CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, May 5, 2015

TIME: 6:05 p.m.

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P R O C E E D I N G S

May 5, 2015

EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR ELIZABETH LINT: Good evening. Before we get started, if anyone has a cell phone on, we would appreciate it if you would turn it off or put it on vibrate.

The License Commission General Hearing Tuesday, May 5, 2015 at 6:05 p.m. We're in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you, the Commissioners: Chair Andrea Jackson, Police Commissioner Robert Haas, and Assistant Fire Chief Gerard Mahoney.

APPLICATION:
WESTPORT RIVERS

EXECUTIVE DIRECTOR ELIZABETH LINT: Our first matter is Westport Rivers, Rob Russell,

manager, holder of a -- I'm sorry. If anyone is here for the Chicken and Rice Guys application, they have been taken off the agenda.

Westport Rivers, Rob Russell, manager, holder of a Farmers' Winery License has applied to operate at the Kendall Center Farmers Market.

So this particular winery has been operating at Farmers Markets in the city for several years.

They were told they didn't have to appear as it really was just pro forma that they're doing the same thing that they have always been doing. We've never had any issues with them.

CHAIR ANDREA JACKSON: And they have been operating for how long?

EXECUTIVE DIRECTOR ELIZABETH LINT: At least three years. I want to say four or five, but they have been around for awhile.

CHAIR ANDREA JACKSON: And so, were they

told not to come because they have been operating for so long and I'm assuming Westport is quite a commute?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is a commute.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: The note I have says that they have been operating several Farmers Markets in Cambridge, treated as a -- this is treated as a renewal, and I told them they don't have to attend.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Nope.

EXECUTIVE DIRECTOR ELIZABETH LINT: Paperwork is all in order. They have all the

state licenses.

CHAIR ANDREA JACKSON: Okay. 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 Westport Rivers, Rob Russell, manager, holder of a Farmers Winery License to operate at Kendall Center Farmers Market.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

APPLICATION:
LEGAL SEA FOODS, LLC D/B/A LEGAL SEA FOODS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Seafoods, LLC, doing business as Legal Sea Foods, Charlotte Wirtanen, manager, holder of an All Alcoholic Beverages Restaurant License at 5 Cambridge Center has applied for a change of manager to William P. McAllister.

ATTY RICHARD HELLER: Good evening, Members of the Board, Richard Heller.

WILLIAM McALLISTER: William McAllister.

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

ATTY RICHARD HELLER: Richard Heller, R-I-C-H-A-R-D, H-E-L-L-E-R, Senior Vice President, general counsel for Legal Sea Foods.

WILLIAM MCALLISTER: William P. McAllister, W-I-L-L-A-M, P, M-C-A-L-L-I-S-T-E-R, manager of Kendall Square.

CHAIR ANDREA JACKSON: You may proceed.

ATTY RICHARD HELLER: I was just here for

approval for William McAllister as the manager of record on the liquor license in the Kendall Square restaurant.

CHAIR ANDREA JACKSON: Mr. McAllister, would tell us a little bit about your background, please?

WILLIAM MCALLISTER: I've worked with the company for 38 years, starting off from parking cars in Inman Square, working my way up through bartending, running the bar and then finally converting myself into a manager.

CHAIR ANDREA JACKSON: Been around for little awhile.

WILLIAM MCALLISTER: I have been around since Inman Square, yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: A little bit of institutional profession.

CHAIR ANDREA JACKSON: And when did you assume the position of manager?

WILLIAM MCALLISTER: I became a manager late October.

CHAIR ANDREA JACKSON: And where were you at prior to coming to Kendall Square?

WILLIAM MCALLISTER: I have been at Kendall Square for roughly 30 years, give or take, since they pretty much opened. Before that, I was at Park Square and Inman Square. When Kendall Square was down for renovation, I was also at the airport and Peabody.

CHAIR ANDREA JACKSON: Various locations?

WILLIAM MCALLISTER: Yes.

CHAIR ANDREA JACKSON: And you have completed our 21 Proof Training?

WILLIAM MCALLISTER: Yes, ma'am.

CHAIR ANDREA JACKSON: Perfect.

Any questions?

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

WILLIAM MCALLISTER: I'm sorry?

POLICE COMMISSIONER ROBERT HAAS: Have you ever held a license in your name?

WILLIAM MCALLISTER: No, sir.

POLICE COMMISSIONER ROBERT HAAS: Have you ever served as a manager?

WILLIAM MCALLISTER: No, sir.

POLICE COMMISSIONER ROBERT HAAS: This is your first experience?

WILLIAM MCALLISTER: Yes.

POLICE COMMISSIONER ROBERT HAAS: Talk about your duties a little bit in terms of your connection with the alcohol leading up to your position as manager just to kinda give us some sense of --

WILLIAM MCALLISTER: Before I became manager?

POLICE COMMISSIONER ROBERT HAAS: Yes.

WILLIAM MCALLISTER: Ran the bar at

Kendall Square. My duties included inventory, making sure all bartenders were in compliance with all of our recipes for drinks. And I was also in charge of inventory, purchasing of wine, beer and alcohol as well.

POLICE COMMISSIONER ROBERT HAAS: How long were you operating the bar?

WILLIAM MCALLISTER: Pretty much for almost until the time right now. Before that about 30 years total.

POLICE COMMISSIONER ROBERT HAAS: Okay. No other questions.

CHAIR ANDREA JACKSON: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's it.

CHAIR ANDREA JACKSON: 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 manager to William P. McAllister at Legal Seafoods, LLC, doing business as Legal Sea Foods at 5 Kendall (sic-"Cambridge") Center.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

WILLIAM MCALLISTER: Thank you very much.

CHAIR ANDREA JACKSON: You said that with a half smile.

APPLICATION:
LEGAL SEA FOODS, LLC, D/B/A LEGAL SEA FOODS

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Legal Seafoods, LLC, doing business

as Legal Sea Foods, has applied to change their Sunday starting alcohol service from 11:00 a.m. to 10:00 a.m. at 5 Cambridge Center, 5 Bennett Street and 20 University Drive.

CHAIR ANDREA JACKSON: Again, if I can get you to state your name, spelling your first name and last name for the record.

ATTY RICHARD HELLER: Richard Heller, R-I-C-H-A-R-D, H-E-L-L-E-R, Senior Vice President, general counsel for Legal Seafoods. I have the green cards. Duplicate copies.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

ATTY RICHARD HELLER: We're here to allow to expand the hours for the liquor license to allow service at Sundays at both restaurants from 10:00 a.m. The license currently allows service from 11:00 a.m. The reason for that is we currently serve brunch at the Charles Square Restaurant, and at Kendall Square there's an

opportunity in the future that we may serve brunch, but probably in the short term, it's primarily for if we have private events scheduled for Sunday.

CHAIR ANDREA JACKSON: What time does the restaurant typically open on Sundays?

ATTY RICHARD HELLER: Charles Square, I think it opens at 10:30, I believe. It serves brunch. Kendall Square, I think it opens at 11:30, either 11:00 or 11:30. And that's for lunch.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do you sometimes have private functions outside of those hours?

For example, would they entertain, host a gathering earlier than those starting times for private functions?

ATTY RICHARD HELLER: Generally not, but this gives the opportunity to provide that in the

context of providing alcohol service.

POLICE COMMISSIONER ROBERT HAAS: So you're not saying that you're going to open every Sunday at 10:00, you just want to have the ability to open at 10:00 for private functions?

ATTY RICHARD HELLER: And, I mean, Charles Square we do because we offer the brunch.

But at Kendall Square, we don't offer a brunch now, but we may in the future, so it's to provide flexibility to avoid coming back here.

POLICE COMMISSIONER ROBERT HAAS: So how does that work?

EXECUTIVE DIRECTOR ELIZABETH LINT: Say again?

POLICE COMMISSIONER ROBERT HAAS: How would that work if they're -- because I thought they had to open at 10:00.

EXECUTIVE DIRECTOR ELIZABETH LINT: You're supposed to be open the hours that are on

your license.

ATTY RICHARD HELLER: Well, at Charles, we'd open at 10:00.

POLICE COMMISSIONER ROBERT HAAS: I'm just thinking --

ATTY RICHARD HELLER: Well, Kendall, I mean, I can ask the restaurant. They were the ones that requested this, and I was told it was really a matter that they wanted flexibility.

POLICE COMMISSIONER ROBERT HAAS: See, you have to advertise the hours you're going to be open, so by asking for a 10:00 opening the presumption is you will be open at 10:00.

You're saying you're only going to do this on special events or where there's a private function and may want to open earlier?

ATTY RICHARD HELLER: Or if we decide to open for brunch at 10:00. Right now, we don't offer brunch. I can certainly make a

recommendation to the Board we'll be open at 10:00 and tell the restaurant they must be open at 10:00 on Sundays, or if they elect not to, then we won't proceed with the license.

POLICE COMMISSIONER ROBERT HAAS: It seems you would have to go back to the Board first to determine whether or not they want to open at 10:00 and come back to apply for the 10:00 opening.

ATTY RICHARD HELLER: How about if I say we will be open at 10:00?

POLICE COMMISSIONER ROBERT HAAS: You will make that commitment?

ATTY RICHARD HELLER: I will make that commitment, and if not, I will come back to the Board and say we're not open. But right -- in other words, can I say that we will be open at 10:00 until I come back to the Board?

In other words, I will make the

commitment that they must be open at 10:00. And if they tell me they don't want to continue to be open at 10:00, then I'll come back to the Board to change that license.

POLICE COMMISSIONER ROBERT HAAS: I'm wondering if it would be easier for you to come by and reaffirm the fact they open at 10:00 and then ask for permission to open at 10:00.

ATTY RICHARD HELLER: Then I have to do all --

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm -- go ahead.

ATTY RICHARD HELLER: Whatever is easier for you guys. I just want to kinda avoid --

EXECUTIVE DIRECTOR ELIZABETH LINT: You don't want to come back.

ATTY RICHARD HELLER: I want to avoid the mailing. I don't mind seeing the Board.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Charles Hotel is currently open at 10:00?

ATTY RICHARD HELLER: That's correct.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What if we were to approve that?

POLICE COMMISSIONER ROBERT HAAS: Isn't that approved already?

ATTY RICHARD HELLER: It's not approved to serve liquor.

POLICE COMMISSIONER ROBERT HAAS: So that would --

CHAIR ANDREA JACKSON: Why would --

ASSISTANT FIRE CHIEF GERARD MAHONEY: What I'm saying is and that utilizes the two addresses by --

ATTY RICHARD HELLER: Right, that's correct. You know, that would be good. I will come back for Kendall because it's a shorter mailing.

ASSISTANT FIRE CHIEF GERARD MAHONEY: My

point was, take care of Harvard, take care of the --

ATTY RICHARD HELLER: And I'll confirm with them. That's a good solution.

CHAIR ANDREA JACKSON: So can I throw a monkey wrench into it just out of curiosity? Why couldn't they -- instead of having him come back, to do it contingent upon notification of Mr. Heller within 15 days of our vote?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have another recommendation. Put it on for the decision-making hearing and they can come back tell us if they are going to open or they're going to maintain the current hours and we'll be all done.

CHAIR ANDREA JACKSON: Okay. That will work.

ATTY RICHARD HELLER: Great. Thank you very much.

CHAIR ANDREA JACKSON: I'm going to do it two separate motions.

First of all, is there anyone from the public who would like to be heard in this matter?

Seeing none, I would make a motion that we approve the alcohol service from 11:00 a.m. to 10:00 a.m. at 5 Bennett Street and 20 University Drive for Legal Sea Foods, LLC, doing business as Legal Sea Foods.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIR ANDREA JACKSON: I would like to make a motion that we continue the application

for Legal Sea Foods for Sunday starting alcohol service from 11:00 a.m. to 10:00 a.m. at 5 Cambridge Center.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ATTY RICHARD HELLER: Great. I appreciate your flexibility. Thank you very much.

CHAIR ANDREA JACKSON: You're welcome.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Good night.

ATTY RICHARD HELLER: Take care.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

should have also announced this one, I didn't realize, but Tenoch Mexican Food Corp also off the agenda. 87 Cambridgepark Drive no longer wants food trucks at that location because of the pedestrian traffic.

CHAIR ANDREA JACKSON: What is that for, Cambridgepark Drive?

EXECUTIVE DIRECTOR ELIZABETH LINT: 87 Cambridgepark Drive.

CHAIR ANDREA JACKSON: What about Cambridge Discovery Park, is that the same? They were on for two different locations.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah. Discovery Park is that 32-34-36?

CHAIR ANDREA JACKSON: No, that's VECNA. VECNA is --

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR ANDREA JACKSON: Are they calling it by a different name or is that somewhere else?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what I'm wondering.

But we had the email from Lincoln Properties that they don't want any food trucks there.

APPLICATION:
UNSPEAKABLE, LLC, D/B/A AMES STREET DELI

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Unspeakable, LLC, doing business as Ames Street Deli, Joseph Cammarata, manager, holder of an All Alcoholic Beverages Restaurant License at 75 Ames Street has applied for alteration of premises to include an outdoor seasonal patio on the public sidewalk for 38 seats.

TSEWEI LIM: Good evening.

CHAIR ANDREA JACKSON: Good evening.

TSEWEI LIM: We're applying for permission to add some outdoor seating.

CHAIR ANDREA JACKSON: State your name for the record, spelling your first name and last name.

TSEWEI LIM: I'm sorry. My name is Tsewei Lim. My last name is L-I-M as in Michael, and my first name is T-S-E-W-E-I.

CHAIR ANDREA JACKSON: Okay.

TSEWEI LIM: We're applying for permission to put outdoor seating and about 38 seats in a corral on the street side of this curb.

Per our lease, some provision was made for this. Some provision was made for this in the lease insofar as our landlord gave us to understand they kind've laid some groundwork for this.

Not being a lawyer, I don't know quite what the legal term for it is. But I went to see the Zoning Department and Ms. Paden did not seem

at all surprised to see me and our conversation was entirely routine.

CHAIR ANDREA JACKSON: How many tables and chairs are you looking for?

TSEWEI LIM: 38 chairs at a total and ten tables.

CHAIR ANDREA JACKSON: You said this is on the street side of the sidewalk, correct?

TSEWEI LIM: That's correct. We were given to understand by DPW that the city preferred it that way, so we planned accordingly.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have a floor plan.

TSEWEI LIM: I have floor plans if for some reason there is not one there. I have two copies here.

(Forwarding floor plan.)

CHAIR ANDREA JACKSON: Here.

POLICE COMMISSIONER ROBERT HAAS: This is

the walk.

CHAIR ANDREA JACKSON: And the shaded area is the sidewalk --

TSEWEI LIM: That's correct.

POLICE COMMISSIONER ROBERT HAAS: -- for pedestrians?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is that six feet?

TSEWEI LIM: From the perspective you're looking at in the drawing, the building is the top of the drawing.

CHAIR ANDREA JACKSON: Was placing the outdoor seating contiguous to the building explored?

TSEWEI LIM: I beg your pardon?

CHAIR ANDREA JACKSON: Was placing the outdoor seating next to the building, was that explored?

TSEWEI LIM: It was. But as I said, DPW

-- the person we spoke at DPW said there was a preference to have it on the street side.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Here is this street. So is this space between -- here is the wall that's your building, doors, this space is totally unobstructed, there's no --

TSEWEI LIM: That's totally unobstructed.

ASSISTANT FIRE CHIEF GERARD MAHONEY: There's no like planters mounted on the wall of the building or anything like that?

TSEWEI LIM: Nope.

POLICE COMMISSIONER ROBERT HAAS: DPW is stating their preference because of the tree plantings and other things you would be working around as opposed to putting it against building? Did they say why their preference was street side as opposed to being adjacent to the building?

TSEWEI LIM: I am getting this secondhand because it was my architect who had the

conversation with DPW. But he -- what I was told is that they are -- they seemed to be making this request of everyone who is asking to add outdoor seating.

CHAIR ANDREA JACKSON: I think our challenge is that the ABCC has said that they want patio seating to be next to the building.

TSEWEI LIM: That's what I was told. So I mean, I am a small business owner. If the state and city wish to disagree, I'm going to step back and do what I'm told.

CHAIR ANDREA JACKSON: Absolutely.

TSEWEI LIM: Can I ask how places like Cambridge Common and Christopher's have managed to resolve this?

CHAIR ANDREA JACKSON: Before my time.

EXECUTIVE DIRECTOR ELIZABETH LINT: And that's the issue. That's part of the problem.

The ABCC approved them. I'm told that

they -- the investigators probably, but I'm hearing the same thing secondhand, probably thought when they looked at the diagrams that the piece that they were looking at was up against the building and not street side because it just appears that way if you look at some of these --

TSEWEI LIM: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: -- some of the schematics.

TSEWEI LIM: Okay.

CHAIR ANDREA JACKSON: Has the ABCC made any recent decisions as it relates to patio seating?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think we have had any applications recently.

TSEWEI LIM: The architect did draw up plans to have the seating adjacent to the building. But these plans have gone up before

the City Council. They went up eight days ago.

CHAIR ANDREA JACKSON: I guess I feel like I'm -- I don't want to have to have him come back necessarily because of DPW. He complied with what DPW wanted, and if DPW said put it street side, that's, in fact, what he did.

And I think DPW is well aware that the patio should be next to the building.

EXECUTIVE DIRECTOR ELIZABETH LINT: They are aware.

CHAIR ANDREA JACKSON: Were you going to add --

TSEWEI LIM: I was going to say that when we started -- before we had the conversation with DPW, my architect asked me if we were going to apply to serve alcohol on the patio. And I told him yes.

CHAIR ANDREA JACKSON: When are you looking to start work on the patio?

TSEWEI LIM: As soon as possible. You know, this is very -- there's not a lot of construction per se to be done.

CHAIR ANDREA JACKSON: Right. So you're putting planters around the edge. So what's going to mark the space to separate?

TSEWEI LIM: Planters with plants, and between -- and the planters will be joined by -- so every planter will have a couple posts, and then we'll string things between the post. Current options include some sort of fabric, some sort of ribbon, things like that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Approved contingent on the ABCC?

CHAIR ANDREA JACKSON: I mean, I guess -- I really don't see a need, and part of me says, you can continue it and check with DPW, but the other side of me says, well, if DPW already told him this, then why are we going to continue it

because the outcome would remain the same. So if we go ahead and approve it, we can just leave it up to the ABCC.

EXECUTIVE DIRECTOR ELIZABETH LINT: But then he also may be in a position where they're going to deny it, and then we have to -- they have to start all over again.

I'm just looking at this and trying to do the math, and obviously, not being down there and looking at the location, but it almost looks like there's certainly enough passable space if it's up against the building for ADA purposes.

Is the sidewalk fairly wide at that location?

TSEWEI LIM: It is.

EXECUTIVE DIRECTOR ELIZABETH LINT: It looks --

POLICE COMMISSIONER ROBERT HAAS: I'm looking at it, too. It looks likes there's, you

know...

EXECUTIVE DIRECTOR ELIZABETH LINT: Even if you moved it up here, you still have this and this up to the tree well. So it looks really wide.

CHAIR ANDREA JACKSON: If you could maybe, for the record, clarify because when we go back and look at "this" "and "this" and "this," we won't know what that means.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Maybe you can answer this. So the clear path indicated on this plan is six feet; building to your -- to the beginning of your serving area, correct?

TSEWEI LIM: Uh-huh.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What is the width, because your architect indicates 18.8, but there's a significant bump out here, so do you know what the width of your

serving area is?

TSEWEI LIM: The width of the serving area, I believe that should be indicated on the plan.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Wait a minute. Okay, so it's 15, four and six, nine-foot-four.

So if you did -- you would have the trees -- are those trees already there or are you putting them there as decorative planters?

TSEWEI LIM: They are there.

ASSISTANT FIRE CHIEF GERARD MAHONEY: They were installed by the city?

TSEWEI LIM: They were installed by the city.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's going make this -- that's the obstruction on --

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR ANDREA JACKSON: If this Board were to approve it and the ABCC denies it, does that mean he has to start all over again?

EXECUTIVE DIRECTOR ELIZABETH LINT: With us and Public Works and City Council.

POLICE COMMISSIONER ROBERT HAAS: Would it make sense for us to consult with the ABCC and then at a decision meeting, take action with respect to that than to take a chance of approving it and have ABCC overturn it, and then have to start over again, which for you would mean delaying the patio until our next decision meeting, as opposed to trying to take the chance of voting on it and then have ABCC rule against you and the process starts all over again?

TSEWEI LIM: Would it be possible to put this up for consideration on the common vic front while the ABCC -- while consulting the ABCC?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Serve food, no alcohol out there for the time being?

TSEWEI LIM: That's right.

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

POLICE COMMISSIONER ROBERT HAAS: That would be the easier way to do. You could start doing it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You could have the outdoor seating.

TSEWEI LIM: Exactly.

CHAIR ANDREA JACKSON: Then how would you control -- if the Board were to approve it, how would you control to make sure that no alcohol leaves the building to come out to the patio?

TSEWEI LIM: We have a host during the hours when we serve alcohol.

CHAIR ANDREA JACKSON: Okay.

TSEWEI LIM: They're stationed right by the door and there are plenty places of signs that say "NO ALCOHOL PAST THIS POINT."

CHAIR ANDREA JACKSON: I'm going to make -- before I do that, 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 outdoor season patio on the public sidewalk for 38 seats for Unspeakable, LLC to serve food and nonalcoholic beverages.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: I make a motion that we continue the matter for Unspeakable, LLC to serve alcoholic beverages on the outdoor seasonal patio on the public sidewalk for 38 seats.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that for the Decision Hearing?

CHAIR ANDREA JACKSON: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Which is the 28th, May 28th.

And just for the record, although it's a little after the fact that we do have a letter

from Councilor Toomey in support of the outdoor patio. It's a desirable option in Cambridge and Kendall Square, will continue to benefit from additional activities along the street.

TSEWEI LIM: Thank you. Thank you very much.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Have a good night.

TSEWEI LIM: You too.

APPLICATION:
CLOVER FAST FOOD, Inc.

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Clover Fast Food, Inc, Ayr Muir, manager, holder of a Common Victualer License at 396 Massachusetts Avenue has applied for an Entertainment License at said address to include two (2) pinball machines and an audio tape machine/CD/computerized digital media playing

music at conversation level.

CHAIR ANDREA JACKSON: There's no one here from Clover, which is fine. I don't think anybody needs to be here. I think it's self-explanatory.

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 entertainment license at 496 Mass Ave to include two pinball machines and an audio tape machine/CD/computerized digital media playing music at conversation level.

Is there a second?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Then we have one item that was continued until such time as I heard from the applicant, and unfortunately, I had call from Mr. Goodwin yesterday, which didn't really give us really time to add this to the agenda, but the Bankruptcy Court wants to know what is going on and wants an answer.

So he is here and counsel is here, and I think they should be heard on the Sandrine's situation.

CHAIR ANDREA JACKSON: I think they can be heard. I don't feel like we could vote on anything. It wasn't advertised.

EXECUTIVE DIRECTOR ELIZABETH LINT: It may not be an issue of a vote, but it's something for them to bring back to the Bankruptcy Court.

CHAIR ANDREA JACKSON: Will you say

something for them to bring back to the Bankruptcy Court?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know exactly.

CHAIR ANDREA JACKSON: Feel free to come forward.

State your name for the record.

ATTY JAMES MCGRAIL: James McGrail, J-A-M-E-S, M-C-G-R-A-I-L.

BILL GOODWIN: Bill Goodwin, B-I-L-L, G-O-O-D-W-I-N, chief operating officer of Classic Restaurants.

CHAIR ANDREA JACKSON: So before you start, counsel, let me say I didn't know that you were going to be here this evening.

We have not posted notice that you would be here this evening. I don't believe we're able to take a vote.

If you want to provide information to the

Board, that is one thing, but we have not provided notice. There are people -- people are not given an opportunity to heard on it.

ATTY JAMES MCGRAIL: Sure, completely understood, Madam Chair.

And the last time we were here, we discussed this matter. This was a situation, just to recap, whereby Classic Restaurants sought to purchase Sandrine's assets through a bankruptcy sale. They thought when they were going through that process that they were purchasing a full value license, that they were going to seek to transfer it through this Commission.

After they filed the transfer application, they were notified by the Executive Director that the license, in fact, was a no-value license that could not be transferred.

Our hearing date was April 14th. We had

gone before the bankruptcy judge. He basically had given us every indication that if the Board was -- or the Commission wasn't willing to transfer this license to Classic Restaurants, then he would just end the process and start it all over again.

We came before you. We spoke to this particular issue.

The Board was very -- the Commission was very clear that you weren't going to take a no-value license and make it a full-value license, and it wasn't in your purview to do so and you have never done it before.

So we were prepared to go back to the bankruptcy judge that next day and explain to him just that.

We all appeared in court. Prior to us testifying or submitting our testimony before the judge, the two parties came, and had a meeting of

the minds out in the lobby to say, "Hey, look, Classic Restaurants is open to acquiring a no-value license. Sandrine's interested in holding on to the value of the beer and wine license, such that they could transfer that by whatever means this Commission deems appropriate, Classic Restaurants could move on with a no-value license at Sandrine's, and over the course of time, if they so chose, seek a value license through the normal process here in the City of Cambridge."

Based upon that understanding between the two parties, the parties went before the judge and explained to him that there may be a solution to the problem. The judge said, "Fair enough," and he continued the matter to May 6, which is tomorrow, and asked that we try to work this out.

There's been a lot of back and forth

between the parties since that discussion, which is one of the reasons why Bill did have an initial conversation with Ms. Lint and then they had another one yesterday.

So there has been some communication. We recognize that you can't vote. We were not asking for that, I guess.

What we're asking for is, if you can, give it some kind of indication as if this Board would be open to make a decision on transferring a no-value license to Sandrine's and keeping it a no-value license, or if the process would have to start a new one and, two, if the Commission would be open to, as part of that process, allowing Sandrine's to keep their beer and wine license that they have.

CHAIR ANDREA JACKSON: I guess from my standpoint, before anyone answers, and you can choose to say what you want, I am still of the

opinion that we can't comment on this because we didn't give notice.

And I know that you're looking for some type of indication, and I understand in some regard time is of the essence, and I respect that, but I also have to respect the fact that we have to give notice, and we haven't provided it.

So I don't feel like I'm at liberty to comment, and I guess my fellow Commissioners can make their own decision.

I do believe though that we should not be making any comments on it as notice was not provided.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have to give 48 hours' notice.

But the bigger problem is, I also had a conversation yesterday with the counsel -- I can't remember if he's Sandrine's counsel or the bankruptcy attorney -- and what I heard was a

little bit different, so I really think you need all the parties in the room.

ATTY JAMES MCGRAIL: He is here.

EXECUTIVE DIRECTOR ELIZABETH LINT: What I understood was a little bit different, but I don't think that you can --

BILL GOODWIN: Well, first of all, let me start by apologizing on the miscommunication.

When we were last here, we were under the impression, obviously misimpression, that we were able to get on the agenda with one day's notice and Elizabeth cleared that up for me.

I'm very sorry for the miscommunication.

The agreements amongst the attorneys actually didn't even take place until about -- fully take place until 1:00 this afternoon. Friday at 4:30, or 3:00 or 4:00 the agreement was in place and then the written stuff came out today.

So, again, I apologize.

What's transpired here is, we have got the debtor's attorney, Alex Mattera (phonetic), and his associate Eric Speed here, to recognize that the City of Cambridge in the past hearing when Sandrine's applied for a no-value license, they turned in their beer and wine license.

They agreed they would do that. They would like to request if the City would like to give that back to them so they could sell it and satisfy debt, that's what they're interested in doing.

I told them that I would not even try to get on the agenda with our attorney unless they agreed to that because Cambridge has already established that as part of in the prior time that they got a no-value license for Sandrine's.

So that's why we're before you tonight.

We were hopeful that we would have a

decision. And I perfectly understand you have to give public notice and we don't want to violate that.

We're only hoping to get some acceptance to give the bankruptcy judge tomorrow, because it looks like we'll have to go back and ask for another continuance, and this is not a ruling, is there an opportunity to get a nonvalue license provided under all the prior ways that people have gotten nonvalue license and specifically Sandrine's?

CHAIR ANDREA JACKSON: I'm still of the opinion that I can't give you any indication.

We can't hear it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that's a conversation that I can have with them later.

CHAIR ANDREA JACKSON: Right. It's something that the Board cannot entertain.

If you want to be placed on the agenda for the next coming hearing, which I believe is May 19, Ms. Lint can give you the date, then we can do that.

EXECUTIVE DIRECTOR ELIZABETH LINT: The 19th is correct.

CHAIR ANDREA JACKSON: But until then, I don't believe this Board can offer any indication. We can't give you any comment. Again, it hasn't been posted properly.

BILL GOODWIN: May I ask that -- do I need -- I'm not going to -- can my attorney represent me? Do I need to be here?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's your pleasure.

BILL GOODWIN: That's up to you.

CHAIR ANDREA JACKSON: I'll let you work out the details.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

ATTY JAMES MCGRAIL: Thank you very much. Appreciate it.

CHAIR ANDREA JACKSON: Any other matters before us?

I make a motion to adjourn.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

(Meeting was adjourned at 6:44 p.m.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

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CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public 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.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of May 2015.

_____
Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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