

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:FIRE CHIEF GERALD REARDON
POLICE COMMISSIONER ROBERT HASSSTAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: Thursday, May 28, 2013

TIME: 6:11 p.m. to 7:47 p.m.

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P R O C E E D I N G S

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if you have a cell phone on, we would appreciate it if you turned it off.

FIRE CHIEF GERALD REARDON: Two fire exits from the room, one in the front and rear. The rear door has to be kept clear during our occupancy. Should the alarm go off, we'll evacuate the building until such time the building is cleared.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: The License Commission General Hearing, Tuesday, May 28, 2013 at 6:11 p.m.

We're in the Michael J. Lombardi Building, 831 Mass Ave, Basement Conference Room.

Before you are the Commissioners, Chief Gerald Reardon, Commissioner Robert Haas. The Chairman expresses his apologies as he's not

able to be here this evening.

If you don't mind, I'll take the addendum first because it will take two seconds.

ADDENDUM: HARVARD UNIVERSITY

We have an addendum, Harvard University's dining services applied for a charity wine pouring license on June 10th and 11, 2013 at One Bennett Street, the Charles Hotel.

FIRE CHIEF GERALD REARDON: Good evening.

BRETT OTIS: Good evening.

FIRE CHIEF GERALD REARDON: For the record, you want to spell your name and tell us your affiliation?

BRETT OTIS: Yep. My name is Brett Otis, B-R-E-T-T, O-T-I-S. I'm here on behalf of the Harvard University and the Culinary Institute of America.

FIRE CHIEF GERALD REARDON: Maybe you can just give us a quick synopsis of what you're

looking for tonight.

BRETT OTIS: On June 10 and 11, we've upcoming menu for change conference in Cambridge. The reason why we're applying for the charity wine license is because the whole conference is based around simple food options and various industry -- food industry professionals will be there. And new wines of Greece would be -- would like to be the sponsor and donate their wines for strictly for preparing for healthy simple cuisines. That will be served during the conference and receptions.

FIRE CHIEF GERALD REARDON: So, during this event, the hotel will handle the wine, take care of all the pouring with their licensed staff?

BRETT OTIS: Correct, yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We did have a letter from Mr. Tiel.

FIRE CHIEF GERALD REARDON: At the
Charles?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: That's pretty
straightforward.

Anyone here from the public who wish to
be heard on this particular subject?

Seeing none, I make a motion to approve
the one-night charity dining wine pouring license
for June 10 to 11, 2013 at the Charles River
Hotel.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: Motion being
seconded, vote all in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck with your events.

BRETT OTIS: Thank you.

DISCIPLINARY: SCIENCE PARTNERS D/B/A MIDDLESEX

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary matter, Science Partners,
Incorporated doing business as Middlesex, Chris
Lutes, manager, holder of an all alcoholic
beverages as a restaurant license at 315
Massachusetts Avenue due to a police report
regarding an incident that happened on April 7,
2013.

FIRE CHIEF GERALD REARDON: Good evening.

For the record, just state and spell your name
and give us your association.

NATE BROWN: Nate Brown, N-A-T-E
B-R-O-W-N.

OFFICER EDWARD FRAMMARTINO: Edward
Frammartino, F-R-A-M-M-A-R-T-I-N-O.

FIRE CHIEF GERALD REARDON: And you're
affiliation.

NATE BROWN: I'm the general manager of

Middlesex.

POLICE COMMISSIONER ROBERT HAAS: General manager.

Sergeant, why don't we start with your testimony.

OFFICER EDWARD FRAMMARTINO: All right. On April 7th, 2013, about 1:10 a.m. we responded to the Middlesex Lounge on a disturbance with somebody injured.

Upon arrival, an employee was being treated by professional ambulance, Dennis Lopes. And there was a female over to the side.

And I had inquired what happened to him. He stated he was bitten after he threw her out of the bar. That's basically all I got from him.

Then I went over and spoke with Diana Campbell, and she stated to me she was in Miracle of Science with her boyfriend. They were asked to leave. After they left, they went next door

to Middlesex Lounge, not knowing the two were in common and so forth.

The doorman, Dennis Lopes, followed them. She stated she became a little leery. So she started -- she picked up her cell phone and she was recording the whole conversation, which is totally legal, it's a public place. There's case law on it.

He was telling her to leave and so forth. I heard the whole conversation on the cell phone.

Told her to leave, and it escalated into an argument at which point somebody said to Dennis Lopes, "She's taking your picture."

He went and tried to snatch the phone out of her hand, at which point she was struggling to keep her phone, and you could hear it on the phone, her yelling, "Give me my f'ing phone. Give me my f'ing phone," at which point she bit him. That ended that.

I spoke with you that night. Technically speaking, Dennis Lopes could've been arrested trying to steal her phone. We held it as just doing a report and letting the License Commission deal with it. The days of bouncers touching people, especially in this city, are gone. You call the police.

That's all I have.

NATE BROWN: Our report is similar except when she was asked to leave, it was because she was being rude to other customers. And when she was like, "No, I'm not leaving," that's when I went to call the police.

And then by the time I was connected, he came downstairs, and he was like, "I was bit."

I didn't get to see anything go down. But his story was that she did pull out the camera to report him, and he put his hand up to block the camera, and then she took her other

hand to move his hand out of the way and that's when things evolved into whatever.

It eventually -- he got a call back from a detective a few days later saying that because she took her hand and touched him and pulled his hand out of the way, that she didn't have anything, so...

POLICE COMMISSIONER ROBERT HAAS: What do you mean "she didn't have anything"?

NATE BROWN: Because he wasn't touching her. He was just blocking the camera and she pulled his hand out of the way. And then he kept going back and then she kicked him, she bit him after that.

OFFICER EDWARD FRAMMARTINO: In the report, she was actually listed as the suspect. He was listed as the victim. Nobody was arrested. And I said, "Well, let the License Commission deal with it."

NATE BROWN: I would like to note that we did call the police like first before it even got physical when -- when we ask someone to leave, it's like "Can you go outside," and then we say "We can't let you back inside," you know, and then we'll get code and we close out the check for her.

He told her that, you know, like "You have to go." And then she was like, "I'm not leaving."

That's -- I was like -- especially with a female customer, we're not going to take any chances. We did call the police well before -- when we called, I was on the phone and it was like one of our guys got bit.

POLICE COMMISSIONER ROBERT HAAS: It's the position of the doorman that he was bitten unprovoked?

NATE BROWN: Yeah. Unprovoked. You

know, he was putting his hand up in front of the camera and she grabbed him and then -- you know, I think -- you know, you have the video.

OFFICER EDWARD FRAMMARTINO: Well, he stated to me that after somebody told him that he was being recorded, that's when he went to grab the phone. And he said, "She can't take my picture or record me," and he said it a lot.

She absolutely can as long as it's not being done secretly.

POLICE COMMISSIONER ROBERT HAAS: All right.

FIRE CHIEF GERALD REARDON: Any other witnesses you have statements from?

OFFICER EDWARD FRAMMARTINO: I don't. I just -- I interviewed both parties when I got there. Officer Vena actually took the report. I approved his report and I sent the file number as well as an email to the deputy.

NATE BROWN: I didn't think there would be a followup. I think it was like Wednesday, the day after, Dennis did get a call saying that because she was putting her hands on him, and then things after that like, she shouldn't have been doing that. Like, he has a right to block his face.

OFFICER EDWARD FRAMMARTINO: I believe I told her that night that whatever happens with the follow-up, you will be hearing from the License Commission.

NATE BROWN: Yeah.

POLICE COMMISSIONER ROBERT HAAS: So the doorman is still employed by you?

NATE BROWN: Yep.

POLICE COMMISSIONER ROBERT HAAS: Have you done anything in response to that incident to make sure it doesn't happen again?

NATE BROWN: Yeah. I mean, we have gone

over -- we weren't even aware of the videotaping thing anyways, it was all kosher. You explained to me, like it would be like on the street if somebody was just, you know.

So we recapped with everybody about that like somebody can videotape people, but we also can't take the phone out of their hands. Everybody is aware.

FIRE CHIEF GERALD REARDON: I guess staff has been made aware of this?

NATE BROWN: Definitely.

FIRE CHIEF GERALD REARDON: How many doormen or bouncers do you have working with you, just one?

NATE BROWN: On one shift? On a Friday and Saturday there are three. This was towards the bathroom in the back. So it was inside the club, not outside the front.

FIRE CHIEF GERALD REARDON: The other two

working that that night weren't aware of this until after the fact?

NATE BROWN: Exactly. I mean, because she was kicked out of Miracle, like we -- there's this back communication with Miracle. Somebody from Miracle should have told us because we're connected. She probably shouldn't have been let in at all, but we didn't know she moved to the other place.

FIRE CHIEF GERALD REARDON: Any past disciplinary history?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. But I would add that Ms. Boyer did try to get in touch with the female and her calls weren't returned.

NATE BROWN: Who is Ms. Boyer?

EXECUTIVE DIRECTOR ELIZABETH LINT: She's our investigator.

FIRE CHIEF GERALD REARDON: Anything

further from either of you?

OFFICER EDWARD FRAMMARTINO: I'm all set.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on this matter?

Seeing none...

POLICE COMMISSIONER ROBERT HAAS: I recommend we place this matter on file. You know, I note that you've taken some follow-up to determine to instruct your employees and things like that, but they need to understand that they're not ones to invoke or provoke a situation. They really need to take better control of the situation and I think as Sergeant Frammantino indicated to you, it's a public place they're not secretly recording them.

NATE BROWN: I'm on the same page. It was new to us. I don't know how long it's been like a thing. I thought in a private establishment, it wasn't allowed. Now I know.

POLICE COMMISSIONER ROBERT HAAS: It's a licensed establishment.

NATE BROWN: I get it.

POLICE COMMISSIONER ROBERT HAAS: Motion just to place the matter on file as a first offense.

FIRE CHIEF GERALD REARDON: Second.

POLICE COMMISSIONER ROBERT HAAS: I believe they have taken corrective action.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

That will be placed on file.

NATE BROWN: As a disciplinary matter?

POLICE COMMISSIONER ROBERT HAAS: Well, what will happen if there's another disciplinary matter, it could be brought up into the record.

So, it behooves you to make sure that -- it's like a warning. It's like a warning.

NATE BROWN: Excellent.

RATIFICATION: WHEELINGS BRATTLE, LLC D/B/A

LIBERAL SERVINGS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ratification: Wheelings Brattle, LLC doing business as Liberal Servings, Jack Bardy, manager, holder of an all alcoholic beverages as a restaurant license pending ABCC approval at 13 Brattle Street has applied for a change of a d/b/a to Beat Hotel.

ATTY. SEAN HOPE: Members of the Commission, Attorney Rafferty couldn't be here tonight. I'm here in his place. This is a change in d/b/a for ratification.

FIRE CHIEF GERALD REARDON: Just for the record, your name.

ATTY. SEAN HOPE: For the record, Sean Hope, Hope Legal Law Offices in Cambridge, and Attorney James J. Rafferty is the attorney of

record.

FIRE CHIEF GERALD REARDON: Okay.

Continue.

ATTY. SEAN HOPE: So this is straightforward, a change of d/b/a. There is an application pending before the ABCC for approval. We expect the approval to happen within hopefully within the next week or two. There's been some time, this is a change of a d/b/a that would allow for the new name to take place prior to opening. And I know per customer the Commission will review all change of names.

FIRE CHIEF GERALD REARDON: Is this the MBTA location?

ATTY. SEAN HOPE: MBTA --

FIRE CHIEF GERALD REARDON: The old MBTA location right next --

ATTY. SEAN HOPE: Yes, yes.

POLICE COMMISSIONER ROBERT HAAS: I'm

sorry, go ahead.

ATTY. SEAN HOPE: It hasn't opened yet.

POLICE COMMISSIONER ROBERT HAAS: Why are they changing the name?

ATTY. SEAN HOPE: I think it's a marketing issue within the company in terms of figuring out what the appropriate name would be for the location, and the owner/operator felt that the new name would be a better fit for the venue.

FIRE CHIEF GERALD REARDON: Because it's not a hotel?

ATTY. SEAN HOPE: Right.

FIRE CHIEF GERALD REARDON: And they still -- if that's the location, they have considerable construction still to go before they can open.

ATTY. SEAN HOPE: Yes, they do, but the big thing obviously is for the alcohol license to

be approved, but they already commenced this.

FIRE CHIEF GERALD REARDON: They want to be get this done prior so the record with the ABCC will be consistent?

ATTY. SEAN HOPE: Exactly.

FIRE CHIEF GERALD REARDON: Ms. Lint, is there anything on it?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Everything is fine.

POLICE COMMISSIONER ROBERT HAAS: Make a motion to approve the application.

FIRE CHIEF GERALD REARDON: Second.
All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

All set. Thank you.

APPLICATION: CDM INTERNATIONAL ENTERPRISES, LLC

D/B/A OSUSHI CAMBRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: CDM International Enterprises, LCC
doing business as OSushi Cambridge, Timolean
Panagopoulos, manager, holder of an all alcoholic
beverages as a restaurant license at 104 Mount
Auburn Street has applied for a change of manager
to Sunhee Park.

ATTY. SEAN HOPE: Good evening, again,
Mr. Commissioners. For the record, Sean Hope,
Hope Law Office in Cambridge. I'm here with
Ms. Sunhee Park. Mrs. Park is the proposed
manager for OSushi Restaurant in Cambridge.

Mrs. Park, in preparation for this
hearing, I thought it would be relevant for her
to talk about her experience managing alcohol
licenses in Brookline and Boston.

She's an experienced operator, she's
current been the director of operations for the
location and prior now the previous manager has
been focused on other ventures, and so his hours

has shifted.

It's important for the Commission for the proposed manager to be on premises full-time and we thought it would be appropriate for Mrs. Park, although she's director of operations, she has experience managing alcohol licenses, she's actually there now full-time for her to apply to be the proposed manager of record.

Do you want to talk a little about your experience?

SUNHEE PARK: My name is Sunhee Park. I own a restaurant myself for 25 years. I had been mostly in Boston Marriott by BU, and I had a license for about 18 years in my name, and I had no troubles at all. And then in about four years I had my other restaurant in Brookline, I was manager and owner with liquor license in Brookline also.

FIRE CHIEF GERALD REARDON: No issues in

Brookline? No issues with the Brookline license either? When you were manager, you had no issues?

SUNHEE PARK: No, none at all.

FIRE CHIEF GERALD REARDON: Both of those were in your name as manager of record?

SUNHEE PARK: Yes.

FIRE CHIEF GERALD REARDON: Okay.

POLICE COMMISSIONER ROBERT HAAS: You're replacing -- who is the manager of record?

SUNHEE PARK: Timolean.

ATTY. SEAN HOPE: Timolean Panagopoulos.

POLICE COMMISSIONER ROBERT HAAS: He's leaving because?

SUNHEE PARK: He has another business to devote. He cannot stay full hours.

ATTY. SEAN HOPE: He had a couple different ventures. Part of the idea was to get OShushi off the ground, and he went and trained

the staff and so as entrepreneurs are, he had other ventures. It became apparent he couldn't focus his full time here.

He has a liquor store and another restaurant he's starting. I encouraged the licensee to make sure the manager of record would be there.

POLICE COMMISSIONER ROBERT HAAS: No longer a challenge.

ATTY. SEAN HOPE: Exactly. With prior history in that area itself.

But Mrs. Park has been there and really was doing all the things that a proposed manager would do. So it seemed to be timely for her to go and apply.

And just to remind the Commission, this was a site, it was the former congress space. It was a challenge because it was more of a disco nightclub and food and so, the new operators had

put about \$200,000 into renovations and now it's really a full service restaurant that's actually thriving and doing well in that location with very limited entertainment.

The food is driving the concept and Mrs. Park would be able to continue that. She has experience in the type of cuisine as well as managing alcohol, and this will be a continuation of what has been a really viable restaurant in that area.

POLICE COMMISSIONER ROBERT HAAS: What is your relationship with the other establishments that you mentioned that you had experience with? You said you were involved in restaurants that you owned for 25 years and then you --

SUNHEE PARK: It was a Korean/Japanese restaurant.

POLICE COMMISSIONER ROBERT HAAS: Are you still involved with those ventures?

SUNHEE PARK: I closed the restaurant.

POLICE COMMISSIONER ROBERT HAAS: You're devoting your full-time attention to this establishment?

SUNHEE PARK: Yes.

FIRE CHIEF GERALD REARDON: How long have you been at this location.

SUNHEE PARK: Two months.

EXECUTIVE DIRECTOR ELIZABETH LINT: I did receive an email today from the owner of the Red House. There's a noise issue with a vent that the building owners are aware of, but they asked me to mention it to you in the hopes that maybe we could encourage the establishment to really get on the owners to take care of it.

FIRE CHIEF GERALD REARDON: Who owns that building?

ATTY. SEAN HOPE: The Intercontinental Management owns the building. You mean the Red

Hat? Is that where you have the question?

FIRE CHIEF GERALD REARDON: Well, if the ventilation is on this location --

ATTY. SEAN HOPE: Intercontinental management owns that building. There's a series of offices, and I think there's pizza also in that same building.

So part of the renovation that you're aware of, Ms. Boyer, there's been noise complaints. There's new ventilation. We have been working with to try to come up with a resolution. There's been -- they spent a whole a lot of money renovating this space. It's something we're going to address. But they're now trying to figure out with the landlord and maybe with the help of Ms. Boyer, we can get them to quickly do it.

But it's part of the infrastructure of the building. It's a fixture. It's something we

we're aware of.

FIRE CHIEF GERALD REARDON: Ms. Boyer is aware of it?

EXECUTIVE DIRECTOR ELIZABETH LINT: She is aware of it.

She will be back on Thursday.

POLICE COMMISSIONER ROBERT HAAS: I don't see how this is going to interfere with the change of manager, but if it continues, then we'll probably bring you back for a noise complaint if it persists. It really behooves to try and reconcile that issue.

FIRE CHIEF GERALD REARDON: If we can't get to the bottom of who is responsible, we may have to bring all the parties in a little seance.

EXECUTIVE DIRECTOR ELIZABETH LINT: And we need a background check.

FIRE CHIEF GERALD REARDON: Anyone from the public wishes to be heard on this particular

license?

Seeing none...

POLICE COMMISSIONER ROBERT HAAS: Make a motion to accept the application for change of manager.

FIRE CHIEF GERALD REARDON: I'll second.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

ATTY. SEAN HOPE: Thank you.

SUNHEE PARK: Thank you very much.

APPLICATION: TON VENTURE GROUP, LLC

D/B/A HIT WICKET

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: TON Venture Group, LLC doing business as Hit Wicket, Nada Heredia, manager, holder of an all alcoholic beverages as a restaurant license at 1172-1178 Cambridge Street

has applied for a change of manager to Stacy Blount.

FIRE CHIEF GERALD REARDON: Good evening.

ATTY. TRISHA FARNSWORTH: Good evening, Commissioners. Attorney Trisha Farnsworth on behalf of the licensee. To my left is the proposed general manager, Stacy Blount, and to my right is the current licensed manager, Nada Heredia who is also co-owner.

NADA HEREDIA: Nada Heredia, N-A-D-A H-E-R-E-D-I-A.

ATTY. TRISHA FARNSWORTH: Just by way of ground, we were here at the end of last year. This is a new restaurant still yet to open, and when we presented last year for this application as the former Spice & Rice Restaurant, the Commission voiced some concerns about the owners not having experience in the restaurant area.

So what we had agreed to do was hire

someone with experience, and we would be back here for an application for a manager, change of manager from Nada to Stacy on the alcohol beverages license.

He submitted his resume with the package. He's well, well experienced, 20 years. He can summarize his experience and will answer your questions, but he's opened many restaurants, managed restaurants. He's a chef. And in addition they have also hired another woman -- I have her resume here, Julie Keyes -- she also has about 20 years experience working in restaurants, waitressing, serving, bartending, and she'll be also a full-time employee in charge of the, you know, probably the front of the house and underneath Stacy, who is the general manager.

So I think we've covered hopefully your concerns. Obviously, the owners will still be there and involved, but now with experience.

POLICE COMMISSIONER ROBERT HAAS: Tell us about your experience.

JULIO MADRID: I have over 20 years of experience. I'm a graduate of Johnson Wales University back in '91. I have owned my own catering business for three years. Prior to coming Hit Wicket, Echo's Works, I have opened John Harvard in Cambridge, Massachusetts. Also opened Swayer Restaurant in Waltham, Massachusetts.

I was a waiter for many years. I've got recertified for my TIPS training recently.

ATTY. TRISHA FARNSWORTH: Both Mr. Blount and the staff members and the owners have all done 21 Proof.

And I have this TIPS training certificate that I'll hand over to you.

POLICE COMMISSIONER ROBERT HAAS: Have you had a license in your name before?

JULIO MADRID: No, sir.

FIRE CHIEF GERALD REARDON: So you people aren't doing well with my department at all. They have been out there four times for reinspection. It failed four times.

There's a list of items here there's probably seven items, and the latest today, when they asked to speak the owner that told you can't speak to the owner, you have to speak to one of us who's representing him.

I'm curious as to who are the owners and why no one -- no one of the owners can speak to someone to get this rectified.

ATTY. TRISHA FARNSWORTH: Okay.

NADA HEREDIA: I have detailed information about everything that's gone on as far as these inspections, and we wanted to first start off by saying we brought a preexisting establishment that was running up until the point

that we took over to do renovations. And it was our understanding that everything was up to code and because they were a running an operation fully licensed.

And we have done many updates. I can go through the list. The most recent note today there's still concerns about the hood and the hood being cleaned properly, and the question as to whether the people cleaning the hood are certified by Massachusetts and there's like a licensing member of the people who have been certified --

FIRE CHIEF GERALD REARDON: They're not.

NADA HEREDIA: They're the people who we were told are the ones who cleaned the house and they have a licensing number on the hood with dates of service.

And if -- now, that we know that, we need to get someone else obviously.

JULIO MADRID: We have addressed it with someone to come out Thursday to reinspect the hood.

FIRE CHIEF GERALD REARDON: One of the things that you've gotten caught up is in that the laws on hoods and stuff has changed and I don't remember how long Spice & Rice, but they probably didn't come under the same code conditions that were existing.

But the hood needs to be cleaned and certified by the fire marshal's office who has licensed to clean hoods in Massachusetts.

There's also an issue of whether or not the number of access points to clean these hoods are sufficient. I don't know if that's the case or not, but someone has to certify that it meets the present code who has a license to do so.

NADA HEREDIA: We have taken that necessary step that was brought up to us.

FIRE CHIEF GERALD REARDON: I think most of your stuff is really related to the hoods and everything.

NADA HEREDIA: It has a light in the front of the building. We want to ask -- I'm sorry to interrupt.

FIRE CHIEF GERALD REARDON: That's all right.

NADA HEREDIA: I want to ask if that's something we do need to do. We have the beacon on the Tremont side.

FIRE CHIEF GERALD REARDON: It has to be on the Cambridge Street side.

NADA HEREDIA: Also, we're not sure if that -- we're tenants renting the space -- is a landlord issue versus an issue for the restaurant.

POLICE COMMISSIONER ROBERT HAAS: I know that's a conundrum. But all we can tell you is

what is required. We're regulated and mandated to inspect as the code reads today in Massachusetts.

So we're responsible to make sure that the facility meets the code. We don't necessarily like the code. We have an input on it, but we have to turn around.

So whether or not it's the landlord or you, it unfortunately is required, and you can't get a license until it's done. So that's something you need to -- you can adjudicate with the landlord whether or not he or she feels as though that's their responsibility.

NADA HEREDIA: Our only hope was that that had been told to us two weeks ago. It was only listed this morning to us -- told to us this morning for the first time, the beacon.

We could have been working on that. We will work on it now.

FIRE CHIEF GERALD REARDON: That's a fairly easy fix for the most part. But, I mean, when they come in for the permits, people who are doing the fire alarm systems for you, most of them should know and should ask the questions upfront what are we going to need of this old existing one rather than us come out to the final inspection and tell you these things exist.

NADA HEREDIA: We weren't informed of it. Now that we are, we're going to take it.

FIRE CHIEF GERALD REARDON: This will be the four inspection. They're probably going to charge you again for this fourth inspection because this is the fourth time they're out there.

NADA HEREDIA: The other times we were told by like electrical that they were ready, plumbing that they were ready, everyone told us that they were ready, but they never tested their

systems together, and when they tested it together, one trips the other.

So we apologize that we didn't have the foresight to say "Check everything at the same time so that we can anticipate," and it was like one easy switch, but it wasn't figured out until after the fire inspector left.

FIRE CHIEF GERALD REARDON: Right. We can't get involved in all the conflicts. It is what it is.

NADA HEREDIA: I think, where we stand now with the hood, we have to find different people to clean the hood.

FIRE CHIEF GERALD REARDON: They also have to make sure the hood exhaust system is in compliance.

In other words, there's enough clean-outs and so forth, so it's not only cleaning it and having -- they have to affix a Mass sticker on it

saying that it meets compliance and that means that it's clean and it also means that all the egress points to clean are in place.

So the whole system has to pass and it also has a shutdown outside. There's a number of items on it. A lot of these are hood-related.

NADA HEREDIA: Then the beacon, which we said was fairly easy to -- on Cambridge Street that we need to put in.

FIRE CHIEF GERALD REARDON: Most of your problems are really the hood and exhaust system.

ATTY. TRISHA FARNSWORTH: As soon as they get a certified person, we'll --

NADA HEREDIA: We thought we had a certified person looking at it and that's where were things obviously went wrong.

FIRE CHIEF GERALD REARDON: We checked into that for you. They're not.

ATTY. TRISHA FARNSWORTH: Unfortunately

there's lots of other issues. Plumbing, I mean, they had to spend \$45,000 that they did not realize they needed to spend. So they are working hard.

I apologize that they didn't -- someone said the owners weren't accessible, but we'll make sure that the owners are accessible and the chef will be on the premises.

FIRE CHIEF GERALD REARDON: They're trying to be helpful and trying to give you a list as to what has to be done to give you a signoff. It seems sometimes, you know, I don't think we need this, so the owner said, "I don't think we need this," or, you know, but...

JULIO MADRID: That's never been the case.

POLICE COMMISSIONER ROBERT HAAS: But you need to get over those hurdles.

NADA HEREDIA: I think we're

understanding the reason why laws have changed since the previous restaurant was operating --

FIRE CHIEF GERALD REARDON: The hood situation was changed.

NADA HEREDIA: We're going to be having less BTUs than the output previously used to be in terms of like going from less burners to grill.

FIRE CHIEF GERALD REARDON: It still has to be a compliant system.

POLICE COMMISSIONER ROBERT HAAS: Do you need to clarify anything?

FIRE CHIEF GERALD REARDON: We have to make sure all that stuff is right.

When are you trying to open?

NADA HEREDIA: We had the big India Premiere League Cricket match with lots of inquiry, people ready to come in, that just passed this weekend. We have every other

signoff, so we need to take care of the hood essentially and we're ready to go. We had the chef and bartender hired for some time now and we're itching to go.

FIRE CHIEF GERALD REARDON: We want you to be successful also.

NADA HEREDIA: Thank you. Thank you.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: Anyone from the public want to be heard on this particular matter?

Seeing none.

POLICE COMMISSIONER ROBERT HAAS: We have a background on the change of manager, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: I make a motion to approve the change of manager and

stipulate that prior to opening, you meet all outstanding inspections.

NADA HEREDIA: Yes.

FIRE CHIEF GERALD REARDON: All in favor?

EXECUTIVE DIRECTOR ELIZABETH LINT: Or we won't issue the license.

POLICE COMMISSIONER ROBERT HAAS: I want to be very clear that if you do some of this stuff and not all this stuff, you're still not going to get a license.

So rather than you start to go to down towards what you think is the finish line, make sure you're at the finish line so you can open.

NADA HEREDIA: Thank you.

FIRE CHIEF GERALD REARDON: Second the motion.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Thanks. Good luck.

NADA HEREDIA: Thank you very much.

APPLICATION: CMC9 OWNER, LLC D/B/A

COURTYARD BOSTON CAMBRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT: CMC9
Owner, LLC doing business as Courtyard Boston
Cambridge. Reid Joseph, resident manager, has
applied for an innholder's license, with food, to
be operated at 777 Memorial Drive with 203 guest
rooms. Applicant is also applying for an
entertainment license to include: Dancing by
patrons; live musical performances; audio tape
machine/CD playing music below conversation
level; two TVs; and DJ.

FIRE CHIEF GERALD REARDON: Good evening.

ATTY. JOE HANLEY: Good evening.

FIRE CHIEF GERALD REARDON: For record
state and spell your name and your affiliation.

ATTY. JOE HANLEY: Thank you. Attorney

Joe Hanley of Hanley, McDermott, Quilty & Miller,
H-A-N-L-E-Y.

I'm here on behalf of the proponent.
With me is Reid Joseph, who is the authorized
representative and the proposed manager of record
on the two licenses to be transferred.

Also with me is Rick Sousa, who is an
attorney with Prince Lobel in Boston, and he is
counsel to the new owner/purchaser of the real
estate that the hotel is located at.

FIRE CHIEF GERALD REARDON: Maybe you
should give us a quick rundown of the whole
scenario of 777 Memorial Drive.

ATTY. JOE HANLEY: First of all, thank
you for entertaining our two applications.

As this Board is familiar, this is a long
existing hotel operation that opened in the late
1960s, 16 story, 203 room, Marriott Courtyard.

My client, CMC9 Owner, LLC, which is a

subsidiary of Westbrook Acquisitions, LLC, is proposing to purchase the property and transferred the assets to reopen under the same exact flag as the Marriott Courtyard, which has exited since around 2006.

Just to give you some background, Westbrook Acquisitions is a very well-run organization that owns up to 15 hotels around the country.

Mr. Joseph has worked for Westbrook since 2010. He has specific experience in hotel acquisition and in management and startup.

He worked most recently on the Sheraton in Framingham which the parent company owned and operated at one point.

So I would suggest we have a manager who is familiar with the hotel industry and how to run a responsible operation.

The two applications that you have we're

asking for this as sort've a two-part approach, is to transfer the existing entertainment license and the existing innholder license so as on your approval, my client can close on the purchase of the real estate.

We then intend to return to the July hearing to transfer the liquor license, which will be a different manager.

So Mr. Reid Joseph will be part of the same organization, but Mr. Reid Joseph is here to help with the initial acquisition as part of this process, which is very typical for a franchised hotel operation.

Sometime after the closing of the property, whereby the operator looks at certain property improvements that may be made over the course of 12 months.

So what we're looking to do here is to simply transfer the existing operation to a well

qualified hotel owner and to start with the entertainment license, as it's licensed presently and has been licensed by this authority for many years and the innholder's license with no changes.

This hotel is a critical part of the City of Cambridge's business community, part of its civic life. There are 3,000 square feet of function and meeting space in the hotel that my client intends to continue to utilize and through the process to reexamine how to enhance those operations.

But, again, it would be under the Marriott Courtyard.

We expect there would be no changes other than the ownership, if you will. And that's what the application reflects.

I'll also just say for the record that in anticipation of any community issues, although

we're not changing anything with respect to the operations, but the name, we did reach out to the Riverside Neighborhood Association on two occasions as well as to the Cambridge Community Center, the two groups that are listed on community development as the point of contact for this location.

FIRE CHIEF GERALD REARDON: Just quick, how many licenses -- do they hold the license for all establishment in the hotel?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. Bisuteki, they have their own license.

ATTY. JOE HANLEY: Bisuteki's on the first floor, an existing Japanese steakhouse. They have their own Section 12, they are a tenant of the hotel and will remain as a tenant. No change. We're not transferring that license.

As you go into the hotel, there's a lobby on the ground floor and an existing restaurant

that serves breakfast and to utilize for special events, and for dinner, and as you go up on the other two levels, there's a function space for weddings and banquets and the like.

FIRE CHIEF GERALD REARDON: Do you still have a lounge as well?

ATTY. JOE HANLEY: Yes. And those are utilized primarily for special events, seminars, programming with some of the local companies.

FIRE CHIEF GERALD REARDON: So the live performances and dancing is considered to be in the ballroom area?

ATTY. JOE HANLEY: Right. And it's something that's only featured as part of special functions, private parties.

FIRE CHIEF GERALD REARDON: The law in terms of what is considered a, quote, nightclub over 100 people?

ATTY. JOE HANLEY: Yes, sir. It's a

traditional hotel occupancy, and if you go into the lobby, there's not live entertainment that's featured or anything like that.

POLICE COMMISSIONER ROBERT HAAS: Live entertainment is strictly relegated to the ballroom area as far as a function space?

ATTY. JOE HANLEY: Yes.

FIRE CHIEF GERALD REARDON: You know, you're aware of the crowd manager law because it's over 100 people?

ATTY. JOE HANLEY: Yes. We'll have to go through that program.

FIRE CHIEF GERALD REARDON: You have to have one on premise every time you have a function, so if he doesn't have that, you can have more than one.

ATTY. JOE HANLEY: But have one person on at all times. We reviewed the code of Mass regs on that and the laws.

POLICE COMMISSIONER ROBERT HAAS: Why are you delaying the change of manager for the liquor license?

ATTY. JOE HANLEY: We needed to get before you as soon as possible in order to effect the property transfer. And the liquor component is a part, but not the most important part, and so, it's an issue of timing. They're looking to close this real estate transaction subject to your approval of these two licenses. Looking at your schedule for votes and we simply didn't have the information put together at that time to make this hearing.

POLICE COMMISSIONER ROBERT HAAS: So what happens with the liquor license? Is the manager staying onboard or is he...?

ATTY. JOE HANLEY: The existing licensee is still in place, and we have also powered down all the events there and taking new events and

special events. Again, it's mostly for private functions.

If you stay at this hotel or if you frequent this hotel, the place that you would go to, if you're staying there, would be the Bisuteki Restaurant to have dinner on a regular basis or have a drink or something like that. It's only if you're at a special function. There is restaurant space. It's just not that active at night.

FIRE CHIEF GERALD REARDON: So the manager of record would still be there during this transaction period?

ATTY. JOE HANLEY: Yes, he's there now, and if we cease, then we'll submit a letter to your authority asking to temporarily cease operations pending your approval.

FIRE CHIEF GERALD REARDON: Okay. Is all the paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: All the paperwork is in order except for significant outstanding taxes, which we did speak about today. Happy to provide you with this, but we could not issue any licenses until we knew that that was taken care of.

ATTY. JOE HANLEY: And thank you for that information. Attorney Sousa has the opportunity to research this today, and I think most of it has been taken care of, but I'll let Rick speak to that.

ATTY. RICHARDO SOUSA: Once again, for the record, Richardo Sousa on behalf of the applicant.

I serve as local real estate counsel for the prospective buyer, the hotel, and as part of our purchase and sales agreement, there's a prorations provision, which will require the payment of all outstanding taxes, water and sewer

at the closing itself.

So this will be addressed. I did take a quick look at the on-line database. I did not see these amounts. I saw different amounts. However, that being said, they will be paid at closing.

ATTY. JOE HANLEY: Our research, correct me if I'm wrong, showed that the only balance due was a few hundred dollars for a water bill. But certainly we want to, as it's in my client's interest, clear all of this off.

FIRE CHIEF GERALD REARDON: So for timing-wise, in order for them that has to be satisfied before we issue anything though.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would just ask them to check with the tax collectors and make sure that the amounts are correct. I mean, Ms. Marconi did send them over personally, so I would like to think that's

correct.

FIRE CHIEF GERALD REARDON: For timing, so you understand, before we can actual issue --

EXECUTIVE DIRECTOR ELIZABETH LINT: As long as I see a piece of paper that says "paid."

FIRE CHIEF GERALD REARDON: It says it's paid, we're good. If it fowls up your transaction in any way, shape or form, someone might have to front that or something and put it in a transaction or something, but if you want that license first, that might be a problem.

ATTY. JOE HANLEY: We're asking for a vote and it's an important property for the client. So understood.

POLICE COMMISSIONER ROBERT HAAS: So there -- there's no anticipated disruption of operation between the time of the transfer and the closing? You will operate all the way through that period of time?

ATTY. JOE HANLEY: Right. Right.

Again, there are no events that have been -- the events have moved off the schedule, and as I indicated, unlike a typical restaurant deal where the proponent comes to you and says "Here's what we're proposing for renovations," it's standard to the franchise hotel industry for ownership to take control first, go in, take a look and then the flag has to sign off on any changes and the like, so there will be a real quiet period, if you will.

FIRE CHIEF GERALD REARDON: Anybody from the public wish to be heard on this matter?

Yes, sir?

MICHAEL PACOLD: I'm Michael Pacold, Michael, P-as in Peter-A-C-O-L-D as in delta.

I live on Pleasant Street which is very close to the hotel.

I would like to know if there are any

anticipated noise level change that will come from this?

ATTY. JOE HANLEY: No. The license has specific requirements for the closing hour. The live entertainment -- it's the same live entertainment that is permitted by this Board for the existing Courtyard Marriotts. It's the same entertainment we asked to be put in the new owner's name, and the entertainment that is featured is for functions and private events that occur at the -- towards the front of the hotel.

If you've been in that property, the function event space is all located on the Memorial Drive side of the property, not at the back, which is also buffered, as you know, by a large parking facility and the like, before you get to Florence Street. I assume Pleasant is just adjacent to that.

MICHAEL PACOLD: There's no anticipated

change now?

ATTY. JOE HANLEY: No, sir no.

MICHAEL PACOLD: Thank you.

ATTY. JOE HANLEY: Thank you.

FIRE CHIEF GERALD REARDON: Anyone else
wish to be heard?

Yes, sir.

RAO KLAKLOLAGODLA: I'm Rao Klaklolagodla
(unintelligible) if they start a stripping club
-- strip club, that's not acceptable, you know.
Strip club, you know, might be --

FIRE CHIEF GERALD REARDON: A strip club?

RAO KLAKLOLAGODLA: A strip club
(unintelligible).

FIRE CHIEF GERALD REARDON: That's not
permissible.

RAO KLAKLOLAGODLA: That's the only issue
I wanted to have.

FIRE CHIEF GERALD REARDON: No, sir.

RAO KLAKLOLAGODLA: Thank you.

FIRE CHIEF GERALD REARDON: That's an
easy one.

ATTY. JOE HANLEY: No strip club at the
Marriott.

FIRE CHIEF GERALD REARDON: Anyone else
wish to be heard?

Make a motion to approve the transaction
Boston Cambridge, Joseph Reid, resident manager
at 777 Memorial Drive with all the present
stipulations as the present licensee predicated
on the successful payment at the Assessors
Department.

POLICE COMMISSIONER ROBERT HAAS: I'll
second the motion.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

MARC LEVY: Could I ask something?

FIRE CHIEF GERALD REARDON: With regard to?

MARC LEVY: When you were talking to Attorney Hope, I thought you were making reference to the MBTA being the conductors, but their location is where the transformer would be. I wanted to make sure that we were all on the same page.

FIRE CHIEF GERALD REARDON: I was incorrect on the location.

APPLICATION: PEMBERTON FRUIT ORCHARD, INC.

D/B/A PEMBERTON FARMS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Pemberton Fruit Orchard, Inc., doing business as Pemberton Farms, Thomas Saidnawey, manager, holder of a common victualer license at 2225 Massachusetts Avenue has applied to include seasonal outdoor patio seating with

ten tables and 20 seats on the city sidewalk.

FIRE CHIEF GERALD REARDON: Good evening.

TOM SAIDNAWEY: Good evening. My name is Tom Saidnawey, S-A-I-D-N-A-W-E-Y.

I own and operate Pemberton Farms. We're a third generation family business located in North Cambridge since 1930, got a little over 40 years, as I was thinking about it, at the store and I regularly participate in the best retail practice programs with the City of Cambridge and recently one of the guest speakers was DPW who talked how the city is working with local businesses to include sidewalk seating.

And I thought it would be a natural extension of our business as we work to continue building community up in Cambridge, and are frequented by many people for lunch and dinner.

So DPW came out and looked at the location and approved our location. And I'm here

to ask for it to be completed.

FIRE CHIEF GERALD REARDON: Okay. And this is for ten tables and 20 seats?

EXECUTIVE DIRECTOR ELIZABETH LINT: I just have a question, if I may. We had you licensed already for outdoor seating. We thought this was actually just an increase in the number of seats.

POLICE COMMISSIONER ROBERT HAAS: You're saying an increase, it's a total of ten tables or ten additional tables?

TOM SAIDNAWEY: I believe it's ten additional tables and 20 seats. That's what we were told we could put on the sidewalk.

FIRE CHIEF GERALD REARDON: That's Public Works after the survey?

TOM SAIDNAWEY: Correct.

FIRE CHIEF GERALD REARDON: Did you get the papered work from the Department of Public

Works?

TOM SAIDNAWEY: I have it all, yes.

And at the time of the best retail practices meeting, I was not familiar with the change in common victualers, I didn't realize that that was part of it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I will need a copy of the DPW permit.

TOM SAIDNAWEY: I have that.

FIRE CHIEF GERALD REARDON: This will be on the Mass Ave side of the property?

TOM SAIDNAWEY: Correct.

FIRE CHIEF GERALD REARDON: Nothing on Day Street.

TOM SAIDNAWEY: Correct. Strictly on Mass Ave. As you know, we have all that frontage there and we're the only business there.

FIRE CHIEF GERALD REARDON: So you're presently doing that now, you have tables?

TOM SAIDNAWEY: We have some on our property. We have a couple of tables and chairs in the greenhouse and some outside on the porch. Now that the weather has finally broke, they'll all move outside.

FIRE CHIEF GERALD REARDON: The ones that had been approved, you hadn't been using yet?

TOM SAIDNAWEY: No, we do.

FIRE CHIEF GERALD REARDON: But they are on the private property?

TOM SAIDNAWEY: They're on our property in the garden center area.

EXECUTIVE DIRECTOR ELIZABETH LINT: Ahh.

FIRE CHIEF GERALD REARDON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on this matter?

Seeing none...

EXECUTIVE DIRECTOR ELIZABETH LINT: Wait.

I have a letter in support from Councilor Kelly, and I have an email that I believe I had forwarded to you from a resident who thinks in general that public sidewalk is ill-advised public policy. I wanted to make sure that you had that.

FIRE CHIEF GERALD REARDON: Make a motion to approve ten tables, 20 seats on the city sidewalk, Pemberton Farms to Mass Avenue, and you need to make sure the --

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's some tax --

TOM SAIDNAWEY: I'll get you that.

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's outstanding tax bills.

It looks like balances and interest not Cumberland Farms, but it's Pemberton Farms.

FIRE CHIEF GERALD REARDON: That will be

subject to you satisfying that and providing
Ms. Lint with a DPW license.

TOM SAIDNAWEY: No problem.

Thank you very much.

POLICE COMMISSIONER ROBERT HAAS: We
didn't vote yet.

TOM SAIDNAWEY: I'm sorry.

POLICE COMMISSIONER ROBERT HAAS: Did you
make a motion?

FIRE CHIEF GERALD REARDON: I made a
motion.

POLICE COMMISSIONER ROBERT HAAS: Second
the motion.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

TOM SAIDNAWEY: Thank you very much.

APPLICATION: SUGAR & SPICE RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Sugar & Spice Restaurant, Inc., Veeraded Kridaratikorn, manager, holder of a wine and malt beverages as a restaurant license at 1933 Massachusetts Avenue has applied for a transfer of stock, an alteration of premise description to include a seasonal outdoor patio on the public sidewalk and a change of manager.

FIRE CHIEF GERALD REARDON: Good evening.

PENJAN JANBURIWONG: Good evening.

Penjan, P-E-N-J-A-N. My last name

J-A-N-B-U-R-I-W-O-N-G. This is my partner.

MOOKDA SUPPANISANUWONG: My name is

M-O-O-K-D-A, last name

S-U-P-P-A-N-I-S-A-N-U-W-O-N-G.

PENJAN JANBURIWONG: I am here at this meeting today regarding the application. First, I apply for outdoor seating at my restaurant,

Sugar & Spice, located at 1933 Mass Ave in Porter Square. I own this restaurant for ten years. I have been working with Public Works with the floor plans, and I have permit and also I have approve.

Everything is all set, however, the tree at the location, we need to cover the tree stump.

Second, I would like also to change the manager from my ex-husband to myself, seeing he is no longer a part of my restaurant.

Third, I would like to transfer shares among shareholders with no new people to come into the restaurant.

While we are waiting for the ABCC approve, may we start to serving the food?

FIRE CHIEF GERALD REARDON: Well, let's start with the tree stump. There's a tree stump out there on the sidewalk?

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: That's the city's, correct?

PENJAN JANBURIWONG: Right. I went to the Public Works, and he told me that I need to -- I asked the Public Works to cover it. And he told me to mention that on the meeting.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did they say they will cover it?

PENJAN JANBURIWONG: They will cover it.

FIRE CHIEF GERALD REARDON: So they're going to remove it and then cover it.

MOOKDA SUPPANISANUWONG: Not the tree, just cover the ground.

POLICE COMMISSIONER ROBERT HAAS: Where the stump was?

FIRE CHIEF GERALD REARDON: Where the stump was? And they said they'd take care of -- that's their property.

PENJAN JANBURIWONG: Yes. We need to

mention on the hearing.

POLICE COMMISSIONER ROBERT HAAS: So is this the same area where you want to put your outdoor seating?

PENJAN JANBURIWONG: Right.

POLICE COMMISSIONER ROBERT HAAS: It's all part of the permitting process by DPW to allow you to have seating on the public sidewalk, right?

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: So for them in order to grant you this permit, they have to rectify that situation, and then they'll give you a permit to put outside seating.

MOOKDA SUPPANISANUWONG: They already gave the permit.

PENJAN JANBURIWONG: They already give the permit.

POLICE COMMISSIONER ROBERT HAAS: On the

condition they'll take care of this hole?

MOOKDA SUPPANISANUWONG: Not on condition. If we -- we already have him come out and look at the location and we have submitted floor plan. And he just said, "Mention at the meeting. Tell them. Just mention."

POLICE COMMISSIONER ROBERT HAAS: So do you have -- let me see the patio plan?

Does it depict where the stump is or where the hole is in the sidewalk on the plan?

PENJAN JANBURIWONG: I have the plan (forwarding diagram.)

The tree in the middle, just one.

POLICE COMMISSIONER ROBERT HAAS: In the middle here?

PENJAN JANBURIWONG: Yes. Just one.

POLICE COMMISSIONER ROBERT HAAS: So they're granting you this seating area and still depicting the tree stump in the picture, right?

FIRE CHIEF GERALD REARDON: But the tree is gone, right? It's just a stump?

MOOKDA SUPPANISANUWONG: The tree still existing.

FIRE CHIEF GERALD REARDON: The tree is still there? So they have to take the tree down?

MOOKDA SUPPANISANUWONG: No, we don't have to. It's just because the stump is not that smooth, so --

FIRE CHIEF GERALD REARDON: All right.

MOOKDA SUPPANISANUWONG: We mentioned that.

POLICE COMMISSIONER ROBERT HAAS: What did they say they would do about the tree stump? Did they indicate what they will do to the tree stump?

PENJAN JANBURIWONG: They will cover it.

POLICE COMMISSIONER ROBERT HAAS: They indicated they will do that?

PENJAN JANBURIWONG: Yes, they will, but it will take some time. It may be faster?

POLICE COMMISSIONER ROBERT HAAS: We don't control that.

PENJAN JANBURIWONG: I don't know. He told me that have to mention that.

POLICE COMMISSIONER ROBERT HAAS: We can talk with DPW, but it's certainly up to them to decide when they can remove the tree stump.

FIRE CHIEF GERALD REARDON: Well, either that or they're going to put a cast iron grate over it so no one will trip on it.

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: But that tree stump right now doesn't interfere with your proposed plan?

PENJAN JANBURIWONG: No.

POLICE COMMISSIONER ROBERT HAAS: You just want to take it out of there so that you

have --

FIRE CHIEF GERALD REARDON: It's not a hazard?

PENJAN JANBURIWONG: No.

POLICE COMMISSIONER ROBERT HAAS: I just want to make it clear that we can't order DPW to take the tree stump out, but we'll talk to them and see if we can arrange for it. But it's really up to them to make that arrangement.

That was your first question about that tree stump. Your next question?

PENJAN JANBURIWONG: (No response.)

POLICE COMMISSIONER ROBERT HAAS: You had a series of things that you were asking.

FIRE CHIEF GERALD REARDON: Transfer of stock that was --

PENJAN JANBURIWONG: Transfer of stock?

FIRE CHIEF GERALD REARDON: From your husband?

PENJAN JANBURIWONG: Changing the manager from my ex-husband to myself and transfer the stock from him to mine.

POLICE COMMISSIONER ROBERT HAAS: So you both had stock in the restaurant?

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: You're referring yours to --

PENJAN JANBURIWONG: He has less.

MOOKDA SUPPANISANUWONG: Transfer stock.

POLICE COMMISSIONER ROBERT HAAS: Some or all?

PENJAN JANBURIWONG: Some. Like she own 40, he want to own 20.

POLICE COMMISSIONER ROBERT HAAS: Okay.

PENJAN JANBURIWONG: So I'm 80 and he 20. Everything the same, nothing changed.

POLICE COMMISSIONER ROBERT HAAS: Are there any issues with the transfer -- is it your

late husband or your former husband that was the manager of record?

PENJAN JANBURIWONG: My ex-husband.

POLICE COMMISSIONER ROBERT HAAS: You already have taken care of that in terms of his separation from the business?

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: Legally?

PENJAN JANBURIWONG: Yes.

POLICE COMMISSIONER ROBERT HAAS: Okay. So that's all been done.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have all the appropriate paperwork.

POLICE COMMISSIONER ROBERT HAAS: Okay, fine.

FIRE CHIEF GERALD REARDON: Have you held -- you got beer and wine, have you held an alcohol license before in your name?

PENJAN JANBURIWONG: No.

FIRE CHIEF GERALD REARDON: Maybe you give us some rough experience on the restaurant business.

PENJAN JANBURIWONG: I have been working in the restaurant as a chef all the time. I cook in the kitchen, so my full-time job is working inside and outside. So I do that full-time job.

FIRE CHIEF GERALD REARDON: But you've had experience on the table side, not the kitchen side dealing with alcohol?

PENJAN JANBURIWONG: Yes.

FIRE CHIEF GERALD REARDON: How long have you been doing that off and on?

PENJAN JANBURIWONG: I opened the restaurant so I have experience for working at the restaurant more than 15 years.

FIRE CHIEF GERALD REARDON: Did you work anyone else prior to that in a restaurant

setting?

PENJAN JANBURIWONG: Before, I owned three restaurants.

And then I working all the time. So I've been working inside and outside. I work all the time.

FIRE CHIEF GERALD REARDON: So, in the other restaurants, you didn't have a liquor license in your name in the other restaurants?

PENJAN JANBURIWONG: My ex-husband name, not under my name. So this is my first time under my name.

FIRE CHIEF GERALD REARDON: Any disciplinary problems?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

FIRE CHIEF GERALD REARDON: Paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: Under

this new arrangement, will your involvement in the restaurant change? Will you be more in the front of the restaurant or will you continue to be the cook or chef of the restaurant?

PENJAN JANBURIWONG: I'm involved more in the front of the restaurant.

POLICE COMMISSIONER ROBERT HAAS: You will have more exposure to the restaurant?

PENJAN JANBURIWONG: Right.

POLICE COMMISSIONER ROBERT HAAS: We want to make sure what happens is that you continue to work in the kitchen and then there's alcohol service going on and it's really not under your purview or observation. So we just want to make sure your role is going to change, so you can monitor the sale of alcohol within the restaurant.

PENJAN JANBURIWONG: I do understand.

FIRE CHIEF GERALD REARDON: What was the

third? The shareholders?

MOOKDA SUPPANISANUWONG: Yeah. Transfer to me.

FIRE CHIEF GERALD REARDON: That's the 20 to 80 or 40.

PENJAN JANBURIWONG: Right.

FIRE CHIEF GERALD REARDON: Do you have the Public Works permit?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do not.

PENJAN JANBURIWONG: I have the petition.

POLICE COMMISSIONER ROBERT HAAS: The petition is for outside seating?

PENJAN JANBURIWONG: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have a letter from Susan Hunziker, who is the secretary of the Porter Square Neighborhood Association writing on behalf of the association to support the application for outdoor seating.

Ms. Wong presented the plan at their May 6 meeting. And she's indicated she'll maintain window boxes, the sidewalk in front of the restaurant that's been outstanding ever since the opening about ten years ago, and they're competent that she'll manage this part of operations very well.

They did discuss the lack of enforcement of some of the outdoor patios that raised issues and I know Andrea is often going up in that area to make sure everybody is staying where they're supposed stay and not encourage and they're confident that this will be fine.

There's also an outstanding tax bill as well as. It's due May 1st.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on this particular matter?

Seeing none...

POLICE COMMISSIONER ROBERT HAAS: I make
a motion to approve the application as stated.

FIRE CHIEF GERALD REARDON: Second.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

PENJAN JANBURIWONG: Thank you so much.

FIRE CHIEF GERALD REARDON: We'll pass it
on to Public Works, but we don't control that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll
call them tomorrow.

APPLICATION: TOASTED BROTHERS, LLC D/B/A

THE FRIENDLY TOAST

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: Toasted Brothers, LLC doing
business as The Friendly Toast, Eric Goodwin,
manager, has applied for a new all alcoholic

beverages as a restaurant license at One Kendall Square, Building 300. The proposed hours of operation are 7:00 a.m. to 1:00 a.m. seven days per week with alcohol not to be sold before 8:00 a.m. Monday through Saturday and 10:00 a.m. on Sunday and a seating capacity of 150.

FIRE CHIEF GERALD REARDON: Good evening.

ERIC GOODWIN: Good evening.

FIRE CHIEF GERALD REARDON: State your name for the record, please.

ERIC GOODWIN: Eric Goodwin,
G-O-O-D-W-I-N.

SCOTT PULVER: Scott Pulver, P-U-L-V-E-R.

FIRE CHIEF GERALD REARDON: Okay. Why don't you tell us what the plan is?

ERIC GOODWIN: Sure. Scott are in the process of acquiring The Friendly Toast Restaurant, and we wish to transfer the liquor license from the current owner to our LLC, and we

wish to keep everything the same as is in this license transition.

I would also like to note for the record that Erin Orpik and her team are here from the Beale Group, who is the landlord of the property, and she is here to endorse our application and our acquisition of the business, and we also have a letter from the current owner Melissa Jasper, who endeavors to sell the property to us and there's thumbs up to sell the business to us.

EXECUTIVE DIRECTOR ELIZABETH LINT: For the record, I would point out, it's not a transfer of the license at that location, it has to be a new license.

FIRE CHIEF GERALD REARDON: Was the previous one no value?

EXECUTIVE DIRECTOR ELIZABETH LINT: Right. They're assigned to the One Kendall property.

FIRE CHIEF GERALD REARDON: So the number of seats and the everything is going to stay the same right now?

ERIC GOODWIN: Exactly.

FIRE CHIEF GERALD REARDON: What time do they start serving alcohol right now?

ERIC GOODWIN: Right now, it's -- the license provides for 8:00 a.m. to 1:00 a.m., Monday through Saturday and then 10:00:00 a.m. to 1:00 a.m. on Sundays.

FIRE CHIEF GERALD REARDON: Is that something you think you're going to need at 8:00 a.m. in the morning?

ERIC GOODWIN: Probably not, but whatever is permissible.

FIRE CHIEF GERALD REARDON: The Sunday is actually regulated.

What's the normal --

EXECUTIVE DIRECTOR ELIZABETH LINT:

Sunday it's not before 10:00 a.m. During the week is 8:00 a.m. is what's allowed by statute, but the question is whether or not you will be open and operating at 8:00 a.m., and if you're not, then we can't approve those hours.

ERIC GOODWIN: It is open at that time. It's primarily a breakfast and lunch facility.

POLICE COMMISSIONER ROBERT HAAS: Are you going to sell alcohol during breakfast hours?

ERIC GOODWIN: Light lighter stuff will be on the menu.

FIRE CHIEF GERALD REARDON: What about the chef and staff and everything? This is going to be --

ERIC GOODWIN: We intend to have an evaluation period and keep everyone --

FIRE CHIEF GERALD REARDON: You're going to start off as is and then evaluate?

ERIC GOODWIN: Exactly. We'll likely

bring in a director of operations as well.

There's another Friendly Toast in Portsmouth as well. It's a two-unit acquisition.

When there's more leadership in place, we'll present that person appropriately here at that time.

FIRE CHIEF GERALD REARDON: So I guess, Eric, you need to give us your -- I'm sorry -- your experience as far as having a liquor license? Have you ever had a liquor license?

ERIC GOODWIN: Yes, I had a few in New Hampshire. I'm from New Hampshire. And I, just to give you a little historical background, I worked for the Common Man Family Restaurant. I don't know if you're familiar with them. I was a general manager of the Ashland location, which is the original location. And back in the day, let's say, as general manager, I was on that location.

I also had my own restaurant in Concord, New Hampshire, which the liquor license was in my name, and I was also the general manager of Chili's in Manchester, New Hampshire, and being a New Hampshire location as the managing partner, I had to have the liquor license in my name as well.

And from an experience standpoint, I also was a regional director for Chili's and I was responsible for 50 new Chili's in New England and been through the liquor license process in three states in my role as director of operations as well there.

FIRE CHIEF GERALD REARDON: You know the next question, no issues in any of those establishments?

ERIC GOODWIN: None whatsoever.

POLICE COMMISSIONER ROBERT HAAS:
Background checks?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have them back. We had an issue of outdoor seating. There's outdoor seats, but they have not been applied for.

SCOTT PULVER: We discovered there was outdoor seating when the weather warmed up the other day.

FIRE CHIEF GERALD REARDON: Is that part of the pool, the outdoor seats?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. It has to be applied for.

FIRE CHIEF GERALD REARDON: Right. But isn't there a pool cap of outdoor seats in that complex?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

SCOTT PULVER: We're happy to go about it anyway you want. We can just take care of the restaurant and not allow service out there till we can come back and reapply.

FIRE CHIEF GERALD REARDON: Those would be on private property, I believe?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's correct.

FIRE CHIEF GERALD REARDON: You need to get them on the license, but you wouldn't necessarily have to go to Public Works. You have to check with the landlord and make sure.

POLICE COMMISSIONER ROBERT HAAS: How quickly do you expect the transaction to take place?

SCOTT PULVER: As soon as we can get word that we can get our liquor license, that's when the financing comes in, and we close as soon as we get the liquor license.

POLICE COMMISSIONER ROBERT HAAS: So you know it's a nontransferable, nonvalue license, you can't use that for any pledging or anything like that, right?

SCOTT PULVER: Correct, yes.

We're pledging eggs and bacon.

POLICE COMMISSIONER ROBERT HAAS: And we would ask that you remove the outdoor seating until you properly apply for outdoor seating in the meantime.

SCOTT PULVER: That's fine.

FIRE CHIEF GERALD REARDON: Anyone from the general public wish to be heard on this matter.

ERIN ORPIK: Hi, Erin Orpik, O-R-P-I-K. I just wanted to make reference that on the current license for Toasted Hatch --

FIRE CHIEF GERALD REARDON: Are you just a general person or do you have a title?

ERIN ORPIK: I'm sorry. Senior property manager on behalf of the landlord, One Kendall Square. The current Toasted Hatch license does -- does have seasonal patio seating for 24

on their current license. So I'm not sure why it was on their current license, I think --

EXECUTIVE DIRECTOR ELIZABETH LINT:

Because it wasn't applied for.

ERIN ORPIK: They didn't apply for it on their application.

SCOTT PULVER: We didn't know it existed.

ERIN ORPIK: We'll come back for that part and tell you that we're in agreement.

That's all.

FIRE CHIEF GERALD REARDON: Thank you.

Anyone else wish to be heard?

Seeing none, motion to approve transfer to The Friendly Toast at One Kendall Square at the proposed hours as listed subject to background and tax.

EXECUTIVE DIRECTOR ELIZABETH LINT: No

taxes. Background check, that's it. Background check.

POLICE COMMISSIONER ROBERT HAAS: And 21

Proof?

EXECUTIVE DIRECTOR ELIZABETH LINT: 21

Proof.

FIRE CHIEF GERALD REARDON: Which is

Cambridge's version of TIPS.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll

send you the information.

POLICE COMMISSIONER ROBERT HAAS: Make a

motion, I'll second it.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

Good luck.

SCOTT PULVER: Thank you. We appreciate

it.

APPLICATION: 334 HARVARD STREET, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: 334 Harvard Street, LLC has applied

for an open air parking lot license at 334

Harvard Street for 30 parking spaces with a fee.

FIRE CHIEF GERALD REARDON: Good evening.

VITAS RASYS: V-I-T-A-S, R-A-S-Y-S from
334 Harvard Street, LLC.

FIRE CHIEF GERALD REARDON: Just give us
a quick rundown.

VITAS RASYS: We're applying for a new
open air parking license because we changed our
entity and ownership. It's still basically the
same family, the Rasys family, that's owned and
operated the building from 1963.

The parking lot has been in existence all
this time, and we changed our name and we applied
for a new license.

POLICE COMMISSIONER ROBERT HAAS: You
have always charged a few for the parking?

VITAS RASYS: Yes, the tenants.

FIRE CHIEF GERALD REARDON: So it's
always been 30 spaces in there?

VITAS RASYS: I believe so, yes.

FIRE CHIEF GERALD REARDON: It's been
there a long time. Pretty straightforward.

Paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes,
it is.

FIRE CHIEF GERALD REARDON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No
questions.

FIRE CHIEF GERALD REARDON: Anyone from
the public wish to be heard on 334 Harvard
Street?

Seeing none, I make a motion to approve
for 334 Harvard Street, LLC for 30 open air
parking lot license.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

VITAS RASYS: Thank you very much.

APPLICATION: EURO-TECH AUTO BODY, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Euro-Tech Auto Body, Inc has applied for a garage license with additional flammables storage at 53 Smith Place for 20 autos and 200 gallons of gasoline in the tanks of autos only, five gallons of Class 2 and 147 cubic feet of flammable gases.

And I have a note here from Mr. O'Neil that the application needs to be corrected and resubmitted before any licenses are issued, so we need to get a letter from the landowner regarding permission for him to operate --

JULIO MADRID: We're the owners.

EXECUTIVE DIRECTOR ELIZABETH LINT: You are, okay. That's part of it.

FIRE CHIEF GERALD REARDON: Okay. If you

could tell us who you are and spell your name.

JULIO MADRID: My name is Julio,
J-U-L-I-O, last name M-A-D-R-I-D.

Good evening, ladies and gentlemen.

FIRE CHIEF GERALD REARDON: Okay. This
is a relatively new location for you, right?

JULIO MADRID: Yes.

FIRE CHIEF GERALD REARDON: And do you
have parking inside for 20 vehicles?

JULIO MADRID: Yes.

FIRE CHIEF GERALD REARDON: And any
other -- the others are just gasoline and
flammables, just solvents?

JULIO MADRID: We have five gallons of
solvents. We're one of the first green shops in
Cambridge, by the way. That's about it. And so
settlement for -- 42 cubic -- I don't know.

FIRE CHIEF GERALD REARDON: 47 cubic
feet?

JULIO MADRID: Yes.

FIRE CHIEF GERALD REARDON: I think this was just receipt recently inspected, too. I think the only thing you need to do on our end is just apply for the flammable permits from the fire department to have those --

JULIO MADRID: We already did.

FIRE CHIEF GERALD REARDON: They have it.

JULIO MADRID: It's done.

POLICE COMMISSIONER ROBERT HAAS: They said you're filing for it; so you already went and filed for those?

JULIO MADRID: Yes.

FIRE CHIEF GERALD REARDON: Fire prevention inspected the place and everything was fine.

EXECUTIVE DIRECTOR ELIZABETH LINT: I just ask that he see Mr. O'Neil to make sure this gets straightened out so that we have all the

proper information on file.

JULIO MADRID: We got to see Mr. O'Neil.

Where do I see him?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Upstairs. Not tonight.

JULIO MADRID: Tomorrow. He's probably
asleep already.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

doubt that.

JULIO MADRID: Am I all set?

POLICE COMMISSIONER ROBERT HAAS: Not

yet.

FIRE CHIEF GERALD REARDON: Anyone from
the public wish to be heard?

Seeing none, I make a motion to approve
subject to the Fire Department permits five
gallons of Class 2, 147 cubic feet of flammable
gases and 200 gallons of gasoline in the tanks of
20 vehicles.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Get some of that little paperwork done as you've already applied for your permits, so...

JULIO MADRID: Thank you very much. Good night.

FIRE CHIEF GERALD REARDON: You did a nice job up there, too.

POLICE COMMISSIONER ROBERT HAAS: Good night.

FIRE CHIEF GERALD REARDON: You did a nice job up there too.

JULIO MADRID: Thank you.

APPLICATION: NORTH POINT CAFE, INC.

D/B/A LINGO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: North Point Cafe doing business as

Lingo, Jeffrey Barnhart, manager, holder of an all alcoholic beverages as a restaurant license at 1 Education Street has applied for a change of manager to Christina Braga.

CHRISTINA BRAGA: Hi, I'm Christina Braga, C-H-R-I-S-T-I-N-A, B-R-A-G-A.

ROSA GYLLENHAAL: Rosa Gyllenhaal, G-Y-L-L-E-N-H-A-A-L. I'm on the Board of Directors for North Point Cafe.

FIRE CHIEF GERALD REARDON: Good evening. Give us the quick rundown.

CHRISTINE BRAGA: So Jeff has moved to another unit. And we're just applying for a change of manager for me to become on the liquor license. I'm the director of operations for Lingo.

FIRE CHIEF GERALD REARDON: This is the restaurant on the first floor.

CHRISTINE BRAGA: The cafe and there's a

small restaurant and bar open five days a week now. We're open on Mondays.

FIRE CHIEF GERALD REARDON: On the Cafe -- on the cafe side, there's no liquor on that side?

CHRISTINE BRAGA: The cafe is open from 7:00 a.m. to 3:00 p.m. and the bar opens at 4:00 p.m. to 9:00 or 10:00 depending on involvement.

FIRE CHIEF GERALD REARDON: You're closing at 10:00 all the time?

CHRISTINE BRAGA: Most of the time. The latest we stay open is 11:00.

FIRE CHIEF GERALD REARDON: Maybe you can give us your experience.

CHRISTINE BRAGA: I've been there for the last three years, since 2010. Prior to that I was working as a GM in a restaurant in Beacon Hill. I was there for about five years. And then prior to that, I was a GM of a restaurant in

Lake Tahoe for seven years.

FIRE CHIEF GERALD REARDON: Any of those liquors licenses in your name?

CHRISTINE BRAGA: All of them, liquor license -- I have never been named on a liquor license. All the owners were on the liquor license prior. But I always managed busy bars. The last one in Beacon Hill was right near the State House. It was a very busy bar. All the state officials.

FIRE CHIEF GERALD REARDON: Red Hat.

CHRISTINE BRAGA: Scully Square, right around the corner from the First --

FIRE CHIEF GERALD REARDON: Okay. Everything else is staying the same, just the change of manager?

CHRISTINE BRAGA: Yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: Missing a lot of information from the

application, however.

CHRISTINE BRAGA: The notarized CORI report.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. The notarized CORI form, I need a corporate vote and proof of citizenship.

FIRE CHIEF GERALD REARDON: Are we getting close?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: Do you have everything you need?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: Background?

EXECUTIVE DIRECTOR ELIZABETH LINT: The ABCC might make some inquiry, but I don't think we need to.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard?

Seeing none, I make a motion to approve

North Point Cafe, Inc, doing business as Lingo.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

APPLICATION: VEOLIA ENERGY BOSTON

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Veolia Energy Boston due to the License Commission's decision on March 13, 2012 granting the special variance. One of the contingencies of that decision was the Veolia attend a hearing shortly after beginning night work.

TOM HERLIHY: Tom Herlihy, H-E-R-L-I-H-Y.

And I'm with the Veolia Energy. And I have with me Dan Mahoney also with Veolia Energy.

And Commissioner Hass, Chief Reardon, Executive Director Lint, thank you for having us

back. When I was in here in March we were granted a variance from the Cambridge Noise Ordinance with conditions, and it was in response to one of those conditions which is to report back, and I am very happy that I look behind me and I think the emptiness of the room speaks volumes about what I'm about to say. I think most of that was --

FIRE CHIEF GERALD REARDON: I think going to Cambridge Park made a huge difference.

TOM HERLIHY: It absolutely did. But for the record, first, I would like to publicly state that the residents affected by our work have been extremely cooperative and helpful in devising ways to keep the destruction of our work to a minimum and seemingly tolerable level.

Without this help and cooperation, we would not be able to have accomplished what we have while maintaining a good relationship with

the residents.

With that said, I would like thank the folks I met with and have made our progress to date possible.

I'm happy to report that we do not -- we have been in substantial compliance with the conditions of the ordinances and devises that we put on the vehicles. Things like that have worked.

The sound dampening the trucks, the measures we took all worked, and we have had some minor problems that have been communicated to building management and they worked with us to make them go away.

We haven't had any direct complaints from the residents, and I'm assuming that none of them have come into this office or I would have heard about them already.

EXECUTIVE DIRECTOR ELIZABETH LINT: That

is correct.

FIRE CHIEF GERALD REARDON: I guess in retrospect, it was the cost of the mitigation on the dampening the noise and stuff, probably wasn't that expensive in terms of --

TOM HERLIHY: In regards to the overall project and the relationship with the overall project, I would say no. It basically -- probably the biggest impact is the speed. We can't use the impact equipment after 10:00. But all in all, when you see where we are working in relation to where people are sleeping, the fact we have been able to maintain that relationship, I can't complain.

FIRE CHIEF GERALD REARDON: How did it go with the hotel?

TOM HERLIHY: It's going well with the hotel. They actually wrote us an email saying we're doing a good job.

POLICE COMMISSIONER ROBERT HAAS: You're pretty much by there now.

TOM HERLIHY: Yeah. We promised them April 15 and we were paved before April 15.

FIRE CHIEF GERALD REARDON: Do you still have to pave in the back or is it --

TOM HERLIHY: We still have to do curb to curb, but that will get done.

POLICE COMMISSIONER ROBERT HAAS: So what's the end date duration of the project?

TOM HERLIHY: We're looking at August 30.

POLICE COMMISSIONER ROBERT HAAS:
August 30.

TOM HERLIHY: We'll be off Cambridge Parkway probably in a month or so, and going across to the plant, the piece of pipe that goes from Cambridge Parkway to the plant.

FIRE CHIEF GERALD REARDON: All your --
you're backfilled, you're doing street surface

work and restoration at this point?

TOM HERLIHY: Charles River Damn Road is still in Cambridge, but there's no residents, there's nobody to bother. We haven't had any issues there.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Ms. Boyer does a periodic check.

TOM HERLIHY: We have done the required noise testing and again Thomas Graves has been great. They let us in at night, they let us in on that corner, they have a gymnasium in that corner, so they let us take our noise readings behind the glass so we have an idea -- you know, obviously, the first floor would be the worse floor, so if we can maintain the levels there, we don't have to worry about the upper floors.

And they have been great. They have been good.

And the Museum Towers, I really haven't

heard much out of them. I talked to the manager there once in while, and they had one issue where they were hearing trucks -- they thought they were hearing trucks out their windows. I don't think it was us. I looked into it and I talked Tom --

FIRE CHIEF GERALD REARDON: They're DCR going in the back.

TOM HERLIHY: It could've been. I mean, I don't know, to be honest with you. Like I said, I looked into from our point of view and our contractors were telling me at that hour, this specific hour, that the report was made that they weren't in the area. So I don't know who was in there.

FIRE CHIEF GERALD REARDON: Some dumpster activity we get once in while out in the back, they probably get --

TOM HERLIHY: But we looked into it and

if we receive a direct complaint, obviously, they'll be reporting directly to you, so...

FIRE CHIEF GERALD REARDON: I ran into a few people down there and did ask the question, because obviously no one likes construction, but they said you were very conscientious in terms of trying to mitigate noise to the best of your ability. It really wasn't that bad.

TOM HERLIHY: I had a hearing at the Sonesta Hotel. I had two people there. I had a hearing at Thomas Graves, and I had a room full of people there, but, to be honest with you, they were very tolerant. They were -- they asked a lot of questions. A lot of people said, "Oh, well, that's not on my side of the building. And they walked out.

And the people's whose apartments were on that side of the building, they worked with us. And basically told us, like we knew, we gotta

sleep, understood. This is what we're planning on doing, so you can sleep and 10:00 we'll be -- they said, "As long as it stops at 10:00" -- so they have been -- it's worked out.

FIRE CHIEF GERALD REARDON: A success story.

TOM HERLIHY: We're not done yet.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm thrilled because before the fact we had so many complaints that --

TOM HERLIHY: Not going down Lane Boulevard, not going down the Riverside was a big help because there's lot of residents in that building.

FIRE CHIEF GERALD REARDON: I asked that question way back when. If you get on that side because --

TOM HERLIHY: Right.

FIRE CHIEF GERALD REARDON: Because

you're off out of the way with the traffic and the traffic would have restricted your work. It would have dragged us on forever.

TOM HERLIHY: The Esplanade has been very good too. We've been working pretty closely with those people. We're addressing their concerns. If they have an issue after the fact, we hop on it.

FIRE CHIEF GERALD REARDON: You have been running street sweepers around there too.

TOM HERLIHY: No. Generally on Cambridge Parkway, they just sweep it up. They have laborers there and they have some downtime at the end after the plates are all put on.

FIRE CHIEF GERALD REARDON: I think the noise of the paving will probably be the noise of joy to know it's over.

TOM HERLIHY: Believe me, everybody will be happy it's over.

FIRE CHIEF GERALD REARDON: Good news.

TOM HERLIHY: Well, I appreciate it. The conditions were well written. And they worked so far. If you hear anything, I guess I don't have to ask this, but I appreciate it.

EXECUTIVE DIRECTOR ELIZABETH LINT: You know.

FIRE CHIEF GERALD REARDON: I've proactively talked to a number of people down there and everybody says it hasn't been too bad.

Thanks for the update.

TOM HERLIHY: All right. Thank you for your help.

EXECUTIVE DIRECTOR ELIZABETH LINT: You need to do something with the review.

FIRE CHIEF GERALD REARDON: We'll accept the review.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Placed on file.

FIRE CHIEF GERALD REARDON: Placed on file. We can do that.

I make a motion that we accept the report and place it on file.

TOM HERLIHY: Is there another time? Is there a time duration?

POLICE COMMISSIONER ROBERT HAAS: So I would say unless we get some kind of complaints and things like that, we don't need to bring you back. I mean, the project has been so successful at this point in time, providing things go well and you're responsive to the neighborhood, I think there's no point in you coming back.

FIRE CHIEF GERALD REARDON: Unless something goes radically wrong and we start --

TOM HERLIHY: Super. Thank you very, very much.

FIRE CHIEF GERALD REARDON: Motion to accept those files?

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye. Thank
you.

Last one is all set, nothing to do
with --

EXECUTIVE DIRECTOR ELIZABETH LINT: None.

They're all paid.

FIRE CHIEF GERALD REARDON: Any
ratifications or...?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Nothing else.

FIRE CHIEF GERALD REARDON: Motion to
adjourn.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: Thank you.
All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the meeting was concluded at

7:47 p.m.)

ATTACH TO THE LICENSING COMMISSION HEARING OF

5/28/2013

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of the License Commission Decision Hearing of 5/28/13, note any change or correction and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet

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I have read the foregoing transcript of the License Commission Hearing of 5/28/13, and except for any corrections or changes noted above, I hereby subscribe that the transcript is an accurate record.

CERTIFICATE

Commonwealth of Massachusetts
Suffolk, ss.

I, Jill M. Kourafas, a Notary Public in
and for the Commonwealth of Massachusetts, do
hereby certify:

This transcript of the License Commission
Decision Hearing of 6/6/2013 is a true and
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 9th day of June 2013.

Jill Kourafas
Notary Public
Certified Shorthand Reporter
License No. 149308

My Commission expires:
February 2, 2017

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