CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION 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: Thursday, May 28, 2015

TIME: 10:09 a.m.

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P R O C E E D I N G S

May 28, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: Good morning.

If anyone has a cell phone on, we would appreciate it if you would put it on silent.

This is License Commission. It's the Decision Making Hearing, Thursday, May 28, 2015. It's 10:09 a.m. We are in the Michael J. Lombardi Building, 832 Mass. Ave, Basement Conference Room.

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

APPLICATION:
ABBEY CAMBRIDGE, LLC D/B/A THE ABBEY

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter is the application of The Abbey, LLC,

doing business as The Abbey, Jean-Claude Barrault, Manager, holder of an All Alcoholic Beverages Restaurant License at 1755 Massachusetts Avenue has applied for an Alteration of Premise to include an outdoor seasonal patio on the public sidewalk for six seats.

CHAIR ANDREA JACKSON: I don't believe they are here this morning, which is fine, because I think we told them they didn't have to be here.

As it relates to The Abbey, I know that there's been some back and forth between the City and the ABCC as it relates to the location of outdoor patios because our preference is to put them curbside versus the ABCC's preference and guidelines to be contiguous to the building.

And until we're able to work matters out, I'm going to make a motion that we continue this

application. My fear is that if we were to approve it as currently designed curbside that the ABCC would subsequently deny it.

So I would like to make a motion that we continue the application for The Abbey for the outdoor seasonal patio.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by --

EXECUTIVE DIRECTOR ELIZABETH LINT: May I suggest that you approve the CV only for them?

CHAIR ANDREA JACKSON: Okay. So I retract my motion.

I would like to make a motion first that we approve their outdoor seasonal patio for the CV portion only.

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: I would like to make a motion that we continue the matter as it relates to serving alcohol on the outdoor seasonal patio.

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: Thank you.

POLICE COMMISSIONER ROBERT HAAS: So I just have one question. So you're going to allow them temporarily to put it curbside, right, until we get this resolved?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well,

because for food, it just doesn't matter.

POLICE COMMISSIONER ROBERT HAAS: Okay. No, no, I get that. I just want to make sure that -- I'm just trying to figure out where -- okay.

CHAIR ANDREA JACKSON: Yep.

APPLICATION:
BAILEY AND SAGE, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Bailey and Sage, LLC, holder of a Wine and Malt Beverages Restaurant License, Michael Kaplan, Manager, at 5 Cambridge Center, has applied for an alteration of premise to expand the approved patio inside the atrium and include two additional patios outside in a private courtyard.

ATTY KEVIN CRANE: Good morning, Madam Chair and Members of the Commission. My name is Kevin Crane. I'm the attorney that represents

the petitioner in this matter.

First of all, Madam Chair, we do have a letter from the landlord approving the plan.

(Forwarding documents.)

CHAIR ANDREA JACKSON: So, counsel, I guess, let me start by saying this: I know we continued this from the last hearing, and yesterday, I went by Bailey and Sage and was upset to see that even though we had not approved the current alteration of premise, it had already been done. So, the 36 seats that you're requesting in the lobby and the patio seating is already there. So people were sitting in the lobby, all 36 seats, they were already eating -- people were already eating in the patio area that we hadn't even approved.

So, I guess from my standpoint, I guess my first inclination when I was there yesterday was: Why did you bother to come here because you

were gonna do it anyway?

ATTY KEVIN CRANE: Madam Chair, I want to acknowledge that a mistake was made there.

I think I will let my client speak to it, but I believe that he was under the misimpression that because the landlord would let him use the seats that he could do it so long as he hadn't served any beer and wine out there, so long as he kept it under the capacity of 60 -- I mean, 61, which was the approved capacity.

So, the reason we're here is to get it squared away. And I will just go back and say that the problem has been that the seating plan initially was much more skewed towards the inside, and as a result of the construction, it was discovered that the seating in the inside would be that much less, but they would have available seats in the lobby area.

So I just want to apologize for that, and

I'll let my client speak further to it.

CHAIR ANDREA JACKSON: I would like to hear from him. Let me ask this: What construction was done differently in the inside from the time we initially approved it to today?

Because I know when I was inside yesterday, I didn't see any difference. So it just looked as though, maybe inside seating was removed to allow more seats in the lobby, but I didn't see any difference on the inside. I could be wrong and that's fine, but I didn't see anything different.

ATTY KEVIN CRANE: On the inside, the initial plan if you came into the premises on the right-hand side, there were additional seating in there. And the setup of the service was such that those seats were removed.

CHAIR ANDREA JACKSON: Was it to help the flow of traffic on the inside more so than actual

construction?

ATTY KEVIN CRANE: That's right.

MICHAEL KAPLAN: If I can speak?

CHAIR ANDREA JACKSON: Sure.

If you could please identify yourself for the record.

MICHAEL KAPLAN: Yes, sure. Michael Kaplan, owner of Bailey and Sage.

When we opened up Bailey and Sage in Cambridge, we weren't exactly sure on how, you know, the lunch rush was gonna go, which is our main source of business right now. And, you know, thankfully, you know, people started coming to the restaurant and that, you know, 12:00 to 1:00, it's very busy in there. We do a lot of people in that hour and a half, and we had to remove some of those seating just to get -- so it wasn't so congested that people could move a little freer, and wasn't such a, you know -- it

just made it easier.

And just to speak on the seating that's in the lobby. Once again, I do apologize. When the landlord -- because we needed more seating, you know, part of opening a business in your first years, you're trying to make everyone happy and a lot of people were coming, they wanted a seat and we had less than -- you know, far less than what we were approved for seating-wise, and I wasn't -- I guess I'm at fault, but I didn't know that it mattered inside or in that atrium. The landlord said, "Yeah, sure you can put seats out there. So I don't -- I didn't know as long as we were under that 61-seat capacity, I thought that would be okay, so I guess it was just a misunderstanding. I do apologize for that.

CHAIR ANDREA JACKSON: So, the decrease of the seating in the inside is to ease really your traffic flow, it's not related to

construction?

MICHAEL KAPLAN: Well, it was because, you know, the way the construction was originally we laid it out, you know, it took up more of the area than we thought, you know, visually thought it would be able to, you know, handle.

CHAIR ANDREA JACKSON: But there was no physical construction to the space is what I'm asking.

MICHAEL KAPLAN: After?

CHAIR ANDREA JACKSON: After you opened.

MICHAEL KAPLAN: No.

CHAIR ANDREA JACKSON: So, again, moving the seating from the inside to the outside was to ease your traffic flow, not related to any physical construction within the space?

MICHAEL KAPLAN: No.

POLICE COMMISSIONER ROBERT HAAS: Did you see evidence of that when you visited yesterday

or no?

CHAIR ANDREA JACKSON: I didn't see anything different in the inside space as it related to physical construction of the space.

MICHAEL KAPLAN: Excuse me. I'm sorry. I actually misspoke a little bit. If you look on the plan.

ATTY KEVIN CRANE: This is the old one?

MICHAEL KAPLAN: Yeah, the old one.

CHAIR ANDREA JACKSON: Mm-hmm.

MICHAEL KAPLAN: Against the wall here, we did have room -- I'm sorry. We put our beverage cooler in there and we did have to remove those seatings.

CHAIR ANDREA JACKSON: So where the beverage cooler is currently now, you had seats there?

MICHAEL KAPLAN: Correct.

CHAIR ANDREA JACKSON: How many seats did

you have there?

ATTY KEVIN CRANE: I would say six seats, Madam Chair, and the other side where the traffic flow was, there were probably eight seats, plus those other two, probably 12 seats on that side.

CHAIR ANDREA JACKSON: Where was the beverage cooler prior?

MICHAEL KAPLAN: This comes all the way down here, so these seats were all gone. Okay.

ATTY KEVIN CRANE: Where is the beverage cooler now?

MICHAEL KAPLAN: The beverage cooler is --

CHAIR ANDREA JACKSON: I know where it is now, where was it before?

MICHAEL KAPLAN: We didn't have it.

CHAIR ANDREA JACKSON: You didn't have it before.

MICHAEL KAPLAN: No. And it's in here

I'd also point out that --

CHAIR ANDREA JACKSON: And I also noticed in the lobby that there were no -- and although not required because you were only serving food there -- there was no alcohol out there because, obviously, it hasn't been approved yet by the ABCC, but there was no stanchions, no perimeter around your seating.

So I know we discussed that at great length at the original hearing. What are you going to do in terms of outlining a perimeter?

MICHAEL KAPLAN: We're designing something a little more -- we would like something more tasteful than just the rope, so that's the process. We will, a hundred percent, before beer and wine starts to be served have that, you know, sectioned off in both areas.

CHAIR ANDREA JACKSON: When do you anticipate this design being done? I guess from

my standpoint, the concern is that you've already went ahead and put the seating out there without having approval, and then to still not have the perimeter outlined, my concern is whether or not a perimeter actually would go back there because if I have to go back again and don't see a perimeter, we're going to end up bringing you back in for a disciplinary hearing and you will possibly be having your beer and wine revoked.

MICHAEL KAPLAN: And I would be -- there's no way I'm starting beer and wine out there without the perimeter. So I would completely understand being brought back in here in for a disciplinary hearing. Because it means a lot to us as well to be able to control that area.

Like I said, this is just -- this is just in addition, you know, for our clients, our customers that -- if they wanted an extra

beverage, you know, after work with a meal.

Right now, like I said, our lunch rush is doing very well. We're dying off dramatically after that lunch rush, which is really hurting us. We don't have -- our nighttime business isn't there. You know, we trickle in a few people.

Some of the surrounding areas with restaurants like Clover, the Ames Street that just opened who do serve beer and wine, I believe that is an advantage. So we're surrounded -- we're actually the only one of our neighbors right there that isn't serving beer and wine. So after that lunch rush, it's just -- our drop off is so dramatic that it's hurting business.

POLICE COMMISSIONER ROBERT HAAS: So you're anticipating that your business will pick up again once the application has been approved?

MICHAEL KAPLAN: I believe so. I believe

it's a draw, especially for after work. That outdoor patio area, you know, after work, to sit outside and have a beer or a glass of wine with maybe a snack after work will definitely help the business.

I think it's just another option.

CHAIR ANDREA JACKSON: I haven't even touched on the outside piece of it.

I know from my view, I don't support serving the beer and wine on the outdoor patio. And I don't know about my fellow Commissioners, what their thought is. But the fact that you have to leave your establishment, go out into the lobby, go out double doors and then turn the corner to get to the patio -- I'm fine with serving food out there -- but in terms of the alcohol service, I just -- I can't support it. I mean, it's just -- again, it was a nice little area for food, but it just seemed rather --

there's no direct access from the restaurant to outside to the patio. You literally have got to leave your establishment, go outside through the lobby, out the doors and then over to the patio.

MICHAEL KAPLAN: From our door to the lobby door to exit out there, it's not a great distance. I mean, you're essentially touching where the lobby seating would be.

And like I said, we would have a waiter or waitress, the only one carrying the alcohol from that area to the outside area, which would also be, you know, partitioned off.

Like I said, it's nice to have outdoor seating. It's really a seasonal thing. Obviously, we're not going to be doing it 12 months of the year.

We do have full view from the restaurant. And even my neighbors, you know, you have to

cross the public sidewalk to get, you know, to their seating where they're serving beer and wine.

This is a private alleyway, where there's no public area, you know, that we're crossing.

CHAIR ANDREA JACKSON: If you can see, this is the lobby and outside.

POLICE COMMISSIONER ROBERT HAAS: So I know we had a lot of conversation relative to the assignment of waitstaff, and where it's going to be, I mean, so I'm just wondering if that, to some degree, will allay the concerns of myself and the Chair with respect to making sure this is adequately monitored.

You know, it's one thing to be able to have a clear view, but if your waitstaff is all tied up given the volume of your lunch business, I'm sure they're going to be preoccupied.

Who is actually monitoring this area?

MICHAEL KAPLAN: There will be a set person. So that person will --

POLICE COMMISSIONER ROBERT HAAS: Doing what, though?

MICHAEL KAPLAN: For that out -- for that outside --

POLICE COMMISSIONER ROBERT HAAS: For service, or to monitor the activity of your patrons outside?

MICHAEL KAPLAN: That area right now is six tables. There will be one person that doesn't deal with anything but that outdoor area. We would set someone aside for that, so they'd monitoring it, they'd be, you know, serving it. So they wouldn't have to deal with the, you know, other -- the restaurant. That would be their set area.

POLICE COMMISSIONER ROBERT HAAS: This waitstaff person, they still have to come into

the restaurant to get the food and things like that, right? So they're going to be leaving this area?

MICHAEL KAPLAN: That's just going to be just for beer and wine, the waitstaff.

POLICE COMMISSIONER ROBERT HAAS: That's all they're going to be doing is just serving beer and wine in that area?

MICHAEL KAPLAN: Yeah, because people can go up and grab food.

POLICE COMMISSIONER ROBERT HAAS: So you're going to have a station outside where you can serve beer and wine?

MICHAEL KAPLAN: No, they'll be coming into the --

POLICE COMMISSIONER ROBERT HAAS: So, again, you lose some continuity with respect to monitoring this area, and you're going to have waitstaff leaving to go inside the restaurant. I

think that's part of the concern that we all have with respect to it not being contiguous to the restaurant itself whereas traffic going back and forth. They actually have to go into that lobby and go outside and around the building to get to that area. So who's monitoring -- now, granted it's six tables, but who's monitoring what's going on in that area?

MICHAEL KAPLAN: I completely understand where your concerns come in. But is that any different than the, you know, other places that have -- you know, are across the sidewalk or, you know, outdoor seating where they have a lot more tables, who's monitoring is that? You know, I think it falls into that same thing. You know, we're gonna have to obviously keep an eye on it.

I don't think -- like I said, I don't think that the area in the building where we are

trying to get this -- we're not trying to have like, you know, people coming in and drinking 20 beers. It's just, you know, a beer after work. It's just like an addition.

We're not promoting it as any, you know, crazy, come with all your friends, sit here all day, lounge out. It's more like, have a beer or have a glass of wine and have your meal and, you know, it's time to go.

POLICE COMMISSIONER ROBERT HAAS: But you have been privy now to the conversation we have had with The Abbey, the ABCC rules, and things like that and we're trying to reconcile that.

So, in this instance, I think what you're asking to do is try to continue to stretch that envelope when we're not really clear where ABCC is going to pull out on this thing. So I think what we're trying to do is figure out what makes -- how do we make sure that we're

consistent with the ABCC rules. And so I get your argument that there are patio areas that have that separation, but I think right now, it's almost a moratorium until we get that resolved.

So I'm just trying to figure out is there a way that we can reconcile this issue and not continue to find ourselves possibly being outside of the scope of ABCC regulations.

MICHAEL KAPLAN: Now, the restaurant that opened up across the street from me, they just opened, I think, a couple months ago. They're crossing, you know, the public sidewalk to get to their outdoor seating.

CHAIR ANDREA JACKSON: What restaurant is that?

MICHAEL KAPLAN: Ames Street Deli, I think.

CHAIR ANDREA JACKSON: Right. And they're serving food out there, no alcohol.

MICHAEL KAPLAN: Okay, that's food.

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

CHAIR ANDREA JACKSON: They're on the agenda as well this morning.

MICHAEL KAPLAN: Oh, okay.

ATTY KEVIN CRANE: Just to speak to your point, Commissioner, I think arguably this space could be labeled contiguous.

If you're going out a door and you're not going across, and I hear what -- about that difference with The Abbey. And this might be one, if the Board is inclined to approve it, that we see what the ABCC says.

And, also, I want to point out just on this particular door to the lobby, it's not the main lobby door. My client tells me, who is there all the time, there's a minimal comings and goings through that door because the only people

going through it really would be people that are going to the garage.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY KEVIN CRANE: It's not like it's the main. I just want to point that out. The main lobby door is on Main Street.

FIRE CHIEF GERALD REARDON: Counsel, since the other night, are we still going with the plan you have here, or have you been changing anything?

MICHAEL KAPLAN: If it made -- and I spoke with -- if it makes it more comfortable, we would be willing to forego serving alcohol in the two -- the tables on the side.

FIRE CHIEF GERALD REARDON: You're talking about limiting it to the six tables?

MICHAEL KAPLAN: Exactly, if that makes it more comfortable for you guys.

FIRE CHIEF GERALD REARDON: You would

turn around and continue this -- your waitstaff has to walk around here, but this would be blocked off you're saying?

MICHAEL KAPLAN: Correct.

FIRE CHIEF GERALD REARDON: And you would have the one entrance that continues to the door?

MICHAEL KAPLAN: Uh-huh.

CHAIR ANDREA JACKSON: So you're saying that you would serve on what's marked as Patio No. 2 on the drawing and not Patio No. 1?

ATTY KEVIN CRANE: That's correct.

CHAIR ANDREA JACKSON: So if I'm a patron, I've ordered my food, I have my glass of wine, I go outside, and I decide I want to -- are there still going to be tables and chairs on Patio No. 1?

ATTY KEVIN CRANE: Yes, but you're not going to have a glass of wine because they --

CHAIR ANDREA JACKSON: Why?

ATTY KEVIN CRANE: They can't get a glass of wine unless they're already seated with their food, and then the waitstaff will come over and ask them if they want beer or wine.

CHAIR ANDREA JACKSON: So what you're saying is, when people order -- come in and they place their order, they can't just take their food and go outside?

ATTY KEVIN CRANE: They can take the food, but they can't take the beer and wine.

CHAIR ANDREA JACKSON: So, I'm not trying to be difficult, and I've had no coffee this morning, so, excuse me.

ATTY KEVIN CRANE: You can have your wine, Madam Chair.

CHAIR ANDREA JACKSON: I can have my wine, but no coffee. I get it.

So I order my food and, say, I order a glass of wine, and I'm sitting inside, that's

okay?

ATTY KEVIN CRANE: Sitting inside?

CHAIR ANDREA JACKSON: Inside.

ATTY KEVIN CRANE: I believe on the inside, correct me if I'm wrong, it would still be a case that you take your food to the seat and the waitstaff person is going to come over and address any beer or wine choice that you want.

CHAIR ANDREA JACKSON: Okay. So the beer and wine, you have to order through waitstaff?

ATTY KEVIN CRANE: That's correct.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No further questions.

POLICE COMMISSIONER ROBERT HAAS: So now, Chair, while you're contemplating this, I wonder

if it makes sense to -- I get the argument being somewhat contiguous. I get that. Our problem is direct access. If, in fact, we were willing to grant it on an experimental basis for three months and monitor it knowing this License Commission is pretty active about going out in the field, as you can see from the photographs from yesterday --

MICHAEL KAPLAN: Of course.

POLICE COMMISSIONER ROBERT HAAS: -- then it puts the burden on you to make sure that you can adequately control and demonstrate to us that you can adequately control, that you can maintain strict use of alcohol within that particular area.

So I just offer that as something to consider in addition to any motion you may be considering.

MICHAEL KAPLAN: I would accept that

responsibility.

FIRE CHIEF GERALD REARDON: So on this vote, we need the external seating in the public arcade and the --

CHAIR ANDREA JACKSON: So it's the alteration of premise to -- it's the decrease of seating on the inside, the increase of seating in the inside atrium, and then the patio seating, which is modified from what was originally submitted if we're going with what's on the schematic of Patio No. 2. It could be this *(indicating)*.

Is that correct, counsel? So you will still do away with Patio No. 1?

ATTY KEVIN CRANE: As far as alcohol. But food, yes.

CHAIR ANDREA JACKSON: Let's do it in separate motions, just so it's kind've clean.

So, I make a motion that we approve the

alteration of premise for the reduction of interior seating and increase of exterior seating in the inside atrium which expands to 36 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: I make a motion that we approve the patio seating as is shown on the schematic for Patio No. 2 which shows six tables to serve beer and wine at those six tables only, again, as noted, as Patio No. 2.

So that's six tables, 24 seats, is that correct?

MICHAEL KAPLAN: Uh-huh.

CHAIR ANDREA JACKSON: And to make sure that there are, as required, the barriers that

need to be outside as well as the interior, separating that space. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying --

POLICE COMMISSIONER ROBERT HAAS: Chair, can I just put an additional stipulation?

I think what we want to try to do is to make sure the barrier is satisfactory to the License Commission before you go ahead and serve the alcohol, which would mean you would have to notify the License Commission and an inspector will have to go out to make sure it does establish the kinds of controls we're looking for.

CHAIR ANDREA JACKSON: And can I amend my motion further? Sorry, Jill and sorry, Elizabeth. Let me try to do this in writing.

So the beer and wine would be served on

Patio No. 2, Patio No. 1 will be allowed, but there will be no alcohol, and I want to be clear, no alcohol to be served on Patio No. 1, which shows two tables, eight seats.

ATTY KEVIN CRANE: Ten seats.

CHAIR ANDREA JACKSON: I forget these little two here over here. Okay. Ten seats.

EXECUTIVE DIRECTOR ELIZABETH LINT: How many tables?

CHAIR ANDREA JACKSON: Is that a table in the middle, counsel?

ATTY KEVIN CRANE: Yes, it is.

CHAIR ANDREA JACKSON: Three tables, ten seats.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you want to add in the three-month review?

CHAIR ANDREA JACKSON: Yes.

POLICE COMMISSIONER ROBERT HAAS: You haven't gotten to that yet, though, right?

CHAIR ANDREA JACKSON: I can do it as a separate motion and still throw it in the one letter.

I would like to make a motion that we also include a three-month review once approved by the ABCC. I also -- go ahead. I'll let someone second before I continue.

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 do want to make it clear that if one of our investigators go out and they happen to see stanchions not there, people drinking beer and wine on Patio No. 1, you will be brought in immediately for a disciplinary hearing. I want to make that very, very clear.

MICHAEL KAPLAN: (Nods head.)

POLICE COMMISSIONER ROBERT HAAS: You have to say "yes" to acknowledge. She can't hear your nod.

MICHAEL KAPLAN: I'm sorry. Of course. We take it very serious, we will.

CHAIR ANDREA JACKSON: Okay. All set.

ATTY KEVIN CRANE: Thank you.

CHAIR ANDREA JACKSON: Thank you.

MICHAEL KAPLAN: Thank you very much.

REVOCATION:
FI-HI PIZZA, INC D/B/A HI-FI-PIZZA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Revocation: Continued from February 3, 2015, February 18, 2015, and May 19, 2015, Hi-Fi Pizza, Inc doing business as Hi-Fi Pizza, Francis Holland, Manager, holder of a Wine and Malt Beverages Restaurant License at 496 Massachusetts Avenue pursuant to Mass. General Laws Chapter 138, Section 77. The licensing authorities may, after hearing or reasonable opportunity, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

ATTY KEVIN CRANE: Madam Chair and Members of the Board, Attorney Kevin Crane for the licensee, and I have with me --

FRANK HOLLAND: Frank Holland.

ATTY KEVIN CRANE: And also, why don't you identify yourself?

DANIEL NEWCOMB: Dan Newcomb, Atlantic License Brokers.

THE REPORTER: Dan, because you haven't

been before the Board, can you state and spell your name fully?

DANIEL NEWCOMB? First name is Daniel, D-A-N-I-E-L, last name Newcomb, N-E-W-C-O-M-B.

THE REPORTER: Thank you very much.

ATTY KEVIN CRANE: Madam Chair, and Members of the Commission, since the last hearing, we continued to market the property. I'm going to let Mr. Newcomb, because he's the one with the personal knowledge, testify as to where they stand on a particular offer.

I also did receive a phone call yesterday from Mr. Muir regarding the license, and he made another offer, which was, again, in the fire sale area.

I don't need to get into it too much now, but I question his methodology of how he gets to these figures.

But, in any event, if it's all right, if

you want, I will let Mr. Newcomb say where we stand on selling the license.

CHAIR ANDREA JACKSON: Yes, please.

DANIEL NEWCOMB: Good morning, Madam Chair and Members of the Board.

CHAIR ANDREA JACKSON: Good morning.

DANIEL NEWCOMB: I'm Daniel Newcomb with the Atlantic License Brokers. I have a consulting permit specialized in selling public people market and selling licenses.

I was engaged by a Hi-Fi Pizza March 24, 2015 to market the wine and malt license.

Very shortly thereafter, we had an accepted offer with a business in Harvard Square called Takemura, who was a holder of an all alcohol license. They had interest in selling the all alcohol license which we have under agreement. You will see an application for that shortly for that transfer.

They're selling off the all alcohol license bringing in the wine and malt license. A purchase and sale was created by Attorney Crane and distributed.

The buyer, at that point, decided that they no longer wanted to be in business and put the business up for sale. So they terminated that agreement in late April.

Post that, we addressed a number of different buyers, interested parties, one of which is Wagamama over in Harvard Square. They're the holder of an all alcohol license.

They've indicated an interest in selling the all alcohol license and downgrading to a wine and malt license.

The attorney that was representing Wagamama when we started the transaction was Attorney Dennis Quilty from Boston. The vice president of operations for Wagamama, which is a

UK-based company was terminated, that connection between Attorney Quilty and Wagamama disappeared, so we had to get back in and reconnect with Wagamama which we have done with the new vice president of ops. His first name is Kamal (phonetic), his last name I would murder it if I tried to say it, but I will spell it for the Board's interest.

I don't know if I can say it.

CHAIR ANDREA JACKSON: That's all right. You can spell.

DANIEL NEWCOMB: One second here.

I'll have to dig it up out of my thing. I have an email with his first name and his last name and then the corporate entity is Wagamama USA.

So they -- we reconnected with him and asked him if they were interested in revisiting that transaction. They said that they were.

Asked us to draft an offer. They would get it over to their attorney who is now not Attorney Quilty. I'm not sure who there attorney is there. But I received an email last night from Kamal that they had forwarded the offer to their attorney, and if they're interested in doing the transaction, they would get back to me very shortly.

CHAIR ANDREA JACKSON: Do you know what "the very shortly "is defined of?

DANIEL NEWCOMB: Well, we've asked. You know, I don't. I pressed him. I let him know that we were coming before the Board, and I prefer to show up with an offer in hand versus talking about something. Because I know you received a lot of talk about the license.

I can assure you that they have a high level of interest, we have interest in their all alcohol license, I have two parties that are

interested. It would be a simultaneous transaction. Their all alc would go out, the wine and malt would come in, and we'd create a new business in Cambridge. That's the best -- my best guess estimate is, you know, I don't know who his attorney is. If I knew who it was, I could reach out to the attorney and nudge them a little bit.

POLICE COMMISSIONER ROBERT HAAS: So you have no appreciation of how long this could take in terms of getting a final answer on this license?

DANIEL NEWCOMB: Now that we've connected, this started back in December -- they first reached out to us in December, to indicate that they had interest in selling the all alcohol license and downgrading. Attorney Quilty and I were working together on that, and then when their VP of OPs got terminated, we lost that

connection. So it sat by the wayside.

Attorney Quilty is a great guy. He's not the kind of guy to reach out and reconnect. I had to take advantage of that and do that, but we had this license under agreement with Takemura that looked like it was going to close. So it kinda paused, it kinda sat on the shelf while we were facilitating that.

When it died, we jumped right back in and then we had to reconnect with Wagamama. They're a big company based on the UK. Just trying to get that engagement, get the connection, get the offers, starting to get things moving. It's just been a -- I can't say out of the ordinary, but where I've known that we've had a, you know, some interest by the Board to get this moved along quickly, we put some extra effort to try and nudge them along there.

POLICE COMMISSIONER ROBERT HAAS: I mean,

ideally from my perspective, and this is really addressing more towards the applicant or the holder of the license, is that I think you fully appreciate the fact that you've got an existing business that's in the space that's prohibited from getting a liquor license, right, regardless of what they're willing to offer. I mean, ideally it would have been nice if they bought the license, but that's not going to happen it looks like. And I'm not encouraging you to pursue something you don't think is fair market value, but I'm really concerned about just how long this thing's going to linger with respect to trying to get some finality to it and at the same time recognizing the fact that you have a business that's being denied the opportunity to get a license.

So those are my concerns at this point in time, so I don't know where that takes us.

ATTY KEVIN CRANE: Well, let me -- on that point, Commissioner, my client would be very happy to sell the license to Mr. Muir.

POLICE COMMISSIONER ROBERT HAAS: I get that.

ATTY KEVIN CRANE: It would be a much easier transaction. I understand -- and now, he's prohibited from evidently applying for a license.

CHAIR ANDREA JACKSON: That's correct.

ATTY KEVIN CRANE: But -- and that's not to say that even if he applies that he would get it.

POLICE COMMISSIONER ROBERT HAAS: Correct.

ATTY KEVIN CRANE: We don't know. I do understand that he has other no value licenses that might affect how a new application for a new license would be received by the Commission.

I think at the end of the day -- the sad part of this would be -- the sad ending really would be if Mr. Holland's license was revoked and then Mr. Muir didn't get a new license.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY KEVIN CRANE: Which, you know, that could happen, but as far as timing of it goes, I hear you, and you know the process. We're trying to -- as a matter of fact, I spoke to Mr. Newcomb the last time about a new transaction and shot out dates as far as signing purchase and sale agreements, and there's a number of people that will be involved, and how fast they operate is somewhat out of my control anyway.

I can ask another lawyer, you know, "where is the agreement," "where are your comments" only so many times.

POLICE COMMISSIONER ROBERT HAAS: I understand the complexity. I understand you're

dealing with a very large corporation that doesn't make decisions. I get all that.

So our frustration is, I think we're trying to give your client an opportunity to recover his value of that license to some degree, but with the same respect, there's a pressing issue that we just can't deny. I think that's our dilemma.

DANIEL NEWCOMB: Commissioner, I would anticipate with the -- now that we've connected, that I made the connection with Wagamama and moving things in that direction, I'm anticipating -- I was surprised that I didn't have something on my desk this morning, but I think within the next two weeks, next 14 days, I would expect to have -- you know, could be a week, could be three days, but I am not the type of guy that sits around and let's something linger waiting for someone to sign, either they're going to sign it

or they're not.

CHAIR ANDREA JACKSON: And from my standpoint, I agree with what the Commissioner said. I think the challenge is that the business closed back in March of 2014. And we're here now in May of 2015, and I don't want it to be the case that sets the precedent saying, "Well, you let this license linger for over a year," and I know people have compared it, rightly or wrongly, to your brother's license, which, I think, is a very different scenario where his license he was able to hold for years, but there was no business being impacted. There was nobody there.

So I think it's a very different case. So I don't think you can compare the two.

So, again, I think our challenge is that, you know, there is another business in that location that's prohibited from applying for a license, and being able to hold -- for you to

continue to hold this license is our challenge. And how much longer do we give you knowing that the business has been closed.

FRANK HOLLAND: If I had Dan from day one, it would've been long gone.

The problem was I had a real estate guy that wasn't marketing it properly. Like as soon as Dan started, it's unbelievable how much he has done, and I wished -- like I said, if I had him from day one, this would've been long gone. I thought the realtor -- the guy I had was marketing it, obviously, he was doing nothing --

CHAIR ANDREA JACKSON: Right.

FRANK HOLLAND: -- at all which I had no idea. I have no idea how the process worked, et cetera, et cetera, et cetera and I'm paying a price for it now.

CHAIR ANDREA JACKSON: And it puts the Board in a real dilemma. If we were to revoke

Mr. Holland's license, he does have appeal rights to the ABCC, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

FRANK HOLLAND: Which I would use and it would tie him up for awhile, because I definitely would use it, and he would have to wait longer.

FIRE CHIEF GERALD REARDON: That was the point I was going to make as well. Obviously, it's within your right to do so, and that could linger on even worse, I guess.

FRANK HOLLAND: I wish it would --

EXECUTIVE DIRECTOR ELIZABETH LINT: It could.

FIRE CHIEF GERALD REARDON: In my mind I'm trying to find a way.

FRANK HOLLAND: I wish I wasn't even in this position. Like I said, I wish had Mr. Newcomb from day one and it would've been

sold.

FIRE CHIEF GERALD REARDON: At the end of the day, as counsel said, we don't know what the present location is, but at the same time taking interfaces out of the fact that anyone is prohibited from applying, whether they get something or not, is a problem that this license is holding up potential down there. How do we reconcile that in a reasonable fashion?

DANIEL NEWCOMB: Madam Chair, I think to take into account that he had engaged us, that we do this, this is my sole business, this is what I do is find buyers and sellers for liquor licenses.

CHAIR ANDREA JACKSON: That's a whole different conversation.

DANIEL NEWCOMB: You know --

CHAIR ANDREA JACKSON: We don't have to get into that.

DANIEL NEWCOMB: I sold restaurants for years, and there was a need that people didn't see, they couldn't figure out the process and we jumped in and were able to help them find a niche that we could help service, you know, like Mr. Holland, his back is against the wall. He has got to find someone, and we know who to call and who to touch and talk to to identify those buyers. We stay very close, you know, with the Elizabeth's office and with Chris O'Neil, and, you know, I'm willing to give them weekly updates on our progress if that is something that the Board requires. I have no issue with that at all.

But this is -- his license is, you know, it's top on our list. It's what I do everyday. It's how we -- it's how I put my kids through college is finding buyers for licenses.

So he's not sitting on the license, not

attempting to find a buyer or home for it, as I think we can prove, you know, with the purchase and sale agreement with Takemura, and then with Wagamama.

(Pause.) I have his last name I could try and spell it.

CHAIR ANDREA JACKSON: That's okay.

FIRE CHIEF GERALD REARDON: At the same time, any of potential buyers kind've know Mr. Holland's situation, so I'm sure they want to receive a discounted price.

DANIEL NEWCOMB: Absolutely. The buyers know -- he is not the type of seller that says "This is my number, that's my number." He's given me a very broad reach to find a buyer that is suitable for the license and for the Board and we can then get it transferred and closed.

We can get an offer all day long, but if we can't get it approved and closed, what's the

point?

FIRE CHIEF GERALD REARDON: As I said, for the record, even if we were to turn around and revoke this, it's not the end, and it could, in fact, drag on longer in an appeal state than if we were try to give a little extra time to see if we can work this out amicable to everyone's best interest.

POLICE COMMISSIONER ROBERT HAAS: I guess my question is: What is a fair amount of time, and again, I'm not -- I don't want to be held hostage to the fact that Mr. Holland does, in fact, have a right to appeal. We acknowledge that. And it could drag it out longer. I'm not trying to rush this along. I appreciate there's some issues going on here. But in the same respect, if the Board decides and the Commission decides to move on this license, then, you know, Mr. Holland made it clear what his intentions

are, however long it takes, it takes.

I mean, I don't want to get in the middle of trying to figure out, okay, we give you X number of months because we know it's going to take that long to get before the ABCC. I mean, I think we're all -- I think we made it very clear, we're all interested in Mr. Holland getting a fair price for his license and moving along.

To the Chair's point, though, it has been going on over a year and it is a pressing issue in terms of how quickly you sell that license.

And what troubles me a little bit is the uncertainty because I understand the size of Wagamama and its ability to move on this issue.

I was hoping that, as from earlier representations, that you would have a client, you would be coming in and saying "We've got a purchase and sale agreement in hand either by

today," or whatever the case may be, and some degree of finality to this whole situation. That doesn't seem to be the case today.

I'm really struggling with what is the right and fair thing to do with respect to understanding the whole issue that's surrounding this particular license.

ATTY KEVIN CRANE: Like I said, I have been onboard since March 24th we got the assignment.

POLICE COMMISSIONER ROBERT HAAS: I get that.

ATTY KEVIN CRANE: Could we maybe continue it to the June deliberation session, and in the meantime, we would be giving Ms. Lint progress reports as we go along?

CHAIR ANDREA JACKSON: One other question -- I don't know the answer to this one -- if we were to vote to revoke the license --

I'm not saying that's what everybody wants to do -- but if we were to vote to revoke the license, number one, the ABCC has to approve it, do they?

EXECUTIVE DIRECTOR ELIZABETH LINT: What do you mean "do they have to approve it"?

CHAIR ANDREA JACKSON: Approve our revocation of the license.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, they do not. The ABCC's actions are either to approve the local licensing authority action or to disapprove. If they disapprove of our action, it comes back to us for a whole new hearing.

CHAIR ANDREA JACKSON: So that's Question 1. Question 2: If we revoke the license, Mr. Holland has indicated appeals -- appeals our revocation, are they still able to go through and sell the license while under appeal to the ABCC?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR ANDREA JACKSON: No.

DANIEL NEWCOMB: And a buyer wouldn't be interested in getting involved in a situation like that. They want a clean deal.

CHAIR ANDREA JACKSON: Right.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then the third problem there, if they did approve of the Board's action of revoking, he still has appeal rights to Superior Court.

CHAIR ANDREA JACKSON: So five years from now when he comes down --

EXECUTIVE DIRECTOR ELIZABETH LINT: Five years from now.

FIRE CHIEF GERALD REARDON: And the other thing, too, I think in terms of the ABCC saying that we're not fair.

(Short recess.)

CHAIR ANDREA JACKSON: And the another

thing --

FIRE CHIEF GERALD REARDON: Well, the issue also for the ABCC is what level of detail did we give the applicant before we did a revocation and stuff.

I guess I'm inclined to look at this end of June thing. It's like 30 days, and I'm fine that, I guess, that at that hearing I guess we would have to turn around and set that up for -- from my side, we would have to look at revocation at that particular point.

But that June decision would be approximately 30 days from now, give or take or...?

CHAIR ANDREA JACKSON: But that would be 30 days just for them to come back in with a purchase and sale agreement, but then the time frame that it would take to complete the deal could be another -- I know this is what you do

for a living -- but it could be another 60 days.

FIRE CHIEF GERALD REARDON: Well, it could be, but that same situation could happen today if they came in with a purchase and sale.

DANIEL NEWCOMB: I think the key date is the application, when an application needs to be filed before the Cambridge Board, that's the key date we'd shoot for, that you would want to see an application by a certain date, then it's in your control.

FIRE CHIEF GERALD REARDON: Because if they came with one today, we would still be in the same boat that it could take three or four months -- hopefully not, but there could be an unknown period of time between the time they present today if they had a purchase and sale until the time it actually passes and goes through and clears for the ABCC.

POLICE COMMISSIONER ROBERT HAAS: The additional complication, whether it will make a difference or not, is that I won't be here for that Decision Hearing, so...

DANIEL NEWCOMB: Madam Chair, we're saying approximately six months from the time of offer to the time of closing right now with ABCC with just the way things work over there right now.

CHAIR ANDREA JACKSON: I can't agree to six months.

EXECUTIVE DIRECTOR ELIZABETH LINT: But that's ABCC approval --

CHAIR ANDREA JACKSON: No, I understand.

EXECUTIVE DIRECTOR ELIZABETH LINT: -- wrapped into that. So it's really from time of purchase and sale. I think counsel can control that a little more by making short dates.

FIRE CHIEF GERALD REARDON: Now, does the

ABCC take consideration of the fact that it's in for approval that that clears the location, or it doesn't until actually such time as they assign it?

EXECUTIVE DIRECTOR ELIZABETH LINT: Until such time as it's approved by the ABCC, the spot is not clear.

FIRE CHIEF GERALD REARDON: The address stays.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yep. Yep. So I think really from time of purchase and sale until time of application is not a substantially long time.

POLICE COMMISSIONER ROBERT HAAS: So, in essence, where we are right now, it looks like there's two pathways. One we can do revocation and clear the pathway for the applicant to come back and apply for another license, or -- and, again, I don't know how much control they have

over how quickly a deal could be completed, saying to a potential client, "All right, this is the purchase and sale, you've got so many days to close the deal" and they get it before the ABCC. And then have having said that, if, in fact, they can't do it, then bringing it back before the Board for revocation or consideration for revocation at that point in time.

I think time is of the essence. And, again, I think -- I'm just really getting hard pressed to continue to have these extensions. We have done a number of comprehensions already.

So, again, I don't know how much influence we would have in terms of speeding up the closure of a deal on a license.

DANIEL NEWCOMB: I think, again, now that I'm in communication directly with them or not, you know, using an attorney as a middle man, or the specific attorney here, I have better control

here. So I think that we will be able to nudge them along and get an offer on the table.

I think that's the shorter path to getting Clover a license than revoking and dealing with appeals and things like that.

FIRE CHIEF GERALD REARDON: So what do we have about -- I guess I'm inclined do like a 30-day window here for finality, and when we come back in that 30 days, if it's not sold, it will have to be gone. I don't know how that lines up with anything in terms of -- and again, even though it would fall into the ABCC's appeal process as well, we did due diligence with them in terms of giving them enough time, but yet not extensive time because we can't keep continuing forever.

CHAIR ANDREA JACKSON: I'm really concerned about the precedent that it sets.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

To be honest, my inclination when I was coming in here would be that either you would have a purchase and sale agreement, or I was going to vote for a revocation.

So I'm really troubled by the fact that -- and again, I think I'm struggling with the notion I want to be fair to your client, but with the same respect, I agree with the Chair the precedent that we're setting here, given the circumstances we're finding ourselves in, is really kind of dangerous because you would come back in and say, well, you know, it's Hi-Fi, representing your client, you allowed this to go on for so long, and I mean, I wouldn't blame you. It's the action of the Commission.

So, you know, I'm really having a -- I'm really trying to figure out where, in fact, is there a fair and equitable way to go.

I mean, clearly, I think, to the current

tenant, revocation would, in fact, delay it for a period of time, you know, again, if your client is so inclined to go ahead and appeal the actions of the Commission should we decide for revocation of the license, so I think that's coming into balance with me to some respect, but, you know, I'm still --

ATTY KEVIN CRANE: We have come this far, Commissioner. I don't see that 30 days is going to, you know, break the thing. We know it's make or break within 30 days.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

But having said that, then your client still has the right to appeal after that period of time and will get a second bite at the apple.

ATTY KEVIN CRANE: Well, it's versus giving him the 30 days to try to work out a deal and we don't tie everything up, including for the

present occupants of the premises.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

FIRE CHIEF GERALD REARDON: I guess my view of it is that the reality is Mr. Holland has rights for appeal that he can exercise.

I'm trying to look at it in terms how we clear this address, and the most expedient fashion would be, even though the ABCC takes an infinite amount of time to pass a license, the expedient way would be get a buyer, transfer it and clear that, that would probably be in the reality of the present occupant be the fastest, most expedited manner of getting this adjudicated as opposed to getting an appeal. This could go on for some period of time.

CHAIR ANDREA JACKSON: I guess, again, my concern is that this is for a restaurant, and Hi-Fi, has been gone over a year, and I'm not even at this point thinking in terms of that

there's a current tenant there, you know, it's in the back of mind there's a current tenant who wants to apply, but I'm concerned that over a year later, you still have this license out here, and we already know there are going to be countless people who will come to say, you kept this license out there for, you know, 18 months, or however many months, and I just don't want to set that precedent.

And so, I'm really, really struggling with balancing setting the precedent, holding it out there longer, and the fact that Mr. Holland has had this license for a long time and he's doing his best to try to sell it.

So I'm having a real -- I will be honest, I'm having a real struggle.

FRANK HOLLAND: Ms. Chairman, if I had him from day one, it would have been long gone. I had a lousy guy. Looking back now, it's the

worse mistake I ever made hiring him. He didn't do nothing.

ATTY KEVIN CRANE: Also, Mr. Holland was in the pizza business. He was unfamiliar with --

FRANK HOLLAND: The rules, oh yeah.

ATTY KEVIN CRANE: That's a fact of life. If you had a corporation, although sometimes it's amazing what they do, too, as far as not acknowledging that it's inactive or there's a been a bankruptcy filing or letting the local licensing Commission know what the status of the license is.

But I think there could be a little deference to Mr. Holland in that regard, too.

He not only lost his license, he lost his business, you know. He was counting on probably selling the thing eventually, but things didn't work out with his landlord.

CHAIR ANDREA JACKSON: Just go ahead and

tug on the heart strings, counsel.

FRANCIS HOLLAND: It's the truth, though.

ATTY KEVIN CRANE: It's the delays, right, Chairman?

CHAIR ANDREA JACKSON: Any other comments? Questions?

POLICE COMMISSIONER ROBERT HAAS: So, again, just for -- it's probably talking out loud. But I'm just wondering, this doesn't preclude the current tenant from coming back and making a counteroffer?

ATTY KEVIN CRANE: Not at all.

DANIEL NEWCOMB: We'd encourage that. His number has just been so far off.

POLICE COMMISSIONER ROBERT HAAS: No, I get it.

DANIEL NEWCOMB: We encourage that.

POLICE COMMISSIONER ROBERT HAAS: I don't want to do your job. I don't have a broker's

license.

DANIEL NEWCOMB: I made myself available to him on multiple occasions to have a conversation about it.

ATTY KEVIN CRANE: He was here, like I say, Commissioners, at the last hearing and then he finally called me yesterday and we did have a conversation about it, but...

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR ANDREA JACKSON: And I guess from my standpoint that's not the issue for me.

POLICE COMMISSIONER ROBERT HAAS: Right.

CHAIR ANDREA JACKSON: And before us. I'm still stuck on this timeline in terms of how long we let the license sit.

When did Hi-Fi close, was it March of 2014?

FRANCIS HOLLAND: Yeah.

I never even realized there was a time

frame. You know, obviously, because my brother had it for so long, I just figured, oh, you know...

CHAIR ANDREA JACKSON: Your brother is in a whole different category.

FRANCIS HOLLAND: No, no. I wish I didn't know, you know, because I mean, I assumed that just --

CHAIR ANDREA JACKSON: You could hold it forever.

FRANCIS HOLLAND: Well, not forever. But I planned on selling it, but I didn't realize there was a mandate for X amount of months, you know, seriously, because I wouldn't have -- I would have gotten another broker much sooner. I had no idea about the laws. And that's why I got a new broker. Like I said, he has done an excellent job and I wish I had him from day one. We wouldn't be sitting here.

CHAIR ANDREA JACKSON: So assuming there are no members of the public that wish to be heard on this, I am struggling with this one.

FIRE CHIEF GERALD REARDON: At this point from my -- we can't go back in time. The most expeditious way of clearing this applicant and the person who is presently there, I think is obviously to get a purchase and sale agreement. I guess we can put a drop dead date on it after 30 days, or whatever we do for a date, it will be revoked.

I don't think that -- that probably would be the best solution for all the parties involved.

If we do a revocation today, I don't think at the end of the day, it clears up that address and that could go on a lot longer. That's what I'm trying to juggle in my mind. That would be the best solution to get a sale in

terms of adjudicating all the parties.

POLICE COMMISSIONER ROBERT HAAS: I think we agree with you. The question is, is that it's an open-ended process and I understand you can set deadlines, but...

FIRE CHIEF GERALD REARDON: I guess my portion would be that whatever this date is, it's a drop dead date. If you come back on that date and it's not done, it's not going to be 24 hours and it's over. I think we have to have a control number on this, so it's not open-ended.

POLICE COMMISSIONER ROBERT HAAS: I want to make sure it's not a fool's errand that not setting -- we're setting these dates and they're not even realistic in terms of...

CHAIR ANDREA JACKSON: Right. Because, I mean, for me it wouldn't be even setting a date to see a purchase and sale. I want to set a date in which that transfer application is filed.

FIRE CHIEF GERALD REARDON: Yes, I agree with that.

CHAIR ANDREA JACKSON: And I don't know if it's realistic to say 30 days. I want to see a transfer application.

FIRE CHIEF GERALD REARDON: I guess in my mind that's what I was thinking of, it's not just a purchase and sale, but actually an application submitted in its entirety so we could approve it and get it forwarded to the ABCC.

CHAIR ANDREA JACKSON: So how realistic is it if we were to say within 30 days you would have to have a transfer application filed?

DANIEL NEWCOMB: That would be a stretch. I think if you asked me to report back in 14 days with an accepted offer of a purchase and sale, I think that that's reasonable, and that would give the Board some vision as to how this proceeds in the future versus a blind eye.

POLICE COMMISSIONER ROBERT HAAS: What happens after the 14 days? What is the duration after that 14 days? I mean just --

DANIEL NEWCOMB: If there's no deal, there's no deal. If there's -- if there's no deal there, then there's no deal there.

And then you move forward doing -- I think if we have a deal, if there's a potential for a deal to happen, I'm not going to sit before the Board and suggest that there is something that there's not.

POLICE COMMISSIONER ROBERT HAAS: Sure. Right.

DANIEL NEWCOMB: My integrity is on the line. But I think if we can take this to the next step and we're making progress and moving things forward, I think that would put the Board at ease that we're making progress and not hung up on something.

POLICE COMMISSIONER ROBERT HAAS: So, I guess my question to you then would be: So that would be one decision point for the Commission to decide, if you can't come back in 14 days with a P&S, then we can simply say we may elect to take action at that point in time, is that what you're suggesting?

DANIEL NEWCOMB: Defer it for 14 days. See if we can push this by or into a place that we can make a deal can happen.

POLICE COMMISSIONER ROBERT HAAS: Without committing the Commission, you know, I would propose to the Chair that could be a decision point that we could still decide. You know, you could come back and say, "Well, jeez, it's going to be six months before we close the deal on this thing," and so there's no misunderstanding that somehow the Commission now is bound to follow this pathway when it could take a longer period

of time to close the deal.

DANIEL NEWCOMB: At that point we would have a clear timeline so the Board could consider that before they make the decision.

Right now, there's -- I don't have a clear timeline.

POLICE COMMISSIONER ROBERT HAAS: I'm not pressuring you. I understand that you're dealing with a large corporation that doesn't make a lot of decisions quickly. I appreciate all that.

So the question is -- and I think that's what we're struggling with, is, you know, how -- are their points in time we can make certain decisions because we're deciding, (a), it's taking too long or something that's right around the corner that can get this thing resolved quickly. I mean, I just -- you know, ideally, I think we would like to see it within 30 days. Again, ideally, within a short period of time

that this deal could be done and have it resolved.

But I appreciate the fact it's not a realistic expectation. So where does that leave the Commission if it chooses to prolong this longer in terms of making some decisions sooner than later?

And I've pretty much made up my mind what I was going to do, and I'm really -- that's what really is causing me a lot of consternation with respect to this.

DANIEL NEWCOMB: We're going to have clarity with this buyer within the next 7 to 14 days, and that will establish a clear timeline and clear path on how it will get closed, and at that point, the Board could see it and say either it works or doesn't work.

CHAIR ANDREA JACKSON: I am really torn because my struggle is: Do we continue this

until to June 16th, which I feel is really just postponing the inevitable, or do we revoke?

And I'm really struggling with it because, again, you could conceivably come back here on June 16 and say, "Yes, we have an offer," and then a couple months down the line the offer falls through and we're right back to where we are today.

ATTY KEVIN CRANE: Well, at least by June 16 we would know better where we stood.

CHAIR ANDREA JACKSON: Anything you would like to add do need another minute to get your head straight to figure out what you want to do?

Anything you would like to add?

FIRE CHIEF GERALD REARDON: Obviously, we could revoke it right now. But I think, again, in the interest of the public good, two more weeks is probably --

CHAIR ANDREA JACKSON: I think the two

weeks is going to turn into two more.

FIRE CHIEF GERALD REARDON: Well, if it's two weeks, after two weeks, we revoke it in two weeks. As I said previously, the best outcome is if they can get this thing, the purchase and sale down and transfer this to clear the property, it takes care of Mr. Holland, not that we have to -- and also takes care of the present licensee at that address who is being blocked from applying, whether or not they get anything, I'm not saying that, but that would be the most --

CHAIR ANDREA JACKSON: We're still looking at, I mean, the best case scenario, another six-month window then.

FIRE CHIEF GERALD REARDON: We are. But at the same time, the reality is that Mr. Holland is going to exercise his right for appeal and that could be a two- or three-year process.

CHAIR ANDREA JACKSON: But at least it doesn't set the precedent in terms of how long we held the license for. That's all I'm looking at. I'm not even looking at --

FIRE CHIEF GERALD REARDON: I guess I'm also looking at the precedent of we've got a licensee who is tied up with a license that goes on. This is not a good precedent that we have. It's everyone's legal right to appeal but at the end the day, it's not really a good situation that we have a license tied to an address who could be precluded from doing anything for several years because of the legal right of the applicant to appeal.

So, I guess, I look at the realty point of this as opposed to just the policy point.

POLICE COMMISSIONER ROBERT HAAS: Well, I'm wondering how much this body should be concerned about what potentially is beyond our

control.

CHAIR ANDREA JACKSON: Right.

POLICE COMMISSIONER ROBERT HAAS: Again, I appreciate your concerns, the situation, but with the same respect, I think that an issue for us is clearly trying to make sure that we're somewhat clear of expectations going forward for any applicant that wants to hold his license in inactive status and we don't find ourselves -- like I said, this could drag on. I mean, you intend to come back with a purchase and sale agreement, and then we're struggling now, okay, do we allow this to continue to go on because it looks like there's some light at the end the tunnel, or at that point in time, we just pull the rug out from underneath you, and say, "That's too long, we can't wait that long, sorry."

ATTY KEVIN CRANE: On the precedent issue since March of 2014, it's been 14, 15 months. I

mean, I don't think there's a danger of setting a bad precedent if it's 14, 15 months versus 14, 15 months plus two and a half weeks.

POLICE COMMISSIONER ROBERT HAAS: The question is: What goes on beyond that, though?

ATTY KEVIN CRANE: Well, we're back here in two and a half weeks and we have nothing going, it sounds to me like the license will be revoked.

CHAIR ANDREA JACKSON: That's the easy piece. The difficult piece is if you come back and say, "We do have someone who wants to buy it"; how long is that progress?

ATTY KEVIN CRANE: All we're asking for is a chance for that.

DANIEL NEWCOMB: Wagamama was the licensee in the City. They have already been approved by this Board to hold a license, so it's not like we're bringing a licensee in that has

never been established in the City of Cambridge before. These are an established --

CHAIR ANDREA JACKSON: Wagamama holds an all alcohol license, correct?

DANIEL NEWCOMB: Correct.

CHAIR ANDREA JACKSON: So they would still need to sell their all alcohol license, so that's a another whole process in and of itself that can add more to the time frame.

I'm going to be the bad guy.

ATTY KEVIN CRANE: In two and a half weeks, we could also talk to Mr. Muir again.

CHAIR ANDREA JACKSON: I think he made you two fire sale offers, so...

ATTY KEVIN CRANE: Yeah, but it's not as big a conflagration as it was before.

FIRE CHIEF GERALD REARDON: I'm confused with all these fire terms.

POLICE COMMISSIONER ROBERT HAAS: It's

always confusing me.

CHAIR ANDREA JACKSON: I don't want to set the precedent, so I'm going to be the bad gay and I'm going to make a motion that we revoke the license.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: I'm sorry.

DANIEL NEWCOMB: Thank you.

ATTY KEVIN CRANE: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can we skip Ames Street and go to Cilantro since counsel has been waiting?

CHAIR ANDREA JACKSON: Sure.

APPLICATION:
SUNNYWOODS, INC, D/B/A CILANTRO

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Continued from March 17, 2015 and March 31, 2015, Sunnywoods, Inc, doing business as Cilantro, Wen Pan, Manager, holder of a Common Victualer License at 1105 Mass Ave has applied for a new All Alcoholic Beverages Restaurant License at said address. The current operating hours are 11:00 a.m. to 1:00 a.m. seven days per week with a seating capacity of 60.

ATTY CHUNG LEE: Good morning.

CHAIR ANDREA JACKSON: Good morning.

ATTY CHUNG LEE: Good morning.

CHAIR ANDREA JACKSON: I almost said good evening. It feels like it.

Good morning.

ATTY CHUNG LEE: Just so you know, I didn't have coffee either so I know exactly how

you feel.

THE REPORTER: Do me a favor? Please state and spell your full name.

ATTY CHUNG LEE: Sure. My name is Chung Lee, C-H-U-N-G L-E-E, I'm counsel for the applicant, Sunnywoods Inc, d/b/a Cilantro. I apologize for Ms. Ming Pan not being in here. She had a personal matter she had to attend to, and she had to leave overseas abruptly, but didn't want to miss this meeting. So, again, my apologies.

CHAIR ANDREA JACKSON: Sure.

THE REPORTER: Could I get a spelling on her name, please?

ATTY CHUNG LEE: Ming Pan, M-I-N-G, Pan, P-A-N.

THE REPORTER: P-A-N?

ATTY CHUNG LEE: Yes.

THE REPORTER: Thank you.

ATTY CHUNG LEE: The last time we met, I believe we had an application for all alcohol, there was some issues about the neighborhood. Since that time, I did try to contact and did whatever I could to contact the neighborhoods, however, if you look at the map, this is split in between mid-Cambridge and Riverside.

I contacted the primaries for both of the neighborhood groups, and they both essentially declined, and in many words declined commenting on this, citing that it's not within their district.

The last email I got from Joan Pickett, who is the -- in Cambridge, cited something about the Harvard Square overlay district.

I also emailed Ms. Iram Farooq, I think, which is the Harvard Square Advisory. This is what the site had advised us to do. I have not received a returned email yet.

I consequently -- subsequently, rather, called up Chris over in the Zoning Department, along with George, who has been helpful when we were doing the original application, and they indicated that that was the wrong area to go to, that Joan Pickett was, in fact, the right area. So, at this moment, I have done everything I can do. I did get an email last night from Riverside, Ms. Shipley, Carolyn Shipley, and because the last email I had from her prior to last night was that she was going to try to put it on her contact lists.

CHAIR ANDREA JACKSON: Okay.

ATTY CHUNG LEE: And this morning -- last night she emailed me back saying she received nothing from -- relative to this application. And she's looking for a glass of wine over there as well, but that's besides the point.

So, at this moment, I'm -- we're trying

our best. I mean, if you noticed in the original application, when we sent out the notices, we did the crazy of thing of notifying the neighborhood individually, not by the condominium association and trustees.

CHAIR ANDREA JACKSON: Right.

ATTY CHUNG LEE: We did that -- one of the reasons was, in fact, we weren't really able to get in touch with any neighborhood groups, quite frankly, that's why we choose -- so we choose -- there were 295 names on that list.

EXECUTIVE DIRECTOR ELIZABETH LINT: They're all in there.

ATTY CHUNG LEE: We individually mailed each one of them. I have most of the return receipts back from them as well.

So at this moment, Madam Chairman, we're doing the best we can.

CHAIR ANDREA JACKSON: And I do note at

the last hearing the trustee from --

ATTY CHUNG LEE: Right.

CHAIR ANDREA JACKSON: -- from, it says Bedford Hall Building at 1137 Mass Ave, and he's one of the trustees, and he said that Cilantro has been a good place, well run, folks do a good job, very responsible.

He's in favor of supporting them to acquire the liquor license.

ATTY CHUNG LEE: I'd like to hear that because, again, when we appeared in front of this Board for a common vic license last year, we specifically indicated to the Board that -- we had a chance to transfer the liquor license from Cancun previously, but we chose not to do that.

CHAIR ANDREA JACKSON: That wasn't a transferrable license.

ATTY CHUNG LEE: But we chose not to do it -- do anything at the time because we wanted

to get to know the neighborhood, and we wanted to be part of the neighborhood and contribute to the environment. That's the reason why we didn't do anything at that time.

What I'm hearing from the trustee is really a good indicator because we have taken strides to be a good business member, and it's nice to hear from our neighbors that it's working and we will continue to do that.

But at this moment, what I'm going to ask this Board is in view of the efforts that we have tried, we've really exhausted, if you will, whatever we could have done, and in the original application went over and beyond what the ABCC rules call for by notifying the abutters individually.

In view of those efforts, we're asking the Board to approve the license for my client.

Now the last hearing we had, it's

understood that this will be a limited nontransferable license. We fully accept that. Again, we're not in it to make money on the license -- license meaning in terms of transfer and so forth.

We are looking to add to our existing business as a lot of our clients -- my client's clients rather, have indicated that having sake and liquor and wine, and so forth, will be helpful with the foods because this is sort of like a fusion-type of a menu.

So I'm asking this Board to recognize the efforts and grant this license for us so that we can continue to be a growing member of the business environment.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: So just remind me of your efforts to satisfy the criteria to apply for an all alcoholic license, in other

words, the demonstrated need, the acceptance and also the lack of harm to the community. Just remind me what those -- what your client has done to satisfy those three criteria.

ATTY CHUNG LEE: Well, can you give me the criteria again so I can go in sequence?

POLICE COMMISSIONER ROBERT HAAS: I don't know if there's any particular sequence.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, there is. It's proof of need, that there's a need for another license in that location, that there's no harm to the neighborhood and there's an overwhelming neighborhood support.

ATTY CHUNG LEE: Well, there is definitely a need by my client.

POLICE COMMISSIONER ROBERT HAAS: That's not the criteria.

ATTY CHUNG LEE: Everybody around the area there has liquor license and menu -- or

liquor service, rather, and all the clients that come over to my client's restaurant has indicated that if, in fact, we had the liquor, most certainly -- in essence, the business will grow a lot more rapidly.

We have been tempered in terms of our business plans because we don't know exactly what that limit is going to be. But the input that we have, the data that we received indicates that it -- we could improve our profitability by two times, maybe even three times for that matter.

In terms of the neighborhood, like I mentioned before, there are other restaurants already with liquor licenses. We have tried to contact the neighborhood individually. We received none. In the last hearing, during the original liquor license hearing, there were no people, no neighbors who showed up in opposition to this license.

In fact, I think Madam Chairman mentioned that one of the trustees showed up in favor of that.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY CHUNG LEE: Actually, in my opinion, I respectfully submit that there is no harm to the neighborhoods.

And, again, we exhausted our efforts in trying to do that.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY CHUNG LEE: So, again, I respectfully submit -- granted there's limited input here in a sense because if we had a lot of neighborhood -- I mean, I would have loved to come here with letters from the Riverside Cambridge saying we're in full support of the liquor license. I would like to flood this licensing room full of people saying we really, really need this, we really, really need this.

But, unfortunately, that's not going to happen.

POLICE COMMISSIONER ROBERT HAAS: Because?

ATTY CHUNG LEE: Because as much as I hate to say it, it doesn't seem like the neighborhoods really care. I hate to say this. I don't like to say this. Because I work in Boston and we're very involved.

POLICE COMMISSIONER ROBERT HAAS: You're arguing against your third point in terms of overwhelming support. So, I mean, I just --

CHAIR ANDREA JACKSON: But I think -- if I can chime in, I think, in my opinion, when we -- when he was last in front of the Board, we talked extensively about neighborhood support. We had the one person who came in support --

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR ANDREA JACKSON: -- but, I mean, by -- as evidenced by all the Green cards, I feel

like he has done -- he was done his responsibility to try to notify. You can't twist people's arms and make them come.

POLICE COMMISSIONER ROBERT HAAS: But one approach we have taken in the past is to -- and I think a number of applicants in the past what they have done is actually have a petition that their clients or customers would say that they see this is an added benefit to their dining experience at your client's restaurant. I mean, absent -- I get what the Chair is saying with respect to the Green cards, and it's interesting that the associations -- because both of associations are relatively active, and it's interesting to me that neither one of them or both of them haven't come forward and said, jeez, you know, we welcome you --

ATTY CHUNG LEE: I did email the emails to Ms. Lint. I do have copies for the Board.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have them.

ATTY CHUNG LEE: It's a very, very nonchalant, "Well, you know, it's not really in my district, so we usually have no...

EXECUTIVE DIRECTOR ELIZABETH LINT: It's in that in-between.

ATTY CHUNG LEE: If I may, can I give copies of the emails? It's only like three or four emails.

CHAIR ANDREA JACKSON: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I could just throw my two cents in. He said petitions. I think the Chair has gone on record several times saying that in her opinion, petitions don't really amount to all that because you can just have anybody walking by and ask them to sign.

CHAIR ANDREA JACKSON: Right.

POLICE COMMISSIONER ROBERT HAAS: And we have had people do that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Exactly.

POLICE COMMISSIONER ROBERT HAAS: What's interesting is also seeing where the petitioners are coming from.

CHAIR ANDREA JACKSON: Exactly. I mean, prefer the personal letter.

EXECUTIVE DIRECTOR ELIZABETH LINT: Right.

CHAIR ANDREA JACKSON: But, I mean, in his case, we did have at least one person come in.

ATTY CHUNG LEE: So, yes, I agree. I might be arguing against my third point. But if you consider the overall circumstances, I really don't have much of a choice. I wish I could have, you know, half the neighborhood come in

here, but it's just not going to happen, unfortunately.

FIRE CHIEF GERALD REARDON: Counsel, the other thing that this was all -- when they came in for the original hearing, it was talked about that this is simply a need to accent the food service there.

ATTY CHUNG LEE: That's correct.

FIRE CHIEF GERALD REARDON: And the issue came up about the seats at the bar. Has anyone relooked at that again in terms of why we have the bar seating?

ATTY CHUNG LEE: Well, there's six seats on the bar right now. It's intended to --

FIRE CHIEF GERALD REARDON: I thought you had it listed as eight.

Right now he was telling me that it's six. And the primary purpose of the restaurant is to serve food with the liquor. There's no

intention to turn it into a bar where you just serve liquor.

I believe it was either Police Commissioner Haas or maybe Chief Reardon had mentioned, "Well, what's to stop someone from coming in and just having a drink and just leaving?" Frankly, the answer is no, there's nothing we can do about that. But I respectfully submit that's the same with any restaurant business with a liquor license. Anybody can go in and sit down at a table. We have seen that happen. Order a drink, and say, "I'm looking at a menu right now," and say, "I don't feel like eating right now and I'm going to leave."

FIRE CHIEF GERALD REARDON: I agree with you, counsel. There's a different connotation, you know, that the bar is set up so you can turn around and just have a drink at the bar and not -- versus taking a table. I agree with you.

It can happen. I don't think it's the norm as opposed to --

ATTY CHUNG LEE: It's not. I talked to the Bill, the manager, a couple days ago, and it's their feeling that that's going to amount for a very minuscule amount in terms of the percentage. I cannot say it cannot happen. Of course, it can happen. I mean, if I say it will not happen, you'll know I'm lying to you and that's not going to be right.

But all I can say is the intent of the restaurant is not to turn it into a bar per se. We're going to lower it to six seats, and all the waiters are going to be well trained to basically serve liquor primarily with foods only. It's a compliment to the food not a substitute and that's about all we can tell the Board today on that.

POLICE COMMISSIONER ROBERT HAAS: Thank

you.

ATTY CHUNG LEE: Thank you.

POLICE COMMISSIONER ROBERT HAAS: If I recall this hearing, there was a little bit of confusion between you and your client in terms of what you wanted to do, and I think that's part of the reason why I wanted to continue it, so it might be helpful for me to hear what is the business plan with respect to this liquor license, so we're certain, as the Fire Chief indicated, there was some confusion about how many chairs were going to be around the bar and things like that.

ATTY CHUNG LEE: Right.

POLICE COMMISSIONER ROBERT HAAS: I just want to make sure that we're clear in terms of what we're voting for with respect to the application for a new all beverage alcohol license.

ATTY CHUNG LEE: Absolutely. Yes, I apologize for the little confusion before.

POLICE COMMISSIONER ROBERT HAAS: No problem.

ATTY CHUNG LEE: But as I told Ms. Lint, it's six seats at the bar. If it was eight before, we accepted the input of this Board and we want to lower it to six seats. And the staff is going to be trained to make sure that the primary purpose is the food, not the liquor.

Those six seats will be incorporated within the overall allowed seating capacity of 60.

Cilantro currently serves an Asian fusion Taiwanese buns type of menu, and that lends itself very well for liquor, like sake, beer and wine. We will continue to do that.

Like I said, the liquor will only be a supplement and compliment to the foods.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh, uh-huh.

ATTY CHUNG LEE: Right now we're estimating probably around 85 percent food sales. 85, maybe a little higher than that. Time will tell. But that's our estimate at the moment. So it's definitely not going to be, you know, a bar. That's for sure.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY CHUNG LEE: Okay? And we will continue to expand on our fusion Asian style restaurant as the business grows, and we certainly expect the business to grow.

As I indicated earlier, based on what data we have at hand right now, adding -- just simply adding sake to the menu may increase our business by 50 to 100 percent, quite frankly.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY CHUNG LEE: So we are anticipating

an increase in sales. By doing that, we will increase and add onto the menu as well.

So we have lowered the bar to six seats.

CHAIR ANDREA JACKSON: I think we mentioned this at the last hearing, there's a requirement in Cambridge, that if approved, that licensee has to attend 21 Proof training. You can't just be TIPS certified.

ATTY CHUNG LEE: I understand. You mean, all servers or -- all the servers or just the manager?

CHAIR ANDREA JACKSON: Is it all servers?

EXECUTIVE DIRECTOR ELIZABETH LINT: All servers and managers.

ATTY CHUNG LEE: That should not be an issue. Could I be able to get information about that training through Ms. Lint?

CHAIR ANDREA JACKSON: Yes.

Do you want to see what the bar area

looks like?

POLICE COMMISSIONER ROBERT HAAS: Sure.

(Showing on phone.)

CHAIR ANDREA JACKSON: Any additional comments?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Any additional comments?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Any members of the public wishing to be heard on this matter?

Seeing none, I make a motion that we approve the all alcohol beverage restaurant license for Sunnywoods, Inc, doing business as Cilantro with a requirement of attendance at 21 Proof training and a review in six months for their current operating hours.

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.

CHAIR ANDREA JACKSON: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

ATTY CHUNG LEE: Will the review be -- will we be required to come to a review meeting at that time?

CHAIR ANDREA JACKSON: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll send notice.

POLICE COMMISSIONER ROBERT HAAS: It will be for the time when you were finally granted the license with the ABCC, and the clock will start ticking then.

ATTY CHUNG LEE: I understand. Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

ATTY CHUNG LEE: On a side note, the hearing that was here before, I did talk to the other attorney, I might have a client who is interested in doing business with him. So I did contact him and he will contact me as well. Hopefully that will work out well for the Board and it will make it a lot easier, so...

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

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 73 Ames Street has applied for an alteration of premise to include an outdoor seasonal patio on the public sidewalk for 38 seats.

CHAIR ANDREA JACKSON: So no one is here for that application. I think this is very similar to what we discussed at the very beginning of the hearing with The Abbey is that we'll need to continue this matter until we're able to resolve curbside seating for outside patios.

We did approve the CV portion so they're able to serve food. If we can send them something in the mail that tells them that the matter has been continued.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: So I make a motion that we continue this matter.

Is there second?

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.

RATIFICATION:
LEGAL SEA FOODS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratification: The Board of License Commissioners will vote to rescind the approval of Legal Sea Foods, LLC for their change of Sunday hours as Legal Sea Foods has withdrawn their applications.

So basically the only reason we put this on is since you had taken action on approving the change of hours with a question in regard to one location it was Kendall.

CHAIR ANDREA JACKSON: And whether or not they were going to serve brunch.

EXECUTIVE DIRECTOR ELIZABETH LINT: And all of them.

CHAIR ANDREA JACKSON: Did they then subsequently -- I believe they sent a letter in saying "Never mind, we're not going to change

the hours for any of them."

EXECUTIVE DIRECTOR ELIZABETH LINT: The restaurants will continue to operate under all three liquor licenses without change.

So it's just to approve the letter withdrawing the requests -- withdrawing your approval.

CHAIR ANDREA JACKSON: I make a motion that withdraw our approval.

Is there is 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: No further business?

Actually, while we're here, we do have one further item. Can we find a date to change

the June 25th hearing? That's the Decision Hearing that you already said you won't be here.

POLICE COMMISSIONER ROBERT HAAS: Correct.

CHAIR ANDREA JACKSON: And apparently looking at my calendar neither will I. If we can come with another date that we can schedule.

POLICE COMMISSIONER ROBERT HAAS: Right now there's no matters scheduled for that Decision Hearing, right?

CHAIR ANDREA JACKSON: That's correct.

EXECUTIVE DIRECTOR ELIZABETH LINT: Because you haven't had any June hearings yet.

POLICE COMMISSIONER ROBERT HAAS: I wanted to make sure we didn't push something out.

CHAIR ANDREA JACKSON: Right, right. No. So we have nothing scheduled for, just the fear is after the June 2nd and the June 16 hearing if we have anything that we have a hearing scheduled

and not pushing it through to July.

POLICE COMMISSIONER ROBERT HAAS: Would that Thursday following the June 16 hearing be too soon, you think? If -- I mean, potentially there could be issues with respect to giving somebody an opportunity to get something resolved before the Decision Hearing, that's always the risk you run, right?

CHAIR ANDREA JACKSON: Right. Are you out that whole week?

POLICE COMMISSIONER ROBERT HAAS: That week I'm in, the 16th, but the 26th, I'm gone the whole week.

CHAIR ANDREA JACKSON: The 25th, you're gone that whole week.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have hearings on the 16th.

POLICE COMMISSIONER ROBERT HAAS: I am wondering if the 18th would work?

EXECUTIVE DIRECTOR ELIZABETH LINT: Unless it was a situation where --

CHAIR ANDREA JACKSON: I can't do the 18th.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can't either.

FIRE CHIEF GERALD REARDON: I can't either.

POLICE COMMISSIONER ROBERT HAAS: Are you looking at the 2nd?

EXECUTIVE DIRECTOR ELIZABETH LINT: July 2nd?

CHAIR ANDREA JACKSON: What about June 30th, it's a Tuesday.

FIRE CHIEF GERALD REARDON: We're up to our ears on the 4th of July.

POLICE COMMISSIONER ROBERT HAAS: I'm in a conference that day?

CHAIR ANDREA JACKSON: On the 30th?

POLICE COMMISSIONER ROBERT HAAS: On the 30th.

EXECUTIVE DIRECTOR ELIZABETH LINT: Wednesday the 8th?

POLICE COMMISSIONER ROBERT HAAS: June?

EXECUTIVE DIRECTOR ELIZABETH LINT: July.

FIRE CHIEF GERALD REARDON: I have a conference call I can push. I can do that.

CHAIR ANDREA JACKSON: 10:00 a.m.

Please lock it in.

CHAIR ANDREA JACKSON: Make a motion adjourn.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Hearing adjourned.)

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.

PAGE	LINE		
_____	_____	CHANGE:	_____
		REASON:	_____
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		REASON:	_____
_____	_____	CHANGE:	_____
		REASON:	_____
_____	_____	CHANGE:	_____
		REASON:	_____

I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

_____

_____

_____

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 29th day of May, 2015.

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

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