

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: June 11, 2014

TIME: 6:15 p.m.

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P R O C E E D I N G S

June 11, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: Once again, before we get started, if anyone has a cell phone on, we would appreciate it if you would turn it off.

Thank you all for your patience. This is the License Commission general hearing, Wednesday evening, June 11, 2014 at 6:15 p.m.

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

Before you are the Commissioners: Chair Andrea Jackson, Fire Chief Gerald Reardon and Police Commissioner Robert Hass.

And we're going to go slightly out of order --

CHAIR ANDREA JACKSON: For our meeting

tonight.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, I'm sorry. And for everyone's notification, this hearing is being audio -- audio-taped.

**APPLICATION: SONESTA INTERNATIONAL HOTELS CORP.
D/B/A ROYAL SONESTA HOTEL**

EXECUTIVE DIRECTOR ELIZABETH LINT: Take first the application of Sonesta International Hotels Corporation doing business as Royal Sonesta Hotel. Michael Medeiros, manager, holder of an all alcoholic beverages hotel license at 4040 Edwin Land Boulevard has applied for an alteration of premise to convert an existing space on the first floor into additional meeting rooms.

CHAIR ANDREA JACKSON: Good evening. If you could please state your name for the record, spelling both your first name and your last name

and your affiliation with the Sonesta.

MICHAEL MEDEIROS: Michael Medeiros,
M-I-C-H-A-E-L, M-E-D-E-I-R-O-S. And I'm the
general manager.

RICHARD PEARL: Richard Pearl,
R-I-C-H-A-R-D, P-E-A-R-L. I'm the treasurer and
vice president -- sorry -- treasurer, vice
president and chief financial officer of Sonesta.

CHAIR ANDREA JACKSON: Two titles.

RICHARD PEARL: Yes. Many hats.

CHAIR ANDREA JACKSON: Thank you.

Can you please tell us about your
alteration of premise?

MICHAEL MEDEIROS: The space that we
altered was the existing executive office
catering and sales office located on the first
floor of the west tower, and it was converted
into meeting space.

FIRE CHIEF GERALD REARDON: Do you know approximately how many square feet that is?

MICHAEL MEDEIROS: 2000. It has direct access right outside to the terrace, three doors.

FIRE CHIEF GERALD REARDON: And the renovation work that was done, it was removing interior partitions and walls to make this an open area?

MICHAEL MEDEIROS: Yes.

FIRE CHIEF GERALD REARDON: So the fire alarm system, sprinkler system and everything has already been approved and done in terms of modification in any of those areas?

MICHAEL MEDEIROS: All the sprinkler systems, everything is in and almost ready.

FIRE CHIEF GERALD REARDON: The fire alarm system has been altered so it indicates that area of space is not where the previous area

was or it --

MICHAEL MEDEIROS: Yes.

FIRE CHIEF GERALD REARDON: Do you know if it has been inspected already?

MICHAEL MEDEIROS: I don't think it has been. Nope.

CHAIR ANDREA JACKSON: Any questions, Commissioner?

POLICE COMMISSIONER ROBERT HAAS: So the work is all done at this point?

MICHAEL MEDEIROS: The majority of the work is done. They are doing one little area, the AC area.

POLICE COMMISSIONER ROBERT HAAS: Mm-hmm.

MICHAEL MEDEIROS: And that's it. The rest of the area is complete.

FIRE CHIEF GERALD REARDON: So, is this going to be used as one large space or scalable

in terms of --

MICHAEL MEDEIROS: It's one large space broken up into three separate rooms.

FIRE CHIEF GERALD REARDON: Okay. So you will placard at each separate room with the occupancy when it's broken down?

MICHAEL MEDEIROS: Yes, sir.

CHAIR ANDREA JACKSON: Are you good? Commissioner, you good?

POLICE COMMISSIONER ROBERT HAAS: Good.

CHAIR ANDREA JACKSON: I make a motion that we approve the alteration of premise for Sonesta International Hotels to convert an existing space on the first floor into additional meeting rooms.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in

favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

Thank you.

MICHAEL MEDEIROS: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just
one more that we'll -- oh, no, sorry.

CHAIR ANDREA JACKSON: You're all set.

Thank you.

Boy, he moved fast to get out of here.

CHEYENNE MCARTER: I got an email from
Andrea Boyer that the meeting that she first told
me was supposed to be at 6:00 was changed to 5:00
because she didn't --

CHAIR ANDREA JACKSON: No, it's 6:00. So
you're fine.

CHEYENNE MCARTER: Oh good. Okay. Thank

you.

CHAIR ANDREA JACKSON: You're welcome.

APPLICATION: SLAWDOG, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Taking one more out of order, Application:

SlawDog, LLC, Alon Munzer, manager, holder of an all alcoholic beverages restaurant license at One Kendall Square, Building 300, has applied for new stockholders.

CHAIR ANDREA JACKSON: Good evening.

If you could all please state your name for the record, spelling your first name and last name and if you could please speak up?

ATTY. DAVID LIPSHUTZ: David Lipshutz, D-A-V-I-D, L-I-P-S-H-U-T-Z. And I'm an attorney with Seegel Lipshutz & Lo.

RACHEL MUNZER: Rachel Miller-Munzer,

R-A-C-H-E-L, M-I-L-L-E-R-hyphen-M-U-N-Z-E-R.

ALON MUNZER: My name is Alon Munzer,
A-L-O-N, M-U-N-Z-E-R.

CHAIR ANDREA JACKSON: And are you the
owners?

ALON MUNZER: We're both the owners, yes.

RACHEL MUNZER: Yes.

FIRE CHIEF GERALD REARDON: You're on,
counselor.

ATTY. DAVID LIPSHUTZ: Very simply, we
are looking to add some additional members to our
organization. The organization license was
issued with four shareholders. During their
construction process, we decided to give some
interest in the company to some key employees
because of cost overruns and we've added a number
of investors.

The majority of the investors are also

part of the Hungry Mother Restaurant which is also going to be part of this organization, which is going to be tiptop.

CHAIR ANDREA JACKSON: You said you've added a number of investors?

ATTY. DAVID LIPSHUTZ: Yes.

CHAIR ANDREA JACKSON: How many?

ATTY. DAVID LIPSHUTZ: Three investors that will have a small voting share, and then 13, including the three additional investors that have an ownership share that are passive, but non-voting, and their voting interests that are being granted are very small, four and a half percent.

So certainly there will be no change in control or operation. Nothing with respect to the restaurant would really change or the operation of the space.

CHAIR ANDREA JACKSON: You said it does not affect the change in control?

ATTY. DAVID LIPSHUTZ: Excuse me?

CHAIR ANDREA JACKSON: You said it does not affect the change in control?

ATTY. DAVID LIPSHUTZ: None.

POLICE COMMISSIONER ROBERT HAAS: Can you explain to me what the 13 investors' role is again?

ATTY. DAVID LIPSHUTZ: They're just passive.

POLICE COMMISSIONER ROBERT HAAS: Passive.

ATTY. DAVID LIPSHUTZ: They have no --

POLICE COMMISSIONER ROBERT HAAS: Okay.

ATTY. DAVID LIPSHUTZ: As I said, three of the 13 are employees; they work with the restaurant.

POLICE COMMISSIONER ROBERT HAAS: Mm-hmm.

ATTY. DAVID LIPSHUTZ: They have passive shares, but they also have small voting shares as well.

And, again, they're strong minority owners --

POLICE COMMISSIONER ROBERT HAAS: Mm-hmm.

ATTY. DAVID LIPSHUTZ: -- compared to the existing members.

CHAIR ANDREA JACKSON: How long have you been in business?

ALON MUNZER: Just about six months.

CHAIR ANDREA JACKSON: Six months. And how's it going?

ALON MUNZER: It's going pretty well.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: I make a motion that we approve the application for new stockholders for SlawDog, LLC.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set. Thank you.

ATTY. DAVID LIPSHUTZ: Thank you very much.

**DISCIPLINARY: CASA DO BENIFICA DA NOVA
INGLATERRA, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT: Back

to agenda.

Disciplinary Matter: Casa Do Benifica Da Nova Inglaterra, Inc., David Brandos, manager, holder of all alcoholic beverages club license at 178 Elm Street due to failing to comply with a disciplinary hearing decision of March 3, 2014.

CHAIR ANDREA JACKSON: Good evening.

If I could go down the row, have everybody's name, spelling your first name, last name and your relationship to Casa Do Benifica.

ATTY. DAVID GALUSI: David Galusi, attorney. Attorney David Galusi, G-A-L-U-S-I.

ANTONIO PIRES: I'm Antonio Pires, A-N-T-O-N-I-O, P-I-R-E-S, and I'm the president of the club.

CAPTAIN TOM CAHILL: Captain Tom Cahill, Cambridge Fire Department. C-A-H-I-L-L.

CHAIR ANDREA JACKSON: I would like to

start this evening actually with Captain Cahill.

It is my understanding that we are back here this evening looking at the alleged failure of the club to comply with a decision of our March 3rd hearing.

With stipulations that we set forth, I believe the Board has set forth four stipulations in addition to probably some other ones, but four stipulations that you had requested, Captain?

CAPTAIN TOM CAHILL: Yes, ma'am.

CHAIR ANDREA JACKSON: If you could speak to that, please?

CAPTAIN TOM CAHILL: We had requested at that hearing that the fire escape be certified, the panic hardware installed on the exits leading to the backyard, a Knox box installed, and the fire alarm system installed and activated.

Prior to them reopening, they did have

the fire escape certified and they did have the panic hardware installed. They were given 90 days on the date of that hearing to have a fire alarm system installed and activated.

I went by on May 21st, approximately three and a half months after the date that they were required to have that done, no fire alarm system has been installed. No Knox box has been installed.

The manager on duty told me at the time it was almost done. I walked through the entire building. There's no evidence at all that there's been any fire alarm work being done.

No permits have been pulled.

No plans have been presented at the Fire Prevention Office and they indicated that there's a fire alarm system intended on being installed.

And, again, no Knox box installed as

required.

POLICE COMMISSIONER ROBERT HAAS: Remind me what a Knox box is again?

CAPTAIN TOM CAHILL: A Knox box is a key box mounted to the outside of the building.

And the reason that we were looking for it, was there's a gate, a metal -- a wrought iron gate approximately eight feet high.

In the event of an emergency, people exiting any of the three exits in the back are trapped in this backyard. It's a key to get in and a key to get out.

CHAIR ANDREA JACKSON: And who would have access to that box?

CAPTAIN TOM CAHILL: The Fire Department are the only people that would have access to that box.

In the event of emergency, we go to the

box, and get the master key and we're able to let people out.

It's unrealistic to think that somebody in very good shape is going to be able to get over this fence. It's an extremely high wrought iron fence.

CHAIR ANDREA JACKSON: So essentially, if there was a fire in the building, and you're behind the gate, and if you don't have a key, you're stuck back there?

CAPTAIN TOM CAHILL: If you're behind the gate, that's right.

CHAIR ANDREA JACKSON: Counsel, would you like an opportunity to respond?

ATTY. DAVID GALUSI: Yes, please.

Madam Chair, as you have been told, my client is in good faith, put forth efforts to get in compliance. They have a few items remaining,

as has been stated. The electrician that they hired needs to obtain -- he's in the process of doing this, we were told -- drawings of the building in order to apply for the permit. Once he obtains the drawings to the building, he will then apply for the permit.

We have not discussed everything, but these items are things that they are continuing to fix.

You know, as I'm sure this panel is aware, the backyard or the side yard has been locked to prevent people from going back there. So, this is an unforeseen or -- logical, but unforeseen, you know, circumstance of that.

It's locked to keep patrons from going back there. Same with the panic bars on the doors to prevent patrons from exiting into the backyard.

This was done so that only authorized personnel can get back there to dispose of trash and recyclable bottles, but to keep patrons and guests out the backyard to keep the noise level down.

So they have put forth the effort to be in compliance with that. They've shut down the floors 2 and 3. So no one uses them, and it is strictly the social club in the first level of the basement, I believe.

So, in that sense, they beg your patience, but they are putting forth the efforts. They're a small organization. The resources are limited. They are, you know, putting forth the effort, and they hope to be in compliance as soon as they can.

CHAIR ANDREA JACKSON: Counsel, you understand that they've already served a

suspension and one week was held in abeyance, that if the deficiencies were not corrected within the prescribed time limit, that we reserve the right to invoke the one-week suspension left to be served?

ATTY. DAVID GALUSI: Yes, I do, Madam Chair.

FIRE CHIEF GERALD REARDON: Counsel, the reason for the 90 days was because we understood you can't get this done in two days or three days.

So I guess I don't understand the fact that we're doing it at the eleventh hour. I mean, the cost involved is very similar to two months ago as it is now. You know, a lot of this is not adding up in terms of being in good faith and doing what you're supposed to do.

ATTY. DAVID GALUSI: Chief, I understand

what you're saying, and I agree that 90 days is a reasonable amount of time, has passed.

As I've said, you know, as a small organization, the resources are limited, and they have been tackling as many of these problems as they can going down the list and, you know, trying to knock off one after the other and they are almost -- they've almost reached the end of that line.

And they are, like I said, in good faith, they're trying to get this done. And they just beg for a little bit more time to do that.

FIRE CHIEF GERALD REARDON: I guess I'm having trouble understanding this. They had a number of deficiencies. We gave them the time to comply. We understand they are a small club.

It appears as though they do enough to placate us and hope we go away, my personal view,

not the Board's, but my personal view, you know.

We understand about the gate issue. You know, rather than put panic hardware where someone can open it, we're trying to work with you with the Knox box issue, which is a stretch a little bit versus putting -- which would defeat the purpose of it.

We have rules and regulations within the Commonwealth that I have to enforce, they don't have a lot of latitude on and we're trying to work with the club. They don't seem to be working with us, in my opinion.

They did a couple things right away to get back open again. Anything we gave them the time on was not done.

I think those facts are pretty straightforward right now.

I don't understand why I should be giving

you more time.

ANTHONY PIRES: I think one of the reasons Captain Cahill mentioned, the Fire Department, they need drawings and we don't have it. The club doesn't have any drawings. We have somebody to do those drawings to get a permit done, you know. Like in the past, the club got burned because we did things without a permit. I don't want to see a wire running here without a permit. We have to get a permit. And that's one of the reasons, you know, like I say, we're gonna come over here to ask for more time before the time expired. But the night before we receive a letter, and it was brought by some gentleman from the Commission that we are going to have this Commission. I said we might as well wait for the date and ask then. But we need -- we have somebody to do it, and probably by the end of

this week, we'll be ready.

FIRE CHIEF GERALD REARDON: The drawings we are looking for are not certified stamped engineered drawings, but, you know, a reasonable layout of where the locations are so that when you come in with the plans, the electrician or someone who does this on a regular basis, they are putting this here, here, here and here, and then we can make sure that it's in compliance with the law before you go ahead and do the work and not have us come back in and say "you need to move something."

So it's an effort to try to make sure that you do it once, you do it right and that you're not doing things two and three times.

It's not onerous the type of drawings we're looking for in terms of...

ANTONIO PIRES: Well, it's not that

complicated drawings, but I have somebody that is doing those drawings. You know, like I say, it should be done by Friday with those drawings.

So as soon as they are done Monday, we can get started if the permit is issued obviously and that's when we'll get the electrician.

CHAIR ANDREA JACKSON: So if you knew this wasn't done obviously before, why didn't you come back to us to request additional time?

ANTONIO PIRES: Well, the reason is, like I say, it takes like those two months to get a bid. We used to -- they are busy and they come back with a price like two months after. Then they start -- you know, like two weeks ago, we gonna apply for the permit but I need the drawings. We have no drawings for this club. So that's why I asked somebody I know, as a matter of fact, it's an architect to write the drawings

for that purpose.

CHAIR ANDREA JACKSON: Yes, Captain?

CAPTAIN TOM CAHILL: I think what's concerning to me is that had the effort been made by the club to come to the Fire Prevention Office, we could have explained 90 days ago that you don't need an architect's drawings.

The Knox box, on another note, is nothing more than a phone call to the Knox Company or an email to the Knox Company.

The City of Cambridge now lets you apply for a Knox box on-line. That's a phone call or an email. That could have been done within one week.

My concern is that -- and I think the Chief spoke to it is what they needed to get done to get that door open, was done, and there's been no effort, or no indication that an effort is

being made to these other two items.

It would have been as simple as a phone to call to our office, or a visit to our office and we could have explained that process.

I just feel that there's very little regard for the fire laws, as well as the safety of the patrons at that place.

CHAIR ANDREA JACKSON: Captain, do you know offhand what is the estimated cost for a Knox box?

CAPTAIN TOM CAHILL: Approximately \$250.

For the size Knox box that they would need, it's the small one, right around \$250.

CHAIR ANDREA JACKSON: We're obviously not talking like \$1,000 box?

CAPTAIN TOM CAHILL: No, ma'am.

CHAIR ANDREA JACKSON: Mr. Pires, did you even attempt to obtain a Knox box for the front

of the building?

ANTONIO PIRES: Yes. To be honest, no. That's part of the contract. I told him to do all these things. If I know it is that easy, I will do it myself. I promise to do it tomorrow.

CHAIR ANDREA JACKSON: You don't have to have an electrician for the Knox box, correct?

ANTONIO PIRES: I know that's --

CHAIR ANDREA JACKSON: You don't need a Knox box -- an electrician for the Knox box, do you?

CAPTAIN TOM CAHILL: No. You don't even need a contractor for a Knox box. The owner or somebody in that building can install it.

When it is installed, the Fire Department will come down because we are the only ones that have the keys, and we'll open it and put the key

in it.

A contractor is not required, a permit is not required, and an electrician certainly isn't required.

CHAIR ANDREA JACKSON: Any questions as it relates to this matter?

FIRE CHIEF GERALD REARDON: No.

Do you want to do two of them together or...?

CHAIR ANDREA JACKSON: Mm-hmm.

Do you have any questions in regards to this matter?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: So unless you have anything to add on this matter, there's also another matter that I would like to take, but Captain Cahill had asked that you still stay in the room, please.

Do you want to keep that part separate?

Are there any members of the public that wish to be heard on this particular issue?

Seeing none, let's go to the other matter.

Ms. Boyer?

**INFORMATIONAL: CASA DO BENIFICA DA NOVA
INGLATERRA, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational Matter: Casa Do Benifica Da Nova Inlaterra, Inc., David Brandoa, manager, holder of an all alcoholic beverages club license at 178 Elm Street due to a request by a neighbor that states her daughter was harassed by members of the club while walking by the club.

CHAIR ANDREA JACKSON: Good evening. Can you please state your name for the record and identify yourself?

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R,
Chief Licensing Investigator for the City of
Cambridge License Commission.

CHAIR ANDREA JACKSON: Okay.

ANDREA BOYER: Our office received a
complaint from a resident that her daughter had
been sexually harassed during the daytime by
three members of the Casa Do Benifica Club
located at 178 Elm Street.

The complaint was submitted in an email
stating the following -- please be advised that I
changed the daughter's name to protect her
identity -- but word for word and I quote: "Mary
was walking past the club. Three men walked out
of the front, out in front of her from the alley
that runs along the side street, right side of
the building, club building where there is the
entrance to the club. They approached her and

said, 'How can we meet such a sophisticated lady like yourself?' Mary smiled and tried to walk around them. And instead of letting her pass by, one of them said, 'Oh, don't leave without giving me a high-five first.' Mary shook her head 'no' and started to try and walk around them again.

Then the same man became more insistent. So she gives him a high-five before she leaves. She felt that the quickest way to get herself out of there was to give the man a high-five, so he reluctantly did so.

She was very upset by feeling forced to make physical contact. Additionally, she felt that they watched her where she went and now knows where she lives. There's no doubt about these -- that these were club members.

As the weather has improved, there's a dramatic increase of groups of men loitering in

front of the club smoking and throwing their butts on the ground."

That was the information I submitted to our office.

CHAIR ANDREA JACKSON: Does it state how old is Mary is?

ANDREA BOYER: No, but I did inquire, and I believe they stated that she was 18.

CHAIR ANDREA JACKSON: 18. And, Ms. Boyer, the men, were they coming out from the front of the building or side of the building?

ANDREA BOYER: They said that they were coming from the side of the building.

CHAIR ANDREA JACKSON: Is that the same side of the building where there's the gate?

ANDREA BOYER: Yes, ma'am.

CHAIR ANDREA JACKSON: Do you know if that gate was propped open or...?

ANDREA BOYER: I do not know.

CHAIR ANDREA JACKSON: Any questions for Investigator Boyer?

FIRE CHIEF GERALD REARDON: I do not.

CHAIR ANDREA JACKSON: Any questions for Investigator Boyer?

POLICE COMMISSIONER ROBERT HAAS: You interviewed the individual that was -- aside from the email, that's all you have right now for your investigation?

ANDREA BOYER: I did alert them that the hearing was this evening, to come testify, if possible.

AUDIENCE MEMBER: We're her parents.

CHAIR ANDREA JACKSON: If I can just -- give me one second, please.

Ms. Boyer, if you could step to the back, I'll let them come forward.

Thank you.

ANDREA BOYER: Thank you, ma'am.

CHAIR ANDREA JACKSON: Could you please
come down?

CHEYENNE McCARTER: Cheyenne,
C-H-E-Y-E-N-N-E, McCarter, M-c-C-A-R-T-E-R.

CHAIR ANDREA JACKSON: And your name,
sir?

HARRIS McCARTER: Harris McCarter,
H-A-R-R-I-S, M-c-C-A-R-T-E-R.

CHAIR ANDREA JACKSON: Thank you.

Ms. McCarter?

CHEYENNE McCARTER: So that's basically
what happened what Ms. Boyer reported.

And we tried to encourage our daughter to
come so that she could, you know, put it in her
own words. But she didn't feel comfortable
because she didn't want to have to see people

from the club, and that felt very awkward to her.

CHAIR ANDREA JACKSON: Were you home when she got in the house --

CHEYENNE McCARTER: Uhm...

CHAIR ANDREA JACKSON: -- or did she just -- did she tell you about it? I'm just trying to determine did she tell you, did she call you at work or...?

CHEYENNE McCARTER: Yes. She told me later that day. I think I was at work. And when I came home from work, she told me. So about in the later part of the afternoon. Yeah, because I was at home around 5:00, and she -- it was around 2:00 p.m., I think, that it happened.

HARRIS McCARTER: She was coming back from Walgreens.

CHEYENNE McCARTER: And the side -- the alley she describes where they came out that side

on the right, that's where the entrance is that goes down to where the alcohol is served.

So that's, you know, sort've the main place where people go in and out of the building is that you go through the gate, as it was described and there's an entrance on the left and that's where everybody seems to go in and out to go down and drink.

HARRIS McCARTER: We don't know that the gate was open at the time. They frequently hang out in front of the building, sort've by the gate, and in clusters that partially block the sidewalk.

Ordinarily, when a pedestrian comes by or when I'm walking by, they sort've give way.

On this occasion, the group who was standing there talking instead of giving way, held their ground, and the conversation that we

reported ensued.

I don't know that we know for sure that the -- whether the gate was open or not.

CHEYENNE McCARTER: Yeah, we don't know if the gate was open or not.

HARRIS McCARTER: She didn't tell us that detail.

CHEYENNE McCARTER: She was upset about that idea that we live two doors down and that they could see where she lived and it was upsetting to her.

I think that they would -- I have -- if they had been inappropriately flirtacious, it wouldn't have bothered her, but as far as this insisting making this contact was -- crossed the line that I think was very uncomfortable. It is uncomfortable for me to hear about.

CHAIR ANDREA JACKSON: Not to put this

back on you, but what is it that you would like this Board to do?

CHEYENNE McCARTER: Oh, I think this is -- I think this is all part of the same picture as described, the fire -- the lack of attendance to the fire things that were requested.

There's no -- there doesn't seem to be a motivation to create harmony in the neighborhood. And so people are drinking and loitering, and there's no effort made to teach them or encourage them to be good neighbors. And to have young girls walking by and being remarked at who grew up, my daughter was born and raised on that street.

HARRIS McCARTER: When we were here at the hearing back in March, we mentioned then that our girls have felt intimidated and uncomfortable

about the attention that they received from men from in front of the club.

And this is -- again, it's an instance of somebody who has complained about it at that meeting and that it's still going on. Just as with the fire alarm, there doesn't seem to be an effort to educate the members of the club about good behavior and to make sure that things were corrected.

And, in fact, this is even worse than anything that's happened before, the situations have just been verbal and here we have moved from the verbal to the physical.

What I would like is that you do whatever is necessary to make the club teach its members to behave in a way where they won't harass my children.

CHEYENNE McCARTER: What I would like is

for them to stop serving alcohol. I think this is a product of drinking this kind of -- I think it's part of, you know, drinking culture behavior.

HARRIS McCARTER: It's hard to imagine if they weren't intoxicated they wouldn't have had this bad judgment to interact with a girl in this way.

CHAIR ANDREA JACKSON: Thank you. And I appreciate you coming in. Thank you very much.

CHEYENNE McCARTER: Thank you.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: So I want to --

CHAIR ANDREA JACKSON: Sorry.

POLICE COMMISSIONER ROBERT HAAS: I'm sorry.

CHAIR ANDREA JACKSON: Is your question for them?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Okay. You're all set. Thank you.

POLICE COMMISSIONER ROBERT HAAS: I'm trying to understand the significance of the alleyway.

Is that gate suppose to remain locked and not be used as a point of access and egress?

ANTONIO PIRES: People, they don't go would go to backyard.

POLICE COMMISSIONER ROBERT HAAS: So how do people walk in and out of that alleyway?

ANTONIO PIRES: They go to the basement, the door to the basement.

POLICE COMMISSIONER ROBERT HAAS: It's before the gate.

ANTONIO PIRES: It's like two feet after
the door --

POLICE COMMISSIONER ROBERT HAAS: Okay.

ANTHONY PIRES: On the same area.

POLICE COMMISSIONER ROBERT HAAS: What is
your response to -- I mean --

ATTY. DAVID GALUSI: Well --

POLICE COMMISSIONER ROBERT HAAS: Go
ahead.

ATTY. DAVID GALUSI: First off, the
safety and well-being of women in our community
is, you know, paramount to everyone, including
the members of Casa Do Benifica.

Culturally speaking they come from a
culture that, you know, puts women on a pedestal.
This is not behavior that they tolerate. It's
not behavior they encourage. If this kind of
action had gone on with certain board members,

they, you know, would definitely discipline these members, perhaps even kick them out.

I will, however, and not to make light of this situation, remind of you what we just heard, which I know the rules of evidence here are minimal, and as hearsay goes, but this young lady is 18 years old. These gentlemen did not touch her. They asked her to high-five them at least by the report that we have. She was not forced to do this in any fashion that there was danger. She felt uncomfortable. A lot of people do a lot of things because they feel uncomfortable in certain situations.

I'm not saying that this behavior that people should be walking around the streets doing. However, this, I don't think, is any different from any other establishment where people are walking down the street or people are

waiting out in line in front of a bar or restaurant, what they see walk by is an attractive woman or an attractive man, they say something.

As far as whether or not these gentlemen were intoxicated, I can't speak to that. There's no evidence that they were, or there's no evidence that they weren't. We don't know.

It's 2:00 in the afternoon. I would say perhaps they are not. They were out front there because that's the only designated spot where they are allowed to smoke, so that's where they were doing it.

You know, the club itself sincerely apologizes if this young woman was offended or scared, and, you know, will do everything they can to educate their members about being good neighbors in the sense of not interacting.

And I think in some ways that this is a cultural issue as well. A number of these people are not native Americans or, you know, another cultural of people who more freely will speak or talk to women on the street, whereas in the United States we are a little bit more -- we respect people's space a little bit more and have different notions of what someone's privacy is and what makes people feel comfortable.

There's certainly, I don't think, any ill will intended by any of these members. Again, I can't speak to that. I don't know which members it was. I can't speak to them and, you know, in that sense, but, you know, she was an adult. She was 18 years old. You know, this was not a sexual --

CHAIR ANDREA JACKSON: So would it make a difference then if she was 17 or 19?

ATTY. DAVID GALUSI: Well --

CHAIR ANDREA JACKSON: Because you're implying that the age of 18 really doesn't seem to matter.

ATTY. DAVID GALUSI: It certainly does. If I were 18 years old and I were to touch another person, I have the rights of an 18-year-old and the responsibilities of an 18-year-old. If I'm a 16-year-old, and I were to touch an adult, as a 16-year-old, it doesn't matter that I'm touching that person willfully, generally speaking, if we're doing things that that person finds offensive, or the law finds offensive, that's a statutory offense.

In this situation, this person is a legal adult. I'm not saying she wasn't uncomfortable. I'm not saying that she wasn't perhaps intimidated by these people. That's an

individual situational observation that only she can make, and only she can say whether or not she was uncomfortable or not.

All the club can do is respond by educating their members and basically telling them not to speak to anybody, or perhaps maybe even making a further removed smoking area that keeps people who are in the club when they go outside from actually interacting behind the fence. I don't know what they can designate, but some sort of designated area to prevent this from happening.

The club certainly doesn't encourage this behavior. This is not something that people come in, you know, okay, who's going to go outside and harass somebody, you know, and nor can any establishment know necessarily what's in the hearts and minds of people when they walk outside

to smoke a cigarette and what they did.

And, further, while we have the report, we don't know what happened necessarily. We know some words were said. We know this person interacted with this other person.

But to inflate this into something more than perhaps a few knuckleheads, you know, who probably made comments without further evidence, I think it would just be wrong.

POLICE COMMISSIONER ROBERT HAAS: So let me -- so this is a greater responsibility, I think, because, first of all, these are members. These are not just customers and patrons or people just walking by. These people actually have some association with this club. It's part of a neighborhood.

And I think that regardless of what the cultural issues may be, a person should have not

have to walk down the street particularly because of where it's situated in their neighborhood and be accosted or now be uncomfortable every time they walk past it trying to figure out what the next reaction is going to be.

But I'm curious as to what the educational process is going to look like to make sure that the members conduct themselves in an appropriate manner if they want to maintain that social club in that neighborhood.

ATTY. DAVID GALUSI: Well, I would suggest that I believe there are programs in place and people in the employ in the City of Cambridge who can help with this to help them to understand in the sense of sexual discrimination, sexual harassment laws, such as the ones in the workplace, such as the ones that I believe are given to owners of nonmember kind've clubs.

But, again, as I said, if they know who these members are, they absolutely want to discipline them and will not -- they don't tolerate this behavior. The report they received is the first time they heard this occurred. They didn't know who these members were. And at that point, the most they can do is sit down and speak with people and say, "Listen, you know, this is not acceptable behavior."

Beyond that, I think it will require perhaps either some kind of counselor or, you know, professional to come in to sit down with the membership and educate them on what is and what is not acceptable behavior in the City of Cambridge.

POLICE COMMISSIONER ROBERT HAAS: So when you were made aware of this situation prior to this hearing, what was the response to the club?

What did the club do in response to them being made aware of the situation?

ATTY. DAVID GALUSI: I'll have to ask my client. I was retained this a.m.

ANTONIO PIRES: Well, you know, like I say when I read the letter and I was surprised and shocked by this. I don't know who I am going to talk to. We have 100 members there. I don't know if any report was made so they could be arrested and I'd call the police if I know who did. I definitely would kick them out of the club.

POLICE COMMISSIONER ROBERT HAAS: There's consequences if people act inappropriate for the club --

ANTONIO PIRES: I see --

POLICE COMMISSIONER ROBERT HAAS: -- as opposed to a tavern or some other place. But I

think like the membership is -- I'm assuming it's members in good standing and if they are not members in good standing, then they could lose their membership in that club.

So I am trying to figure that out how you're reinforcing that message with your membership that there's certain conduct given the fact that you are in a neighborhood, they have got to conduct themselves in a certain way, and there's certain behaviors that are not going to be acceptable regardless of cultural issues that may be at play here, and understand that there is a consequence if they are not going to conform to the clubs's rules, right?

ANTONIO PIRES: Yes. I understand that. And then, like I say, as soon as I see and read this letter, you know, I know sure that the -- I know they smoke outside. They said they stay on

the sidewalk and move out of the way.

So I did mention to couple of directors to change the smoke area was, you know, okay, by the License Commission, from smoke outside and make them smoke on the alley where the gate is. Probably put another gate and that's the area they're gonna smoke right inside the alley instead in the front of the building on the sidewalk.

POLICE COMMISSIONER ROBERT HAAS: Let me ask you: What would be the harm of the executive board of the club to send a letter to these individuals -- first of all, apologizing for that conduct and assuring that person you're taking steps that she doesn't have to be fearful of walking in front of that club again and being accosted? Is there a reluctance to do that or no?

ANTONIO PIRES: No, we can do that. Yes.

POLICE COMMISSIONER ROBERT HAAS: Now you will be able to go a long way to try and reassure her that she does not have to be fearful about walking in front of the club.

ANTONIO PIRES: We received this letter like probably four or five days ago, I guess.

POLICE COMMISSIONER ROBERT HAAS: And I would outline, if you're inclined to do it, outline the steps you would take to make sure that the members understand what the consequences are if they, in fact, engage in that kind of behavior.

ANTONIO PIRES: We are definitely going to have a meeting with all the members. When I go back, I'm going to talk to the president of the board to set up a meeting with all the members and have some solution and rules they

have to be put on the club to stop all those problems.

Like I said, the smoke area will be changed. We don't want to see nobody on the front sidewalk.

POLICE COMMISSIONER ROBERT HAAS: Do you clean the front sidewalk up?

ANTONIO PIRES: We do.

POLICE COMMISSIONER ROBERT HAAS:
Regularly?

ANTONIO PIRES: We have a big ashtray on the side of the building.

CHAIR ANDREA JACKSON: How many members in good standing do you have?

ANTONIO PIRES: Over 100.

FIRE CHIEF GERALD REARDON: So if my memory serves me correct, back on the March 3rd meeting, there was a number of neighbors who

claimed -- who talked about somewhat inappropriate behavior at that time.

ANTONIO PIRES: It was on the backyard.

FIRE CHIEF GERALD REARDON: Correct. And the issue of people congregating and people being fearful of walking by. And this was brought up but what did the club do after that meeting, which is several months ago, in terms of getting it to the membership?

ANTONIO PIRES: We talked to the members and told them that we change the area. You have to be careful the words you use. You know, that's a residential area. We have a nice meeting about that.

ATTY. DAVID GALUSI: They locked the backyard so only staff can get back there.

FIRE CHIEF GERALD REARDON: The backyard was locked previously.

This is not the -- I mean, this not the State Supreme Court of -- I think we all agree that the behavior is not acceptable in any form that we talked about here.

ATTY. DAVID GALUSI: Yeah.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: Nothing further.

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Counsel, do you have anything you would like to add?

ATTY. DAVID GALUSI: Other than, you know, on behalf of my client, I sincerely apologize to the family of the young woman because this is not behavior that the club, you know, wishes to occur. It's not behavior they want to represent them and the club, and it's one

that they -- behavior they intend to stamp out and prevent from happening in the future.

CHAIR ANDREA JACKSON: If you could please come back and I just need you to reidentify yourself for the record.

CHEYENNE McCARTER: My name is Cheyenne McCarter. And one thing you mentioned here --

CHAIR ANDREA JACKSON: If you could please direct your comments to me.

CHEYENNE McCARTER: Sure. The man over there mentioned hearsay earlier. And I guess one of the things, you know, in terms of talking with the members of the club, it seems as it would be helpful to have some kind of documentation, like a letter that would be sent to all the members that says, you know, these are what the expectations are, you know, kind of thing.

Otherwise, how do we know that all the

members were informed because not all the members are there all the time.

HARRIS McCARTER: I would like to speak to this issue of it having been consensual that she made the high-five. They asked her once for the high-five. She declined. She attempted to walk around them, and instead of yielding the space, one individual stepped further into her path, and again, requesting the high-five. At that point, she felt pressured. I think it speaks for itself.

CHAIR ANDREA JACKSON: Thank you.

What is the pleasure of the Board?

FIRE CHIEF GERALD REARDON: So we have a week in abeyance?

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter? Seeing none --

FIRE CHIEF GERALD REARDON: So we have a stay of one week's abeyance for closing?

CHAIR ANDREA JACKSON: We have one week left in abeyance, yes.

FIRE CHIEF GERALD REARDON: I make a motion that the --

POLICE COMMISSIONER ROBERT HAAS: Before you make a motion, I just want to hear what your client is going to do in response to this matter we just heard.

I want to kinda understand what the plans are going forward so we are very clear what we can expect to see.

ATTY. DAVID GALUSI: I mean, it seems I will have to sit down with him further.

POLICE COMMISSIONER ROBERT HAAS: Sure.

ATTY. DAVID GALUSI: However, I'm going to recommend to him, per the advice -- it's good

advice -- send a letter -- to start with send a letter to all members which also shall be posted in the club, on note boards as well, to send a letter to the each member of the club outlining what is and is not acceptable behavior, and in particular, outlining what isn't acceptable behavior when outside that they represent the club and that their actions reflect when they do things like that negatively upon the club, and can further jeopardize the club's status in the community and whatnot.

Further, I would recommend to them that they should research and find a counselor and educator to come in and sit down with the club and discuss sexual harassment and/or gender power issues that were in play here and could potentially be in play, you know, in representing -- in their function as members or

people in the community in general. So that there's no question at that point that as a member -- much as one signs onto a workplace, there's a lease that one signs, and I would recommend to the club that that also be implemented for members.

And I would recommend to them that they formally, in a letter format, send an apology to this young woman and to her family for the incident that had occurred.

FIRE CHIEF GERALD REARDON: I'm going make a motion that we impose the one-week suspension that was held in abeyance. And furthermore, that the club remain closed until such time as a valid permit and a plan approval has been issued by the Fire Department. That doesn't mean the work has to be done. It has to be valid, approved and done.

CHAIR ANDREA JACKSON: May I make a friendly amendment? And a Knox box installed.

FIRE CHIEF GERALD REARDON: Yes, I'm sorry. A Knox box installed as well.

CHAIR ANDREA JACKSON: And a letter sent to all club members regarding the appropriate behavior.

POLICE COMMISSIONER ROBERT HAAS: What the attorney outlined, I think, is the appropriate action, I think. I'm hoping on good faith that's that going to happen regardless of what takes place.

CHAIR ANDREA JACKSON: The suspension is to start on what day?

FIRE CHIEF GERALD REARDON: To be worked out with the License Commission.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

So do you understand?

ATTY. DAVID GALUSI: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just one outstanding item, we have an unpaid water and sewer bill.

ANTONIO PIRES: I don't know. That, I don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm going to need verification that that was paid.

ANTONIO PIRES: I can pay this now if you want. Because I don't know, I never seen this bill. We pay bills on time. Thank God for that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Well,

it was given to me by the Assessors Office.

ANTONIO PIRES: I don't know how you want to do this, but...

CHAIR ANDREA JACKSON: So procedurally, Ms. Lint, do we need to send out a letter letting them know the effective date of closure or do you just want to say effective Monday?

EXECUTIVE DIRECTOR ELIZABETH LINT: Either/or. Sometimes it's that a phone call is made to me and we work out a date to close or you could certainly order one now.

CHAIR ANDREA JACKSON: Would you like to order one now so it's very clear?

FIRE CHIEF GERALD REARDON: What is today? Today is Wednesday.

CHAIR ANDREA JACKSON: Today is Wednesday the 11th. Effective Sunday the 15th?

FIRE CHIEF GERALD REARDON: Sunday the

15th.

CHAIR ANDREA JACKSON: Sunday the 15th.

ATTY. DAVID GALUSI: Is the date of
closure.

CHAIR ANDREA JACKSON: Yes.

FIRE CHIEF GERALD REARDON: So we're
gonna serve, counselor, it's suspended the 15th
for one week. And then it will still remain
closed until such time as they get a sign-off for
plan approval, permit, a licensed electrician to
do the work.

ANTONIO PIRES: So as soon as I get that
permit after one week, we can reopen?

FIRE CHIEF GERALD REARDON: Permit will
be contingent upon the plan review, approval,
Knox box, and the appropriate certified
electrician that's capable of doing such work.

**APPLICATION: CHEESECAKE FACTORY RESTAURANTS
D/B/A THE CHEESECAKE FACTORY**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cheesecake Factory Restaurants,
Incorporated, doing business as The Cheesecake
Factory, Markarian D'Avignon, manager, holder of
all alcoholic beverages restaurant license at 100
Cambridgeside Place has applied for a change of
manager to Corey Dugan.

CHAIR ANDREA JACKSON: Good evening.

ATTY. ANDREW UPTON: Good evening, Madam
Chair, Commissioners. Attorney Andrew Upton,
U-P-T-O-N, representing The Cheesecake Factory.

And with me is Corey Dugan, C-O-R-E-Y,
D-U-G-A-N.

Corey is an experienced manager. He's
experienced in the industry. He's taken over The
Cheesecake Factory. He's been informed that he's

required to take the 21 Proof training, and is here to answer any questions about his experience.

CHAIR ANDREA JACKSON: Mr. Dugan, can you tell us about your background as it relates to the restaurant?

COREY DUGAN: Sure. I have been working in restaurants for about 16, 17 years now.

And I have been with The Cheesecake Factory for just over four years.

Prior to that I was with Ruby Tuesday Restaurants for about seven and a half years. And I worked there as a general manager, a manager as well. And before that, various other smaller name companies.

CHAIR ANDREA JACKSON: Have you ever held an all alcoholic beverages license in your name?

COREY DUGAN: I have.

CHAIR ANDREA JACKSON: When was that?

COREY DUGAN: That was -- let's see, 2010. Probably from 2007 to 2010 at Ruby Tuesday Restaurants in Worcester. Yeah, it was a new location. I had no violations, no incidents during that tenure.

POLICE COMMISSIONER ROBERT HAAS: How long did you hold the license in your name?

COREY DUGAN: I was at that location for about three and a half years.

FIRE CHIEF GERALD REARDON: Did you have the license from opening at that location?

COREY DUGAN: I did.

CHAIR ANDREA JACKSON: Do you have any further questions?

FIRE CHIEF GERALD REARDON: I have no further questions.

CHAIR ANDREA JACKSON: Any further

questions?

I make a motion that we approve the change in manager at The Cheese Cake Factory Restaurant, Inc doing business as The Cheesecake Factory to Corey Dugan.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You recognize that there is 21 Proof training that you have to attend?

COREY DUGAN: Yes, ma'am.

CHAIR ANDREA JACKSON: Okay. Thank you.

COREY DUGAN: Thank you very much.

**APPLICATION: TRADER JOE'S EAST, INC., D/B/A
TRADER JOE'S**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Trader Joe's East, Incorporated,
doing business as Trader Joe's, Melanie Chelsey
manager, holder of a wine and malt beverages
package store license at 748 Memorial Drive has
applied for a change of manager to David Liebman
and a change of officers/directors in the
corporation. Bryan Palbaum will be placing Dan
Bane as president.

CHAIR ANDREA JACKSON: Good evening.

ATTY. ANDREW UPTON: Good evening.

Andrew Upon again representing Trader Joe's East,
Inc.

With me is David Liebman, L-I-E-B-M-A-N.

And first for the corporate officer
change Mr. Palbaum is going to be the president

and Mr. Bane is moving up to CEO. It's happening at the headquarters. It indicates no change on the premises, to the operations or the license in Cambridge. Corporate change as required by the ABCC.

CHAIR ANDREA JACKSON: Thank you.

ATTY. ANDREW UPTON: Mr. Liebman is here to tell you about his experience and he's aware that he has to take the 21 Proof class.

DAVID LIEBMAN: I have been a manager with Trader Joe's for about eight years now. I started in Shrewsbury, Mass where I was a manager there for one year, went to Needham for one year and transferred to Brookline for two and a half years, and then I went to Westport, Connecticut for about three years.

In Westport, Connecticut I did hold a liquor license for all three years. And now I

have been transferred -- I was transferred to
Arlington, Mass for approximately one year, and
now I'm in Cambridge.

CHAIR ANDREA JACKSON: How long have you
been in Cambridge, I'm sorry?

DAVID LIEBMAN: A few months.

CHAIR ANDREA JACKSON: A few months.

DAVID LIEBMAN: Yes.

FIRE CHIEF GERALD REARDON: Now you hit
the big time.

CHAIR ANDREA JACKSON: When you became
manager in the Connecticut location, I notice
that there -- I can't remember the exact wording
and I don't have the file in front of me, but
there was an issue as it relates to the alcohol
license, I believe.

DAVID LIEBMAN: Yes.

CHAIR ANDREA JACKSON: Can you tell me

about that, please?

DAVID LIEBMAN: Absolutely. Before I started in the location, the manager, Doug Carney, there was a -- I believe a detective came in and there was a sting operation that did not pass.

So when I took over the store, I did appear in front of a board similar to this, and we did comply and came up with a new system to have like an alcohol and guidance policy that we actually do in Cambridge as well.

We do it with all new employees and then retrain once a year.

We also put into effect as a company, we do mystery shops. It happens one to two times a week where we pay a private company to send someone that is of age to see if they're getting carded in an appropriate manner.

ATTY. ANDREW UPTON: To be clear, the suspension did occur, but it occurred with the manager who came before David.

CHAIR ANDREA JACKSON: Correct. Correct.

FIRE CHIEF GERALD REARDON: During the period of time that the license was in your name, you had no issues with the local authority?

DAVID LIEBMAN: That's correct.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Paperwork is all in order.

CHAIR ANDREA JACKSON: Okay. Any further questions?

FIRE CHIEF GERALD REARDON: No further questions.

CHAIR ANDREA JACKSON: Any further questions?

POLICE COMMISSIONER ROBERT HAAS: No further questions.

CHAIR ANDREA JACKSON: I make a motion --
are there any members of the public that wish to
be heard in this matter?

Seeing none, I make a motion that we
approve the change of officers/directors in the
corporation from Bryan Palbaum who will be
replacing Dan Bane as president.

I'll do those in two separate motions.

Is there a second for that?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in
favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: I then make a
motion that we approve the change of manager to
David Liebman.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

Thank you.

DAVID LIEBMAN: Thank you very much.

**APPLICATION: BBC OF CAMBRIDGE, LLC D/B/A
BOSTON BURGER COMPANY**

EXECUTIVE DIRECTOR ELIZABETH LINT: BBC of Cambridge, LLC doing business as Boston Burger Company, Sebastian Fricia, manager, has applied to transfer an all alcoholic beverages restaurant license held by Dimas, Incorporated, doing business as Dolphin Seafood at 1105 Massachusetts Avenue.

Said license, if transferred, has 72 seats inside and operating hours from 11:00 a.m.

to 1:00 a.m. seven days per week.

Applicant is also applying for an entertainment license to include background music below conversation level and six TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY. JAMES RAFFERTY: Good evening, Madam Chair and Members of the Commission.

James Rafferty on behalf the applicant, BBC of Cambridge, LLC. Seated to my right is one of the members of the LLC and the proposed manager, Sebastian Fricia, F-R-I-C-I-A. And to my left is the long time proprietor and principal shareholder and officer of the existing business, this is Mr. Peter Giannacopoulos. The spelling is...

PETER GIANNACOPOULOS:

G-I-A-N-N-A-C-O-P-O-U-L-O-S.

ATTY. JAMES RAFFERTY: This is an

application to transfer Mr. Giannacopoulos' license at the Dolphin Seafood. He and his family have operated the restaurant in that location 40 years. He's been assisted by his son John, who is present here as well. They have a second restaurant in Natick.

And it's regrettable, in my view, that such a great restaurant is leaving Harvard Square.

But fortunately Mr. Fricia and his partners who operate a restaurant of similar quality -- they have one in Somerville called Boston Burger Company -- are looking to operate in this location. It's about as straightforward a transfer as one could envision.

POLICE COMMISSIONER ROBERT HAAS: I missed that part. I couldn't hear with the background noise. You said it was about the

transfer.

ATTY. JAMES RAFFERTY: It's straightforward. There's no change. The premise remains unchanged. The capacity remains unchanged. The hours of operation remain unchanged.

The only change I have been able to discern is there are a few more televisions in the new locations than there were in the prior locations.

Mr. Fricia's business is also focused on food. It's very much a restaurant concept, and I think the success that the Dolphin has enjoyed in this location is serving the public these many years is part of the appeal to Mr. Fricia and his partners.

And for that reason, they have concluded a transaction that they are now acquiring all the

assets of the restaurant, including the license and the equipment in the restaurant.

CHAIR ANDREA JACKSON: How many other locations are there?

ATTY. JAMES RAFFERTY: I believe --

SEBASTIAN FRICIA: Two others locations.

CHAIR ANDREA JACKSON: Somerville and...?

SEBASTIAN FRICIA: Somerville, and 1100 Boylston Street, Boston.

FIRE CHIEF GERALD REARDON: Where is the location in Somerville?

SEBASTIAN FRICIA: 37 Davis Square.

CHAIR ANDREA JACKSON: Near J.P. Licks.

SEBASTIAN FRICIA: Right next door.

CHAIR ANDREA JACKSON: Who will be the manager of record in the Cambridge location?

SEBASTIAN FRICIA: I will.

CHAIR ANDREA JACKSON: Are you also the

manager of record at any other location?

SEBASTIAN FRICIA: I am right now at a prior business that I'm in the middle of selling right now. Blue Line Enterprises, d/b/a Sidebar Food & Spirits on 14 Bromfield Street, Boston, Mass. I have been the co-owner and manager there for 13 years.

CHAIR ANDREA JACKSON: When do you foresee opening?

ATTY. JAMES RAFFERTY: Shortly after ABCC approval. Perhaps some cosmetic changes that we were discussing earlier that the layout and the infrastructure is all in place.

FIRE CHIEF GERALD REARDON: Menu going to change?

ATTY. JAMES RAFFERTY: From seafood to burgers, a little just...

FIRE CHIEF GERALD REARDON: No changes.

I was just checking, counsel.

ATTY. JAMES RAFFERTY: I'm accustomed to a thorough investigation as appropriate.

CHAIR ANDREA JACKSON: Do you have a food truck as well?

SEBASTIAN FRICIA: Not yet. It's coming soon. I have been waiting for ten months. It's hopefully Tuesday.

CHAIR ANDREA JACKSON: But it's not going to operate in Cambridge?

SEBASTIAN FRICIA: No, not in Cambridge.

FIRE CHIEF GERALD REARDON: You have covered this, but there's no substantial change to the kitchen area or the equipment?

SEBASTIAN FRICIA: No. From what I can see right now, just painting and minor cosmetics.

CHAIR ANDREA JACKSON: Have you held a liquor license in your name before?

ATTY. JAMES RAFFERTY: Well, as he stated, he's currently the manager of record on the establishment in Boston, but you're soon to be wrapping that up?

SEBASTIAN FRICIA: Yes.

ATTY. JAMES RAFFERTY: You do have an ownership interest in the Somerville and Boston locations of this enterprise. Mr. Fricia is not the manager of record, but he does have a similar ownership interest in the other two Boston Burger Company locations.

CHAIR ANDREA JACKSON: The manager of record position at the one in Boston, was there an incident that happened in 2011 where there was an incident inside the restaurant?

SEBASTIAN FRICIA: In Blue Line Enterprises.

CHAIR ANDREA JACKSON: Sidebar on

Bromfield Street?

SEBASTIAN FRICIA: Yes.

CHAIR ANDREA JACKSON: Can you tell us about that, please?

SEBASTIAN FRICIA: That was a patron or patrons -- was that the -- I got one for dancing as well.

CHAIR ANDREA JACKSON: The headline reads "Suburban Couple's Night Out on the Town in Boston Ends with Husband Unconscious on Bar Floor."

SEBASTIAN FRICIA: Yes. That was a patron-on-patron assault. That was unfortunate. In 13 years that was the only fight that we had there and a very unfortunate incident.

CHAIR ANDREA JACKSON: Was your liquor license affected because of it?

SEBASTIAN FRICIA: No. I had a one-day

suspension of my entertainment license. I received a warning from the alcohol.

CHAIR ANDREA JACKSON: You know that 21 Proof is required in Cambridge?

SEBASTIAN FRICIA: Yes.

CHAIR ANDREA JACKSON: Any additional questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none...

EXECUTIVE DIRECTOR ELIZABETH LINT: Paperwork is all in order.

CHAIR ANDREA JACKSON: I make a motion

that we approve the transfer of the all alcohol beverages license held by d/b/a Dolphin Seafood to BBC of Cambridge doing business as Boston Burger Company.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Although not mentioned, also included in there obviously is the seating capacity and the entertainment license to include the background music.

ATTY. JAMES RAFFERTY: I think some televisions as well.

CHAIR ANDREA JACKSON: Yes. And 21 Proof training.

ATTY. JAMES RAFFERTY: Thank you very
much.

CHAIR ANDREA JACKSON: Good luck to you.

APPLICATION: SEASON TO TASTE CATERING, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Season to Taste Catering, LLC doing
business as Season to Taste, Robert Harris,
manager, holder of a wine and malt beverages
restaurant license at 2447 Mass Ave has applied
to amend their current opening hour from 5:00
p.m. to 10:30 a.m. seven days per week.

Robert Harris?

CHAIR ANDREA JACKSON: Drop it to the
end.

**APPLICATION: TASTY BURGER 2, LLC D/BA TASTY
BURGER**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Tasty Burger 2, LLC, doing business

as Tasty Burger, Elizabeth Miller, manager,
holder of a wine and malt beverages restaurant
license and entertainment license at 40 JFK
Street has applied to amend their common
victualer license to include 40 outside seasonal
patio seats on public property for service of
food and nonalcoholic beverages only.

CHAIR ANDREA JACKSON: Good evening.

ATTY. ANTHONY GALLUCCIO: Good evening.

Thank you. Executive Director Lint and Honorable
Members of the Commission, my name is Anthony
Galluccio. I'm a partner with Galluccio and
Watson at 1498 Cambridge Street in Cambridge,
G-A-L-L-U-C-C-I-O.

DAVID DUBOS: I'm David Dubois, CEO of
Tasty Burger, D-U-B-O-I-S.

ATTY. ANTHONY GALLUCCIO: Thank you,
Madam Chair.

Just as a matter of housekeeping, I did submit the affidavit as to notifications to the executive director this afternoon. So those are -- those would be in the hands of the Commission at this time.

And I do have just some additional photos. I also submitted the record of City Council approval along with the application to City Council. As the Commission knows, the License Commission directs applicants to file with the City Council prior to coming to the License Commission, so we did so, which also requires a set of plans and detailed specifications, so we filed that, and I did provide a packet for the Commission and I also just have some pictures.

If I may, Madam Chair, just give a brief history. So Tasty Burger is my client. David,

on behalf of Tasty Burger, David Dubois, to my right, came to me back in February and March indicating an interest in the City's new parklet program. Quite honestly, I wasn't really up to speed with it, but became up to speed what was a process that looked at these parklets as a possibility for outdoor seating around the City where parking spaces were used to extend outdoor seating.

Given the location, I wanted to first reach out to the city, which I did. I reached out to City Manager Rossi's Office just to get a sense of whether there was an interest in the location.

Because obviously it was we -- we just didn't want to waste time and energy if the City wasn't interested in the location.

The City Manager was able to connect with

Kathy Watkins in the Traffic Department to arrange on-site meetings just to look at the location.

There were two such meetings with the various department heads just to take a look at the location, and that's where some of the design that you see before you tonight came about where Traffic and DPW recommended that the parklet be bumped down to one parking space to provide some protection from the street, from JFK Street, and worked on issues related to handicapped accessibility and so forth.

It was a little bit of an interesting case, because there is a construction project proposed to extend those sidewalks all along Mount Auburn Street, and so the conversation was, you know, is it really worth it for the applicant to go ahead with the parklet given that the

sidewalk construction is due to take place sometime late this summer or early fall, and was it really worth it for the applicant given that the sidewalk was going to be extended to provide outdoor seating anyway.

It became obvious that Tasty Burger was interested in trying this, or whether it was a month or two months, and the City seemed interested in working with someone around a template so they could get some sense of how this works in terms of construction costs, handicap issues and all the other issues related to parklets.

So it seemed like a perfect match. Although didn't seem -- it seems challenging on its face because of timeline.

So we really made a commitment with DPW that the parklet would go forward subject to

License Commission approval, and at such time that the construction would commence that the parklet would be removed and shut down.

DPW, after the Council approval, worked with the applicant to begin the construction of the site.

I do want to indicate that it has been the applicant's understanding from the beginning that should the License Commission alter or disapprove that he would remove the current form, or change in any way that that the License Commission saw fit.

It was awkward because of the timeline of getting to City Council and then the dates getting here, it became challenging to get the construction done in a timely fashion that would allow for this to have any operational time because of the construction.

I want to say upon the outset that the work that's been done there now is not -- I would ask respectfully that it not be viewed as any expectation that the project be approved or approved in its expect form.

It was just a matter of necessity to get it in place in anticipation for tonight's hearing. And the applicant is open to any modifications or changes that the Commission would see fit.

Sorry for such a long-winded summary.

CHAIR ANDREA JACKSON: When is the sidewalk construction project slated to begin?

ATTY. ANTHONY GALLUCCIO: Through, Madam Chair, the conversation that I had with Kathy Watkins is that they do have a contractor.

She said it would take three or four weeks to sort've get the clarification on the

scope of work. And then to the extent that the piece of work that would affect the parklet we're probably talking two months out. Could be a little longer.

I mean, they are excited about the opportunity to see how this parklet works so they're going to schedule the construction in a way that's most helpful, but not in a way that will slow the job or the contractor down.

So I think on a best day, the parklet would operate for, you know, two months to ten weeks.

POLICE COMMISSIONER ROBERT HAAS: Can you tell me what you mean by a "parklet"?

ATTY. ANTHONY GALLUCCIO: Yeah. Do you have --

POLICE COMMISSIONER ROBERT HAAS: I have the drawings.

ATTY. ANTHONY GALLUCCIO: The City defined it, I think, because it takes up parking spaces. Not because it looks like a public park, but because it's seating on top of parking spaces.

POLICE COMMISSIONER ROBERT HAAS: Sure.

ATTY. ANTHONY GALLUCCIO: So it's -- you know, in this case, it's interesting -- I guess it's not. I think this was such an obviously good location to try to generate outdoor seating that DPW decided to bump out those sidewalks, which is part of the construction project which will allow outdoor seating all along Mount Auburn Street, you know, past Tasty Burgers where I believe the Tacos is and beyond.

But, you know, they were trying to target areas that could really generate more outdoor seating, and also make what are now more

vehicular pass-throughs more pedestrian friendly, so that the area would sorta slow down and, as you know, that's a very busy crossing. And so I think that the thought was to get some outdoor seating which will further kind of slow that area down and make it more pedestrian and retail than it is a vehicular pass-through and activate Mount Auburn Street for more outdoor dining.

CHAIR ANDREA JACKSON: Was there any concern regarding safety? I mean, that's a relatively busy intersection and area, and the concern that cars are going to come whipping through there -- and I see it all the time -- was there any thought given to that?

ATTY. ANTHONY GALLUCCIO: Well, that's where I think, you know, to be honest, the applicant was trying to go all the way to the corner with the parklet.

I think Traffic and DPW's thought was maintaining that first parking space, which at first seemed a little weird. Makes a lot of sense now. Because like even if I was racing down here to get from Little League and with that car parked there, it almost -- you can't really even see the parklet because that first car blocks it.

So I think that was the intention of that, and I think it is helpful to have that one car buffer from the corner.

DAVID DUBOIS: That came from the City. They want it moved back.

CHAIR ANDREA JACKSON: Then also what about cars that are turning from JFK onto Mount Auburn?

ATTY. ANTHONY GALLUCCIO: Yeah, there was some thought put into that. And, again, I think

that, you know, especially buses, and so forth, that's why -- where that parking space is and how it's situated, they're comfortable with the turn radius there. I think that they have put so much time into looking at the radius of the bumped-out sidewalk that they had already put a lot of time into thinking about that extension. So it wasn't a new conversation. But they -- again, we -- as I said to my client from the beginning, I wasn't gonna even file this with the City Council unless Traffic and DPW were completely supportive of it. So those changes came from that initial process.

POLICE COMMISSIONER ROBERT HAAS: So I'm just kinda confused. I'm trying to figure out who now makes the determination as to whether or not these kind of parklets can be situated and how often you can raise parklets, because it seems to me, it involves taking just some parking

spaces. And I'm surprised they're willing to sacrifice that. And I'm not sure we're in a position to kind've determine the appropriateness or the impact of parklets now because we potentially could be acting not necessarily in concert with Traffic and Parking, and the City Council, but -- so I'm a little bit confused how that plays out because it's actually taking space away from a public street, and it's taking, as you well know, in my mind, precious parking space in the City to begin with, and I'm surprised that the -- I can appreciate the fact that they want to experiment with this concept. But it strikes me as kinda surprising given the amount -- how special parking is, particularly in Harvard Square that they are willing to take away parking space like this.

ATTY. ANTHONY GALLUCCIO: That was my

first reaction. And I actually asked David, "Do you really want to lose the spaces?"

I think the reality is that the DPW has the authority to remove parking spaces as they are going to do along that stretch anyway. I thought a little about it because it was awkward sort've -- you know, these are a new concept, and it was a little awkward going to City Council first and not having the License Commission involved at that time because we have to provide specific layouts.

I mean, you know, I think that the loss of parking issue is one piece, but the other piece is maybe -- I mean, I would respectfully suggest that -- I mean, I think that they should consider inviting someone from the Commission to come out to these meetings as to when they start to select these so there's an earlier

conversation.

But, you know, the loss of parking in retail districts is an issue that, you know, it's a broader conversation even in Central Square losing traffic lanes and some parking at different bump-out points. That's been sort've of a City policy to try to make pedestrian crossing easier and to support retail, but there seems to be a lot of support from the Harvard Square Business Association in the bump-out.

So I guess the choice is, you know, having more retail vibrancy is more important than losing those spaces. I'm assuming that's the quality or the value judgment that they have made.

DAVID DUBOIS: Can I speak to that just briefly?

CHAIR ANDREA JACKSON: Sure.

DAVID DUBOIS: So it's actually one parking space. If they moved the front sign down a little, they can actually get a parking space on either side.

It's a little hard to see in those pictures, but you can see --

POLICE COMMISSIONER ROBERT HAAS: I'm trying to count the meters and kinda figure out --

DAVID DUBOIS: There's three meters from the corner that it's involved in.

The first parking space is still a valid meter and will remain a valid meter because the City likes that barrier.

And then the two other meters you can actually push that -- one meter down and get space in front on the other side of the parklet because it didn't meet up a two full-space

section of the parklet itself.

I think the idea ultimately is this will be the first parklet in the City of Cambridge, and the fact that it is of a temporary nature because they are going to do that sidewalk and activate all of the outdoor seating there, is that it brings so much to that side of the -- and obviously it benefits us and Taco Truck because we're right there.

But at the same time, it just activates that whole side in a more pedestrian way. And just standing out there during the construction, I can tell you that people just seem super excited about it and fascinated by it in general and the idea of it, it being the first one in a pretty, you know, prominent location.

POLICE COMMISSIONER ROBERT HAAS: It strikes me you're almost putting your customers,

your patrons in harm's way should a vehicle go out of control or something like that.

There's really no buffer except for these small -- I'm assuming those are planters or dividers, whatever those --

DAVID DUBOIS: Planters.

POLICE COMMISSIONER ROBERT HAAS: What is -- structurally, what are those planters? I mean, how strong are they if a car were to go out of control?

DAVID DUBOIS: The planters are as strong as whatever you're packing with all that weight.

But if a car goes out of control, you know -- I guess the answer to that question, if you go down there and take a look at it, it's a very solid structure, and when it's all completed, it will be even more solid.

FIRE CHIEF GERALD REARDON: With all due respect, it's no match for a car.

DAVID DUBOIS: Yeah, I mean in general. I mean you've got it either in the front of the building.

FIRE CHIEF GERALD REARDON: Right. I guess my only thing is looking at it, when the car is not there, you know, there should be something.

Again, if it's an out-of-control car, we're talking about, you know, going through the building or someone else's, but I'm just afraid when you look at the on-site, that first parking space is a little bit shallow and people tend to pull up, I wouldn't want to see someone pull up and push that planter over on someone inadvertently. I guess I would like to see something, even if it there was smaller bollards

there. I know Jersey barriers are not attractive to anyone, but something that was more unobtrusive that just offered a little resistance, obviously not stop a car going 30 miles an hour.

But if someone's going to pull up there and they pull up a little too far and actually strike the -- I think that would be possibly -- and I don't know what the encumbrances are going to be, but I think it would be a reasonable thing just to probably make people feel somewhat safe. Again, I know the Jersey barriers are not exactly attractive.

ATTY. ANTHONY GALLUCCIO: It wouldn't look bad if it said Tasty Burgers on it.

FIRE CHIEF GERALD REARDON: You need to take that up with the City Council.

POLICE COMMISSIONER ROBERT HAAS: So what

happens when the season is over? What happens to this parklet?

DAVID DUBOIS: Take it down.

POLICE COMMISSIONER ROBERT HAAS: Does the City reclaim the parking space or does it remain vacant?

ATTY. ANTHONY GALLUCCIO: At that point the construction -- he will shut down when they are ready to start the bump out of the sidewalk.

POLICE COMMISSIONER ROBERT HAAS: Eventually this will sit on top of the sidewalk as opposed to into the street?

ATTY. ANTHONY GALLUCCIO: No, no. It's gone. It will be removed and the parklet will be out.

FIRE CHIEF GERALD REARDON: But there will be sidewalk dining spots used?

ATTY. ANTHONY GALLUCCIO: Correct. They

made a decision to lose whatever parking they are going to lose to the outdoor seating.

We are squeezing the parklet in for one season pending the bump-out. Yeah, the parklet will not stay after the sidewalk is bumped out.

POLICE COMMISSIONER ROBERT HAAS: So what you're saying to me, though, is that what happens is the sidewalk is extended to where the parklet's existing right now, is that what --

ATTY. ANTHONY GALLUCCIO: That's correct. I don't have those specifications but it's probably close.

DAVID DUBOIS: Maybe a little further. I think they were talking about eight feet.

POLICE COMMISSIONER ROBERT HAAS: So I appreciate the fact that you're doing this in anticipation of a modification to the sidewalk. I'm just trying to understand because you've now

had some exposure to this. Is this an approach the City wants to take with respect to establishing outdoor seating in the street-way or right-of-way and other places, or is this a temporary solution until this modification takes place?

ATTY. ANTHONY GALLUCCIO: No, no. There is an interest in these parklets.

I mean, I think the stars have to line up in the sense, you know, that you have to have a property owner that's willing to pay for it, right? And also one that thinks that outdoor dining is more important than parking and just deal with the logistical issues involved.

So I mean, I don't know what the exact budget is, but it can't be cheap.

POLICE COMMISSIONER ROBERT HAAS: I guess my original -- goes back to my original question:

I'm trying to figure out what the sequence is now to try to determine the appropriateness of parklets, and who says yes or no and then whose at the back of the line to finally get the approval. Is it the License Commission, or I -- that's what I'm confused about.

ATTY. ANTHONY GALLUCCIO: Right. As of now, it's handled as an alteration of premises just like outdoor seating on a public way would because there's no --

POLICE COMMISSIONER ROBERT HAAS:
Typically that comes to the License Commission before you go through the other steps, right?

ATTY. ANTHONY GALLUCCIO: No. It's the same outdoor seating we go to City Council.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I may, Madam Chair, I might be able to shed light on this.

CHAIR ANDREA JACKSON: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: There actually was a committee that was formed and actually I am a member of that committee, whether by accident or otherwise, I was not involved in this one. We found out about it when we received the application. And then had to do our outreach.

But there is a feeling amongst different city departments, City Council, City Manager's Office that it would be appropriate to enhance the streetscape by doing some of these parklets, and losing parking was not a concern.

POLICE COMMISSIONER ROBERT HAAS: Who assumes liability if there was an accident with this parklet?

The City? Or you?

DAVID DUBOIS: We're insured.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's him.

ATTY. ANTHONY GALLUCCIO: They are the easier target from my other legal hat. They provide their insurance as part of the application.

POLICE COMMISSIONER ROBERT HAAS: Your insurance agent has seen this concept and they're okay with it?

DAVID DUBOIS: Yeah. I mean, the parklet concept is not a brand-new thing. It's just part of urban engineering that's going on in, you know, pretty major cities all across the country and, you know, to different -- to varying degrees. You know, it's a way to activate, you know, very tight areas that otherwise wouldn't have the ability for outdoor space.

I mean, again, this is the first one, so

I'm sure there's a myriad of questions.

ATTY. ANTHONY GALLUCCIO: Through you Madam Chair and Police Commissioner, the other piece of this is, I mean, in this case, if Harvard Square Business Association had been against it, if there was any concern about the spaces, it probably would have gotten held up at City Council.

I think in this case the Harvard Business Association is very supportive of the concept and they know the sidewalks are bumping out anyway. They already sort've processed it. But it could be the next application doesn't sail through City Council because of the issues that you have raised. You know, this may not be greatest example and I'm not sure the system has to change because of how this moved through. But it's certainly a conversation.

I mean ideally it may be nice to have a representative from License Commission participating in the early conversations because if the site -- if the License Commission really didn't like the site because of a history at a particular location, you folks would know better about licensing issues and the location. So maybe that's -- I talked to Kathy about that today. It's not a bad idea.

POLICE COMMISSIONER ROBERT HAAS: No. I think what strikes me is I'm kinda new to the concept and, you know, I'm always worried when you put something in the street, you know, that cars and pedestrians and bicycles and you know, and that's what's kinda I'm surprised at.

So the City Council, do they actually hold a hearing concerning this?

ATTY. ANTHONY GALLUCCIO: It's on as an

application and petition before a full City Council.

POLICE COMMISSIONER ROBERT HAAS: Who testified on behalf of this application, do you know?

ATTY. ANTHONY GALLUCCIO: We provided a complete application and we were available for questions, but none were asked.

POLICE COMMISSIONER ROBERT HAAS: None were asked. So Harvard Square Association wasn't -- were they on this committee with you?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. But I do have a letter of support from Harvard Square Business Association and from Trinity Properties as well.

POLICE COMMISSIONER ROBERT HAAS: Who owns the Tasty Burger building?

DAVID DUBOIS: My landlord, yep.

ATTY. ANTHONY GALLUCCIO: Which, I mean, I would add, I mean, that's one of the -- as, you know, Commissioner Haas, that City Council notification is -- you know, it runs on cable. You know, there's a lot of -- I mean, there was a lot of people that --

POLICE COMMISSIONER ROBERT HAAS: I'm not worried about that. I'm just trying to figure out who is making the assessment as to the safeness of this location. And I'm just trying to figure out what testimony they're taking relative to a concept that is placing seating in a street. That's what I'm trying to figure out how that process works.

ATTY. ANTHONY GALLUCCIO: You know, nationally, as David said, you know, there's a mindset that the way you slow it down is to provide visual activity.

I know it's counter-intuitive to what we're used to. But that's the sense, that if you make streets narrower and you provide more activity, people will slow down.

In this case, you know, had Traffic come out and DPW come out and said, "We don't like the location," I wouldn't have proceeded with an application to the Council.

You know, because the City Manager -- really the City Manager then refers to it or not with power.

So, you know, if either the Council or City Manager said, "We have concerns about this location," it wouldn't have been referred to DPW.

CHAIR ANDREA JACKSON: Again, when the build-out of the sidewalk happens, this structure comes down?

ATTY. ANTHONY GALLUCCIO: Correct.

Not to repeat myself, but I think DPW was excited also to have a temporary opportunity, because to the extent that there are issues, this applicant was willing to spend the money on a temporary structure, which is probably unique in the sense that, you know, if the applicant wasn't as flexible, there's more of a concern of, you know, we could get stuck with it.

And I think, again, you know, serving the seating from across the street, making sure the handicap accessibility issues are addressed, and just how it's going to work, this seemed, I think, like a good case study.

POLICE COMMISSIONER ROBERT HAAS: So City Council, DPW and Traffic and Parking all signed off on this plan?

ATTY. ANTHONY GALLUCCIO: Correct.

FIRE CHIEF GERALD REARDON: So, counsel, the only one is the last picture in the package, where the crosswalk is and this is not really a large car, the proximity to the flower boxes and that's my issue that something --

DAVID DUBOIS: Put something there?

FIRE CHIEF GERALD REARDON: Put something there just in case when they are trying to clear the crosswalk, they don't move up too far. Obviously, they're not going to stop a runaway vehicle. But something that serves some purpose other than just the wood and the dirt.

DAVID DUBOIS: We can actually bring it around the corner a little, too. Because the thing is only seven feet.

FIRE CHIEF GERALD REARDON: I don't think they want you going out past seven feet, but just when you look at this rendition, you know, clear

the crosswalk, they're pulling up kinda close and some people will pull in there with a pickup or something like that and tends to get out of the crosswalk to move up a little too far and just -- it may provide a little more solace to the people sitting there, because there is not always going to be a vehicle parked there.

ATTY. ANTHONY GALLUCCIO: A Jersey barrier would be the most -- probably the easiest form of protection if -- is that something we could consider?

FIRE CHIEF GERALD REARDON: I don't care what it is.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Again, Madam Chair, if I may, I think the problem is because we were not involved in the discussions, we don't know what Public Works had in mind or what City Council had in mind when

they approved your application.

CHAIR ANDREA JACKSON: Right.

EXECUTIVE DIRECTOR ELIZABETH LINT: So it's very difficult to make that determination if Traffic and Parking or DPW were going to allow a Jersey barrier there if it's going to take up too much space, block the parking spot.

CHAIR ANDREA JACKSON: I mean, we could continue the matter until we had follow-up conversations.

FIRE CHIEF GERALD REARDON: I mean, I'm open to whatever seems to be some sort of protection. It doesn't have to be a Jersey barrier. But something other than maybe a piece of wood. I mean, it's very nice looking and all but...

ATTY. ANTHONY GALLUCCIO: I'd be open to -- if you would -- we would probably run out

of time if it were continued. I would be happy to have it approved, subject to a barrier, which was approved by both DPW and conveyed to the Commission. I mean, it could be barrels of sand. I don't know what other options exist.

FIRE CHIEF GERALD REARDON: The only problem is that I think now the distance between there and the crosswalk, if you put -- a lot of times they'll put large planters loaded with dirt which do provide a pretty solid, but if you put that in there, you'll probably lose the parking spaces because it would be in the crosswalk.

So my suggestion would be, you know, like a six-inch bollards that are used at gas stations are something just to provide some protection.

ATTY. ANTHONY GALLUCCIO: Right. And I would also be amendable if the railing had to

move in in order to give, you know -- we will be flexible.

The reality is because of, you know, we went to -- we were approved City Council May 5th, so we're here June 11th. A continuance would probably mean that it wouldn't be feasible with the construction schedule.

So if it would be helpful if we had an opportunity to work that issue out.

DAVID DUBOIS: What he is saying, too, is that we could take the planter, move it in without taking any more space off and then put something directly on the platform.

FIRE CHIEF GERALD REARDON: The other thing might even be the parking lot curb things.

I mean, I know all kinds of cars have different lengths in the front. But something on the curb that is put down that's easily installed

as you do in the parking space, just so the car -- some protection to that effect.

I mean, it's not going to stop a car going 30 miles per hour, but just someone pulling up.

ATTY. ANTHONY GALLUCCIO: This edge, the front edge and side edge, yeah.

FIRE CHIEF GERALD REARDON: Not even the side edge, just the front edge.

You've got parking lots that have concrete bumpers that sit inside and they put a couple rods in the ground, and your car then just goes up to those wheels and stops, and they can probably -- Traffic can probably figure out, and that's something that's easily done just to keep a vehicle from rolling up and bumping into that. It's an easy solution and probably not very costly at all can be done.

POLICE COMMISSIONER ROBERT HAAS: What would have been helpful for me is, again, if Ms. Lint was present -- I mean, I'm just trying to understand what the thinking of my colleagues were. And then as long as they have taken all the safety factors in, I feel a lot more comfortable. And I just haven't a conversation with them and talk to -- both of them are engineers. So I mean, it strikes me that they are -- they're in a good position.

I'm trying to figure out what was their thinking process about safety and some of the things.

I really don't want to tinker with the design if they've already taken these things into consideration, but I don't know that, because I haven't had the opportunity to understand to have a conversation was around this parklet and that's

the thing that's got to be able to park at this point in time.

CHAIR ANDREA JACKSON: So if I can add, I did have a conversation with Kathy Watkins before I came downstairs just to ask in terms of how the approval took place and Licensing not being a part of it, and I asked if safety was taken into consideration and she said yes.

POLICE COMMISSIONER ROBERT HAAS: Say that again?

CHAIR ANDREA JACKSON: She said safety was taken into consideration. Now what that means, I don't know.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ATTY. ANTHONY GALLUCCIO: I think that's where that front space and the work that they have done to think about that whole extension. I mean, if that's unsafe, a flat sidewalk with no

railings and no planters is probably less safe.

I mean, you know, in a sense, this provides a much more visual barrier for vehicles, but they have studied it and it seems like they have been looking at that corner quite extensively.

I think you've raised some good issues around the length of the car, how much space between the car and the parklet. I think we can address those.

I think we can provide a barrier even if we have to sacrifice space against along the railing and moving the rail in.

But I think we can make sure that we provide a safety barrier along the front edge and the corner that would make you both comfortable.

POLICE COMMISSIONER ROBERT HAAS: The thing is, I know how the City Traffic and Parking

is about parking spaces. And I'm assuming that that they've taken a lot of information. But I agree with the Chief, if that vehicle is not there and somebody is just driving down the street and is distracted somehow and go right into your parklet, because right now what you're depending upon is that parked vehicle to serve as a buffer.

DAVID DUBOIS: I think it's an intelligent point. I mean, I think we could easily put something there, right there.

POLICE COMMISSIONER ROBERT HAAS: It's a temporary design, right? So even if you were to put a Jersey barrier at an angle just to -- just in the off-sense that somebody wasn't watching or paying attention to what they were doing.

ATTY. ANTHONY GALLUCCIO: I agree. If someone hits the Jersey barrier, we'll know that,

you know, we have --

POLICE COMMISSIONER ROBERT HAAS: I'd rather it hit the Jersey barrier than your customers.

ATTY. ANTHONY GALLUCCIO: Right. DPW has been very aggressive in trying to move this. I think we would be out there tomorrow morning looking at options to satisfy those concerns.

DAVID DUBOIS: There's a little space there, right there.

ATTY. ANTHONY GALLUCCIO: That's small.

DAVID DUBOIS: But that's what the fire chief was talking about.

POLICE COMMISSIONER ROBERT HAAS: So just playing it forward, when this sidewalk is extended, you're saying it's not going to be any barrier around your eating patio, it's going to be all open?

DAVID DUBOIS: The only requirement for barriers once it's -- for not just me, but that whole side is if you're going to serve alcohol.

POLICE COMMISSIONER ROBERT HAAS: But your plan is not to have any kind of delineation between the street and this new sidewalk?

DAVID DUBOIS: Not unless we choose to serve beer and wine out there, and that's another whole licensing issue.

POLICE COMMISSIONER ROBERT HAAS: Right, right. I get that. It looks nice in terms of the design. It looks like you got a --

DAVID DUBOIS: I mean, it will be very visible.

POLICE COMMISSIONER ROBERT HAAS: Right.

DAVID DUBOIS: You're sort've looking at pictures now of how it looked today, but when it's got plantings in it, and, you know, a

table --

POLICE COMMISSIONER ROBERT HAAS: I'm sure it's going to look very nice. I just want to make sure --

DAVID DUBOIS: It's going to activate that corner in a way that will probably, I feel, like, personally will create a better traffic scenario than exists currently.

POLICE COMMISSIONER ROBERT HAAS: So your seating configuration, is it the combination of two and four seat tables that you're going to be putting in that area?

DAVID DUBOIS: One size table. They are 24-inch tables.

POLICE COMMISSIONER ROBERT HAAS: So it's two per table then or is it --

DAVID DUBOIS: We put benches along the sides so people can sit on the benches at a

table, push two of the tables together.

CHAIR ANDREA JACKSON: Are we talking, what, ten tables? Eight tables?

DAVID DUBOIS: Six.

CHAIR ANDREA JACKSON: Six tables?

DAVID DUBOIS: Yes.

FIRE CHIEF GERALD REARDON: How do we get to 40 seats?

DAVID DUBOIS: The bench seating and when we originally put the application in we didn't -- you know, we were just trying to do the math based on the bench seating, but we moved the bench seating to the sidewalk side.

FIRE CHIEF GERALD REARDON: The capacity and seating is usually something we try to get kind've locked down. It just seems like 40 is a big number in there, that's all.

POLICE COMMISSIONER ROBERT HAAS: This

committee that has been in place, are they going to evaluate all these proposed applications going forward, or is it just for identifying a concept of parklets?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, originally it was to see if there were -- we sent letters to restaurants that we felt had appropriate space, parking areas out front. There was very little response due to the cost involved in erecting the structures, and then once the season was over, having to disassemble them and where they were going to store them. So it just sort've fizzled out, and then this came up, and I was rather surprised because we -- well, we hadn't met in quite awhile formally, there was the, you know, the occasional email, you know, what about this and what about this.

POLICE COMMISSIONER ROBERT HAAS: So did

the committee comment on this application, do you know?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Everybody but me.

POLICE COMMISSIONER ROBERT HAAS: Well, they did comment on the application, not specifically the application, just the notion of having parklets, but --

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, they just approved all of it. They were very involved in the --

POLICE COMMISSIONER ROBERT HAAS: This particular application?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Absolutely.

I guess the scenario is, once I looked at the file and the Chair certainly had grave concerns along safety lines, and we are the

public safety body, I sent an email to Wayne Amaral asking him what this was all about and he said, "Oh, it's all set, we approved it."

Then Beth sent me an email back saying, "Oh, sorry, we didn't include you. But it's for this size and it will look like this."

Then I got a letter from Kathy Watkins saying again "Sorry, we didn't include you, but, you know, we looked at all the safety aspects," and so on and so forth and, you know, we want to see this happen.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: I'm trying to understand, our next hearing is when?

EXECUTIVE DIRECTOR ELIZABETH LINT: Next Tuesday.

FIRE CHIEF GERALD REARDON: Next Tuesday.

POLICE COMMISSIONER ROBERT HAAS: And a

delay of one week would be -- less than one week?

ATTY. ANTHONY GALLUCCIO: Through you, it would get very tight.

Would it be possible to, if you would respectfully consider, approve subject to the placement of barriers along the, I guess, northern edge or western edge, or whatever is the appropriate or along JFK and Mount Auburn corner?

POLICE COMMISSIONER ROBERT HAAS: Does that mean taking that parking space away?

ATTY. ANTHONY GALLUCCIO: No.

DAVID DUBOIS: We'll take the deck away.

ATTY. ANTHONY GALLUCCIO: Correct. We have flexibility with respect to the wood structure. And it would be better for us to get working on that right away as opposed to if we waited, you know, so the railing could push back.

FIRE CHIEF GERALD REARDON: Just to be clear, what I'm suggesting is we put the curb bumper across the front -- where the front wheels in. And, Traffic, Wayne Amaral knows the approximate distances and so forth. You would not have to touch the structure at all. My thinking is just something that when somebody gets too close, the curb stops the front wheels and you'd have to forcibly accelerate to go over it, just so they don't bang into this thing.

POLICE COMMISSIONER ROBERT HAAS: Similar to what you see in a parking lot?

FIRE CHIEF GERALD REARDON: Exactly. The front -- yes, that's all. And they put them in a ground with a couple pieces of rerod. Very uneventful, it could be done, you know, a little under an hour once it shows up at best.

DAVID DUBOIS: Yellow.

FIRE CHIEF GERALD REARDON: Whatever they choose. The idea is just so when they're pulling up close, because you have a longer car that has a propensity to get a little too close and just bang into that thing, I think this would just add a little extra safety and it wouldn't be a great encumbrance on anyone.

It wouldn't involve altering your deck at all the way because -- I mean, I did see the deck today. It's a temporary structure. It's a very nice piece of work with a temporary structure. I was actually very impressed with the materials and craftsmanship you did on something that's going to be taken down in X amount of months.

POLICE COMMISSIONER ROBERT HAAS: This is going to become a deck in your backyard, is it?

DAVID DUBOIS: Somewhere. It's a mahogany decking. It has to go someone. But,

you know, it's the first parklet, so it has to look good.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard on this matter?

Please come forward. Please have a seat. If you could state your name for the record, spelling your first and last name?

JOE HICKEY: My name is Joe Hickey, J-O-E, H-I-C-K-E-Y. And I live at 44 JFK Street directly across the street from the Tasty Burger.

I just wondering why we weren't notified

of this. I just saw the structure being built and inquired and found out about it. And it's directly across from my driveway. So when I'm backing out, somebody going down street, there's a tendency for them to try to go around.

And the noise, we're worried about noise. How long is this going to be open at night.

POLICE COMMISSIONER ROBERT HAAS: So have the abutters notifications been sent out?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's not a direct abutter.

POLICE COMMISSIONER ROBERT HAAS: Oh.

JOE HICKEY: This structure is like 12 feet away from the driveway.

CHAIR ANDREA JACKSON: And you're on the JFK Street side?

JOE HICKEY: Yes. I'm right -- my driveway is right next to 90 Mount Auburn Street.

So we go to the corner of JFK and Mount Auburn Street is one corner of my building and at 90 Mount Auburn Street is the other corner of the building.

FIRE CHIEF GERALD REARDON: Mr. Hickey, when you enter your driveway, can you drive in and turn around and come back out and drive out or do you have to back out?

JOE HICKEY: No, I have to pull in and then back out all the time.

CHAIR ANDREA JACKSON: When's the first you learned of this?

JOE HICKEY: About two days ago. A few days ago when they started to build the structure.

I thought it was a temporary platform to go around the brick work that was being done, and then when I saw the planter being put in, I knew

it was different, so I inquired. I inquired with the Harvard Square Business Association.

My bedroom window is like 25 feet away from that structure. And the noise sometimes that comes from that place until 4:00 in the morning is quite a lot.

POLICE COMMISSIONER ROBERT HAAS: Is your outside seating open the entire time that you were operating until 4:00?

DAVID DUBOIS: 11:00.

ATTY. ANTHONY GALLUCCIO: The application is from 11:00 to 11:00.

CHAIR ANDREA JACKSON: Is that correct, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

JOE HICKEY: Is the seating going to be taken inside or is it going to be left out there for people to hang around? That's a concern

also.

DAVID DUBOIS: The tables are all fold-up tables that you take inside.

CHAIR ANDREA JACKSON: You would be pulling in the tables every night?

DAVID DUBOIS: Yes.

CHAIR ANDREA JACKSON: What about the seating?

DAVID DUBOIS: Everything except mahogany benches.

FIRE CHIEF GERALD REARDON: Are you planning to put up some sort've a chain or rope during the after hours to keep people from sitting out there?

DAVID DUBOIS: I hadn't really thought about it, but we could certainly. It's easy enough.

POLICE COMMISSIONER ROBERT HAAS: I'm

just trying to figure how you're going to police this area after -- I mean, there's still adequate seating for people to hang out there and use that as kind of a pseudo bench area and things like that. I'm just trying to figure out how you can make sure that you patrol that area?

DAVID DUBOIS: I think we chained it off. I mean, it's in clear view for us, too. Our line is right parallel to it with giant floor-to-ceiling windows, so we're seeing everything that's going on out there.

The other thing is in terms of what kind of space it takes up, it actually is less wide than the eight feet for a parked car anyhow, so adjacent to this driveway, it's not different then if there was parked cars along the street, which there always is.

CHAIR ANDREA JACKSON: Mr. Hickey, so I'm

clear, are you here in opposition, or are you here just with concerns?

JOE HICKEY: Concerns. That's all.

CHAIR ANDREA JACKSON: The fact that the seating will only be there until 11:00 p.m., does that make you feel better or...?

JOE HICKEY: I wish we were informed of this, you know?

CHAIR ANDREA JACKSON: Right. So do we.

JOE HICKEY: We do live right across the street and to have a letter to tell us about what was going on would be nice, you know.

CHAIR ANDREA JACKSON: I'll make sure I pass along your concerns.

JOE HICKEY: Okay.

CHAIR ANDREA JACKSON: Anything else you would like to add?

JOE HICKEY: No.

CHAIR ANDREA JACKSON: Thank you very much for coming in.

JOE HICKEY: Thank you.

CHAIR ANDREA JACKSON: Anyone else who would like to be heard on this matter?

Seeing none, what is the pleasure of this Board?

FIRE CHIEF GERALD REARDON: I make a motion to approve the temporary parklet at 40 JFK Street for Tasty Burger with the provision that we look into a parking bumper or suitable device to assist motorists in keeping the distance from the western end, I guess, and also we look at some sort of a chain or restraint to keep people from using it after closing hours and police it accordingly.

CHAIR ANDREA JACKSON: And tables and chairs brought in every night?

FIRE CHIEF GERALD REARDON: Every night.

DAVID DUBOIS: Okay.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

Thank you.

DAVID DUBOIS: Thank you.

**APPLICATION: PEDRO DOMBELE AND YANGFAN HE
D/B/A TISAN COFFEE EXPRESS**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Pedro Dombeles and Yangfan He doing business as Tisan Coffee Express has applied for a common victualer license to be exercised at 1722 Mass Ave. Said license, if granted, would

allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The proposed hours of operation are 7:30 a.m. to 9:30 p.m. seven days a week.

CHAIR ANDREA JACKSON: Good evening.

Could you please state your names for the record, spelling your first and last names, please?

PEDRO DOMBELE: My name is Pedro Dombele, P-E-D-R-O, D-O-M-B-E-L-E.

YANGFAN HE: Yanfan He, Y-A-N-G-F-A-N, H-E.

CHAIR ANDREA JACKSON: And if you can tell us why you're here this evening because you would like to open up a coffee shop, is that correct?

PEDRO DONBELE: Yes. Basically we have a coffee shop in Cambridge Street before. And this

place was so small for us to have customers, so -- and we look different locations, Mass Avenue and we find it. And this one we have looked at in the past. Before it was the laundromat just -- so nothing else was to do with that. And when we found this space, we contact with the City if we can open coffee shop in the place, and they give us the requirement what we need to do and we finish to do so, we're ready to open the coffee shop that's on Cambridge Street.

POLICE COMMISSIONER ROBERT HAAS: You closed the establishment you had before then, that's been closed? How long ago did you close that?

PEDRO DOMBELE: About like six months.

POLICE COMMISSIONER ROBERT HAAS: How long were you open for? How long were you operational?

PEDRO DOMBELE: Four months.

POLICE COMMISSIONER ROBERT HAAS: How did the business do?

PEDRO DOMBELE: Good. It was a lot of customers and we have no space enough for people to sit, so we found this place. Before was 380, now it's like 1028.

CHAIR ANDREA JACKSON: Did you actually open at the Cambridge Street location because I -- when I went through, I saw that you had appeared before this Board back February 26, 2013, is that correct, when you first came before the Board to get your license for the Cambridge Street address?

PEDRO DOMBELE: Yeah.

CHAIR ANDREA JACKSON: Is that correct? And you were looking at I believe it was 766A Cambridge Street?

PEDRO DOMBELE: Yes.

CHAIR ANDREA JACKSON: Did you actually open? Because if I remember correctly, I thought somebody in my office said that the license was never picked up.

PEDRO DOMBELE: No, we were open.

CHAIR ANDREA JACKSON: I don't know about that.

EXECUTIVE DIRECTOR ELIZABETH LINT: What I found out, I think it was yesterday or today, they were on Kara's (phonetic) list of those that did not renew.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: So that would've meant that they were open and paid for the license.

CHAIR ANDREA JACKSON: Okay.

So you did actually open on Cambridge

Street?

PEDRO DOMBELE: Yes.

CHAIR ANDREA JACKSON: And when did you close, roughly?

PEDRO DOMBELE: After four months. We were open four months and we find out no space enough for our client and was looking for different location and we found it on Mass Avenue, 1722 Mass Avenue.

CHAIR ANDREA JACKSON: If you appeared before the Board in February of 2013, when did you actually open your doors for business?

PEDRO DOMBELE: You can -- let me check in my book. Our open was 4/10/2013.

CHAIR ANDREA JACKSON: What month, I'm sorry?

PEDRO DOMBELE: April. I have the copy of the -- (forwarding).

CHAIR ANDREA JACKSON: So you closed around July of 2013?

EXECUTIVE DIRECTOR ELIZABETH LINT: This is just from ISD, their inspection.

CHAIR ANDREA JACKSON: So their inspection was just in April, but that doesn't mean they necessarily opened on this day?

What month did you actually close?

PEDRO DOMBELE: I think it was September.

YANGFAN HE: I think it was -- I think it was --

PEDRO DOMBELE: Yeah, October.

CHAIR ANDREA JACKSON: October?

PEDRO DOMBELE: Yes.

CHAIR ANDREA JACKSON: So when you closed in October 2013, did you notify this Board that you were closing?

PEDRO DOMBELE: Yeah, I came to City of

Cambridge, and first I contact the landlord if the place was available to do coffee shop, and he told me "You need to go first to City of Cambridge to ask what you need to do to do coffee shop," and I needed to make a bigger platform accessible for handicap because it's so small. And they said, "If you do that, it will be good," because it was so small.

POLICE COMMISSIONER ROBERT HAAS: I think question was: Did you notify the License Commission that you closed your establishment? Did you ever tell the License Commission you closed?

PEDRO DOMBELE: (Pause.)

POLICE COMMISSIONER ROBERT HAAS: Did you ever notify the License Commission that you closed?

CHAIR ANDREA JACKSON: Did you send a

letter in to say that you had closed your establishment?

PEDRO DOMBELE: No, no, no. I ask you and the Board where -- oh, I ask Mike -- what is he called, Mike Grover?

CHAIR ANDREA JACKSON: Mike who?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Michael Grover.

PEDRO DOMBELE: Michael Grover.

FIRE CHIEF GERALD REARDON: Inspectional Services.

PEDRO DOMBELE: Yes. I ask him what I need to do to open the other place. He ask me if I'm gonna continue to use the old address. I said, "No, we're gonna to close Broadway and then we start to -- we built on Mass Avenue. But I didn't do the request to Commission, so I approach it right now. Because I didn't know I

need to request the -- I'm closing to reopen
other place.

FIRE CHIEF GERALD REARDON: Is this the
same name that you were open under before?

PEDRO DOMBELE: Yeah, the same name.

FIRE CHIEF GERALD REARDON: So are you
next to Boca Grande?

PEDRO DOMBELE: Boca Grande, yes. Boca
Grande and pet store and Cambridge Trust & Bank.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: Have you notified
the abutters, the people, who are right by the
restaurant?

PEDRO DOMBELE: Yes, we did.

CHAIR ANDREA JACKSON: Do you have the
green cards, the notifications?

PEDRO DOMBELE: I -- supposed to be
like four. I got -- it was a -- I got -- there's

seven. I got six. I just forgot these in the shop because I was in a rush. But I got all. Just one from Florida we didn't get a response but we got all. We got the response.

CHAIR ANDREA JACKSON: We need the notifications. So we need to receive those.

PEDRO DOMBELE: We can go today just for -- it's --

EXECUTIVE DIRECTOR ELIZABETH LINT: Tomorrow.

PEDRO DOMBELE: Tomorrow?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: When do you want to open this shop, the new shop?

PEDRO DOMBELE: Like tomorrow. Everything gets done and we have all equipment, the full, everything.

POLICE COMMISSIONER ROBERT HAAS: So it

has already been outfitted? It has all the equipment and ready to open at this point?

PEDRO DOMBELE: Ready to open because everything was approved. Everything is done with City of Cambridge.

FIRE CHIEF GERALD REARDON: Have you had all your inspections?

PEDRO DOMBELE: Yes.

FIRE CHIEF GERALD REARDON: Fire and ISD?

PEDRO DOMBELE: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We need all the sign-offs.

CHAIR ANDREA JACKSON: We don't have the sign-offs in the folder?

FIRE CHIEF GERALD REARDON: So you have a certificate of occupancy from everybody signed off.

PEDRO DOMBELE: Yeah, everything signed

off. I have -- (forwarding).

EXECUTIVE DIRECTOR ELIZABETH LINT: He doesn't have it. He has the request.

CHAIR ANDREA JACKSON: He has the request but not the actual --

EXECUTIVE DIRECTOR ELIZABETH LINT: But he has -- yeah, he's got all the sign-offs.

FIRE CHIEF GERALD REARDON: I would say he probably has all the sign-offs.

CHAIR ANDREA JACKSON: Because I wasn't here when it was initially approved, can you tell me about your background?

PEDRO DOMBELE: Basically my background -- I grow up, born in Angola, Africa. I don't know if you know where this is, close to South Africa. I grow up in Central American and Cuba, and when I finished my career, like when I was 40, and my girlfriend send me to study in

Cuba for military academy. And when I graduated military academy, I go to Russia for six years. When I finish all my career, back to my country, and I make a choice by myself because I study military professionally. I said, "What's the best for me?" And I left the country of civil war, and I go back to Netherlands and from Netherlands, I came to USA.

CHAIR ANDREA JACKSON: Do you have experience in running a restaurant?

PEDRO DOMBELE: Yes. When I came this country, my first job was to -- I was dishwasher. And I work in Bread & Circus -- what's it called before? Today it's like Walford Market. And I was training and that's where I got -- from one year I moved into the kitchen when I learn how to cook best I can. And I figured out in America, everybody have the opportunity to have dream. So

that's why I tried to create business with my friend, but I couldn't because of my kids (inaudible). But I still have the dream to do something for my community. And this way I prefer coffee shop. For me, it's easy. I can operate it.

POLICE COMMISSIONER ROBERT HAAS: How long have you worked in the restaurant industry?

PEDRO DOMBELE: From 1996.

POLICE COMMISSIONER ROBERT HAAS: 1996?

PEDRO DOMBELE: Yes. When I came to this country. And I started work Bread & Circus called Walford market now.

POLICE COMMISSIONER ROBERT HAAS: The store you opened before, is that your first business that you opened, or did you open another business before that?

PEDRO DOMBELE: Before that, I opened

like the food. I don't know how to call it. And I sell chips and donuts and stuff like that.

POLICE COMMISSIONER ROBERT HAAS: From a cart?

PEDRO DOMBELE: Yep. And after that, I have no success, because I need to know a lot of things about business, and I moved to computer science programming, and from there, back to (inaudible) for my experience and I moved back and forth. So I back to work with the food again. But I choose to get coffee shop.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh. You said aside from the space restrictions, you were doing pretty well in that coffee shop that you were operating, you had a pretty good business or...?

PEDRO DOMBELE: Yeah, I had a good business.

POLICE COMMISSIONER ROBERT HAAS: Are you his partner or...?

PEDRO DOMBELE: Yeah, it is my partner.

POLICE COMMISSIONER ROBERT HAAS: Did you work in the coffee shop with him?

YANGFAN HE: No.

POLICE COMMISSIONER ROBERT HAAS: But you are going into partnership with him in a new venture?

YANGFAN HE: Before I made my partner, I don't know -- I have no interest in coffee and the coffee shop culture. After I met him, I went to Cambridge Street because I'm neighbor up there. I'm student right now. I'm the neighbor. So I walk on street, I saw the new shop on Cambridge Street before. I was surprised. This guy is different. After I start, I go to the shop every day. So I talked to him and make

friends with him. And I can see he has -- he can do this. He doesn't know how to manage the business. My major is a restaurant manager. Management. This is why I think I can help him to know more or to manage the restaurant, run it better. So we talk. And that way, actually I can see only a few seats of the coffee shop, the old coffee shop. Really not enough for people. Some kids come with parents and kids and there's no space. It's very awkward. It makes it hard to do things.

From that time, we spend like almost half year in hardship like that. And today, we're very happy to bring all the inspector signs for you guys.

POLICE COMMISSIONER ROBERT HAAS: So aside from your educational background, have you managed another restaurant or other restaurants

before?

YANGFAN HE: No. I don't have the manager experience, but my mom had a shop, children's shop. Like kind of like a very big, like a (inaudible). I was doing managing of the shop before.

POLICE COMMISSIONER ROBERT HAAS: How long were you working for your mother?

YANGFAN HE: Pretty much back at home with her because not -- no can pay.

POLICE COMMISSIONER ROBERT HAAS: Yeah, but how long were you working in the shop?

What time period? How long?

YANGFAN HE: I think the whole high school like.

POLICE COMMISSIONER ROBERT HAAS: So during your high school?

YANGFAN HE: Yes.

CHAIR ANDREA JACKSON: What type of food will you be selling here?

PEDRO DOMBELE: Gonna be coffee and juice, smoothie and like a sandwich, panini. This kind of food I serve. Chips.

CHAIR ANDREA JACKSON: Mr. Dombele, thank you.

POLICE COMMISSIONER ROBERT HAAS: You said sandwiches?

PEDRO DOMBELE: Yes.

POLICE COMMISSIONER ROBERT HAAS: How were you making your sandwiches? In the shop?

PEDRO DOMBELE: Yes.

CHAIR ANDREA JACKSON: You're not doing any actual cooking in there, correct?

PEDRO DOMBELE: No.

CHAIR ANDREA JACKSON: Where would your deliveries be made?

PEDRO DOMBELE: Excuse me?

CHAIR ANDREA JACKSON: Deliveries, are you going to have deliveries to the shop, or are you going to pick up the materials yourself and bringing them in?

PEDRO DOMBELE: Some company they can deliver because -- some company going to deliver, some not. He can deliver for us, and the kitchen before, we had no deliver, we had to pick up.

CHAIR ANDREA JACKSON: What about your trash? Where does the trash go? Is it behind the building?

PEDRO DOMBELE: We'll provide like a trash container. So every single day, we need to pick up the trash and they give us the -- they give us the schedule for the city for small business where -- when we can bring the trash.

CHAIR ANDREA JACKSON: There are

dumpsters behind the building, are you going to be using those?

PEDRO DOMBELE: Yes.

CHAIR ANDREA JACKSON: Who else will be working there, just you two?

PEDRO DOMBELE: My partner and me and my girlfriend, and we're gonna have two employees that want to work with us.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I'll entertain a motion.

FIRE CHIEF GERALD REARDON: I make a

motion to approve the Coffee Express at 1722 Mass Avenue for a common vic license for food and nonalcoholic beverages to be served with a seating capacity of 20. The proposed hours 7:30 a.m. to 9:30 p.m., seven days a week.

CHAIR ANDREA JACKSON: May I make a friendly?

FIRE CHIEF GERALD REARDON: Yes. And I also want to say that they need to get the fact they have permits to go of a past request prior to.

CHAIR ANDREA JACKSON: What was that last one?

FIRE CHIEF GERALD REARDON: I want to make sure their permanent certificate of occupancy is issued prior to their opening.

EXECUTIVE DIRECTOR ELIZABETH LINT: And make sure --

CHAIR ANDREA JACKSON: And the license is actually picked up.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm not sure he understands.

POLICE COMMISSIONER ROBERT HAAS: You need the abutters notifications?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: We need that prior to opening?

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

POLICE COMMISSIONER ROBERT HAAS: And the friendly amendment was?

CHAIR ANDREA JACKSON: I'm thinking. It's either a three-month review or a six-month review.

POLICE COMMISSIONER ROBERT HAAS: I'd say three.

CHAIR ANDREA JACKSON: Three-month
review.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in
favor, signify by saying.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: So do you
understand?

PEDRO DOMBELE: Yes.

POLICE COMMISSIONER ROBERT HAAS: Tell us
what you need to do to make sure you understand
it correctly.

PEDRO DOMBELE: Before we open, we need
to have a certificate for operation and the --

POLICE COMMISSIONER ROBERT HAAS: The

abutters list. You need the abutters list,
right?

PEDRO DOMBELE: Yes. We are going to
provide like this tomorrow morning. We are going
to get all this because we are ready for -- to
open our doors.

POLICE COMMISSIONER ROBERT HAAS: You
can't do that until those two --

PEDRO DOMBELE: Yes, I want to --

EXECUTIVE DIRECTOR ELIZABETH LINT: And
he has to pick up his license.

POLICE COMMISSIONER ROBERT HAAS: You
have to pick up your license. You have to get
your license. You haven't got your license from
the License Commission. You have to pick that
up. When you're here with the abutters list,
make sure you pick up your license.

PEDRO DOMBELE: Okay.

POLICE COMMISSIONER ROBERT HAAS: And then we need you to come back in three months to tell us how you're doing.

PEDRO DOMBELE: Okay.

POLICE COMMISSIONER ROBERT HAAS: Okay? So we are going to schedule you to come back in three months just to check in and see how you're doing.

PEDRO DOMBELE: Okay. Thank you.

FIRE CHIEF GERALD REARDON: You're all set.

PEDRO DOMBELE: Thank you.

CHAIR ANDREA JACKSON: Thank you.

**APPLICATION: AREA FOUR OPERATING, LLC D/B/A
AREA FOUR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Area Four Operating, Incorporated,
LLC, doing business as Area Four, Michael

Leviton, manager, holder of an all alcoholic beverages restaurant license at 500 Technology Square has applied for an alteration of premise to include an seasonal outdoor patio on private property.

MICHAEL KRUPP: Good evening.

CHAIR ANDREA JACKSON: Good evening.

MICHAEL KRUPP: My name is Michael Krupp, K-R-U-P-P. I'm one of the owners. Michael Leviton's business partner. I have with me my green slips as well as a signed affidavit. I also have a copy of everything we submitted, if you should like to see it.

EXECUTIVE DIRECTOR ELIZABETH LINT: What do you have?

MICHAEL KRUPP: I actually brought two notarized copies of the abutters. My manager did all the work so she has one when her name, but I

wasn't sure if you wanted one with my name.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Doesn't matter.

FIRE CHIEF GERALD REARDON: Give us a quick synopsis.

MICHAEL KRUPP: Sure. Area Four has been opened we just celebrated three years. We won Best Restaurant in Kendall Square three years in a row.

We are on complete private land and we would like to add the addition of patio seating. Admittedly, we have had patio seating. There was a snafu. I take full responsibility, but there was a clerical error and while we had everything lined up to get everything submitted, while we can only show our application, somehow something got mixed up.

The reason this came about is we wanted

to make sure that we were in compliance, so we called the City of Cambridge and we were not. It's entirely our own fault. I know that ignorance is no excuse. But this was just dumb, dumb. Something got lost in the opening of the restaurant.

FIRE CHIEF GERALD REARDON: How many seats do you have outside?

MICHAEL KRUPP: I believe 56.

EXECUTIVE DIRECTOR ELIZABETH LINT: 48 is what was approved by ISD.

MICHAEL KRUPP: That's the correct number. My apologies.

CHAIR ANDREA JACKSON: This is all on private property, correct?

MICHAEL KRUPP: We're a hundred percent on private property. There was a letter submitted with our application from the landlord,

Alexandria, that gave us permission to use the space.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do have that.

FIRE CHIEF GERALD REARDON: Is there alcohol served there?

MICHAEL KRUPP: We would like to. We would like to do that. We obviously will need to get a change from the ABCC to do so.

POLICE COMMISSIONER ROBERT HAAS: Is that part of the application?

MICHAEL KRUPP: Again, my apologies. I have been traveling. It has been a crazy time. So my manager did everything, but we got events tonight, so I'm here.

FIRE CHIEF GERALD REARDON: Is your area cordoned off with barriers?

MICHAEL KRUPP: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do not have an alcohol application. All we have is a CV application.

MICHAEL KRUPP: Forgive me. I was -- the process was something that my manager got a little messed up on.

EXECUTIVE DIRECTOR ELIZABETH LINT: Wait a minute, wait a minute. No, we don't.

MICHAEL KRUPP: I believe she asked and was told this happens first and then we reach out to the ABCC, but I'm not sure.

CHAIR ANDREA JACKSON: It's not going to be first, but the same process, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. It has to be with the alcohol application which we do not have.

MICHAEL KRUPP: Okay. Can I -- can I submit that to you ASAP?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Although, wait a minute. It's late. The brain is tried.

CHAIR ANDREA JACKSON: It's been a long night.

MICHAEL KRUPP: For all of us.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah, no, it is the petition to change to alter the premises on the ABCC form. It's fine. I'm sorry.

CHAIR ANDREA JACKSON: He just wanted to see if you were paying attention.

MICHAEL KRUPP: I apologize for my coughing all night. I'm fighting a terrible cold. You are, too.

EXECUTIVE DIRECTOR ELIZABETH LINT: No. I'm going through whatever's in the air.

MICHAEL KRUPP: Well, get me out of here

quickly then.

CHAIR ANDREA JACKSON: All right. So all the paperwork is in order, so this is -- this will allow them to have alcohol out on the private patio?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Any further questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No questions.

EXECUTIVE DIRECTOR ELIZABETH LINT: And you just want to make sure it's roped off accordingly.

CHAIR ANDREA JACKSON: Right. No, he asked.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry. It's late.

CHAIR ANDREA JACKSON: Are there any

members of the public that wish to be heard on this matter?

Seeing none -- did you ask something?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: I make a motion that we approve the all alcohol beverages license for the alteration to include a seasonal patio on private property with 48 additionally seats.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

MICHAEL KRUPP: May I ask two very quick questions?

CHAIR ANDREA JACKSON: No. Just kidding.

Go ahead.

MICHAEL KRUPP: One, alcohol aside because I know we have to get approval from the ABCC, when would we be allowed to serve food, no alcohol?

CHAIR ANDREA JACKSON: He can serve now, can he?

EXECUTIVE DIRECTOR ELIZABETH LINT: As soon as he picks up an amended license.

CHAIR ANDREA JACKSON: Right, so pick up an amended license and then you can.

MICHAEL KRUPP: Okay. Any idea time frame on that?

FIRE CHIEF GERALD REARDON: Two months.

MICHAEL KRUPP: Right when the season is over, of course.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know if he is going to be in tomorrow.

MICHAEL KRUPP: But it's quick thing.

CHAIR ANDREA JACKSON: Yeah, why don't you call the office tomorrow afternoon.

EXECUTIVE DIRECTOR ELIZABETH LINT: He may not be in.

MICHAEL KRUPP: That's okay. I'll talk to him on Monday. And then obviously the follow-up question is: When does the petition get sent out to the ABCC so I can start bugging them?

EXECUTIVE DIRECTOR ELIZABETH LINT: If Chris is in tomorrow, it will be sent out tomorrow. If it's he's in Friday, it will be sent Friday.

MICHAEL KRUPP: Thank you for your time. Pleasure to see you all. And welcome to the council.

CHAIR ANDREA JACKSON: Thank you.

APPLICATION: HI-RISE BREAD COMPANY, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hi-Rise Bread Company,
Incorporated, Rene Becker, manager, holder of all
alcoholic beverages package store license at 208
Connecticut Ave, has applied for a change of
manager to Cynthia Harney Becker, transfer of
stock, change of officer/director and new
stockholder.

CHAIR ANDREA JACKSON: Good evening.

ATTY. MICHAEL WIGGINS: Madam Chair,
Michael Wiggins from the law firm of Weston
Patrick, 84 State Street in Boston. Here with me
is Rene Becker and Cynthia Harney-Becker.

Perhaps you may recall that Rene was here
in front of you with Lulu Cuisine several weeks
ago, and his and his partner's application was
approved for a restaurant with all alcoholic

beverages at 1 Shepard Street.

The problem is that Hi-Rise Bakery, which he also has owned, has a license to sell all alcoholic beverages for off premises, so it became necessary for him to turn over the ownership to get approval to turn over the ownership to someone else.

Cynthia Harney-Becker has worked in the business for a number of years now, in all phases of it, so she's eminently qualified to assume those responsibilities.

She had a previous background in management and consulting with Fidelity investments and left that and joined Rene's business. I don't know how many years it has been, five or six or seven or eight.

But so it's not been a tangential interest. She's been heavily involved in it.

I just would add that Hi-Rise, it's sale of liquor is a very small percentage of the business. It's between five and ten percent.

But due to this technicality it's important -- it's necessary that there be separate management, and so the stock is being turned over to Cynthia as well as she's become the president and treasurer and sole director of the organization.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll take those from you.

ATTY MICHAEL WIGGINS: We have given notice to all of the abutters and perhaps predictable no one has objected or actually even responded knowing it's a change of ownership to somebody they know and respect already as a manager.

I should say that, of course, she'll

be -- become the manager of record with the approval of the ABCC.

FIRE CHIEF GERALD REARDON: So the package store license is part of the Hi-Rise on Concord Avenue or the store next door?

RENE BECKER: No. It's part of the Hi-Rise. It used to be Manning's (phonetic) Liquors and then I bought the license at auction actually because Manning's went bankrupt.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have the affidavit, the affidavit that goes with the abutters notifications.

ATTY MICHAEL WIGGINS: I can send that to you.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions,

Chief?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I will entertain a motion.

POLICE COMMISSIONER ROBERT HAAS: Motion to approve the transfer of stock, change of officer/director and new stockholder for Hi-Rise.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

Sorry you waited three hours.

**APPLICATION: BAJA TACO COMPANY D/B/A BAJA
TACO TRUCK**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from May 20, 2014, Baja

Taco Company doing business as Baja Taco Truck,
Bryan Peugh, manager, has applied for a
vendor/peddler license to operate a mobile food
truck on private property at 32-34-36
Cambridgepark Drive. Applicant will be permitted
to operate Monday through Friday from 11:00 a.m.
to 2:00 p.m.

CHAIR ANDREA JACKSON: Good evening.

BRYAN PEUGH: Hello. Sorry I missed last
month. I put the wrong date in my calendar.

CHAIR ANDREA JACKSON: I was going to
ask.

Can you state your name for the record?

FIRE CHIEF GERALD REARDON: You'll pay a
penalty for that, though.

BRYAN PEUGH: Thank you. That's the way
life rolls sometimes.

Bryan Peugh, B-R-Y-A-N, P-E-U-G-H.

CHAIR ANDREA JACKSON: And can you tell us your plan, please.

BRYAN PEUGH: Excuse me?

CHAIR ANDREA JACKSON: Your plan you would like to open? You would like to operate your food truck at Cambridgepark Drive?

BRYAN PEUGH: Yep. We bought our truck, a Mexican-based themed food truck and we've actually been going with daily temporary permits already at 36 Cambridgepark Drive and currently we are just there on Wednesdays.

FIRE CHIEF GERALD REARDON: Do you have any other locations in Cambridge that you're working at right now?

BRYAN PEUGH: No, not at the moment. Although we are in Waltham, Lexington and in Boston. And our commissary kitchen is in Boston in Roslindale with Gourmet Caterers, so we work

out of a commercial kitchen. In this location we are well off the street, so we are back behind the building.

FIRE CHIEF GERALD REARDON: Obviously with a one-day license, you have all your permits in Cambridge for inspections?

BRYAN PEUGH: Yes. I have already seen your office. You inspected me.

FIRE CHIEF GERALD REARDON: No, I didn't.

BRYAN PEUGH: You didn't, but someone from your office.

FIRE CHIEF GERALD REARDON: Hopefully.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: Just tell me the days you're going to be operating again?

BRYAN PEUGH: Currently we there on Wednesdays, from 11:30 to 2:00.

POLICE COMMISSIONER ROBERT HAAS: What is your plan with the license? You're still going to operate on that one day or you're going to operate longer?

BRYAN PEUGH: Our plan right now is just operate on that one day.

POLICE COMMISSIONER ROBERT HAAS: Okay.

BRYAN PEUGH: Having the flexibility to switch days back and forth with the truck there would be fabulous. And, you know, as the season changes and our schedule changes in Boston, it would be nice to have the flexibility to do the other days as well, but currently we're just there one day a week.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: No questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

CHAIR ANDREA JACKSON: Any members of the public wish to be heard on this?

Seeing none.

FIRE CHIEF GERALD REARDON: I make a motion to approve Baja Taco Company, Bryan Peugh, manager, for operation Monday through Friday, 11:00 a.m. to 2:00 p.m. at 32-34-36 Cambridgepark Drive.

CHAIR ANDREA JACKSON: Second.

All those in favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You're all set.

BRYAN PEUGH: Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

BRYAN PEUGH: Have a nice evening.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Season to Taste obviously did not appear.

CHAIR ANDREA JACKSON: Do you want to make a motion to continue that?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would say so and we can find out what happened.

CHAIR ANDREA JACKSON: I make a motion that we continue Season to Taste Catering, LLC holder of a wine and malt beverage who wanted to amend their current opening hours from 5:00 p.m. to 10:30 a.m. and that we move it to our next scheduled hearing which will be on the 17th.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH: Then we

have also obviously not here All Antique Dealer,
Secondhand Goods Dealer, Lodging House, Livery,
and Open Air Parking Lot, garage, flammables and
with garage with additional flammables storage
that failed to renew. So we only have, I think
three. 10 Ellery Street.

FIRE CHIEF GERALD REARDON: Is that a
change?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
That's a -- I believe it's a lodging house. And
Grill Cheese Nation, a food truck we have to find
out whether or not they are still actually
operating. And then Karl Sunoco failed to renew
their flammables.

FIRE CHIEF GERALD REARDON: What is the
address on that?

EXECUTIVE DIRECTOR ELIZABETH LINT:
209-221 Broadway.

FIRE CHIEF GERALD REARDON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: This one actually, the owner has been ill. His daughter lives in New Hampshire, and Patricia said that she left a message -- the daughter left Patricia a message that she would call and speak to her about this, but she never did, so we don't know what the status is at this time.

CHAIR ANDREA JACKSON: Was there another one on Fawcett Street?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's all set.

CHAIR ANDREA JACKSON: All set.

EXECUTIVE DIRECTOR ELIZABETH LINT: They sent a letter, the business is closed.

CHAIR ANDREA JACKSON: Okay. So what is need from the Board?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well,

I think what we would do is -- you know, I'm reluctant to say to revoke.

CHAIR ANDREA JACKSON: Have we sent letters asking?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. Well, the one in particular on Broadway, the flammables, because I know there really is an issue there in terms of the owner being ill and the daughter --

POLICE COMMISSIONER ROBERT HAAS: Why don't we reinspect to make sure they are operating and then give them the opportunity to renew before we give you an answer?

EXECUTIVE DIRECTOR ELIZABETH LINT: We can do that. Food trucks we would have Hackney, seeing if they are still in business, and for the others, they would have to be investigated.

CHAIR ANDREA JACKSON: Is a motion needed

for that?

So I make a motion that we send Hackney out to look at the food truck and that we send our investigators out to look at the other location to determine if they are still operating.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor, signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Is that it?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's it.

CHAIR ANDREA JACKSON: I make a motion adjourn.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in

favor, signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: We are adjourned.

(The meeting was adjourned.)

CERTIFICATE

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing herein before set forth is a true and accurate record of the proceedings with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

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Jill Kourafas
Certified Shorthand Reporter - License No. 14903

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