 has applied for a change of manager Laurence
5 Hopkins and a change of business name to The
6 Boathouse.

7 Probably should call the second one
8 because they're together. Hoppy,
9 Incorporated doing business as Daedalus,
10 Meghan Hopkins formerly known as Meghan
11 Southwood, manager, holder of an all
12 alcoholic beverages as a restaurant license
13 at 45 and one half Mount Auburn Street has
14 applied for a change of manager to Laurence
15 Hopkins.

16 MICHAEL GARDNER: Good evening. If
17 you would be so kind as to state and spell
18 your names for the record and identify your
19 roles.

20 ATTORNEY KEVIN CRANE: Good evening,
21 Mr. Chairman, members of the Board, my name

1 is attorney Kevin Crane, C-r-a-n-e. My
2 office is located at 104 Mount Auburn Street
3 in Cambridge and I represent the petitioner.
4 I have with me to my right, Laurence Hopkins,
5 H-o-p-k-i-n-s, and he is the proposed new
6 manager at both locations.

7 MICHAEL GARDNER: So, could you just
8 tell us about the plan?

9 ATTORNEY KEVIN CRANE: Well, on
10 Hoppy, LLC, Trata, to change the d/b/a from
11 Trata to The Boathouse. It's trying to
12 address the marketing issues that they've had
13 with Trata. There's a rowing community in
14 Cambridge, particularly Harvard Square, and
15 we hope that The Boathouse will attract that
16 element. As well as it seems that a lot of
17 people don't understand that Trata is the
18 Gaelic name for tomato and it just never
19 caught on.

20 MICHAEL GARDNER: I confess it
21 passed me by.

1 ATTORNEY KEVIN CRANE: I had to ask,
2 Mr. Chairman. So that's the reason for the
3 proposed change in d/b/a.

4 As far as the change in manager in both
5 locations, Mr. Hopkins has now become an
6 American citizen, and he's the real
7 day-to-day operational person with his
8 brother who is not quite an American citizen
9 yet. The previous manager who is
10 Mr. Hopkins's spouse.

11 MICHAEL GARDNER: And tell us about
12 the hours.

13 ATTORNEY KEVIN CRANE: It's been in
14 operation for 12 years now, and has a very
15 popular deck. We're not changing anything
16 operationally there. It's just a question of
17 change of manager.

18 MICHAEL GARDNER: So it's Meghan
19 Hopkins who has been the manager?

20 ATTORNEY KEVIN CRANE: Yes.

21 MICHAEL GARDNER: And it will now be

1 the spouse?

2 ATTORNEY KEVIN CRANE: Laurence.

3 MICHAEL GARDNER: And will

4 Ms. Southwood still be involved?

5 ATTORNEY KEVIN CRANE: Not really.

6 LAURENCE HOPKINS: Not really. We
7 have three young kids and she's trying to
8 step back from the restaurant and focus on
9 the kids.

10 MICHAEL GARDNER: And tell us if you
11 would, sir, about your prior experience in
12 managing any operations like this or your
13 activities so far with respect to these two
14 premises.

15 LAURENCE HOPKINS: I've owned
16 Daedalus for four years. I've been hands on
17 day-to-day for 12 years. I'm pretty much
18 there every day from eight a.m. to ten p.m.
19 And Trata we opened up about five years ago,
20 and between myself and my brother, we managed
21 that on a daily basis.

1 MI CHAEL GARDNER: So you've been
2 managing even though your spouse has been the
3 manager of record?

4 LAURENCE HOPKINS: Meghan has been
5 the manager of record, but I am the owner of
6 the business, so I am hands on everyday as
7 well.

8 MI CHAEL GARDNER: All right. 21
9 Proof training?

10 LAURENCE HOPKINS: Yes.

11 MI CHAEL GARDNER: Questions?

12 ROBERT HAAS: No questions.

13 GERALD REARDON: No copyright on the
14 old Boathouse name?

15 ATTORNEY KEVIN CRANE: There's no
16 proprietary interest by anyone.

17 GERALD REARDON: May not want that
18 connection.

19 ATTORNEY KEVIN CRANE: The Boathouse
20 or the Oxford Grill even, Chief.

21 MI CHAEL GARDNER: Are there any

1 members of the public who would like to be
2 heard on these matters?

3 ROBERT HAAS: See I remember the
4 name because you explained it the first time
5 your wife came in so I forgot. I was having
6 a hard time trying to figure out the hours.

7 LAURENCE HOPKINS: Yes.

8 MICHAEL GARDNER: And there are no
9 change in hours.

10 ATTORNEY KEVIN CRANE: No.

11 ELIZABETH LINT: And I can attest
12 that he's always there. Whenever I've gone
13 in, he's been there.

14 MICHAEL GARDNER: All right. Well,
15 I think we should handle them separately. So
16 a motion with respect to the first matter.

17 ROBERT HAAS: I make a motion to
18 approve the application for the change of
19 manager and the change of name to The
20 Boathouse.

21 MICHAEL GARDNER: From Trata?

1 ROBERT HAAS: From Trata.

2 GERALD REARDON: Second.

3 MI CHAEL GARDNER: Motion having been
4 made and seconded to change the manager of
5 record and the name of the business from
6 Trata to The Boathouse, all those in favor
7 signify by saying "Aye."

8 GERALD REARDON: Aye.

9 ROBERT HAAS: Aye.

10 MI CHAEL GARDNER: Aye.

11 None opposed. That motion is approved.

12 And I'll make the motion to approve the
13 change in manager from Meghan Hopkins to
14 Laurence Hopkins for Hoppy, Inc. doing
15 business as -- is it Daedalus?

16 LAURENCE HOPKINS: Yes, Daedalus.

17 MI CHAEL GARDNER: I'll make that
18 motion.

19 GERALD REARDON: Second.

20 MI CHAEL GARDNER: Motion having been
21 made and seconded, all those in favor signify

1 by saying "Aye."

2 GERALD REARDON: Aye.

3 ROBERT HAAS: Aye.

4 MICHAEL GARDNER: Aye.

5 None opposed.

6 So good luck with the new name and the
7 new arrangements and the change in
8 circumstances.

9 LAURENCE HOPKINS: Thank you very
10 much.

11 ATTORNEY KEVIN CRANE: Thank you.

12 * * * * *

13 ELIZABETH LINT: Application Jules
14 Catering, Incorporated doing business as The
15 Rock Cafe, Annie Flavin, manager, has applied
16 for a common victualer license to be
17 exercised at 47 Francis Avenue. Said license
18 if granted would allow food and non-alcoholic
19 beverages to be sold, served, consumed on
20 said premises with a seating capacity of 76
21 and total occupancy of 93. The hours of

1 operation will be 8:30 a.m. to 3:00 p.m.
2 Monday through Friday.

3 MICHAEL GARDNER: Good evening.
4 Again if you could all state and spell your
5 names for the record and explain your roles.

6 ANNE FLAVIN: Okay, I'll start. My
7 name is Anne Flavin. I represent Jules
8 Catering. Anne, A-n-n-e. Last name Flavin,
9 F-as in Frank-l-a-v-as in Victor-i-n. And
10 I'm the general manager of Jules Catering.

11 RALPH DEFLORIO: I'm Ralph Deflorio,
12 R-a-l-p-h D-e-f-l-o-r-i-o. I'm the director
13 of operations at the Harvard Divinity School.

14 MARK VERKENNIS: And my name is Mark
15 Verkennis, M-a-r-k V-as in
16 Victor-e-r-k-e-n-n-i-s. I'm with Harvard
17 University also, and with the office of
18 planning and project management.

19 MICHAEL GARDNER: Please tell us
20 about the plan.

21 MARK VERKENNIS: Sure. I thought

1 I'd start off by just giving you a little bit
2 of background information. I'm not sure how
3 many of you are familiar with -- probably not
4 familiar with The Rock Cafe, but also just in
5 general Harvard Divinity School. This is at
6 the north end of our campus. The Rock Cafe
7 is located in Rockefeller Hall which is a
8 building on the Divinity School campus and
9 hence the name, Hard Rock Cafe.

10 There's been a cafe in this building,
11 cafeteria or other food service in the
12 building since it opened in early the 70's.

13 RALPH DEFLORIO: Early 70's.

14 MARK VERKENNIS: Early 1970s.

15 The cafe's present configuration -- I
16 think you have a plan of the cafe in your
17 packet. But if you need to refer to it, we
18 do have a larger scale of that.

19 The current configuration of the cafe
20 has 76 seats, a total occupancy of 93 people,
21 was completed in 2008 when the building was

1 renovated. So it renovated -- so what you're
2 seeing there are the dates to that period.
3 The cafe serves breakfast and lunch only.
4 It's open between the hours of 8:30 a.m. to
5 3:00 p.m. Monday through Friday. There is a
6 full kitchen, full service kitchen in the
7 facility. It has sinks, cooking facilities,
8 refrigeration, walk-in cold storage,
9 freezers, walk-in dry storage, etcetera.
10 Prior to this point the cafe had been
11 operated by the university's dining services.
12 The Divinity School has decided to get a
13 private operator, a private vendor to take
14 over that operation. The cafe does primarily
15 serve the members of the Divinity School
16 community, however, occasionally guests of
17 the Divinity School do dine there. So we are
18 seeking a common victualer license or I
19 should say the vendor is seeking a common
20 victualer license this evening.

21 So with that I should probably turn it

1 over to you Anne and you can speak to your
2 experience.

3 ANNE FLAVIN: Okay. I have been
4 with Jules Catering for four years. Prior to
5 that I was director of operations for
6 Rebecca's Cafe, so I have a lot of different
7 experience with the City of Cambridge and the
8 City of Boston and keeping cafes up to code,
9 making sure permitting is correct, etcetera.
10 My current role at Jules Catering, I comprise
11 both management and I handle a lot of the
12 operations, so it's pretty, I guess straight
13 forward as to what we've -- sorry, I'm a
14 little bit nervous. But we were invited by
15 Ralph and his team at the Divinity School to
16 bid on the process for taking over the
17 operations at the Divinity School for The
18 Rock Cafe. And it was very appealing to us
19 because we do have a good relationship with
20 the Divinity School. We've done numerous
21 catering events for them. So we've thought

1 we would pursue it. So we're hoping that we
2 can continue.

3 MICHAEL GARDNER: And I'm not sure I
4 understand what currently Jules -- the
5 experience Jules Catering has in actually
6 managing a sort of day-to-day operation where
7 food is served. Can you just explain that a
8 little more?

9 ANNE FLAVIN: Sure. Our primary
10 business is drop off and special event
11 catering, but we also do have another cafe
12 that's at 320 Charles Street in Cambridge.
13 That's for the Broad Institute but, you know,
14 it's specific just to that location. Jules
15 has also run other specific cafes, such as
16 the BSO, Symphony Cafe. We did that for I
17 think it was about eight years. And also for
18 the Dignitas Cafe, Mary Baker Eddy at the
19 Christian Science Center, we ran that cafe
20 also.

21 MICHAEL GARDNER: Could you describe

1 your vision of sort of how this would work,
2 whether it's cafeteria or wait staff, and how
3 it would change from what the dining service
4 at Harvard has provided in the past?

5 ANNE FLAVIN: It will be very
6 similar to what Harvard University dining
7 services had provided. But a lot of our
8 preparation will be at Jules and it will be
9 transported safely as to food code from Jules
10 Catering to the cafe. Some items will be
11 prepped on-site such as a grill, you know,
12 grill items. But in order to control the
13 quality, etcetera, that will take care of it
14 at Jules and so it will be less preparation
15 on-site.

16 MICHAEL GARDNER: And currently is
17 the prep on-site or is it at another kitchen
18 and then shipped?

19 MARK VERKENNIS: There's some
20 finished work that's done on-site, I believe,
21 but a lot of it is done off site at central

1 ki tchens.

2 MICHAEL GARDNER: And does Harvard
3 have a common victualer license for this
4 location or do they not need them? I see
5 this is not a transfer or anything. This is
6 a new application.

7 ELIZABETH LINT: We don't transfer
8 CVs. It would be a new one.

9 MICHAEL GARDNER: Okay. So you're
10 operating under a CV now at this location?

11 MARK VERKENNIS: I don't believe at
12 this location. It's treated as an
13 institutional cafeteria at present.

14 MICHAEL GARDNER: Other questions?

15 ROBERT HAAS: No other questions.

16 GERALD REARDON: Are there any
17 renovations that you've done as far as to the
18 facility?

19 RALPH DEFLORIO: We did a gut
20 renovation of the building including the
21 kitchen and the dining area in 2007 and

1 reopened in 2008.

2 GERALD REARDON: Okay.

3 RALPH DEFLORIO: But the actual
4 location where the cafe is since the building
5 has been there since the early 70's but a
6 complete overhaul in 2000.

7 GERALD REARDON: And it has been
8 open just until recently still, correct?

9 RALPH DEFLORIO: Yeah, we just close
10 -- we follow the academic year, so it was
11 open since last May.

12 GERALD REARDON: With Harvard dining
13 services type of dining?

14 RALPH DEFLORIO: Yes.

15 MICHAEL GARDNER: So there are
16 Fryolators?

17 ANNE FLAVIN: There's Fryolators.
18 There's a gas grill. There are two Combi
19 ovens. Everything is up to code. There's a
20 full hood system.

21 MICHAEL GARDNER: And is the plan to

1 open with Jules with this academic year?

2 ANNE FLAVIN: Yes, that's the whole
3 plan.

4 MICHAEL GARDNER: Anything else to
5 add?

6 MARK VERKENNIS: No.

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

10 (No Response.)

11 ELIZABETH LINT: Do you have the
12 green cards?

13 MARK VERKENNIS: I do.

14 MICHAEL GARDNER: Seeing none, I'll
15 make the motion to approve the common
16 victualer license for 47 Francis Ave. to
17 Jules Catering doing business as The Rock
18 Cafe with the seating capacity and hours of
19 operation as stated in the application.

20 GERALD REARDON: Second.

21 MICHAEL GARDNER: Motion having been

1 made and seconded, all those in favor signify
2 by saying "Aye."

3 GERALD REARDON: Aye.

4 ROBERT HAAS: Aye.

5 MICHAEL GARDNER: Aye.

6 None opposed.

7 So good luck with the transfer and
8 change and welcome to Cambridge again or
9 welcome back and good luck.

10 * * * * *

11 ELIZABETH LINT: Application Cafe
12 Dilara, LLC, Ragip Isman, manager, holder of
13 a common victualer license at 645 Cambridge
14 Street has applied for a change of hours from
15 eleven a.m. to eleven p.m., seven days per
16 week to eleven a.m. to one-thirty a.m. seven
17 days a week.

18 MICHAEL GARDNER: Good evening. If
19 you would again please state and spell your
20 name for the record and identify your role.

21 RAGIP ISMAN: Ragip Isman, R-a-g-i -p

1 Isman, I-s-m-a-n. And I'm the manager and
2 owner of Cafe Di Lara, LLC. Three months ago
3 I was before you for extending my closing
4 hours to three a.m., and that was not
5 approved with some certain conditions that
6 needed to be met. Rodents, odors, trash, and
7 also a position of my abutters. And I have
8 worked with my abutters to rectify the
9 problems to the best of our, you know,
10 ability. We were able to do that. And the
11 trash we -- I take my own trash every night
12 and I don't use any company. It's the
13 landlord's trash that it's in the alleyway.
14 And indeed the odor has been eliminated.
15 We've removed the oil barrels that has been
16 next to my abutter's building. We removed
17 them from there and put it right in the
18 middle of the building, in the alleyway. So
19 they're right in the middle. And that
20 eliminates the odors. And --

21 MICHAEL GARDNER: I'm sorry, it

1 eliminates the odors by moving it farther
2 away from the abutters? I'm not sure I
3 understand why that eliminates the odors.

4 RAGIP ISMAN: My abutters are
5 concerned about the odors, and because
6 they've got tenants living there and the oil
7 barrels creates some odor when they're open
8 and we need to empty the barrels. So their
9 windows, you know, he's right -- so their
10 windows are closer, it creates odor.

11 MICHAEL GARDNER: So by moving the
12 barrel you've reduced the odor?

13 RAGIP ISMAN: In the middle of the
14 building, I reduced it where it's away from
15 the windows of the abutter's tenants.

16 MICHAEL GARDNER: Okay.

17 RAGIP ISMAN: Also my landlords,
18 they don't smell it.

19 And Terminix is regularly scheduled,
20 they're there. They come to, you know, from
21 my basement into my kitchen all the way to

1 the dining area. And the reason we are -- we
2 want to extend the hours is that it's a
3 student's town and we're hoping we'll do
4 deliveries at night.

5 MICHAEL GARDNER: My memory from the
6 last time was that your anticipated business
7 was mostly takeout at that time and doing
8 deliveries?

9 RAGIP ISMAN: Yes, yes.

10 MICHAEL GARDNER: And that's still
11 the case?

12 RAGIP ISMAN: That's still the case.
13 The bar is open until one, one-thirty a.m.
14 I'm hoping that I would get that extra
15 walk-ins. Even a slice of pizza counts for
16 me right now for me to survive in this
17 business. It's really, really tough economy.
18 And we -- you know, we have to work hard and
19 try to get as much customers that we can, you
20 know, to survive in the neighborhood, in this
21 neighborhood.

1 MICHAEL GARDNER: My memory was that
2 you were in fact very concerned about not
3 having business into the early morning hours
4 in terms of the viability of your operation?

5 RAGIP ISMAN: Yes. And I have
6 listened to your advice from the letter that
7 you suggested that we do it earlier closing.
8 So, you know, I'm before you right now to
9 one-thirty. And I'm hoping you would grant
10 that.

11 MICHAEL GARDNER: Other questions?

12 ROBERT HAAS: No, questions.

13 GERALD REARDON: No questions.

14 MICHAEL GARDNER: Do we have --

15 ELIZABETH LINT: We have a couple of
16 issues. The notice for this hearing was
17 published in the Chronicle on July 26th. So
18 he would have had to send notice to abutters
19 within three days, and the notice wasn't sent
20 until August 8th. So that's the first
21 problem.

1 The second problem is he owes a
2 property tax bill in the amount -- it was due
3 May 1st, \$192.55.

4 MICHAEL GARDNER: Were you aware of
5 that, Mr. Isman, the property tax bill?

6 RAGIP ISMAN: I did receive a
7 letter, but I haven't brought it up to my
8 landlord. I will bring that up right now.

9 MICHAEL GARDNER: Okay. And in
10 terms of the late -- this is -- so this is
11 late notice on the notice to abutters. And
12 how late?

13 ELIZABETH LINT: Ten days.

14 RAGIP ISMAN: One of them I did not
15 receive.

16 MICHAEL GARDNER: Are there any
17 members of the public who would like to be
18 heard on this matter? Please come forward
19 and state and spell your name for the record.

20 GEORGE DELANEY: My name is George
21 Delaney, D-e-l-a-n-e-y. I'm the owner of the

1 abutting property at 27, 27-A, and 29 Lambert
2 Street, six-family apartment building. And I
3 just would like to say preliminarily that I
4 did receive notice rather late last Friday.
5 I live in Maryland. And it did present some
6 impact on me to make these last minute
7 arrangements to attend this hearing.
8 However, that aside, I would like to say that
9 I did meet with the Petitioner and I did have
10 the opportunity to show him firsthand the
11 impact of his operations on my property. And
12 he did very patiently listen to my tales and
13 the past history of problems, not only from
14 his business but from previous owners. And I
15 think it was a very worthwhile meeting, and
16 it was very constructive in his reception to
17 my comments. I showed him where the previous
18 owner's grease impacted my drain in the yard
19 and cost me \$8,000 to replace. And I think
20 that made an impression on him as to the
21 importance for him to keep his grease under

1 control in his barrels. And the issue was
2 control of the grease from spilling and the
3 dirt and residue from the grease on the
4 ground not the odor at least as far as I was
5 concerned.

6 He did take my comments and suggestions
7 very seriously, and I would like to say today
8 that he made a very good faith effort to make
9 improvements. Among the improvement that he
10 made is that he thoroughly cleaned the
11 grounds in the alley where he kept the
12 grease. He did that with a hot water
13 treatment and so on, and made sure that it
14 was very clean. There were some rodent
15 penetrations into the building itself which I
16 complained about and I visually saw. I
17 actually saw myself vermin coming from them,
18 and he did with concrete repair work take
19 care of all that. So I was very happy to see
20 that. And I did notice a significant
21 improvement in his trash control. And I know

1 he has been working at that. So, I would
2 like to thank him publicly for working
3 diligently to make these improvements and,
4 you know, it's very commendable in that
5 respect.

6 However, regarding the request, the
7 petitioned requested hours, I still feel the
8 hours are a bit too ambitious and I'd like to
9 see a track record of following through and
10 keeping the improvements as opposed to just a
11 one shot to get this approval. I would think
12 -- I would like to suggest that a more
13 reasonable adjustment to his opening hours
14 from my perspective as a landlord of tenants
15 in my building would be -- I would suggest
16 for Sunday through Thursday, a more
17 reasonable closing time that I would not
18 object to, would be 12:30. And Friday and
19 Saturday night, I think it's reasonable to
20 expect that one a.m. would be acceptable.
21 But later than those hours, I think might be

1 a bit much for given that area and the demand
2 of the business which I don't particularly
3 see myself, but I could be wrong. Again, you
4 know, I wish him good luck in his business.
5 He's providing a good service in our
6 neighborhood, and I'd like to see him succeed
7 but also be reasonable about his hours.

8 Thank you.

9 MICHAEL GARDNER: Thank you very
10 much.

11 RAGIP ISMAN: Thank you very much,
12 Mr. Delaney.

13 MICHAEL GARDNER: Any other members
14 of the public who would like to be heard?
15 Please come forward and state and spell your
16 name for the record.

17 ISMET ISMAN: My name is Ismet Isman,
18 I-s-m-e-t I-s-m-a-n.

19 I am the father of the claimant before
20 you, Mr. Chairman and board members. Good
21 evening first of all. And I'm here to

1 support my son's request who is second time
2 before you. And personally I am very pleased
3 to hear his neighbor, the work he has
4 achieved past weeks and everything.
5 Actually, I helped him personally myself with
6 my aching knees and everything. He did
7 excellent job getting that grease that piled
8 up there before him. We took this business
9 14 months ago, Mr. Chairman, and of course
10 that grease being there however the years
11 that they were operating that place as a
12 business there, but we cleaned it up. I
13 personally bought some degreaser and
14 everything.

15 MICHAEL GARDNER: So is your role --
16 you're working him in the operation or you
17 just did this kind of one shot help with the
18 cleaning?

19 ISMET ISMAN: I always come and help
20 him out. And I have a little bit more job to
21 do it, and I don't want to take so much time,

1 but I am here to request that you request,
2 and the board members, his request to extend
3 his hours because really he is going through
4 a tough time. Otherwise as a -- I give him
5 -- I can share this with you, really, a chunk
6 of money. I don't want him to fail. He's
7 going to be a father in January, and
8 otherwise this place is going to go down the
9 drain. So, please grant his request and I
10 thank you for to his neighbor as well. And
11 selling piece of pizza it's hard to survive.
12 Thank you very much.

13 MICHAEL GARDNER: Thank you very
14 much, sir.

15 Are there any other members of the
16 public who would like to be heard?

17 (No Response.)

18 MICHAEL GARDNER: I'm wondering in
19 terms of whether it's prudent for us to act
20 this evening in terms of the delay in getting
21 the notices out or what kind --

1 ELI ZABETH LINT: My concern was that
2 Mr. Delaney got noticed because I knew there
3 had been an issue and he was involved. So,
4 that was my -- really my primary concern.

5 MICHAEL GARDNER: Okay. So
6 operationally we don't have a -- there's not
7 a legal impediment our acting this evening in
8 your view since it appears that effective
9 notice got out to abutters and they got them
10 by the 3rd?

11 ELI ZABETH LINT: They did get them.

12 MICHAEL GARDNER: They were mailed
13 by the 3rd.

14 ELI ZABETH LINT: Yes. And there's
15 only one green card that we don't have back.
16 There's only three abutters.

17 MICHAEL GARDNER: All right.

18 ELI ZABETH LINT: Peter Palushi
19 (phonetic) is the one we don't have back.

20 ROBERT HAAS: Is he here?

21 ELI ZABETH LINT: It doesn't say.

1 MICHAEL GARDNER: Mr. Isman, I think
2 we are pleased to hear about the efforts that
3 you've made with respect to the concerns that
4 were identified before. We think it is an
5 important function of this Commission to be a
6 place where problems can be aired and not so
7 much with respect to them punishment
8 necessarily, but rather a way to rectify --

9 RAGIP ISMAN: To work I'm more than
10 willing to, yes.

11 MICHAEL GARDNER: -- the operation.
12 So I'm prepared to and will make the
13 motion to approve the change in hours as
14 requested from eleven, to eleven a.m. to
15 one-thirty a.m. for the seven days a week
16 subject to a six-month review. And I --
17 should that motion pass and you in fact have
18 those hours, when you get notice of the
19 review hearing, please make sure that you in
20 a very timely way get -- we don't do that?

21 ELIZABETH LINT: No, we don't do

1 that.

2 MICHAEL GARDNER: We don't do that.
3 So then we'll ask -- we'll ask Ms. Lint to
4 make sure that -- well, I'll ask even if we
5 don't, I'll change it. Ask you to make sure
6 that the abutters are notified --

7 RAGIP ISMAN: Notified on time.

8 MICHAEL GARDNER: -- of that review
9 hearing.

10 ELIZABETH LINT: But we wouldn't be
11 advertising a review hearing?

12 MICHAEL GARDNER: Oh, we wouldn't be
13 advertising?

14 ELIZABETH LINT: No.

15 MICHAEL GARDNER: Even if we don't
16 advertise a review hearing, I would like your
17 commitment that you will let your abutters
18 know so that if there is a review and anybody
19 wants to come in and say anything, they get
20 the chance to.

21 RAGIP ISMAN: Of course, you have my

1 word.

2 MICHAEL GARDNER: That's the motion.

3 GERALD REARDON: Second.

4 MICHAEL GARDNER: Motion having been
5 made and seconded, any further discussion?

6 (No Response.)

7 MICHAEL GARDNER: I guess I would
8 like to also just say that we do appreciate
9 the abutting landlord coming forward and
10 making all the effort that they did. I think
11 in balance we at least prepared to try to
12 give this business operation the best chance
13 to survive and continue to serve
14 neighborhood.

15 RAGIP ISMAN: Thank you very much.

16 MICHAEL GARDNER: We haven't voted
17 yet.

18 RAGIP ISMAN: Oh, okay.

19 MICHAEL GARDNER: If there are
20 operational problems in the future, and
21 you're always -- any abutters or members of

1 the public are free to send a written
2 complaint or get notice to the Commission if
3 there are operational problems or issues
4 going on. But on balance I'd like to,
5 particularly given your diligent efforts to
6 try to correct the situation give you the
7 opportunity.

8 RAGI P ISMAN: Thank you very much.

9 MICHAEL GARDNER: All those in favor
10 signify by saying "Aye."

11 GERALD REARDON: Aye.

12 ROBERT HAAS: Aye.

13 MICHAEL GARDNER: Aye.

14 None opposed.

15 Good luck. I hope this is helpful to
16 you in keeping your business going.

17 RAGI P ISMAN: Thank you.

18 MICHAEL GARDNER: And good luck with
19 your future change in status as a parent.

20 RAGI P ISMAN: I appreciate, thank
21 you very much. Good luck.

1 ELIZABETH LINT: Please check on --
2 let me give this to you.

3 RAGIP ISMAN: Property tax? Okay.
4 You have a copy of this as well for you?

5 ELIZABETH LINT: No, that's okay.

6 RAGIP ISMAN: Thank you very much.

7 MICHAEL GARDNER: Good luck.

8 ROBERT HAAS: Thank you.

9 * * * * *

10 ELIZABETH LINT: Application S&H
11 Coffee Company, Incorporated doing business
12 as Simon's Too, Simon K. Yu, manager, has
13 applied for a common victualer license
14 to be exercised at 983 Mass. Avenue. Said
15 license if granted would allow food and
16 non-alcoholic beverages to be sold, served,
17 and consumed on said premises with a seating
18 capacity of 26. The hours of operation will
19 be seven a.m. to twelve a.m. seven days per
20 week. Applicant is also applying for an
21 entertainment license to include an audio

1 tape machine/CD playing music below, at, or
2 above conversation level.

3 MICHAEL GARDNER: Good evening. If
4 you would all be so kind as to state and
5 spell your names for the record and identify
6 your roles.

7 ATTORNEY JOHN SHETTERLY: We will.
8 Good evening, Mr. Chairman, Commissioners,
9 Director Lint, my name is John Shetterly,
10 S-h-e-t-t-e-r-l-y. And I'm an attorney, I
11 represent Simon Yu. Mr. Yu's last name is
12 spelled Y-u, and he is the owner and operator
13 of Simon's Coffee Shop at 783 Mass. Ave. in
14 Porter Square. That business has been in
15 operation for about ten years.

16 GERALD REARDON: Counselor, your
17 address might be off. 783 is off.

18 ATTORNEY JOHN SHETTERLY: I'm sorry,
19 what did I say?

20 GERALD REARDON: 1736.

21 ATTORNEY JOHN SHETTERLY: 1736? It

1 wasn't just a typo, I have it in my records
2 though. Oh, well. 1736, thank you for the
3 correcti on.

4 And that busi ness has been successfull y
5 operated for about ten years. And I know
6 it's from personal experience it's a very
7 successful because both of my daughters who
8 have the fine coffee shop prefer it strongly
9 to Starbucks and other opportuni ties in
10 Cambri dge. They go there all the time. And
11 with thi s success and demonstrated track
12 record, Mr. Yu would like to start a second
13 busi ness to be known as Simon's Too, and thi s
14 would be just up the street here at the
15 corner of Dana and Mass. Ave. He would buy
16 the assets of a current restaurant called
17 Canteen, change the name as I said to Simon's
18 Too. The seating would stay the same. The
19 hours of operati on would stay the same. The
20 general nature of the busi ness would be the
21 same, al though they're -- he would add a

1 focus on fine -- good, you know, high quality
2 coffees and teas. But otherwise would be
3 very similar. And I think that we've
4 provided to you the papers that you would
5 need to consider this. I've handed Director
6 Lint the letter of intent which we finally
7 reached this afternoon with the landlord, and
8 copies of the menu. So that's our story and
9 we would be delighted to answer any
10 questions.

11 MICHAEL GARDNER: What's the menu at
12 Simon's Cafe now in Porter Square?

13 ATTORNEY JOHN SHETTERLY: Mr. Yu.

14 SIMON YU: We have focusing on the
15 coffee menu along with the food program, not
16 as extensive as I want it to be at the 983
17 Canteen, but we have soups and sandwich and
18 other like pastries and bagels in the
19 morning. So we've been doing in the past ten
20 years, the food program along with fine
21 serving of the coffees.

1 MICHAEL GARDNER: Okay, so although
2 your counsel mentioned the coffee, you in
3 fact have been serving bagels and sandwiches
4 and soups all along?

5 SIMON YU: Yes.

6 MICHAEL GARDNER: And can we expect
7 this as a somewhat expanded menu from what's
8 at Simon's Cafe? Did I understand that
9 right?

10 SIMON YU: Yes, yes. It's more of
11 the items in there, in addition to what we
12 have there.

13 MICHAEL GARDNER: Okay.

14 And the hours of operation are seven
15 a.m. to midnight, seven days a week?

16 SIMON YU: Yes.

17 MICHAEL GARDNER: And that's what is
18 currently in the Canteen, Ms. Lint?

19 ELIZABETH LINT: Yes.

20 MICHAEL GARDNER: Is the Canteen
21 still in operation or is it closed?

1 ATTORNEY JOHN SHETTERLY: Still in
2 operati on, yes.

3 MI CHAEL GARDNER: And when would the
4 proposed transfer take place? When would you
5 start operati ng?

6 ATTORNEY JOHN SHETTERLY: It looks
7 as if the transfer would actual ly be on the
8 21st of thi s month. There would be some
9 mi nor renovati ons, and then Mr. Yu would hope
10 to start up hi s own operati on early in
11 September. Probably by the -- right after
12 Labor Day. Renovati ons would be very mi nor.
13 And if we can't get that all lined up, I
14 thi nk we probably just open as is.

15 SIMON YU: Yes. It's a cosmetic
16 change, putting the -- basically we need to
17 put the coffee machi ne on the tabl e. So
18 right now the tabl e is too small. So I need
19 to expand a little further to fi t the machi ne
20 in there. And like pai nti ngs. As of ri ght
21 now it's more of the li ke restaurant. So I

1 want to make it a little more vibe in the
2 space. So we need a fresh coat of painting
3 and a little cosmetic change of counter space
4 to be a little wider and to fit the coffee
5 machine basically, to put it in there. So
6 that's what I want to have renovation wise.

7 MICHAEL GARDNER: And did I
8 understand your counsel to say you have ten
9 years of experience in Simon's Cafe?

10 SIMON YU: Yes.

11 MICHAEL GARDNER: Any complaints or
12 issues, Ms. Lint?

13 ELIZABETH LINT: No.

14 MICHAEL GARDNER: Any unpaid bills?

15 ELIZABETH LINT: So, Simon's at 1736
16 owes \$7.48 on a property tax bill because it
17 was a late payment.

18 SIMON YU: \$7.46.

19 ELIZABETH LINT: 48 cents.

20 MICHAEL GARDNER: Do we have your
21 representation that you'll take care of this

1 probl em?

2 ATTORNEY JOHN SHETTERLY: I'm
3 prepared to pay i t.

4 MICHAEL GARDNER: So we have your
5 representati on that you'll take care of that
6 probl em?

7 SIMON YU: Yes.

8 ELIZABETH LINT: And Canteen has an
9 outstandi ng bal ance of 165.92.

10 JAMES MURRAY: Take care of that
11 tomorrow morni ng.

12 ELIZABETH LINT: Do you need thi s?

13 MICHAEL GARDNER: So there's a
14 member of the audi ence, uni denti fi ed so far,
15 just rai sed hi s had and sai d he'll take care
16 of that i n the morni ng. You want to i denti fy
17 yoursel f for the record, si r?

18 JAMES MURRAY: Yes, my name i s James
19 Murray, the founder and current operator of
20 Canteen.

21 MICHAEL GARDNER: Do you have

1 anything else to add besides your willingness
2 to pay this unpaid bill?

3 JAMES MURRAY: I would only add that
4 I've known Simon's operation since 2004 when
5 I was looking to purchase a business in his
6 neighborhood where he currently operates, and
7 I was conducting meetings at his restaurant
8 at his coffee shop and it made a nice
9 impression on me then as it does today. He
10 has every capacity of being a great success.

11 MICHAEL GARDNER: Questions from the
12 Commissioners?

13 ROBERT HAAS: How long have you been
14 in operation?

15 JAMES MURRAY: Two and a half years.

16 ROBERT HAAS: Yes, I didn't think
17 you were there that long.

18 JAMES MURRAY: Yeah, two and a half
19 years.

20 ROBERT HAAS: Okay.

21 MICHAEL GARDNER: Well, I'm not sure

1 what you're going to do. Of course we'd like
2 to hear, but good luck.

3 JAMES MURRAY: Thank you kindly.
4 Thank you very much.

5 MICHAEL GARDNER: Any other members
6 of the public who would like to be heard in
7 this matter?

8 (No Response.)

9 MICHAEL GARDNER: Anything else
10 you'd like to add, Mr. Yu?

11 SIMON YU: No.

12 MICHAEL GARDNER: Counsel?

13 ATTORNEY JOHN SHETTERLY: No, sir,
14 thank you.

15 MICHAEL GARDNER: So, I'll make the
16 motion to approve a common victualer license
17 to be exercised at 983 Mass. Ave. with the
18 seating capacity and hours of operation as
19 stated for S&H Coffee Company doing business
20 as Simon's Too, Simon Y manager.

21 GERALD REARDON: Second.

1 MICHAEL GARDNER: Motion having been
2 made and seconded, all those in favor signify
3 by saying "Aye."

4 GERALD REARDON: Aye.

5 ROBERT HAAS: Aye.

6 MICHAEL GARDNER: Aye.

7 None opposed.

8 So welcome to the area just north of
9 Central Square and wish you well.

10 SIMON YU: Thank you.

11 ATTORNEY JOHN SHETTERLY: Thank you.

12 * * * * *

13 ELIZABETH LINT: Application
14 Shalimar, Incorporated doing business as Dosa
15 Factory, Amrik Pabla, manager, holder of a
16 common victualer license at 571 Mass. Ave.
17 has applied for additional seating to include
18 24 seats on a seasonal outdoor patio on the
19 city sidewalk.

20 POVLAND PABLA: My name is Povland
21 D. Pabla, P-a-b-l-a.

1 MICHAEL GARDNER: And you are, sir?

2 POVLAND PABLA: I'm the son of the
3 owner, Amrik Pabla.

4 MICHAEL GARDNER: And is the owner
5 the manager?

6 POVLAND PABLA: It's a family
7 operated business. And my mother is the
8 manager.

9 MICHAEL GARDNER: Your mother's the
10 manager?

11 POVLAND PABLA: Yes.

12 MICHAEL GARDNER: And tell us about
13 the plan.

14 POVLAND PABLA: The plan is to have
15 an outdoor seating in front of the store
16 which will be about 12-by-24 feet, I think,
17 and it will be operated in the summer and
18 spring seasons. And it would be taken out in
19 the winter months.

20 MICHAEL GARDNER: And this will
21 operate on the city sidewalk?

1 POVLAND PABLA: Yes.

2 MI CHAEL GARDNER: And have you taken
3 the necessary steps with the Department of
4 Public Works to --

5 POVLAND PABLA: Yes.

6 MI CHAEL GARDNER: -- have that
7 reviewed and approved?

8 POVLAND PABLA: Yes. We have gotten
9 their approval.

10 MI CHAEL GARDNER: Do you have a City
11 Council vote?

12 ELIZABETH LINT: I believe they have
13 that as well because I have a certification.

14 MI CHAEL GARDNER: Do you know if you
15 went before the City Council and the City
16 Council approved this?

17 POVLAND PABLA: Yes.

18 MI CHAEL GARDNER: Any questions?

19 ROBERT HAAS: No questions.

20 MI CHAEL GARDNER: Any prior
21 experience within your family or those

1 involved in the business with respect to
2 operating outside dining?

3 POVLAND PABLA: Yes, we have
4 operated an outside patio in Newbury Street
5 in Boston.

6 MICHAEL GARDNER: So you run another
7 operation there on Newbury Street and have an
8 outdoor patio there?

9 POVLAND PABLA: Yes.

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

13 (No Response.)

14 MICHAEL GARDNER: Seeing none --

15 ELIZABETH LINT: And we have
16 outstanding bills. Actually one of them
17 isn't due until next week. But there is one
18 Shalimar Food and Spice?

19 POVLAND PABLA: Yes.

20 ELIZABETH LINT: That's part of --
21 \$137.78 is owed for personal property tax

1 from 2004.

2 POVLAND PABLA: I'll make a note of
3 it.

4 ELIZABETH LINT: I'll give this to
5 you.

6 MICHAEL GARDNER: So I'll make the
7 motion to approve the additional seating on
8 an outdoor seasonal patio on the city
9 sidewalk contingent on all other licensing
10 and permitting requirements being met, and
11 also with the representation from the
12 applicant that they will review the personal
13 property tax bill and get the matter
14 straightened out with the city's treasurer or
15 finance department.

16 POVLAND PABLA: Yes.

17 ELIZABETH LINT: And could they
18 provide proof to me?

19 MICHAEL GARDNER: With proof back to
20 Ms. Lint, please.

21 POVLAND PABLA: Yes.

1 MI CHAEL GARDNER: That' s the moti on.

2 GERALD REARDON: Second.

3 MI CHAEL GARDNER: Moti on havi ng been
4 made and seconded, si gni fy by sayi ng "Aye. "

5 GERALD REARDON: Aye.

6 ROBERT HAAS: Aye.

7 MI CHAEL GARDNER: Aye.

8 None opposed.

9 So good luck wi th the outdoor seati ng
10 and wi sh you wel l .

11 POVLAND PABLA: Thank you very much.

12 * * * * *

13 MI CHAEL GARDNER: Do we have any
14 other busi ness, Ms. Li nt?

15 ELI ZABETH LI NT: Yes, we do. We
16 have one, two, three, four --

17 JAYNE HETHERI NGTON: Just one.
18 We' re j ust doi ng the hours on Mi racl e of
19 Sci ence.

20 ELI ZABETH LI NT: Okay.

21 Appl i cati on Sci ence Partners,

1 Incorporated, doing business as Miracle of
2 Science Bar and Grill. Chris Lutes, manager,
3 holder of an all alcoholic beverages as a
4 restaurant license at 321-323 Mass. Ave. has
5 applied to amend their Sunday opening hour
6 from twelve p.m. to nine a.m. with alcohol
7 sales starting at ten a.m.

8 MICHAEL GARDNER: Okay, so I see on
9 our agenda there are three other items.
10 There's two other items, I guess, with
11 respect to --

12 JAYNE HETHERINGTON: We're waiting
13 on that place of license.

14 ELIZABETH LINT: We need her to
15 identify herself.

16 MICHAEL GARDNER: Yes, no, I will.
17 But I just want to get this clarified first.
18 We're not hearing -- the only thing we're
19 hearing from Science Partners is the change
20 of hours.

21 JAYNE HETHERINGTON: Yes.

1 MICHAEL GARDNER: Okay. So would
2 you please state and spell your name for the
3 record and identify your role?

4 JAYNE HETHERINGTON: Sure. Jayne
5 Hetherington, J-a-y-n-e
6 H-e-t-h-e-r-i-n-g-t-o-n. And I'm the
7 communications manager for Tigers and Bears
8 which is the restaurant group that owns
9 Science Partners.

10 MICHAEL GARDNER: So I did notice in
11 the packet for this change that Chris Lutes
12 had signed one of the documents from -- on
13 the letterhead of Tigers and Bears, LLC. And
14 just if you could explain what the ownership
15 structure is, please.

16 JAYNE HETHERINGTON: Sure. Tigers
17 and bears Restaurant, LLC is the umbrella
18 corporation that owns Science Partners which
19 is doing business as Middlesex Lounge and
20 Miracle of Science, and then it also owns LC,
21 Inc. which is doing business as Autobahn

1 Circle, and 242, Inc. which is doing business
2 as Cambridge One and Toy Row which is Tigers
3 and Bears, LLC doing business as Toy Row.

4 MICHAEL GARDNER: Okay.

5 JAYNE HETHERINGTON: Tigers and
6 Bears is Princeton and Brown mascots which
7 the two owners, where they went to school,
8 yeah.

9 GERALD REARDON: We can assume there
10 is some experience in the restaurantur
11 business?

12 JAYNE HETHERINGTON: Yes.

13 MICHAEL GARDNER: And tell us about
14 -- tell us a little bit more about the
15 miracle of Science Bar and Grill.

16 JAYNE HETHERINGTON: It's been there
17 well, beyond 21 years in November and is a
18 neighborhood institution. And we would just
19 like to offer mimosas earlier on Sunday.

20 MICHAEL GARDNER: Questions?

21 ROBERT HAAS: No questions.

1 GERALD REARDON: No questions.

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

5 (No Response.)

6 MICHAEL GARDNER: Seeing none.

7 So you've been open -- you've been
8 opening at noon on Sundays?

9 JAYNE HETHERINGTON: Yes.

10 MICHAEL GARDNER: And serving
11 alcohol at that point?

12 JAYNE HETHERINGTON: Yes. We've
13 been serving food -- we've had brunch, but
14 we're amending our --

15 ELIZABETH LINT: It's just the
16 alcohol service.

17 MICHAEL GARDNER: You've been in
18 fact open earlier than noon?

19 JAYNE HETHERINGTON: But we've been
20 serving alcohol at noon.

21 MICHAEL GARDNER: And what have you

1 typically been opening at?

2 JAYNE HETHERINGTON: We've always
3 opened at nine for brunch.

4 MICHAEL GARDNER: At nine? So the
5 change is --

6 JAYNE HETHERINGTON: To the
7 victualer -- I don't even know how to say
8 that word.

9 MICHAEL GARDNER: Well, I say vi tlar
10 (phonetic) I don't know.

11 GERALD REARDON: Common vic easier.

12 MICHAEL GARDNER: I'm sorry?

13 JAYNE HETHERINGTON: The food
14 starting at nine and alcohol starting at ten.

15 MICHAEL GARDNER: Okay. And you've
16 been in fact open --

17 JAYNE HETHERINGTON: At nine serving
18 alcohol at noon.

19 MICHAEL GARDNER: -- at nine with
20 food. Okay, thanks.

21 Did the license allow that nine o'clock

1 openi ng?

2 ELI ZABETH LINT: Yes.

3 MI CHAEL GARDNER: It di d? Al l
4 ri ght, okay.

5 ELI ZABETH LINT: I have qui te a few
6 outstandi ng bi lls. One for Sci ence Partners,
7 one for -- 2006 personal property tax for
8 Mi ddl esex. 2007 property tax for Cambri dge
9 One. Two of them for Cambri dge One. And
10 it's the same bi ll so probab ly j ust one. I'm
11 not sure whi ch one i s correct. You can have
12 these.

13 JAYNE HETHERI NGTON: I'll take
14 those.

15 MI CHAEL GARDNER: So Ms. Lint has
16 made the representati ve of Ti gers and Bears
17 aware of apparentl y some outstandi ng bi lls,
18 and I understand -- do I have it correctl y
19 your assurance you'll make sure that these
20 matters are revi ewed and di scussed wi th the
21 fi nance department of the Ci ty of

1 Cambri dge --

2 JAYNE HETHERINGTON: Yes.

3 MICHAEL GARDNER: -- to make sure
4 any outstandi ng debts wi ll be pai d.

5 JAYNE HETHERINGTON: Defi ni tel y
6 tomorrow morni ng.

7 MICHAEL GARDNER: Then I'll make the
8 moti on that we -- I don't think we need to
9 amend the Sunday openi ng hour the way that
10 i t' s stated here i f I' ve got i t ri ght.

11 ELIZABETH LINT: Just the al coh ol
12 servi ce.

13 MICHAEL GARDNER: But to amend the
14 al coh ol li cense to allow for the servi ce of
15 al coh ol at ten a. m. on Sundays.

16 GERALD REARDON: Second.

17 MICHAEL GARDNER: Moti on havi ng been
18 made and seconded, al l those i n favor si gni fy
19 by sayi ng "Aye. "

20 GERALD REARDON: Aye.

21 ROBERT HAAS: Aye.

1 MICHAEL GARDNER: Aye.

2 None opposed.

3 So good luck with your change.

4 JAYNE HETHERINGTON: Thanks.

5 MICHAEL GARDNER: And thank you for
6 your patience.

7 We have a few other things.

8 ELIZABETH LINT: Just ratifications.

9 GERALD REARDON: And the last one.

10 ELIZABETH LINT: That's part of it.

11 Ratifications, medalion 146, 183, 141,
12 and 202 all are in order.

13 ROBERT HAAS: Make a motion to
14 accept.

15 GERALD REARDON: Second.

16 MICHAEL GARDNER: Motion having been
17 made and seconded to accept the ratifications
18 approved by the Executive Director as listed
19 in the agenda, all those in favor signify by
20 saying "Aye."

21 GERALD REARDON: Aye.

1 ROBERT HAAS: Aye.

2 MICHAEL GARDNER: Aye.

3 None opposed. So the ratifications are
4 approved.

5 ELIZABETH LINT: And I think we can
6 probably accept some minutes from June 5th,
7 and you both were here, and June 19th and
8 July 10th.

9 MICHAEL GARDNER: July 10th were the
10 ones that had to be taken by hand?

11 ELIZABETH LINT: That was the 24th.

12 MICHAEL GARDNER: That was the 24th.

13 ELIZABETH LINT: Chris was -- I
14 wrote them all up and Chris was making it
15 look like a transcript so it should be up in
16 a day or so.

17 MICHAEL GARDNER: We've seen a draft
18 although that's not ready for approval.

19 ELIZABETH LINT: Did he give it to
20 you?

21 MICHAEL GARDNER: We saw something.

1 I mean, it was more a narrative.

2 ELIZABETH LINT: That's what it is.

3 MICHAEL GARDNER: All right. I
4 mean, I'm prepared to -- I'm prepared to
5 approve to deal with those as well. Which
6 that's July the 24th?

7 ELIZABETH LINT: July 24th as well.

8 MICHAEL GARDNER: And do we have the
9 fire chief able to vote on any of these?

10 ELIZABETH LINT: On July 10th.

11 MICHAEL GARDNER: Why don't we
12 separate them out.

13 ELIZABETH LINT: Okay, so June --

14 ROBERT HAAS: June 5th?

15 MICHAEL GARDNER: Make a motion to
16 approve the minutes of June 5th and July --

17 ELIZABETH LINT: And the 24th.

18 MICHAEL GARDNER: -- and July 24th.
19 I made the motion.

20 ROBERT HAAS: Second.

21 MICHAEL GARDNER: Motion having been

1 made and seconded to approve the minutes as
2 stated, all those in favor signify by saying
3 "Aye."

4 ROBERT HAAS: Aye.

5 MICHAEL GARDNER: Aye.

6 Those minutes are approved.

7 GERALD REARDON: And I'll make a
8 motion to approve the minutes of July 10th.

9 MICHAEL GARDNER: Second.

10 Motion having been made and seconded to
11 approve the minutes of July 10th, all those
12 in favor signify by saying "Aye."

13 GERALD REARDON: Aye.

14 MICHAEL GARDNER: Aye.

15 None opposed. Minutes are approved.

16 GERALD REARDON: Motion to adjourn.

17 ELIZABETH LINT: Is always in order.

18 MICHAEL GARDNER: Motion having been
19 made and seconded to adjourn. All those in
20 favor signify by saying "Aye."

21 GERALD REARDON: Aye.

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ROBERT HAAS: Aye.

MICHAEL GARDNER: Aye.

And so none opposed. So the meeting's adjourned at approximately 8:10 on the evening of August the 14th.

(Whereupon, at 8:10 p.m., the License Commission Adjourned.)

1 ERRATA SHEET AND SIGNATURE INSTRUCTIONS

2
3 The original of the Errata Sheet has
4 been delivered to the License Commission.

5 When the Errata Sheet has been
6 completed and signed, a copy thereof should
7 be delivered to the License Commission and
8 the ORIGINAL delivered to the License
9 Commission, to whom the original transcript
10 was delivered.

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19 REPLACE THIS PAGE OF THE TRANSCRIPT WITH THE
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18
19 I have read the foregoing transcript,
20 and except for any corrections or changes
21 noted above, I hereby subscribe to the
transcript as an accurate record of the
statements made.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 20th day of August 2012.

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

My Commission Expires:
April 23, 2015

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