

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

MICHAEL GARDNER, CHAIRMAN
ROBERT HAAS, POLICE COMMISSIONER
THOMAS CAHILL, FIRE CAPTAIN

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: Tuesday, June 25, 2013

TIME: 6:04 p.m. to 8:55 p.m.

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P R O C E E D I N G S

EXECUTIVE DIRECTOR ELIZABETH LINT:

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

This rear doorway is to remain open at all times, for fire purposes.

This is the License Commission General Hearing, Tuesday, June 25, 2013. We're in the Michael J. Lombardi Building at 831 Mass Ave, Basement Conference Room.

Before you are the Commissioners:
Chairman Michael Gardner, Commissioner Robert Haas and Captain Tom Cahill.

I didn't do the time. It's 6:04 p.m.

APPLICATION: UNO RESTAURANTS, LLC

D/B/A UNO CHICAGO GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter is application: Uno Restaurants, LLC

d/b/a Uno Chicago Grill, Thomas Carnevale, Manager, holder of an all alcoholic beverages as a restaurant license at 22 JFK Street has applied for a change of manager to Duncan Chan.

CHAIRMAN MICHAEL GARDNER: So if you would please come forward state and spell your last name for the record, please, and have a seat and tell us your affiliation.

DUNKAN CHAN: First name is Dunkan, D-U-N-K-A-N; last name is Chan, C-H-A-N.

I'm the general manager at the Uno Restaurant Chicago Grill.

CHAIRMAN MICHAEL GARDNER: So you're taking over as the manager?

DUNCAN CHAN: Yes.

CHAIRMAN MICHAEL GARDNER: How long have you been functioning in that job so far?

DUNCAN CHAN: Six months.

CHAIRMAN MICHAEL GARDNER: Any reason you

haven't come forward sooner to get the paperwork on the license straightened out?

DUNCAN CHAN: I just received notice that I could come to the License Board.

Unfortunately, I missed an appointment. That's the first time.

CHAIRMAN MICHAEL GARDNER: I guess what I would say to you is we would expect that this is a part of a chain or franchise.

Generally, there should be some institutional memory to understand that if there's a change in manager that the organization has to come forward to get approval for the change proactively as opposed to our chasing the people.

That is not necessarily a reflection on you, but it's a little frustrating for us to have people in the place in the job for such a long period of time before they come forward.

In the meantime, could you tell us a little about your qualifications for the record.

DUNCAN CHAN: As far as?

CHAIRMAN MICHAEL GARDNER: What your experience has been prior to taking on this responsibility.

DUNCAN CHAN: I have been with Uno's for the last ten years, but I'm not very familiar with the Massachusetts laws and stuff like that.

I just took over the location six months ago as a general manager for the last eight years at Uno's.

CHAIRMAN MICHAEL GARDNER: Does that include managing facilities with a full liquor license?

DUNCAN CHAN: Yes.

CHAIRMAN MICHAEL GARDNER: You have been doing that for the last eight years?

DUNCAN CHAN: As a general manager. I

have been with the company over ten years now.

CHAIRMAN MICHAEL GARDNER: Any particular issues or problems or unique challenges in this location?

DUNCAN CHAN: Not that I'm aware of. As long as we comply with all the laws we're supposed to, there's nothing in particular in challenges. I know, granted we're in the Harvard Square area and there's a lot more students, and we have to be more careful about serving any alcoholic beverages.

CHAIRMAN MICHAEL GARDNER: Any incidents or complaints?

EXECUTIVE DIRECTOR ELIZABETH LINT: None.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: So have you ever held a license in your name before as general manager?

DUNCAN CHAN: At the Rhode Island location.

POLICE COMMISSIONER ROBERT HAAS: In the Rhode Island location. So it was actually in your name in Rhode Island?

DUNCAN CHAN: Yes.

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

DUNCAN CHAN: Eight years.

POLICE COMMISSIONER ROBERT HAAS: Okay.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIRMAN MICHAEL GARDNER: Any there any members of the public who would like to be heard on this matter?

Seeing none, I will make the motion to approve the change of manager of Dunkan Chan as

listed on the agenda.

I would ask you, Mr. Chan, if this is approved in the future, should you ever leave, please make it your responsibility to let the powers be known that if there is a change, come forward either before the change or at the time the change is occurring.

DUNCAN CHAN: Okay.

CHAIRMAN MICHAEL GARDNER: That's the motion.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I guess you're obligated to take training. We run what's called 21 Proof. So you

should be in touch with the staff to schedule that. That would be a conditional -- our approval will be conditional on your completing that program.

DUNCAN CHAN: Okay.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

APPLICATION: CENTRAL DINER, INC D/B/A

FOUR BURGERS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Central Diner, Inc d/b/a Four Burgers, Michael Bissanti, Manager, holder of a wine and malt beverages as a restaurant license has applied to amend their hours from 11:00am to 11:00pm seven days per week to 7:00am to 11:00pm seven days per week. Alcohol will not be served before 8:00am Mondays through Saturdays and 10:00am on Sundays.

CHAIRMAN MICHAEL GARDNER: Good evening.

State and spell your last name for the record.

MICHAEL BISSANTI: Michael Bissanti,
B-I-S-S-A-N-T-I.

CHAIRMAN MICHAEL GARDNER: And you're the
manager?

MICHAEL BISSANTI: The owner.

CHAIRMAN MICHAEL GARDNER: And so, tell
us about the change in procedures and operating
hours.

MICHAEL BISSANTI: The only change would
be opening at set times -- actually a little
later 8:00 a.m. to serve breakfast, coffee,
breakfast sandwiches.

CHAIRMAN MICHAEL GARDNER: The license
application says 7:00, but, in fact, you don't
intend to open before 8:00?

MICHAEL BISSANTI: I would like to have
the option in case there's a change in the
future. At this time we would plan on opening at

8:00.

CHAIRMAN MICHAEL GARDNER: Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: You have to be open the hours that you're advertised as being open.

MICHAEL BISSANTI: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: The hours that appear on your license are the hours you need to be open.

CHAIRMAN MICHAEL GARDNER: It may be easier for you to change the application to 8:00, and if you want to open earlier, come back and ask for the change, is that all right?

MICHAEL BISSANTI: Yeah.

CHAIRMAN MICHAEL GARDNER: So have you actually been serving these breakfast sandwiches earlier than your stated hours for awhile?

MICHAEL BISSANTI: There was a little confusion on my part. Some of my licenses say

8:00 to 11:00 and some of my licenses say 11:00 to 11:00.

And then a large part of it I just figured I was licensed, and having been there five years, I probably should have put in a call.

CHAIRMAN MICHAEL GARDNER: Did you get caught or what happened?

MICHAEL BISSANTI: Yeah, I guess I did. Yeah, I think Chris came in and we were talking, and I said -- I think I may have said, "Swing by for breakfast one day," and he said -- it's a small town -- "I'll go check it out. He's open for breakfast? I don't think he's licensed for breakfast."

CHAIRMAN MICHAEL GARDNER: Our compliments to the staff.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIRMAN MICHAEL GARDNER: Do you anticipate actually selling much alcohol at 8:00 a.m.?

MICHAEL BISSANTI: No, none.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this?

Seeing none, I make the motion to approve a change in hours as amended on the floor to 8:00 a.m. to 7:00 p.m. -- 11:00 p.m. seven days a week, no alcohol served before 8:00 and before 10:00 on Sundays.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So good luck with the sandwiches.

APPLICATION: LYNNE F. RILEY AS A CHAPTER 7

TRUSTEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Lynne F. Riley, as a Chapter 7 Trustee of the all alcoholic beverages as a restaurant license currently held by Everest Crossing, LLC at 57 JFK Street is petitioning to involuntarily transfer said license to Shake Shack Harvard Square, Boston, LLC d/b/a Shake Shack, Daniel Tavan, Manager. Said license, if transferred, is for 110 seats inside and 24 patio seats on the public sidewalk. Operating hours will be from 11:00a.m. to 1:00a.m. seven days per week. Applicant is also seeking an entertainment license to include audio tape machine/CD playing music below conversation level, six TVs.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you be so kind as to state and spell your name for the record.

JAMES RAFFERTY: Good evening,
Mr. Chairman, members of the Commission. For the record, I'm James Rafferty. I'm an attorney with law offices at 130 Bishop Allen Drive in Cambridge appearing this evening on behalf of the proposed licensee, Shake Shack Harvard Square, LLC.

Seated to my right is Daniel Tavan,
T-A-V-A-N, and Mr. Tavan is the proposed manager on the license.

It's noted by Ms. Lint in the recitation of the advertisement, this is an application occurring through the bankruptcy process.

This license has been at this location on Winthrop Street for many years. It was held by Om. I forget their corporate name.

So the Commission, I know, is familiar

with both the location and the license.

Shake Shack is an exciting restaurant concept. Some members may be familiar with it.

This would be the 19th or the 20th Shake Shack location in the country, depending how you're counting.

Shake Shack has most recently opened in Massachusetts in Chestnut Hill and Mr. Tavan is currently serving as the general manager in that location. He had been with the company since 2008. He has worked for them in New York City as well as in Florida. He's now been in Massachusetts for a few months working in Chestnut Hill.

The license itself is an all alcohol license, but it would be the intention of the licensee to only exercise the beer and wine portion of the license.

The Shake Shack serves beer and wine in

all of their locations. And they have demonstrated a track record in the hospitality industry, frankly, of really having a unique extremely popular destination. They put a high emphasis on the customer experience and that extends from the quality of the food served as well as the training of the staff.

Mr. Tavan is familiar with the requirements associated with the service of alcohol.

And Shake Shack itself has a -- has training procedures in place around that.

They also have expressed to me their intention to join CLAB and to become an active part of the Harvard Square community. There's a company philosophy that they become engaged in community and local issues, and their plan in Cambridge is to do just that.

We have been before your colleagues in

government in a variety of capacities over the past few months. The Historical Commission approved physical changes to the building because the building was located in the Harvard Square Historic Overlay District.

Last month, the Zoning of Appeals approved a special permit application for fast food because given the nature of this use and the definition, more than 20 percent of the product is consumed on premises, one can be interpreted to be fast food.

So, in this case, the determination was made that fast food would be appropriate. So they have obtained the zoning approval for that.

The floor plan is a two-level floor plan, if you had an opportunity to review it.

Also, with us this evening is Lou Deanglis, D-E-A-N-G-L-I-S, and Mr. Deanglis is the director of construction facilities. He has

a larger copy of that plan, but predominate use on the ground floor is the kitchen and ordering area, there's tables and seating on the ground floor and there's a second floor dining room. It comprises all the space previously licensed by the former licensee. It's a 1:00 a.m. license.

The applicant has applied also to have a pledge on the license. The landlord has provided financing for the acquisition of the license and a copy of the promissory note and pledge agreement have been filed with the application.

CHAIRMAN MICHAEL GARDNER: So in what ways, if any, are the terms of the license different than held by Om? Same number of seats? Same hours?

JAMES RAFFERTY: I don't have a command of the Om license. It's certainly not the same number of seats. I don't know if Om was 2:00 a.m.

I suspect it must've been. Other than the fact that it's the same location and it's the same license, I would suggest it has very little in common. This is a restaurant. It has a family orientation. It will open at 11:00 in the morning. It's principal hours of business are to the earlier evening. They will -- it's a 1:00 a.m. license. They will stay open until 1:00 a.m., but their expectation is the demand in the last few hours is less.

And my understanding is that Om, I would imagine their capacity was higher in the later hours of the evening than this establishment would be.

CHAIRMAN MICHAEL GARDNER: Okay. Who would know how will the entertainment be different than previously at this location?

JAMES RAFFERTY: There's -- again, you're asking me to comment on the prior licensee.

CHAIRMAN MICHAEL GARDNER: I'm asking Ms. Lint to.

JAMES RAFFERTY: I can tell you about our entertainment. There's no live music. There's no dancing. This is the typical background music and --

EXECUTIVE DIRECTOR ELIZABETH LINT: It's completely different.

JAMES RAFFERTY: I'm sure there's a few televisions in the application. I think one would characterize the prior licensee as a restaurant/nightclub. I don't think there's any/nightclub associated with this operation.

CHAIRMAN MICHAEL GARDNER: Tell us about the menu.

JAMES RAFFERTY: Daniel could probably go to great lengths. It has an interesting story. This is the creation of Danny Meyers, who is a nationally-known chef, who opened several

successful restaurants in New York City, and this began as a hotdog stand in Madison Square Park almost as an accomodation to the city to help with the installation of art work, and it has taken off from there.

Its primary focus is hamburgers. It's well-known for its milk shakes, and depending on the -- I provided the Commission with the background information, promotion materials, and I bet Mr. Tavan could do a whole spiel on the concept behind it, but maybe you could just briefly tell them the Shake Shack story, what it's about, the whole experience.

The Commission -- it has proven to be wildly popular in nearly every location, and the expectation in this location is that it will be consistent with the prior ones.

They opened their 19th Shake Shack today in Washington, D.C., and I think since they

opened, Mr. Tavan reports they're doing a robust business.

DANIEL TAVAN: Thank you. We're a modern American burger stand primarily serving burgers, hotdogs, frozen custard with a small emphasis on beer and wine beverage. We're a family-oriented restaurant.

We have a very good reputation for serving high-quality all natural burgers ground fresh everyday with a big emphasis on community involvement. Each of our Shake Shack restaurants are involved with a local organization in the community. We provide a percentage of our sales to support that organization as well as we do volunteer work, many of our employees.

CHAIRMAN MICHAEL GARDNER: In what ways do you think being located in an area with a large percentage of your local population being students or college age, in what ways does all of

that change your focus or present you a different profile than in some of the other locations?

DANIEL TAVAN: I don't think it will change our business very much. Our Chestnut Hill location is moments away from Boston College and several other schools. We had restaurants near several other major college campuses. It does not seem to effect our business at all.

CHAIRMAN MICHAEL GARDNER: And your currently the manager at Chestnut Hill?

DANIEL TAVAN: Yes.

CHAIRMAN MICHAEL GARDNER: Will you continue in that position or be full-time here?

DANIEL TAVAN: My role is to change to be in Cambridge.

CHAIRMAN MICHAEL GARDNER: So tell us about your experience.

DANIEL TAVAN: Sure. I went to college at Cornell University School of Hotel

Administration, studied hospitality management.

I then went to culinary school in California.

Managed several -- cooked, managed, worked my way through several upscale restaurants in San Francisco as well as Napa Valley. That was until 2007, and then I moved to New York to join Shake Shack and Danny Meyers' organization and I have been with the company since 2008.

CHAIRMAN MICHAEL GARDNER: And you're the manager of record at Chestnut Hill?

DANIEL TAVAN: Yes.

CHAIRMAN MICHAEL GARDNER: How long have you been the manager of record there and any prior manager of record experience before Chestnut Hill?

DANIEL TAVAN: Can you find a record?

JAMES RAFFERTY: Well, that is -- I think that would --

DANIEL TAVAN: This would be the first

time I was on a liquor license.

CHAIRMAN MICHAEL GARDNER: So somebody else is the manager of Chestnut Hill?

DANIEL TAVAN: Yes.

CHAIRMAN MICHAEL GARDNER: Any particular, in your mind, difference with respect to the level of responsibility you will have compared to the responsibilities you've had previously?

DANIEL TAVAN: I would operate any business as though it's my own. Certainly with my name on the documents, it makes it more formal and I take that seriously.

JAMES RAFFERTY: I will say we have discussed issues, and that I advised Daniel what would be prominent in the Commission's thinking, particularly around the service of alcohol and steps necessary to ensure particularly under-age alcohol.

I learned a couple things in my meeting with Daniel. One, he said -- the two things they guard against in their locations is they're vigilant of underage, but they also have to be vigilant for late-hour arrivals coming from other venues and they may not be in a condition to be served alcohol. It's part of their training to have their staff alert to the behavior patrons exhibit at the point of purchase if there's any question that they may be arriving with already reached their capacity, they're not allowed to serve beer and wine to them. It's a small complement to the overall experience. It's less than four percent is the estimate, from the internal documents of the company. So it's very much a complement to the wine and food.

There's -- Daniel tells me it's nearly not existent somebody comes in merely to have a beer or glass of wine. It's always associated

with the service of food, and they're very much a restaurant and they're not a lounge or bar. Not that there's anything wrong with those, but it's just not their business model.

CHAIRMAN MICHAEL GARDNER: Are you aware of what 21 Proof training in Cambridge is?

DANIEL TAVAN: I'm not.

JAMES RAFFERTY: I explained that we have our own training.

DANIEL TAVAN: Okay.

CHAIRMAN MICHAEL GARDNER: That's what it's called. You will need to take that class.

DANIEL TAVAN: Absolutely.

CHAIRMAN MICHAEL GARDNER: So, Mr. Rafferty, could you talk to us about the pledge of the license -- it sounds to me like the landlord -- and whether in your view that is consistent Massachusetts General Laws?

JAMES RAFFERTY: Yes.

Chapter 138 authorizes pledges as recognized security instruments for promissory notes associated with the operation of the restaurant. So a pledge cannot be used to secure payments under a lease.

This pledge is directly tied to a promissory note. The pledge holder has their own counsel. They have negotiated an arm's-length transaction around the financing. There's a promissory note that's been submitted. A promissory note calls for payments over the life of the note.

The security instrument is in place in the unlikely event that the borrower would default under the note. The pledge holder, as a secured creditor, could step in and seek approval from the Commission to taken involuntary action.

There's sometimes, I think, a misunderstanding that a pledge holder can take

unilateral action to control the premises. As the Commission knows, that's not the case. That a pledge holder who seeks to move under a foreclosure has to obtain approval at the local level and State level to do so. So control of the premises at all times would remain with the licensee.

And from my review of the documents submitted, I think this pledge meets the statutory requirements, and it's specifically tied to the obligations contained in the note.

CHAIRMAN MICHAEL GARDNER: And so, in your understanding, the difference here is that there, in fact, has been a portion of the financing provided by the landlord in order to secure the note?

JAMES RAFFERTY: I'm sorry, I don't understand the use of the word the "difference."

CHAIRMAN MICHAEL GARDNER: I mean the

difference between -- I think what you said was what isn't allowed is you can't use the pledge in order to secure payments under the lease?

JAMES RAFFERTY: Yes. And that's --

CHAIRMAN MICHAEL GARDNER: So you're representing to us that, in fact, there's the -- that in this operation, \$312,500 of the whole amount is being financed by a loan from the landlord?

JAMES RAFFERTY: That's correct.

And we have provided a pledge agreement in the documentation of the note, and the funds from the note are being used for the acquisition of the license and for no other purpose.

So it would be improper if the note -- if the proceeds of the note were being used to purchase a vehicle or make an improvement in one's home.

The statute requires that the note be

specifically tied to funds of the note, to be specifically tied to the operation of the business. In this case, the most common form of pledges, frankly, are associated with acquisition costs.

CHAIRMAN MICHAEL GARDNER: Given what's been represented to us as the overall financing and ledger balances for this operation, to the extent that you or anybody else who is here representing interests in connection with this transaction, could explain to us given the large ledger balance you're showing the need for in the scope of this relatively small piece of the financing being secured from the landlord as to why that is?

JAMES RAFFERTY: Well, the presumption being that that's a relevant point of inquiry for the Commission --

CHAIRMAN MICHAEL GARDNER: I will state

the issue of relevance to us at least, as I understand it, it's a concern that both the general laws and this Commission, as a matter of policy, have been concerned that a landlord might be able to either skirt or violate their statute with respect to security -- seeking security on the lease payments by having the pledge, and I think a general policy perspective from this Commission that it's not good practice to bring the landlord into the ownership web of a license.

JAMES RAFFERTY: That may be recent practice. I would say having done this for over 25 years, that has not been the historic concern.

The pledge is a common devise used often associated with build-outs associated with the license.

I think if the Commission is concerned about the landlord having control of the license is valid and warranted.

In this case, as you see, you have an applicant who has resources, they have chosen to structure a transaction to include financing. The financing is being provided by the landlord.

But I would take some exception to the notion that the Commission has a practice of showing some aversion to that. I think it's quite common practice that landlords -- even in the case of build-outs -- when there's a considerable amount of money, I can tell you that in nearly all of the Kendall Square restaurants that the Commission has approved in the last five years, that they have led to great success in that area, all of those landlords spent considerable amount of money fitting out the spaces and they all have pledges on those licenses. And the pledges are related to notes associated with the build-outs, and I think it's incumbent on the Commission --

CHAIRMAN MICHAEL GARDNER: The pledges are to the build-outs, not to the lease. But you're talking about a pledge of the license?

JAMES RAFFERTY: Right.

So what I'm saying is, that the pledge is nearly a security instrument that allows financing to be obtained.

So, in this case -- I understand the point of inquiry, and I'm saying that what needs to be demonstrated, and I think there's a higher level of scrutiny now, reviews of leases, reviews of notes and reviews of security agreements take place to ensure that it's not happening.

I suspect if there was a greater disparity in the economic standing of the landlord and the licensee, there might be some concern about whether opportunities for undue leverage existed, as noted by the Chair earlier.

This is not a licensee without resources,

so I don't think --

CHAIRMAN MICHAEL GARDNER: So the flip of that is, at least the Commission is curious as to why and what else is going on that this applicant with the substantial resources they have, have chosen to seek the security from the landlord as opposed to --

JAMES RAFFERTY: Well, I think it's a combination of good business terms. Financing, commitment of capital, as I mentioned, those balance sheets you look at involve a 20-restaurant operation. Capital committed in one location can't be used in another, so the opportunity existed here for financing opportunity with the landlord. And the company had some negotiations with the landlord and found that financing to be attractive and they submitted an application.

Curiosity is a valid point of inquiry.

At some point, though, I think the issue of the pledge really rises and falls on whether or not there is a -- anything improper associated either with the pledge holder or the documents themselves, that the pledge is serving as a security instrument.

In this case, there will be a closing in the bankruptcy court. The funds for the license will be provided directly to the bankruptcy trustee and those funds will come in the form of the proceeds of a note executed here.

I think the paper trail is quite direct and transparent, and that the applicant meets the requirements of the pledge.

CHAIRMAN MICHAEL GARDNER: Do you happen to know the terms of the loan?

JAMES RAFFERTY: I don't know if the pledge holder has counsel here.

CHAIRMAN MICHAEL GARDNER: It may just be

in the document.

JAMES RAFFERTY: It's in the document. I apologize for not having it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have it.

CHAIRMAN MICHAEL GARDNER: I mean, not having it in my mind.

JAMES RAFFERTY: Five percent.

CHAIRMAN MICHAEL GARDNER: Any other questions?

FIRE CAPTAIN TOM CAHILL: Is there a designated bar area?

JAMES RAFFERTY: No.

There's a point of purchase where you go up to the counter and order your food, and it's at that point that you order your beer and wine and it's provided to you right there.

That's the model they operate in all their restaurants. They don't have a bar with

stools or anything like that.

POLICE COMMISSIONER ROBERT HAAS: So were you involved in the terms of the pledge?

JAMES RAFFERTY: I was not.

POLICE COMMISSIONER ROBERT HAAS: Have you reviewed these documents and you're satisfied that these meet the criteria?

JAMES RAFFERTY: Most definitely.

I know that counsel for the landlord and in-house counsel for the applicant worked out the terms of the note. I know Mr. Deangelis is familiar with that negotiation. And I was mindful of the fact there may be an inquiry on this subject, and I advised the pledge holder that they may elect to have someone present.

Can we identify Mr. --

CHAIRMAN MICHAEL GARDNER: Yeah, we haven't, but let's -- I'm happy to let the record show that -- at least the principal in the

organization, which is listed as providing the financing the lending for the note, and hence the holder of the pledge, is here this evening and has made the recommendation, confirmed by the document, that the annual rate of interest is five percent.

I'm wondering, Ms. Lint, with respect to Attorney Rafferty's representation, at least as I understood it, in terms of overall financing, a pledge to a landlord is a relatively common thing, as he described in Central Square, as to whether or not that is matter which can be researched either with the facility of Mr. Rafferty's extensive knowledge rattling off names or simply going back to the records to see.

EXECUTIVE DIRECTOR ELIZABETH LINT: In terms of Kendall?

CHAIRMAN MICHAEL GARDNER: Yeah. Or if you have any personal information to provide.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

don't think there are as many pledges out there as you think there are.

There are a few. I think the concern of the Commission in this particular circumstance is the history with this landlord and it's suspicious.

JAMES RAFFERTY: I would say based on my experience financing in this area is challenging because the assets are rather fungible.

There are a few institutional lenders I'm aware of that loan to restaurants. Cambridge Trust is a notable exception in Cambridge. But when they look to get a mortgage, as we know, a license is a right and not a privilege and it can be revoked and cancelled at which point the lender has no security.

So it's a rather narrow universe of lenders that choose to spend money on this, so,

in my experience, it's not at all uncommon if one of the principal lenders in transactions of this nature are landlords, and they lend in the form of free rent, tenant fit-out allowances, or other things, particularly when there's a significant transformation of the space, which is what will happen here.

And landlords do serve as lenders, and I think that most of the caselaw around pledges involve improper attempts by pledge holders to foreclose on the pledge.

So in the case of a pledge holder, where a landlord has a lease and a note, if the tenant continues to pay under the lease, the landlord cannot bring an eviction action based on a nonpayment under the note.

And, similarly, if the licensee is paying on the note, they cannot seek -- you would have to get a court order, they can't get a judgment

under the note even if the rent were in arrears, because there are separate legal obligations and the security applies -- the security instrument applies there. They really -- it's narrowly defined.

I think it's an appropriate point of inquiry. I didn't mean to suggest otherwise. I do think at the end the day, it's less a case of why are you doing this as a point of inquiry, but more a case of, is it meeting the requirements?

I can assure you in the case of my clients, they're not looking to provide a level of control over their business to the landlord beyond the existing landlord/tenant relationship.

They're seasoned, accomplished operators of restaurants involved in significant build-outs, millions of dollars of capital expenditures, and they found this an appealing opportunity and they have chosen to exercise it.

They're here tonight having satisfied, in my view, all the requirements associated with it.

CHAIRMAN MICHAEL GARDNER: So of the -- there's about a four-million dollar build-out, is that what you said?

JAMES RAFFERTY: I think it's in that area.

Is that right, Lou?

Mr. Deangelis, who has the most knowledge on the Shake Shack --

CHAIRMAN MICHAEL GARDNER: Come forward and state and spell your last name for the record and identify yourself.

LOU DEANGELIS: Lou Deangelis, D-E-A-N-G-E-L-I-S. I'm director of construction facilities of Shake Shack.

So, Mr. Chairman, to your question relative to the size of the investment, we expect the overall investment will be in the

three-and-a-half million dollar range. That includes all the fit-out, the equipment and including soft costs. So that's our cash investment.

CHAIRMAN MICHAEL GARDNER: So my question about that is, how much of that is being financed?

LOU DEANGELIS: None of it.

CHAIRMAN MICHAEL GARDNER: Okay. So really the point that we don't quite get, you're financing the license, the piece we're interested in, with the landlord, with whom, unfortunately, at least some of our license holders have had some difficulty in the past, difficulties that we anticipate -- that we understand to have been related in part to issues of control over the license.

It's hard to understand in a business decision where you're self-financing so much of

the operation that you take less than a -- less than a tenth out and segregate it out and choose to finance that completely separately, and we don't get that. It seems unusual to us. It seems suspicious to us. And it seems like there's a story here other than the story we've heard as to why. Mr. Rafferty's point is that, well, there's not many lenders out there that will lend on the license and that's the reason you go to the landlord.

When does is a --

JAMES RAFFERTY: With all due respect, that's a rather alarming statement to be sitting on this side of the table and talk about suspicions and stories when we have laid out a factual representation. We have had testimony that's involved here. I'm not sure what the basis would be for the type of speculation that those comments would lead to.

It's quite alarming, frankly, to sit here and be told that there must something else going on here.

I want to tell the Commission on the record there's nothing else going on here.

There was an opportunity to obtain financing for a portion of this operation and the licensee elected to do so.

Now, Mr. Deangelis is here. And I would suggest that the Commission make any inquiry they want of him, but to base decisions on suspicions and speculation is highly improper.

CHAIRMAN MICHAEL GARDNER: Well, we haven't made any decisions and I don't think I used the word "must," and we haven't heard any testimony.

JAMES RAFFERTY: Well, testimony in the loose sense. I certainly made representations --

CHAIRMAN MICHAEL GARDNER: And I take

every representation you made to be factual.

JAMES RAFFERTY: It's not limited to my representations, with all due respect.

There's documentary evidence in the file, in the application. There's been statements made by the pledge holder.

CHAIRMAN MICHAEL GARDNER: And we have inquired as to why, and you may choose to believe we don't have any legitimate interest into the --

JAMES RAFFERTY: I didn't say that, Chairman. So I really resent that claim. I didn't say that.

What I objected to strenuously is the comments made by the Chair that there's something else going on here. And I would like to suggest, what is the basis for that claim.

CHAIRMAN MICHAEL GARDNER: So let me try to be clearer. In terms of trying to understand

why, we have asked why you, the entity, has
chosen to finance --

JAMES RAFFERTY: Could we ask
Mr. Deangelis to answer? No one yet has asked
him why.

CHAIRMAN MICHAEL GARDNER: Well, I don't
know he's the finance person in the operation,
but to the extent that you're prepared, I'll --

JAMES RAFFERTY: Rather than speculate
that there's some other reason why, I would
suggest that Mr. Deangelis at the moment probably
represents the best evidence in the question of
why.

CHAIRMAN MICHAEL GARDNER: I'll take your
point, Mr. Rafferty.

Why?

LOU DEANGELIS: It may help to give this
whole thing a little context and I'll try and be
brief.

When we talk about a three-and-a-half million dollar investment for a Shake Shack, that's a significant investment and we shouldn't minimize the size of that investment.

I spent a lot of my time as director of construction facilities as kind've a value engineer, a tile here and a light here to get our numbers down so that our pro forma makes sense.

We're at the point now with the pro forma for the project just about does make sense, but certainly could not take another \$300,000 hit. How we got to this point, as we evaluate a site and get to the point of deciding whether or not to sign a lease, we're looking at what does a liquor license cost in this town.

Frankly, we were newbies in this area and didn't understand the climate in Cambridge. When we found out the licenses were going for what they were going for, it was a surprise. We

looked at our options, and one of the options was sitting under our noses where there's a license that might become available.

We couldn't roll that into our capital investment for this project and still have the project make sense. This project would be upside-down with another \$300,000. And you can choose to believe that or not, but we can show you the pro forma that bear out that case.

So the fact that we had a landlord who was willing to finance it and it made sense to stretch out those payments over a longer term and made a project that would have been unviable, viable.

And I can't speak to the history here or who the landlord has done what to whom, and frankly, we don't care.

We're trying to make a business deal that makes sense and we think we made it in this case.

CHAIRMAN MICHAEL GARDNER: Could you --
thank you for that.

Could you inform me as to in terms of the proceedings in the bankruptcy court, was this an auction of the license? I'm not familiar with how that happened.

JAMES RAFFERTY: There was essentially an auction. There was an opportunity to submit a bid. There were two bidders. We were the successful bidder. In the event the first bidder backed out, there were two bidders. And there was a proceeding held before a judge in the bankruptcy court. Shake Shack had bankruptcy counsel present at that hearing.

The bankruptcy trustee was present and counsel for the debtor. The debtor in this case happens to be the prior licensee. So, yeah, it was a publicly-noticed hearing involving submittal of bids, unsealing of the bids and

approval by the bankruptcy court.

CHAIRMAN MICHAEL GARDNER: You can be assured, Mr. Rafferty, I'll review the transcript, and if in the transcript I said "there must be something wrong," I will apologize to you for that because that was not my intention.

JAMES RAFFERTY: I appreciate that. And I want to say that -- if I reacted strongly, it's because I have great respect for the authority of the Commission to inquire, but the suggestion, as one sat on this side of the table, that there was some effort to misrepresent the true facts of an application, and I hope you appreciate why I would particularly find that offensive.

CHAIRMAN MICHAEL GARDNER: All right. I think "misrepresentation" is a lot more than I intended to imply.

MR. RAFFERTY: Thank you.

CHAIRMAN MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CAPTAIN TOM CAHILL: Are you confident that the build-out where you're up to three-and-a-half million dollars with very little wiggle room, from a fire safety standpoint, particularly with this building, there have been many multiple issues in the past where tenants looking to build out have run into problems bringing the systems together, the fire suppression, the fire alarm systems together, and I believe that's led to some businesses that haven't even opened in some cases and haven't survived.

You talk about maxing out and being upside-down at that three-and-a-half million dollars, and I'm wondering if consideration has been put into what requirements you're going to

be -- what the Fire Department is going to be looking for when it comes to that, and how that will impact what -- I just note that's a little --

LOU DEANGELIS: So I want to be clear. At three-and-a-half million dollars we're not upside-down. We're at pro forma level. We think we can make this viable. Three-and-a-half million dollars plus will not put us up upside-down.

JAMES RAFFERTY: Maybe you could tell us about the decision-making. I know your own background at Shawmut, as well the engineering work you have done to date, you have a pretty good command of what those requirements are.

LOU DEANGELIS: I was seven years project manger for at John (inaudible) in Boston before I joined Shake Shack. I have been involved in all the build-outs of all the Shake Shacks

nationally. But there's certain components of the build-out that's non-negotiable and fire safety is one of those.

So if it gets to the point where I have -- we can't spend \$10,000 on fire suppression unless we take something out, we take something out. We have finishes we can take out. We have lighting components we can modify.

But fire safety, from the standpoint of being compliant, but also being a safe place for our customers, is something I won't play around with.

Does that answer your question?

FIRE CAPTAIN TOM CAHILL: Somewhat.

This building in particular there have been problems getting tenant spaces to be compliant because there have been agreements with the landlord in which he was responsible for certain items and the tenants were responsible

for certain items. And there's been that gray area which, I think, led to the demise of some --

LOU DEANGELIS: As part of our design process, we will bring our space within compliance.

If there are components of that that are outside of the scope, what we can do within our space? We can discuss it with our landlord.

I can't control what things he will or will not do. Everything we can control within our leased premises, we'll control and make it compliant.

FIRE CAPTAIN TOM CAHILL: That's my point.

I would just want you to be careful going forward, that we will be looking for some upgrades based on the scope and the size of this tenant build-out. I want to make sure going into that you're aware that the potential is there for

that.

LOU DEANGELIS: Absolutely.

CHAIRMAN MICHAEL GARDNER: Mr. Rafferty, you may or may not know this, and I'll only tell you what I think, which is under the prior license there were with the two levels of the -- for our customers, we had separate seating capacities for each of those levels.

Sounds like this is going to be different and, in fact, the upper level had a smaller capacity than the lower level, if I remember some of the testimony. Is this going to be reengineered or renovated to the point it will be all new space so at least what we felt we needed to do before to have separate seating limits on each level will somehow the space will be different.

JAMES RAFFERTY: Under the application as well as the floor plans we called out the seating

per floor and it's 20 on the first floor and 66 on the second floor. We're well blow what the building code would allow in terms of egresses and capacities on the stairways. But that's just the way the space lends itself out.

Like many two layered spaces, I think there's an overall capacity, but at least on the seating side, there's a capacity so if a senior were to walk in, the seating configuration needs to be as it's represented here.

I'm trying to recall whether -- next door is Tommy Doyle's, which has three levels of seating. My memory is they had seating designed by floor going down the street. Across the street at Upstairs on the Square, she has multiple levels. The Red House has multiple levels. Charlie's Kitchen has multiple levels. The practice has always been the floor plans depict seating per floor.

EXECUTIVE DIRECTOR ELIZABETH LINT: We also provide certificates to every licensee with what the occupancy load per floor is.

JAMES RAFFERTY: The certification of inspection issued has per floor loads on them.

CHAIRMAN MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: When do you anticipate beginning?

LOU DEANGELIS: Our hope is that we will have plans ready to submit to the Building Department by the end of July and hopefully starting sometime late August.

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

Seeing none, it seems to me that the

options before the Commission at this point are to act on the application as stated or to defer the matter to the decision hearing, which is scheduled for July 11th.

And I guess that's two weeks from now to give Ms. Lint the chance to review more thoroughly our practices with respect to pledges on two landlords.

Pleasure of the Commission?

FIRE CAPTAIN TOM CAHILL: I make a motion to defer.

CHAIRMAN MICHAEL GARDNER: The motion has been made to defer until 10:00 a.m. on July 11th. My understanding, Mr. Deangelis, from the timetable that you gave us that doesn't particularly interfere with your planning.

I would hear you on that however.

JAMES RAFFERTY: Well, July 11th is not an extraordinary length of time. So the

Commission knows decisions are predicated on approval and decisions to proceed with design and construction documents. Those won't happen until the Commission acts, but I wouldn't want to suggest that two weeks between now and July 11th to give the Commission comfort on an issue that I understand is of significance to them, I wouldn't want to make an assertion that it would be terribly onerous.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's an outstanding issue. The second half of alcohol payment from Everett Crossing is due now.

JAMES RAFFERTY: I can alert the trustee to that. I'm not sure the trustee is aware of that. I can arrange for that at your office tomorrow to --

CHAIRMAN MICHAEL GARDNER: So we have a motion to defer.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

CHAIRMAN MICHAEL GARDNER: The motion to defer until July 11th decision hearing having been made and seconded, all in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So we'll ask, Ms. Lint, if you and the staff could do research on this, including conversations with Mr. Rafferty.

JAMES RAFFERTY: So I'm clear, so I may be of assistance, it's a review of the pledges in the past?

CHAIRMAN MICHAEL GARDNER: My understanding of what we understood to be your understanding of the history here of the economics of these things is that a pledge of an

alcohol license to a landlord is relatively common in Cambridge and is tied to a note, not to rents, and it has been a significant financial contributor part of the financial structure to the build-outs in Kendall Square.

JAMES RAFFERTY: I would be happy to provide cases of mine involving clients where those types of financing arrangements have been utilized and approved.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can only think, off the top of my head, pledges to landlords, two or three.

CHAIRMAN MICHAEL GARDNER: Okay.

JAMES RAFFERTY: I would say you won't have to leave the street to come up with three that I'm aware of.

CHAIRMAN MICHAEL GARDNER: This is a very long street.

JAMES RAFFERTY: Very approximate to this

location in my experience, it becomes a very popular form of financing for the reasons stated by Mr. Deangelis, the alternative option, if they're giving them out for free, why should I try to buy one? And that's a different conversation about free licenses, no value licenses, so it's -- you don't see pledges on no value licenses because -- there's an inherent economy value in a no value license. There's been attempts in the past where pledges have been rejected, and those are the rejections I can think of where the licensee saw the pledge on the license, but the Commission rejected the pledge because there was no value in the license, and thus, it didn't have any inherent economic value and it's not an effective security instrument.

CHAIRMAN MICHAEL GARDNER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can think of one other landlord.

CHAIRMAN MICHAEL GARDNER: Well, let's --

JAMES RAFFERTY: Thank you.

APPLICATION: ONA II, LLC-C/O CABOT, CABOT, &
FORBES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: ONA II, LLC-c/o Cabot, Cabot, & Forbes, has applied for a garage license with additional flammables storage at 70 Fawcett Street for 151 parking spaces, 1,510 gallons of gasoline in the tanks of autos only, and 40 gallons of Class 1.

JAMES RAFFERTY: For those of you with a keen memory, I'm James Rafferty, I was here on the last case.

CHAIRMAN MICHAEL GARDNER: You didn't spell your last name for the record.

JAMES RAFFERTY: I apologize. I'm appearing on behalf of my client. This is the garage license associated with the construction

of the residential building on Fawcett Street that's currently underway. It will contain 426 units. It's located in two garages. This is the application for the second garage. You already approved the first garage. So this is the project being built in two phases. This is the second phase.

They obviously have vetted the application with the Fire Department, it's been signed off by the Fire Department. It's essentially a twin to the other garage. These are two companion buildings and the applicant is in the process of obtaining his building permit.

When the first building is completed, which is hoped to be by the end of this calendar year, they will then mobilize and begin construction on the second building.

CHAIRMAN MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: You say

it's a twin, exact replica?

JAMES RAFFERTY: No. They're siblings. They're not twins. That's a good point. It's probably two-thirds and one-third in terms of size.

POLICE COMMISSIONER ROBERT HAAS: It's a smaller garage?

JAMES RAFFERTY: Yes. The unit mix on this one, this building has 155 units in it, so that's why 1550 gallons per vehicle. So it's about one -- yeah, it's about two-thirds. Their facade and looks are twin-ish, but their volume, this one is smaller.

CHAIRMAN MICHAEL GARDNER: A portion of the parking is underground?

JAMES RAFFERTY: All underground at both locations. It's underground -- the construction it comes out of the ground four feet, but it's a podium, the building sits on the podium. It's a

garage that has been featured out on those buildings out on the Route 2 building. The residential building. The building on Alewife Parkway it's a raised podium and the building sits on top of the podium. It can't be more than four feet out of the ground on zoning otherwise it gets counted as GFA, but because of the water table, it goes a little -- it comes out of the ground four feet.

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's some discrepancy in the application just in terms of amounts. It's 1510 gallons of gasoline and fuel tanks and then 40 gallons of miscellaneous for a total of 1590 and that does not add up. And on one of the other -- on the abutter certification they -- the numbers are also not correct. We need to have these amended.

JAMES RAFFERTY: He says 1510 for a total of 1550.

EXECUTIVE DIRECTOR ELIZABETH LINT: This says 1590.

JAMES RAFFERTY: That was caught by your staff and I think we had an arithmetic error.

EXECUTIVE DIRECTOR ELIZABETH LINT: The other one is correct.

CHAIRMAN MICHAEL GARDNER: Are we voting on 1550?

JAMES RAFFERTY: Yes.

CHAIRMAN MICHAEL GARDNER: Which is what is stated in our agenda and was part of the public notice.

JAMES RAFFERTY: The public notice refers to 1510 of gas and 40 of Class 1. The notice didn't do the math, apparently we did the math on the application and came up with a different incorrect number other than 1550.

CHAIRMAN MICHAEL GARDNER: Any there any members of the public who would like to be heard

on this matter?

Seeing none, I make a motion to approve the garage license with additional flammable storages for 7 Fawcett Street as stated in the agenda and application as corrected.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion made and seconded, all in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

JAMES RAFFERTY: Thank you.

APPLICATION: AW CHEN, INC., D/B/A ALL ASIA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: AW Chen, Inc., d/b/a All Asia, Marc Shulman, manager, holder of an all alcoholic beverages as a restaurant license at 332-336

Massachusetts Avenue has applied for a change of hours from 8:00am to 1:00am Monday through Saturday and 12:00pm to 1:00am on Sundays to Monday through Wednesday from 11:00am to 1:00am, Thursday and Friday from 11:00am to 2:00am, Saturday from 9:00am to 2:00am and Sunday from 9:00am to 1:00am. If approved, these hours will take effect until their pending applications at the ABCC have been approved.

So to that end, the application still has to be -- we still have it as AW Chen, but AW Chen will no longer exist. So it needs to be amended.

JAMES RAFFERTY: We're happy to do as directed. I think we began it that way and we were kind've in this limbo where there's a pending transfer application and the name of this licensee -- apparently we did a change of the corporate name, the name of the licensee until we're approved by the ABCC is the current name,

which is AW Chen when renewed, I believe, my Mr. O'Neil. Our initial application came with the Cambridge Hospitality name and we were advised it has been approved locally, it hasn't been approved by the ABCC, so we should make the application in the name of the licensee as it's currently identified.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think that's correct. Because these hours would then just be AW Chen's hours. They would not be the new applicant's hours.

CHAIRMAN MICHAEL GARDNER: Are we able to -- assuming we have an interest in this, are we able to approve the current licensee and successor if we have already approved the corporate change, which I understand is what happened? We have already taken the approval.

JAMES RAFFERTY: The last time we were before the Commission, you approved a change of

location and a change of corporate name, the ownership structure was unchanged.

We had not, I think, adequately included in the application the change of hours, and the Commission noted we should do a separate advertisement on that and come back and address that on its own.

I would think one could do it that way because had we included it timely in the original transfer application, I think the condition could be explicit that any change of hours applies to the new location and not the existing location.

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, the discussion I had with Chris this afternoon, it just seemed to make more sense have it under the new corporate name because that's what is pending at the ABCC because if this was -- if the hours were amended on this one, it always goes away.

JAMES RAFFERTY: I would only say when we initially filed it, that's the way we filed it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that's how it should be.

JAMES RAFFERTY: We were instructed to change it and we changed it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Let's change it again.

JAMES RAFFERTY: I think we're not opening this month so whatever obviously the Commission feels is the proper course of conduct we'll follow.

CHAIRMAN MICHAEL GARDNER: So what's the reason for 2:00 a.m.?

JAMES RAFFERTY: Mr. Shulman, Marc Shulman, S-H-U-L-M-A-N, could probably speak to it. This license is currently being exercised at the corner of Mass Ave and Blanche under d/b/a known as All Asia. It's a smaller venue with not

quite the venue on food as this venue. This is intended to be a full service restaurant open well into the evening. It's located in the building in an area populated by a late dining crowd, if you will, the office building alone has many technology tenants who are there well into the evening.

So the idea is to make it a 2:00 a.m. license to be part of the 2:00 a.m. operations that currently exist in Central Square. It will have performance space, it will have entertainment and dancing and it's a much bigger venue. It's a big capital outlay by the applicant and the hope is to be able to have a broader appeal in the community by being a 2:00 a.m. operation.

CHAIRMAN MICHAEL GARDNER: So is it fair to say from what you said that will have in the later night hours more of a nightclub atmosphere?

MARC SHULMAN: The kitchen will be open very late. We have done a staged menu so the lunchtime is lunchtime menu. The afterwork evening crowd is more of a tapas small plate menu, and the late night is exclusively for grab and go, it allows people to consume food, but a smaller menu. Our idea is to capture the food and drink revenue throughout the day with a different target audience.

In this case there's a lot of late night people that go out that don't have a place to eat or drink and we want to provide that opportunity. I think mostly places that are made up of food and drink and entertainment as a combination open until 2:00 a.m. It could be a disadvantage for the first place to close on the street competitive-wise. We would lose parties and events. People would say "Well, you guys are 1:00, we'll go to Middlesex or we'll go to this

place.

CHAIRMAN MICHAEL GARDNER: In the current location it's 1:00 a.m.?

MARC SHULMAN: Yes.

CHAIRMAN MICHAEL GARDNER: Well, the Commission has been faced in the last few months with some significant public safety issues in the Central Square area that at least appear in part to relate to a number of establishments, a number of persons attending those establishments who are leaving and going into the street around 2:00 a.m., I'll just ask the Commission if you have any inquiries or questions here.

POLICE COMMISSIONER ROBERT HAAS: I think our challenge is we have seen a number of fights breaking out around that time, and they're breaking out in the street and they're pointing at each other -- pointing at each other saying they're responsible. Those patrons and clients

tell some of our concerns, do we complicate this thing by adding another restaurant into the business -- not saying we want to disadvantage you -- and we tried to have conversations with the owners of the establishments who take greater responsibilities for their patrons, make sure they leave the area orderly.

MARC SHULMAN: But they're our responsibility --

POLICE COMMISSIONER ROBERT HAAS: That's our position.

MARC SHULMAN: -- until they go home.

POLICE COMMISSIONER ROBERT HAAS: Well, until they leave your establishment and they're out of the area, but it's close proximity to your establishment and that's drinking and activities taking place then we have concern.

MARC SHULMAN: There's a general reckless behavior on some of the proprietor parts with the

aggressive attempts to get revenue into the door and not screening their applicants, their events as thoroughly as they should. Certain events draw more aggressive behavior than others. They have a short-minded attitude towards licensing. You want to have a long-term business establishment. You have to address your crowd and the way you present your space and how you control it with the security and staffing. And the way you communicate with your patrons.

I'm not saying that they're responsible, but some of the ways they behave with their booking of events, I scratch my head. I don't understand why they would bring such a high risk audience into an establishment knowing they're going to go out in the street and make trouble.

POLICE COMMISSIONER ROBERT HAAS: Are you using promoters in your establishment?

MARC SHULMAN: We're building our

in-house promotions team for that reason. We would want to be able to screen the events thoroughly through our protocol so we don't have to deal with the knuckleheads. It's frustrating as a person that loves the entertainment scene and sees it abused on a short-term basis. They ruin it for everybody else when they created this atmosphere of recklessness. It's frustrating. The people that love music want to see good bands, and a lot of bands we've launched out of our little stage don't draw that kind of behavior. They're a very fun soul-oriented band that draws a happy 25 to 35 set of people that spend money and go home.

Bad Rabbits is the name of the band. But they're great and they tour with major labels and Carmen is another one. They launched on our stage in 2007 and their crowd doesn't draw this aggressive a behavior. They go home. They don't

stay out in the street and cause trouble. They have a good time, drink responsibly. To set up that kind of atmosphere, it's an aggressive behavior we don't condone.

CHAIRMAN MICHAEL GARDNER: Tell us a little about your security plans and I suppose current plans to the extent they're relevant as it relates to things other than the --

MARC SHULMAN: We have two crowd control specialists that will be on staff full-time and at all times. We have a front and back security team and we have a rolling security. It's more precautionary. You want to make sure people are having a good time and there's nothing that is potentially going to happen. And you need to make sure if something is happening, you can nip it in the butt and address it quickly.

We've put in more security in the past couple years, more so because of the spill over

from other venues. It creates this overflow of randomness that doesn't drive to our genre choice. We get the overflow. They can't get into this party, they try to get into ours. We have to get security not because of our events but because of theirs. And they create this need.

So I would say if they weren't doing these other types of business, we wouldn't need so much security.

CHAIRMAN MICHAEL GARDNER: So you now have a 1:00 license?

MARC SHULMAN: Yes.

CHAIRMAN MICHAEL GARDNER: And what's -- do you have a sense of what happens to your patrons, these mild patrons who like Bad Rabbit and drink scotch and go home?

MARC SHULMAN: It's not just because of their behavior when they're consuming responsibly

or however they're consuming, it's also the way they spend their money. You target a certain audience that has disposable income and there's a behavior in a certain way.

JAMES RAFFERTY: Isn't this fair to say this will have a broader appeal than your current --

MARC SHULMAN: Oh, yeah, it will make some of my -- why don't you book these? Because honestly we spent our life savings on the build-out of this new place and we don't want to trash it.

In 2007 or 2008, MIT told us that the lease was up and it was time to go. They had us dismantling our kitchen. We went from a full kitchen to half a kitchen. My wife is a trained executive chef. She is on kitchensurfing.com and she does parties and --

CHAIRMAN MICHAEL GARDNER: So did you

have to move?

MARC SHULMAN: We sold half our equipment.

JAMES RAFFERTY: They shrunk the size of the kitchen and the prominence of the dining became downsized, if you will, because the resources -- when -- they have been under new knowledge that they would have to leave, like you told me is they haven't put capital into the venue knowing this day was coming and they would have to leave. This was seen as a chance.

MARC SHULMAN: My wife -- I want a reasonable kitchen like you see on the TV with the metal surface and I can cook the dishes instead of trying to grill outside. I can keep it inside the house. She's -- her dream is to be an executive chef on TV. She needs a full working kitchen. This is the direction we're going in.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CAPTAIN TOM CAHILL: What is the occupancy difference going to be from the current location than the other location?

MARC SHULMAN: The current one is 80 occupancy. The Prospect Lounge has 220.

FIRE CAPTAIN TOM CAHILL: In addition to the security, you will have to meet the crowd manager requirements.

MARC SHULMAN: We have two already.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who like to be heard on this matter?

Again, I think to me the question to the Commission is do we act on this this evening or do we defer it until July 11th when we're also

scheduled to consider some disciplinary issues which we have heard previously involving -- decide on some issues we heard previously involving other facilities close to this one and a point at which we had asked those facilities -- by that point report back to the Commission with respect to any plans or ideas they had about improved security at the close of business?

POLICE COMMISSIONER ROBERT HAAS: So I guess my question would be: You're part of a larger community. Is there a willingness on your part because you have already indicated to us what your neighbors do has an impact on your business, so what we're trying to do is get some consensus among that community to agree there needs to be certain security in place sort of safeguards in place to avoid the behavior we have seen over the last several months in that neighborhood. But my point to you is I would

encourage you between now and the time we do make a decision to be a party to those conversations if they're going to take place. And if they're not, I would like to know they're not willing to have that conversation with you because that will have an impact in terms of how not we'll deal with our establishment, but how we deal with the overall community. That's my reluctance to take action now. I want to give you an opportunity to figure out what this landscape is going to look like, how will it impact my business and how can I have some involvement in controlling what is taking place in our view, extremely dangerous behavior.

CHAIRMAN MICHAEL GARDNER: So I'll make a motion to defer this matter until the decision hearing which is scheduled for July 11th at 10:00. We typically do not take testimony at those hearings. We would appreciate any written

correspondence back to the Commission with respect to any thoughts anybody has on -- I think you heard from us that our principal concern is spill out into the street with so many people from so many establishments all at the same time.

JAMES RAFFERTY: A point of inquiry to the Commissioner's comment. Is there an established -- conversations occurring now in a framework or are you suggesting --

POLICE COMMISSIONER ROBERT HAAS: We have been encouraging through Andrea Boyer mostly there needs to be some concerted conversation and plan to figure out because it's one thing if it's inside.

JAMES RAFFERTY: I didn't know if there were meetings taking place. It sounds like something we may proactively engaged on with Ms. Boyer.

POLICE COMMISSIONER ROBERT HAAS: I would

ask Ms. Boyer to make sure your client is included in any meetings. I think he has a vested interest in those conversations. I would be curious -- I get a sense from you there's an appetite to resolve this issue or at least make sure we don't have these things anymore because it will have an impact on your business.

If they're not willing to have those conversations that's of interest to us. I want to know that we have a greater problem here I need to deal with, not necessarily with you, but...

CHAIRMAN MICHAEL GARDNER: So we haven't mandated any collaborations.

JAMES RAFFERTY: I know where to go.

CHAIRMAN MICHAEL GARDNER: This is a problem that needs to be solved.

JAMES RAFFERTY: We could perhaps participate in initiating some conversations.

POLICE COMMISSIONER ROBERT HAAS: We had a model in Harvard Square that worked for a number of years and it fell apart.

JAMES RAFFERTY: The CLAB piece came together around underage drinking, but I know from talking to licensees, it does provide a convenient venue for a forum for exchange of ideas.

POLICE COMMISSIONER ROBERT HAAS: It does.

CHAIRMAN MICHAEL GARDNER: So the motion having been made, is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I mean, we encourage you to come. In fact, we may have inquires on the 11th.

JAMES RAFFERTY: We'll definitely --

CHAIRMAN MICHAEL GARDNER: We say we don't take testimony, but sometimes when we want to hear what people have to say, we do.

JAMES RAFFERTY: Understood. Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would add to that additionally it's not testimony, but it's clarification.

APPLICATION: AMANDEEP, INC D/B/A SHALIMAR

RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Amandeep, Inc d/b/a Shalimar

Restaurant, Ramesh K. Singh, Manager, holder of an all alcoholic beverages as a restaurant license at 546 Massachusetts Avenue has applied for a transfer of stock and a change of

officer/director.

CHAIRMAN MICHAEL GARDNER: Good evening, sir. If you would be so kind as to state and spell your last name for the record and introduce your client.

JAMES RAFFERTY: James Rafferty,
R-A-F-F-E-R-T-Y.

CHAIRMAN MICHAEL GARDNER: The grilling that this Commission has given you, Mr. Rafferty, I might say you've aged more than I would expect you to have. That's not a reflection on you.

WILLIAM GOLDBERG: William Goldberg,
Goldberg Law Office, 620 Massachusetts Avenue,
Cambridge.

WILLIAM GOLDBERG: To my right is Ramesh Singh who is the manager of Amandeep. We're here before you seeking approval of the change of officers of the corporation and sale of shares of the corporation.

Mr. Singh was a director and owned 25 percent shares of the corporate entity. He's leaving the restaurant business and wants to sell his shares. The sole remaining stockholder decided to purchase these shares and will be the sole stockholder of the corporation.

We need your approval of the change of officers and sale of the stock.

CHAIRMAN MICHAEL GARDNER: So the current majority shareholder is purchasing the remaining shares?

WILLIAM GOLDBERG: That's correct.

CHAIRMAN MICHAEL GARDNER: Is that you, ma'am.

RAMESH SINGH: Yes.

CHAIRMAN MICHAEL GARDNER: Give us a very brief summary of the business, how long you have been in operation and what it is.

WILLIAM GOLDBERG: The restaurant itself,

the Shalimar, has been in the Central Square area for over 20 years at the same location serving Indian cuisine. She has been working there and was the manager of the restaurant, so there's -- with respect to the liquor sales, there's been no recent violations. I use that term "for years." It's a family operation. They run a good operation. They serve fine food, welcomed in the Central Square area.

CHAIRMAN MICHAEL GARDNER: Any disciplinary history in recent years?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: And are you the manager of record now?

RAMESH SINGH: Yes.

CHAIRMAN MICHAEL GARDNER: None of that changes, it's just the stock ownership.

Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

FIRE CAPTAIN TOM CAHILL: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public that would like to be heard on this matter?

Anything else you would like to represent, Mr. Goldberg?

WILLIAM GOLDBERG: No, I think the representations speaks for itself before the Board.

CHAIRMAN MICHAEL GARDNER: Thank you. I make a motion to approve the transfer of stock and the change in ownership and directors as stated in the application.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded --

WILLIAM GOLDBERG: Thank you.

CHAIRMAN MICHAEL GARDNER: We haven't voted yet.

WILLIAM GOLDBERG: I'm preempting.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

Good luck with owning it.

APPLICATION: WHOLE FOODS MARKET GROUP, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Whole Foods Market Group, Inc, Owen McCarthy, Manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 1 Oxford Street. Applicant would be permitted to be on said property from 11:30am to 9:00pm seven days per week.

CHAIRMAN MICHAEL GARDNER: Would you be

so kind to state and spell your last name,
please, for the record and identify your role in
this application?

DAVID REMILLARD: Good evening. My name
is David Remillard, R-E-M-I-L-L-A-R-D. To my
right is Owen McCarthy, M-C-C-A-R-T-H-Y, who is
the owner the Whole Foods Market.

CHAIRMAN MICHAEL GARDNER: Tell us about
the plan.

DAVID REMILLARD: As of now we've had a
food truck for the last several months we have
been operating at Harvard this spring under day
licenses until this hearing came about, and the
plan moving forward is to come before you today
for the license and to be at Harvard four days a
week with the option to be there for seven.

It's a new food court they developed to
have food trucks there, and we started at two
days a week for the last two months. They

enjoyed our presence there as has the customers and they asked to do five, but we're going to pull back a little bit now until we get our feet wet for the truck. It's a new venue for us being a grocery store and then move to five days.

CHAIRMAN MICHAEL GARDNER: What is the sort of food you sell?

DAVID REMILLARD: We have Mediterranean now. Sandwiches ranging from \$4 to \$7. We have fresh fruit and juices.

CHAIRMAN MICHAEL GARDNER: Typically how many competitor trucks are on site when you're there?

DAVID REMILLARD: On the site right now, there's anywhere from one of us to three.

CHAIRMAN MICHAEL GARDNER: And in general, your experience so far is that has been a viable location?

DAVID REMILLARD: A great location. We

have enjoyed it quite a bit.

CHAIRMAN MICHAEL GARDNER: Any particular either security challenges or safety challenges or other issues either that you anticipated or didn't anticipate?

DAVID REMILLARD: No challenges as far as security or any of the like.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CAPTAIN TOM CAHILL: No questions.

CHAIRMAN MICHAEL GARDNER: Any there any members of the public who would like to be heard on this matter?

Seeing none, I'll make the motion to approve the vendor peddler license to operate the mobile food truck at 1 Oxford Street as described.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Any issues
since then?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Motion having
made been and seconded, all those in favor,
signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

Welcome to a permanent license.

DAVID REMILLARD: Thank you.

APPLICATION: TPM CSQ B, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: TPM CSQ B, LLC has applied for an
open air parking lot license at 455 Massachusetts
Avenue for 19 parking spaces.

APPLICATION: TPM CSQ C, LLC

Application: TPM CSQ C, LLC has applied for

an open air parking lot license at 871-873 Main Street for 17 parking spaces.

APPLICATION: TPM CSQ A, LLC

Application: TPM CSQ A, LLC has applied for an open air parking lot license at 65 Bishop Allen Drive for 51 parking spaces.

APPLICATION: TPM CSQ C, LLC

Application: TPM CSQ C, LLC has applied for an open air parking lot license at 16 Columbia Street, 22 Bishop Allen Drive, 883 Main Street for 38 parking spaces.

APPLICATION: TPM CSQ A, LLC

Application: TPM CSQ A, LLC has applied for an open air parking lot license at 7 Douglass Street for 48 parking spaces.

CHAIRMAN MICHAEL GARDNER: I presume the person before us is actually representing all these applicants.

LARRY ROWE: I'm Larry Rowe, attorney for

TPM CSQ A, B and C.

CHAIRMAN MICHAEL GARDNER: I'll ask you to spell your last name for the record.

LARRY ROWE: Larry Rowe, R-O-W-E. Did you also recite 455 Mass Ave?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe I did.

CHAIRMAN MICHAEL GARDNER: That would have been the first one. Tell us a little about what TPM CSQ A, B and C is and about these spaces.

LARRY ROWE: Each entity are the new owners of particular parcels in Cambridge that in sum total were part of the Fennel (phonetic) portfolio that was transferred under a year at the beginning of this year which comprise of 15 properties; seven or so, which are parking lots.

Because of the geography within the Central Square to MIT area, the ownerships

were -- the properties were allocated to different ownerships because certain properties lend themselves to being with each other and closer to each other and their futures will be more likely tied to each other.

So that is why there's three entities taking title, and essentially, if you were to look at the map, you would see TPM CSQ A includes properties which include the two parking lots at Bishop, which is kind've behind or across the street from the 7 Douglass Street parking lot among other commercial properties.

The B, LLC, which includes the 455 Mass Ave parking lot is behind I think it's City Lot 6. And access by easement rights over City Lot 6, not through Mass Ave. In fact, there's a fence so you can't enter over Mass Ave.

The C, LLC includes the three properties which are 22 Bishop Allen Drive, 16 Columbia and

883 Main Street, that those three properties have been submitted in one application because they function on the ground as one lot.

22 Bishop Allen Drive has a street property and can only be accessed through 16 Columbia or 883 Main and the circulation among the three. And the city had in its inventory an aggregate number for those parking lots through conversations with Adam Shulman and the Licensing office, we agreed that would be best to make that single application with a single number count for that entry.

CHAIRMAN MICHAEL GARDNER: Have these been functioning as parking lots in the past?

LARRY ROWE: This application has been made pursuant to a transfer of the properties. Nothing is changing on the ground. They have been operating as parking lots with the parking space counts on the applications which is

consistent with the parking spaces that are in the city's inventory and nothing changed on the ground. They have been operated like this for many years.

CHAIRMAN MICHAEL GARDNER: How do people pay for spaces?

LARRY ROWE: These are not commercial spaces. Nearly a hundred percent of the spaces are rights to office buildings. So, for instance, 65 Bishop Allen Drive, which has 51 parking spaces, a hundred percent of the spaces are to the Quest Diagnostics folks and same with all the others, except for, I believe, 7 Douglass Street where the previous owner retains about four spaces and they have now an agreement to occupy space in the building on Mass Ave, the 495 Mass Ave building, so almost exclusively Quest, but not quite.

For instance, the 22 Bishop Allen Drive,

16 Columbia and Main, all Quest, and, in fact, some of them are car-key controlled. You can drive into 7 Douglass, you can't park anywhere because everybody is parked. And you can access 455 Mass Ave because that's open to a public lot, but some of the others are gate controlled.

CHAIRMAN MICHAEL GARDNER: Who maintains the lots on a daily or weekly basis?

LARRY ROWE: They're the obligation of Quest to maintain. And since these have no structures on them -- none of them have any structures on them, they're hardtop parking lots. They're all fenced and there's very little maintenance associated. And the new ownership is a property management, the Normandy Realty Property, which is an entity affiliated with one of the constituent owners. They're the manager of record and the name has been supplied to the office.

CHAIRMAN MICHAEL GARDNER: For plowing purposes, or any other kind of maintenance, that's the entity?

LARRY ROWE: I would have to -- I would like to look -- review the lease again, but it's my understanding that snowplowing is the obligation of the ownership. It's one of the few obligations that they have, and they take care of the snowplowing. That can be confirmed. I don't know if that's germane.

CHAIRMAN MICHAEL GARDNER: It's just an inquiry to understand more about the space.

TPM CSQ A, B and C, are these new organizations?

LARRY ROWE: Yes.

CHAIRMAN MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: Any there

members of the public who would like to be heard on this matter, please come forward, and I'd ask you to state and spell your last name for the record.

STEVE ROTHMAN: Steve Rothman, R-O-T-H-M-A-N. I own 67 Bishop Allen Drive, which is next to one of his parking lots. And I'm here to say they have been bad neighbors over the years. And they took and put a fence across my property, and they told me I had to come up with one-page a surveyor and a lawyer and stuff and papers for him to sign, otherwise, he wasn't taking his fence down.

I just hope that you don't issue them any permits until they take their fence down and give me my land back.

CHAIRMAN MICHAEL GARDNER: How long ago did this happen, sir?

STEVE ROTHMAN: Quite some time ago. But

I really haven't had the money to come up with all the requirements that they wanted.

CHAIRMAN MICHAEL GARDNER: So in terms of quite some time ago, would I estimate that's more than ten years?

STEVE ROTHMAN: When they tore the warehouse down that used to stand at 65 Bishop Allen Drive, that's when they put the fence up, and I would say it was probably around 20 years ago.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you. Thank you very much.

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

State and spell your last name for the record.

SHIRLEY BUCHANAN: Yes. My name is Shirley Buchanan, B-U-C-H-A-N-A-N, and I am also at 67 Bishop Allen Drive, and there's more drugs

over there in that parking lot. We try to call the police and have people come out there and do something, but evidently there's nothing and it's still going on until this day.

CHAIRMAN MICHAEL GARDNER: So you're concerned about public safety in terms of illegal or inappropriate behavior on the part of not owners of the building, but simply people in the area using the parking lot for illicit drug use.

SHIRLEY BUCHANAN: And sex and everything else too.

CHAIRMAN MICHAEL GARDNER: Have these complaints been known to the Police Department?

SHIRLEY BUCHANAN: Yeah, I called the police several times. They'll come over in our yard. It's ridiculous. Like when you move the garbage can, all you find is needles and alcohol bottles. And I have been doing it almost 20 years. And when I go in my garden and stuff,

people throw their needles and hide their drugs over there.

CHAIRMAN MICHAEL GARDNER: What time of day or night typically is the activity that you're concerned about occurring, if you know?

SHIRLEY BUCHANAN: It occurs in the evening and especially at night.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard on this matter?

I guess I would say with respect to Mr. Rothman's concerns, I don't think at this point it's the role of the Commission to interject itself into a property line dispute of that longstanding, so I would encourage anyone who has concerns about that, to review what their legal options may be with asserting their own property rights, but I don't think it's in our

jurisdiction to adjudicate that.

As to the other complaints, I will defer the comments to the Commission.

POLICE COMMISSIONER ROBERT HAAS: So my -- I'm familiar with the property and there's some lighting issues. There's some opportunities for people to congregate in that parking lot. I'm curious what is the owner going to do to try to resolve some of those issues?

STEVE ROTHMAN: At this point I can only advise you that this is new information to me. They have only owned the property since January.

LARRY ROWE: And there was nothing that made us aware about this during the period of purchasing the property. It's something I can take to them certainly immediately and see what they would suggest.

POLICE COMMISSIONER ROBERT HAAS: I would make the offer to you if your clients are willing

to meet with officers on the site, we could probably help identify some remedies that would address some of those issues.

LARRY ROWE: I believe that there's lighting at -- certainly at the back end of the parking lot. I believe there's one pole that is there, but maybe we should get on site.

POLICE COMMISSIONER ROBERT HAAS: You have a dark corner in that parking lot. I think that's part of the issue.

LARRY ROWE: Who would we contact to arrange that?

POLICE COMMISSIONER ROBERT HAAS: I'll have you contact Sergeant Kathy Murphy at 617-249-3204. She's in charge of the unit that would help you with that, some site recommendations.

LARRY ROWE: Uh-huh.

CHAIRMAN MICHAEL GARDNER: Any other

members of the public who would like to be heard on this matter?

Seeing none, I will make the motion to approve the five pending applications previously listed by Ms. Lint and as being under discussion in this segment of the hearing and as listed on Pages 2 and 3 of this evening's agenda.

POLICE COMMISSIONER ROBERT HAAS:

Mr. Chair, I would like to propose --

CHAIRMAN MICHAEL GARDNER: You want to pull --

POLICE COMMISSIONER ROBERT HAAS: I would like to hold it until the decision hearing.

LARRY ROWE: Which one?

POLICE COMMISSIONER ROBERT HAAS: 65 Bishop Allen Drive.

LARRY ROWE: Is that limited to the discussion about the lighting issue?

POLICE COMMISSIONER ROBERT HAAS: I want

to give your client an opportunity to look at that site and have an opportunity to understand what, if anything, you're going to try to do to mitigate those issues.

LARRY ROWE: Okay. And specifically are we talking about just the lighting or are we talking about the lighting as it may be deficient in terms of the concern?

POLICE COMMISSIONER ROBERT HAAS: We want to take every measure we can to prevent the activity that is going on.

CHAIRMAN MICHAEL GARDNER: I'm going to amend my motion and say I move to approve the application for 455 Mass Ave for 19 spaces; for 871 to 873 Main Street for 17 spaces; for 16 Columbia Street, 22 Bishop Allen Drive and 83 Main Street for 38 spaces; and for 7 Douglass Street for 48 spaces with deferral for consideration at the July 11th hearing in

particular after receiving a report about public safety issues raised in evening at 65 Bishop Allen Drive for 51 spaces.

LARRY ROWE: For my clarification, that would be the approval for those identified, and on July 11th you may or may not make the determination pending. What we do in the interim?

CHAIRMAN MICHAEL GARDNER: Well, for the Bishop Allen Drive, that would be true if my motion gets a second and if it receives a majority.

FIRE CAPTAIN TOM CAHILL: Second the motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

We approved, I think, four of the five. And the fifth has been deferred until July 11th.

LARRY ROWE: Thank you very much.

APPLICATION: SHABUYA, INC. D/B/A SHABU-YA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Shabuya, Inc. d/b/a Shabu-ya, Kwang Hyun Yoon, manager, holder of a wine & malt beverages as a restaurant license at 57 JFK Street has applied to transfer said license to BAB Restaurant, Inc. d/b/a Kaju Tofu & Shabu Shabu House, Mija Suh at 57 JFK Street. Seating capacity is 120 (additional 32 banked seats) and operating hours are 11:00am to 1:00am seven days per week.

CHAIRMAN MICHAEL GARDNER: So could we please ask you to state and spell your last name for the record and also to identify your

affiliations or roles with respect to this application?

SONG KIM: My last name first is Kim, K-I-M, and the first name is Song, S-O-N-G, counsel to the restaurant. She's going to be a transferee of common victualer beer and wine license.

CHAIRMAN MICHAEL GARDNER: Tell us about the plan.

SONG KIM: The transfer is the Shabuya located at 57 JFK Street which ran about last five or six years and the -- obviously, it has a beer and wine license, and this is a second floor of the building and over 2000 square footage and 120 seating capacity and the operation hours are 11:00 a.m. to 1:00 a.m. seven days.

The transferee, buyer of this establishment will operate as it used to be. And I have the notice to abutters with the blue

sheet -- blue card here. And I also have a signed lease, signed yesterday by the landlord. I have a proposed menu. I just copied and pasted as the present establishment is having as a part of the requirement.

CHAIRMAN MICHAEL GARDNER: When you say "it's going to operate as it used to be," is that to imply -- I'm not familiar with the history -- has it stopped operating or was there a --

SONG KIM: As is. What I meant to say was as is.

CHAIRMAN MICHAEL GARDNER: The current operation you're changing the ownership, but you intend to keep the operation similar to what they have been in the past?

SONG KIM: Yes. Almost identical.

CHAIRMAN MICHAEL GARDNER: So is this a for value license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

SONG KIM: Yes.

CHAIRMAN MICHAEL GARDNER: It has value as -- it's being transferred for money?

SONG KIM: Yes. I have a purchase and sale. The purchase price is \$610,000 of which \$40,000 pay lump sum and \$210,000 will be in the form of promissory note of which \$150,000 promissory note paid in 16 equal installments and the balance of the \$50,000 paid within two month.

So the \$400,000 of \$610,000 paid lump sum.

CHAIRMAN MICHAEL GARDNER: You made reference, Ms. Lint, to the license being pledged. I'm not sure I followed. To whom -- who will the pledge of the license be to?

SONG KIM: The seller until we paid in full on two promissory notes in the amount of -- in the sum of -- combination of \$210,000.

CHAIRMAN MICHAEL GARDNER: Could we hear

about your experience in the past in restaurant management and also in managing an establishment which serves alcohol.

SONG KIM: To briefly to introduce the seller, she's originally from Irvine, California and she has run a restaurant in Allston over one year with success, and she used to run a restaurant in Irvine, California for almost six years prior to that. So she has like a little over seven years' experience as a floor manager/owner of an establishment, and she -- if the borrowing -- if this particular transfer application gets approved, the Allston establishment will be run by a sister, and she's gonna run this business, the Shabuya Restaurant more than 40 hours at the -- as the manager and floor manager.

CHAIRMAN MICHAEL GARDNER: And what experience have you had in the past with managing

an alcohol license? I don't have if the Allston place has alcohol.

SONG KIM: I don't think she has the liquor experience, liquor serving experience. However, she's familiar with the 21 Proof training or liquor serving training course. She intends to complete and she has a general knowledge how to run the business with or without liquor license.

CHAIRMAN MICHAEL GARDNER: Will there be any employees typically on site who have experience with managing or being involved in the service of alcohol in the past?

SONG KIM: Same step. Actually behind me the transfer or seller, Mr. Eunice, here. She intends to keep the same staff, the employees of the existing business, she would have enough help from the staff.

CHAIRMAN MICHAEL GARDNER: Are there

other questions?

FIRE CAPTAIN TOM CAHILL: No questions.

POLICE COMMISSIONER ROBERT HAAS: No
other questions.

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

Please come forward and state and spell
your name.

PETER AHN: For the record, my name is
Peter Ahn, A-H-N, I'm one of the owners of
BonChon Chicken located at 57 JFK Street, same
building as bone John chicken. I'm hear -- I
heard about this transfer on internet about this
whole situation. Basically kind've a long story
short, when we first initially came BonChon
opened and we were told by the landlord Raja
Honda, which I'm sure you're all familiar with in
the building, there would be only one cuisine in

that building. For example, there's one Indian restaurant, there's one Japanese restaurant, there's one Wagamama which is an Asian food restaurant, there's a Shabu-Ya now, there's ourself, BonChon Chicken, and Shake Shack is trying to go into the space.

Initially, when myself and my partners came into the space to open the business, we were told again once we opened the business, no other restaurants would be permitted to sell Korean cuisine.

In this case up to this point, when Mr. Dehonda (phonetic) was operating his business, BonChon wasn't open.

What Mr. Dehonda allowed them to do was sell Korean cuisine along with his Japanese sushi and other menu. Once we opened, we then notified Mr. Dehonda saying we need to inform Mr. Dehonda to stop selling Korean menu on his -- Korean food

on his menu. We were tried to set up a meeting with Mr. Dehonda, but to no avail.

At some point Mr. Dehonda told us in a meeting without Mr. Yoon saying that, Mr. Yoon put his restaurant up for sale and just told us to wait, that he's in a situation where he wants to sell his business. We gave them that respect being able to sell his restaurant, but at this point it has been -- obviously, we're here tonight again if it was any other restaurant we would have no issues. Actually, we don't have an issue with Shabuya, I have been to their establishment in Allston and love their food.

The only issue we have it's a conflict of interest in regards to having two of the same cuisines in the same building of which the landlord has, I believe, installed a clause in their agreement to state all menu items must be approved by the landlord in regards to the menu.

Again, we're not afraid of competition as long as it's within the boundaries of what was told to us.

CHAIRMAN MICHAEL GARDNER: So I'm going to try to restate what I think the issue is, and, please, any of you, correct me if I've got it wrong. And I apologize if don't know any of your businesses very well.

PETER AHN: Not a problem.

CHAIRMAN MICHAEL GARDNER: My understanding is that you sell Korean food.

PETER AHN: Yes, along with BonChon chicken, yes. Korean food is probably the best -- would best describe it.

CHAIRMAN MICHAEL GARDNER: I think that what you have represented that in its current or prior ownership or with the current license holder has sold a combination of both Japanese and Korean cuisine.

PETER AHN: He first started by selling Japanese soup as well Japanese sushi. In the midst of starting that business, he then complemented Korean menu.

CHAIRMAN MICHAEL GARDNER: Which you regard as a violation of your lease understanding or lease understanding with respect to the landlord?

PETER AHN: You have to understand the whole situation, that started probably four or five years, I wasn't involved in that.

When initially two of the members -- I took myself and another party took a place of two other members, which us two members we revised the whole conversation. I'm sure Ms. Lint is aware of the situation.

They ran out of money and it stands still for 18 months. The other two members approached myself and another party to invest into this

project to open this restaurant, and I believe the captain is aware of this because he met with regard to the fire sprinkler system.

CHAIRMAN MICHAEL GARDNER: Is this the barbecue matter?

PETER AHN: Yes.

CHAIRMAN MICHAEL GARDNER: You've now ben open a relatively short time period selling Korean food?

PETER AHN: We have been open a year now and we're doing well and we don't have a liquor license. I mean, at one point hopefully we're looking to get one. Right now, it's one of those risk rewards thing we have a less of a headaches not having it.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Mr. Yoon owned a restaurant in that location for many, many, many years.

PETER AHN: He was in our space in the

basement --

CHAIRMAN MICHAEL GARDNER: Thanks. I'm going to ask you to hold on for a moment and I'll let Ms. Lint describe the history.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Mr. Yoon might be able to give you a better history. I have one of the files here. He originally owned Chilla, which I believe you opened back in the '80s. And he subsequently had also purchased Shabuya, and he was running two of them. Due to difficulties with the landlord, he subsequently closed Chilla and was just running Shabuya. So this has been going on for 30 years. It's not new -- or more. It's nothing new. I have never seen anything in any of the leases saying that nobody else can serve a particular type of cuisine.

CHAIRMAN MICHAEL GARDNER: Okay. So I'll hear from the applicant and if you want to defer

to the current owner, that's fine with me.

SONG KIM: I mean the point he's making is understandable as a competitor. But the issue has to be addressed, not in this particular room, but between him and the landlord. And the Shabuya Restaurant was there prior to their entry to that area at 57 JFK Street.

So I have a couple of points I want to make. One is that particular issue has to be addressed between him and the landlord. The second is, he came first. And there's no indication or whatever not to Celtic type of dishes. Particularly at this -- this particular transfer is a transfer rather than change of menu or chain of establishment. It's not that.

CHAIRMAN MICHAEL GARDNER: Whether it's relevant to us or not, I'll just ask for my own information or edification. Are the representations that the restaurant currently and

then going forward because it's an as-is transfer
selling a combination of both Japanese and/or
Korean cuisine?

SONG KIM: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

SONG KIM: Thank you.

CHAIRMAN MICHAEL GARDNER: Are there any
other members of the public who would like to be
heard?

Why don't you come forward and state and
spell your last name for the record and supply
what you would like to.

KWANG HYUN YOON: My last is name, Yoon,
Y-O-O-N. Kwang Hyun is my first name, K-W-A-N-G
H-Y-U-N.

CHAIRMAN MICHAEL GARDNER: Thank you,
sir.

KWANG HYUN YOON: Number one, I would
like to emphasize is why he's mentioning this

here. I don't understand. Why it matters in the License Board. Number two, I have been in the Harvard Square for 30 years. I have been doing Chilla restaurant in the same building and Shabuya restaurant and I had to close the Chilla restaurant because BonChon went around to the landlord and offered more money for the rent. At that time, I had a two restaurants, one in the basement, one in the second floor the Chilla Restaurant in the basement and the Shabuya is on the second floor. And I would like to sell -- I wanted to sell the Chilla Restaurant in the basement and then I sold it.

And then at that time they went around to the landlord and offered them more money for the rent. And then I don't know what happened, but landlord gave the space to them. I didn't get it. I couldn't sell it. I lost \$150,000 or \$200,000.

PETER AHN: May I add one more?

CHAIRMAN MICHAEL GARDNER: No. I'm not sure I get the relevance of all of this. Let me ask you to wrap it up.

KWANG HYUN YOON: This is very interesting. I think it's shameful to have that kind of business practice in Cambridge business society, but it happened. Unfortunately it happened. And then after I closed the Chilla Restaurant, and I have -- because I have another restaurant, and my menu include Korean and Japanese restaurant, and then BonChon came in, and they renovate, they renovated and they stopped, they stopped renovation, and then after about almost two years, they open again. And they brought basically chicken, fried chicken and plus they added some Korean menu even we have a Korean menu on the second floor.

CHAIRMAN MICHAEL GARDNER: Okay. I think

I got it.

KWANG HYUN YOON: It's ridiculous for them to have -- to raise the issue now, it should be --

CHAIRMAN MICHAEL GARDNER: Okay. I got it. Okay. Thank you.

PETER AHN: I wasn't involved in that.

CHAIRMAN MICHAEL GARDNER: I'm not going to take anymore testimony on that.

KWANG HYUN YOON: You don't know the history.

PETER AHN: I have nothing against Mr. Yoon.

CHAIRMAN MICHAEL GARDNER: We're not going to have an argument in front of us.

PETER AHN: Not at all. I want to clarify.

SONG KIM: I request --

CHAIRMAN MICHAEL GARDNER: On the issue

of whether how many places sell Korean food, I'm not sure I got any, I think, that's relevant to us. If there are issues with the landlord, I'll defer to that.

Let me go back to the applicant with respect to anything else you would like to add?

SONG KIM: No, nothing further.

CHAIRMAN MICHAEL GARDNER: Are there any other members of the public who would like to be heard?

Already you did ask to speak. I will give you one minute.

PETER AHN: My name is Peter Ahn, A-H-N, again. What Mr. Yoon didn't mention is I was not involved back then. Again, I was new blood, new investment. I have nothing against Mr. Yoon. I believe Mr. -- Mr. Yoon don't know who I am. I believe he may know my uncle. I'm here trying to protect my business in regards -- with respect to

this whole situation, and again, what Mr. Yoon has mentioned I was not involved in. I want to clarify that I was not the original member of this. I don't know the whole situation.

CHAIRMAN MICHAEL GARDNER: Okay.

PETER AHN: I wish he would know I was not involved in the situation. I'm here to protect, like anybody else, a business that we run, and again, it's a livelihood of our family that are involved in it.

That's all I want to say.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do have an issue that Chris asked me to clarify, the seating and floor plan.

SONG KIM: The floor plan is there. I submit it.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Apparently there was -- the numbers are different.

SONG KIM: Let me double check. Are you talking in the application?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. 6 in the alcohol application compared to the CV application and what the plan shows is different. So perhaps you could just call Chris tomorrow and we can get that straightened out because he clearly knows exactly what it is and I'm --

SONG KIM: I'll clarify with Chris.

CHAIRMAN MICHAEL GARDNER: I'll make the motion to approve the transfer of the license to VAB Restaurant, Inc. as BAB Restaurant, Inc. as described in the application with the 120 with the hours of operation as stated subject to clarification of the floor plan to be handled between the applicant and the staff. And I'll

seek a second on that.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

CHAIRMAN MICHAEL GARDNER: Motions having been made and seconded, I just ask Ms. Lint to put into the record your understanding of the issue of the 32 bank seats.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, yes. What has -- what had the traditionally happened in particular in Harvard Square when licenses were being bought and sold and numbers changed and people were paying huge amounts of money for licenses, they were allowed to quote, unquote bank their seats, so if they then sold the license, they would sell the license with the full number that they had purchased under -- when they purchased the license. So if you bought 300, your space could only use 200 because you moved it, you didn't lose the value of 100 seats.

Am I making sense?

CHAIRMAN MICHAEL GARDNER: In this instance, in this space or in this configuration, they intend to have a 120 seat facility, the license itself, however it has 152 seats, so they're banking 32 of them?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what he currently has because he took the Chilla license which was bigger and he was allowed to keep those.

CHAIRMAN MICHAEL GARDNER: The sale is for 152, 32 which are banked, is that your understanding?

SONG KIM: 120. 156, yes.

CHAIRMAN MICHAEL GARDNER: 152.

SONG KIM: I'm sorry.

CHAIRMAN MICHAEL GARDNER: Thank you.
Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

And as Ms. Lint reminds us in this instance as in all the transfer of license is dependent upon the new manager receiving the 21 Proof training provided by Cambridge which I know you made the representations as in your presentation. That's always a condition of holding the license.

SONG KIM: I'll arrange for it.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Good luck with continuing the operation.

SONG KIM: Thank you.

MIJA SUH: My name is my Mija Suh, last name S-U-H, and I run the restaurant like Korean restaurant around 13 years from California and then one year in Allston. I don't know -- I want to quick mention I came here to Boston last year

and I run the restaurant. It's very successful.

What I'm trying to do is in Allston area, I just serve my neighbor for my next door -- there's an Orthodox church which every single Monday they serve the food like for homeless people, and then I support them and I work there every Monday, and our Korean food I prepared like for more than 70 persons. One month one time so it already like ten months already.

So what I'm saying is, my issue -- my goal and my issue I want like community and I just want to -- I'm not a big person, not a power -- I don't have no big power, but just a little help for the community that I wanted to share and help. I cannot say -- I experienced, if you give me a chance, I try my best and if there's anything I can do for my community, I'm going to do it.

CHAIRMAN MICHAEL GARDNER: Thank you very

much.

APPLICATION: MASHED, LLC D/B/A OTTO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Mashed, LLC d/b/a Otto, Anthony Allen, Manager, holder of a common victualer license at 1432 Massachusetts Avenue has applied to amend their common victualer license to include an additional 15 seats on the city sidewalk for seasonal seating. If approved, the patio will have 22 seats.

ANTHONY ALLEN: Good evening.

CHAIRMAN MICHAEL GARDNER: State and spell your last name for the record, if you would be so kind, and identify your relationship to the application.

ANTHONY ALLEN: Anthony Allen, A-L-L-E-N. And I'm the owner of the Mashed LLC d/b/a Otto in Harvard Square. It should be the simplest application you heard this evening.

CHAIRMAN MICHAEL GARDNER: We can make them complicated.

ANTHONY ALLEN: Denise Jillson of the Harvard Square Business Association initiated something with the city that the DPW involved the mayor, and the DPW had to sign off on this particular idea of having a corralled area across from our front door leaving a ten-foot wide pedestrian path, corralled area would have a seating capacity of 16, 18 people. It would be policed by us, maintained by us and the garbage picked up by us. It's not full serve. It would be people coming in our shop, grab a slice of pizza, bring it out back and sit and they will be asked to bring the trash in or we collect it.

CHAIRMAN MICHAEL GARDNER: No alcohol license?

ANTHONY ALLEN: No alcohol license.

CHAIRMAN MICHAEL GARDNER: You currently

have seven seats?

ANTHONY ALLEN: We do.

CHAIRMAN MICHAEL GARDNER: They're not on the other side of the pedestrian way?

ANTHONY ALLEN: They're immediately adjacent to us, but those would be shifted over so that path would be maintained.

CHAIRMAN MICHAEL GARDNER: Right. And DPW signed off on this?

ANTHONY ALLEN: They have.

CHAIRMAN MICHAEL GARDNER: Does this still have to go to the City Council?

EXECUTIVE DIRECTOR ELIZABETH LINT: It does.

ANTHONY ALLEN: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: You have to go to City Council. This is something we have been working on for the better part of a year to see how to make it work.

CHAIRMAN MICHAEL GARDNER: I know -- are you speaking specifically of Otto or of the concept in general?

EXECUTIVE DIRECTOR ELIZABETH LINT: That location, specifically Otto.

CHAIRMAN MICHAEL GARDNER: Any specific challenges to that?

EXECUTIVE DIRECTOR ELIZABETH LINT: There were a few in terms of tree wells and things and public works really spent a lot of time working through it.

CHAIRMAN MICHAEL GARDNER: But they have signed off?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh yeah.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

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

Seeing none, I make the motion to approve the amendment to the common victualer license to include an additional 15 seats on the city sidewalk for seasonal seating subject to the finalization approval by City Council.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck with your seats.

APPLICATION: NOW VENTURE SCOOP SHOPS, LLC D/B/A

BEN & JERRY'S HARVARD SQUARE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Now Venture Scoop Shops, LLC d/b/a Ben & Jerry's Harvard Square, Stephen Marcus, manager, has applied for a common victualer license to be exercised at 36 JFK Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises. The hours of operation will be 11:00am to 11:00pm seven days per week.

CHAIRMAN MICHAEL GARDNER: I ask you to state and spell your last name for the record and identify your relationship to the application.

STEPHEN MARCUS: Last name is Marcus, M-A-R-C-U-S. First name is Stephen with a P-H.

And thank you, Mr. Chairman and Commission members, for having me here tonight.

I'm the owner of Now Venture Scoop Shops

LLC, also the manager of the LLC. And I'm in the process of purchasing the Ben & Jerry's in the garage in Harvard Square from Jason Sweeney who owned it for about 13 years. I happen to be the franchisee out in Natick. I own the Natick shop. I'm in the process of building a new shop down in Braintree across from South Shore Plaza here tonight hopefully to receive a common victualer license.

CHAIRMAN MICHAEL GARDNER: You're essentially buying the franchise?

STEPHEN MARCUS: Yes. One franchisee. I have corporate approval already.

CHAIRMAN MICHAEL GARDNER: You have experience already with another Ben & Jerry's?

STEPHEN MARCUS: So this is my shop in Natick. It's one of the top five biggest in the country. I owned it for two years. I have been very successful within the two years and I feel

there's an opportunity for growth of Ben & Jerry's in Massachusetts. I'm building a new one in Braintree and this one in Harvard Square. It's just a good opportunity that came along.

CHAIRMAN MICHAEL GARDNER: So what is the secret to running a good ice cream operation?

STEPHEN MARCUS: Hiring good people, training them well and giving what they need to succeed. It's ice cream at the end the day, it's not rocket science.

If you give the staff the right tools and the right training, they'll do the job. You need a good manager and shift leaders. I spent most of my time doing the catering which an enormous piece of the bid. Peddler's license like those gentleman from the Whole Foods. Jason is doing that in Harvard as well with a Ben & Jerry's truck. A lot of opportunities I focus on so the higher level things and let the folks scoop.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CAPTAIN TOM CAHILL: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a question. The VC application says no seats.

STEPHEN MARCUS: I wasn't quite sure how to answer that. I'll take your guidance. You're familiar with the garage. I don't have any personal responsibilities for the seats unlike the 50 seats I have.

EXECUTIVE DIRECTOR ELIZABETH LINT: The current license is for 18 seats which is right around where -- haven't been there in a long time, but they're allotted 18 seats.

STEPHEN MARCUS: So the unit, if you will, in this picture the seats go like this and

there's a Subway here and other restaurants. I answered zero because the landlord maintains them and so forth. If there's 18, that's great.

CHAIRMAN MICHAEL GARDNER: If you're purchasing the franchise, presumably you would be purchasing the same seating arrangement. Are you prepared to amend your application?

STEPHEN MARCUS: I'm fine with the seats. I have been working with Trinity and they're in the process of drafting the paperwork to assume the lease with a four-year extension. Yeah, anything currently in place now I would be assuming, so absolutely.

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

Seeing none, I will make the motion to approve the common victualer license as described in the application.

I guess, just for clarification,
Ms. Lint, is there a reason we don't describe
this as a transfer?

EXECUTIVE DIRECTOR ELIZABETH LINT: We
don't transfer CVs.

CHAIRMAN MICHAEL GARDNER: That's a good
reason.

I make the motion to approve the common
victualer license for 36 JFK Street.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having
been made and seconded, all those in favor,
signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER:

None opposed.

So welcome to Cambridge.

STEPHEN MARCUS: I'm excited to be here.

Appreciate it.

APPLICATION: POLISH AMERICAN CITIZENS

ASSOCIATION OF CAMBRIDGE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Polish American Citizens Association of Cambridge, Inc., Michael Lynch, Manager, holder of an all alcoholic beverages as a club license at 747 Cambridge Street has applied for a change of manager to James Voutiritsa.

CHAIRMAN MICHAEL GARDNER: Good evening.

I ask you to state and spell your last name for the record.

JAMES VOUTIRITSA: James Voutiritsa, V-as in Victor-O-U-T-I-R-I-T-S-A.

CHAIRMAN MICHAEL GARDNER: Before we begin Mr. Voutiritsa, do you and I have a prior personal history?

JAMES VOUTIRITSA: Yes.

CHAIRMAN MICHAEL GARDNER: I thought so. I'm going to recuse myself from this application and ask the commissioner to take over.

POLICE COMMISSIONER ROBERT HAAS: So can you give us some background with respect to the reason for the transfer of the manager and going into some of your prior experience.

JAMES VOUTIRITSA: The current manager has been in this, position I believe, for seven or eight years. He also holds two positions full-time and he's burnt out. He also has a young daughter that he's raising by himself and he needs time do that.

I have no prior experience running a licensed establishment, but I have been there watching what he does for the past several months and it's very cut and dry and simple. Order the stock you need and making sure people have the

shifts covered and making sure that the public who come into the place are safe. The clientele are members or guests only. It's a private establishment. And we have a rental hall that we rent out once in awhile. And keep control of that by not renting it out to young people.

POLICE COMMISSIONER ROBERT HAAS: Who would you rent the hall out to?

JAMES VOUTIRITSA: Usually it's birthday parties. Things like that. We have had quite a few baptisms, First Communion, and so, we would not do anything to -- like a 21-year-old's birthday party, we refuse to have anything like that. Just too many problems with that.

POLICE COMMISSIONER ROBERT HAAS: Who principally rents out the property, is it members or the public?

JAMES VOUTIRITSA: The back hall? Mostly outside public that rent the hall.

POLICE COMMISSIONER ROBERT HAAS: You have to -- it has to be a member of the club that's renting the use of that hall?

JAMES VOUTIRITSA: It has to be a member.

POLICE COMMISSIONER ROBERT HAAS: Or a guest of a member?

JAMES VOUTIRITSA: Okay.

POLICE COMMISSIONER ROBERT HAAS: So that is some of the issues that you're concerned about in terms of having a party in there, somebody is responsible for that venue or that entertainment venue taking place whatever the reception is.

JAMES VOUTIRITSA: I'll see that's done.

POLICE COMMISSIONER ROBERT HAAS: You want to come up? Come on up.

EMILY ANTONITUS: My name is Emily Antonitus.

As far as the rentals, normally, it's a club member who will rent it for a friend or

another family member who isn't a member or not part of the club.

CHAIRMAN MICHAEL GARDNER: Could we ask you to identify your affiliation with the club?

EMILY ANTONITUS: I'm a full member at the Polish American Club.

POLICE COMMISSIONER ROBERT HAAS: Are you an officer of the club?

EMILY ANTONITUS: I was an officer for seven years. I finally stepped down from that position.

POLICE COMMISSIONER ROBERT HAAS: How large is the membership in the club right now?

EMILY ANTONITUS: I would say maybe 200. 200 people.

JAMES VOUTIRITSA: I don't think it's more than 200.

POLICE COMMISSIONER ROBERT HAAS: There's no training requirements for the social club?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Absolutely there is.

POLICE COMMISSIONER ROBERT HAAS: You said you had no prior experience. You're going to have go through the 21 Proof training as part of the condition.

JAMES VOUTIRITSA: Yes, I have plenty experience dealing with the public. I haven't had any 21 training.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have been of late heard numerous complaints from residents in the area about noise, late night drinking, using the back door.

I have had numerous complaints I wanna say in the last month, two months.

JAMES VOUTIRITSA: I have been unaware of that. And I haven't been made aware of it by anyone else.

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's an ongoing investigation.

POLICE COMMISSIONER ROBERT HAAS: By
Ms. Boyer?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not
only but in conjunction with the lieutenant
maybe.

POLICE COMMISSIONER ROBERT HAAS: Okay,
you got me there, so...

So the issue around the back door we find
a lot of times with clubs they're allowing access
members -- access to the rear doors. Those are
for emergency exits only. People go outside and
smoke out the back door or make noise. You have
to make arrangements to restrict access to the
backyard or the back door if that's part of the
problem you're having.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Drinking after the hours is one of the
complaints.

EMILY ANTONITUS: Drinking after hours?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

EMILY ANTONITUS: I think our license is
to 1:00.

FIRE CAPTAIN TOM CAHILL: What is the
current occupancy?

JAMES VOUTIRITSA: 99.

FIRE CAPTAIN TOM CAHILL: I know there's
been confusion on recent -- on the random task
force inspections what the role of the crowd
manager was. And I know that Michael Lynch was
the only crowd manager that you had. So I don't
know -- I think there needs to be a better
understanding of what that new regulation is and
who will be taking that role over.

I know it was recommended a couple times
that you get more than one person because you do
need one person to assume that role at all hours
that you're open, and I don't believe it's been

happening. So that's a concern from the Fire Department's standpoint.

FIRE CAPTAIN TOM CAHILL: That is being addressed.

JAMES VOUTIRITSA: I know in the past Michael Lynch wasn't there, the president of the club would be there, and --

FIRE CAPTAIN TOM CAHILL: He needs to be certified. Right now you have only one certified person which is Michael Lynch.

JAMES VOUTIRITSA: Okay.

FIRE CAPTAIN TOM CAHILL: So you need to look into what that is through the state fire marshal office and just get a better grasp on what the purpose of that is and what you need to do to get certified.

JAMES VOUTIRITSA: Okay. I'll do that.

POLICE COMMISSIONER ROBERT HAAS: When do you expect the investigation will be complete?

EXECUTIVE DIRECTOR ELIZABETH LINT: I
don't know.

POLICE COMMISSIONER ROBERT HAAS: Was
anything done prior to the decision?

EXECUTIVE DIRECTOR ELIZABETH LINT: It
may or may not. Just based on what they find
when they go out.

POLICE COMMISSIONER ROBERT HAAS: They
haven't been out.

EXECUTIVE DIRECTOR ELIZABETH LINT: They
have been out once or twice.

POLICE COMMISSIONER ROBERT HAAS: The
current manager, is he still acting in that
capacity or is it vacant right now?

JAMES VOUTIRITSA: He's still acting.

POLICE COMMISSIONER ROBERT HAAS: So
before we -- my view is before we go ahead and
allow for the transfer, we need a better
understanding what some of the complaints are,

make sure you know what the complaints are and we'll hear from you how you will address those issues so they don't continue under your tutelage as manager.

JAMES VOUTIRITSA: Right.

POLICE COMMISSIONER ROBERT HAAS: I make a motion to defer the decision until the July 11th meeting.

FIRE CAPTAIN TOM CAHILL: Seconded.

POLICE COMMISSIONER ROBERT HAAS: All those in favor --

EMILY ANTONITUS: As far as the use like in the back, like the backyard area, so during the day, I mean, we would like to have a cookout or something, so you're saying we can't do that?

POLICE COMMISSIONER ROBERT HAAS: Until we know what the scope of the investigation is going to be and what the complaints are. If the neighbors aren't complaining about daytime usage

it might be perfectly okay. But it sounds like there's ongoing issues going with day and evening, we may be looking to have some restrictions placed on the use of that back door to avoid some of the complaints taking place. But it's -- until I see the scope of the investigation and what their findings are we can probably give you better advice at that point in time.

JAMES VOUTIRITSA: Okay.

POLICE COMMISSIONER ROBERT HAAS: Before I conclude or take a vote, any public comment?

Seeing none? We have -- I have a motion.

FIRE CAPTAIN TOM CAHILL: Seconded.

POLICE COMMISSIONER ROBERT HAAS: All in favor?

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

JAMES VOUTIRITSA: Thank you very much.

APPLICATION: ELIAS OMICHAEL D/B/A ELIAS LIVERY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Elias Omichael d/b/a Elias Livery
has applied for a livery license for 1 vehicle at
1 Theriault Court.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you could be so kind as to state and spell
your last name for the record and advise us as to
your plans for a livery operation?

ELIAS OMICHAEL: My last is name is
Omichael, O-M-I-C-H-A-E-L, E-L-I-A-S.

ELIAS OMICHAEL: All I'm asking for is
the livery license.

CHAIRMAN MICHAEL GARDNER: Okay. What
are your plans or how do you intend to -- what
kind of services do you intend to use with this
license?

ELIAS OMICHAEL: I have to contact myself

with customers and give card. I offer through the smart phone. Connection with business people and lots of friends they need that, and --

CHAIRMAN MICHAEL GARDNER: So do you envision primarily transporting passengers as opposed to cargo?

ELIAS OMICHAEL: Yes.

CHAIRMAN MICHAEL GARDNER: Do you propose runs to Logan Airport or where -- what is -- what is your business plan? Where you will be sending people?

ELIAS OMICHAEL: Massachusetts pretty much.

CHAIRMAN MICHAEL GARDNER: I'm sorry?

ELIAS OMICHAEL: Boston area, airport, in the vicinity of the Logan area.

CHAIRMAN MICHAEL GARDNER: Have you made any arrangements with Massport or with Logan with respect to becoming licensed there to actually

drop off passengers?

ELIAS OMICHAEL: I didn't, but I ask friends, they do that, they have no problem at all.

CHAIRMAN MICHAEL GARDNER: So you're aware of the requirement, but you haven't taken any steps to fulfill it yet?

ELIAS OMICHAEL: Once I have the livery license, I don't think I have any problem. A lot of friends, they do same thing I'm trying to do. No. They don't have no trouble so far.

CHAIRMAN MICHAEL GARDNER: These friends, are these Cambridge operators?

ELIAS OMICHAEL: Some of them Cambridge. Most of them Boston. Very few in Cambridge.

CHAIRMAN MICHAEL GARDNER: What is your understanding of the rules that you're supposed to follow with respect to how you get customers and what kind of time period you need to have

notice to make a run?

ELIAS OMICHAEL: You mean space of time when I may start the business?

CHAIRMAN MICHAEL GARDNER: What is your understanding of the ways in which you can get customers?

ELIAS OMICHAEL: Well, I have been driving a taxi for over ten years, you know.

CHAIRMAN MICHAEL GARDNER: Do you have any understanding of the differences in the rules between what a taxi driver can do and what a livery driver can do?

ELIAS OMICHAEL: Yes.

CHAIRMAN MICHAEL GARDNER: What are those differences?

ELIAS OMICHAEL: In the livery you have to be on time, you know, what I mean. Ahead of time they give you the job. I have to follow the procedure, you know.

CHAIRMAN MICHAEL GARDNER: Do you know how many -- in Cambridge how many hours' notice you have to have before you can pick up a customer?

ELIAS OMICHAEL: No.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, it's how long?

EXECUTIVE DIRECTOR ELIZABETH LINT: Eight hours.

CHAIRMAN MICHAEL GARDNER: In Cambridge our rules say that you can't schedule somebody for -- to be picked up unless they contact you at least eight hours before the time that you get picked up, so you understand that what your responsibilities are with respect to just going to a hotel and getting business from a hotel?

ELIAS OMICHAEL: Yeah, I might give the doorman some cards like my friends do. I go to the airport, the hotel and some business people,

you talk to them, give them the card. They give you the today the whole schedule in advance, one day in advance. On the site you make your connection too. Both ways.

CHAIRMAN MICHAEL GARDNER: Do you have a vehicle already purchased that you intend to use?

ELIAS OMICHAEL: I don't have the risk before I take.

CHAIRMAN MICHAEL GARDNER: You don't have a vehicle?

ELIAS OMICHAEL: No.

CHAIRMAN MICHAEL GARDNER: What is your plan with the type of vehicle you expect to obtain?

ELIAS OMICHAEL: I have been saving money to put the down payment and get the finance from the bank decent enough for car, clean, you know, maybe '10, '11.

CHAIRMAN MICHAEL GARDNER: Your purpose

is buy a used car or van? I'm trying to understand what your vision is.

ELIAS OMICHAEL: The first time until I make money I can't afford a brand-new one. I would say like '9, '10, '11, '12 maybe.

CHAIRMAN MICHAEL GARDNER: And where will this be garaged?

ELIAS OMICHAEL: I have a shot.

CHAIRMAN MICHAEL GARDNER: Are you an owner or do you rent where you live?

ELIAS OMICHAEL: I rent.

CHAIRMAN MICHAEL GARDNER: Do you have an understanding with the landlord with respect to whether or not a commercial vehicle can be parked there?

ELIAS OMICHAEL: I got my own car where I park my car, I will park my private car on the street and put that one in the parking spot.

CHAIRMAN MICHAEL GARDNER: Do you know if

the landlord will approve that?

ELIAS OMICHAEL: I parking my car
already.

CHAIRMAN MICHAEL GARDNER: What is your
understanding of your obligations with respect to
insurance?

ELIAS OMICHAEL: I have to pay what they
require what they ask me to pay. It's the
regulation I have to follow.

CHAIRMAN MICHAEL GARDNER: Have you
figured out how much it will cost to pay for the
insurance liability associated with a livery cab?
Have you investigated that part yet?

ELIAS OMICHAEL: It was one million
dollars coverage.

POLICE COMMISSIONER ROBERT HAAS: Do you
know how much the premiums are for the liability
insurance?

ELIAS OMICHAEL: Some of them they pay

three grand.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have a moratorium.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, could you give us a history with respect, if you got it, the approximate number of livery licenses we have in the city now and what kinds of -- what our procedures and policies have been in recent years?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. Over ten years ago, the Commission voted in a moratorium on livery licenses. At the time I believe there were 12. Right now we have well over 20. The ordinance states that the Police Commission shall determine the numbers of licenses needed in order to provide for public convenience and necessity without harming public welfare. And that would be the maximum allowed. So that has never changed. It has never been

lifted. We have complaints on a daily basis from different taxi companies, all of our radio services as well the independence that the livery cars are taking over all their business and they're everywhere. So it's whether or not there's a need for another livery vehicle that -- does the public require another livery vehicle in the city.

CHAIRMAN MICHAEL GARDNER: Are these complaints simply the economic competition or complaints that the livery vehicles are not following Cambridge rules?

EXECUTIVE DIRECTOR ELIZABETH LINT: They're picking up, so they will sit outside Middlesex on Saturday night and if a group comes. They will call them over and say "Come on, I will take you."

CHAIRMAN MICHAEL GARDNER: What is our enforcement mechanisms with respect to that?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's been very difficult. You have to actually see a hail, I have to have an officer there, and we know that situation. The Police Department certainly is tied up with more important things at that point, crowd control, and so it's very difficult to monitor that.

CHAIRMAN MICHAEL GARDNER: My memory is that we had another livery application recently that our action was to defer the matter to the next decision hearing. Am I remembering that right?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: And as part of that were we asking the staff to do any analysis of need?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. Part of the reason that was deferred was that

particular individual didn't have any type of business plan.

CHAIRMAN MICHAEL GARDNER: Right. Any thoughts from other Commissioners?

POLICE COMMISSIONER ROBERT HAAS: It seems to me if we already spent or upheld a decision on a prior application. I don't know if we can go ahead and take this one other than to put into sequence with the other application that preceded this one at this point time. I'm not convinced there's a coherent understanding of what the requirements are with respect to the livery license for this applicant.

CHAIRMAN MICHAEL GARDNER: So I'm -- in terms of the more global issue of whether or not there should be any more livery licenses allowed in the city, I'm wondering to Ms. Lint and to the other Commissioners whether you have any thoughts about how we might go about studying that and do

the evaluation?

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that's difficult. We certainly haven't had any public outreach saying "I need livery vehicles and I can't get them: So there's that aspect of it, and then we have the taxi drivers who say they're losing business to the livery vehicles. A lot of the problem is we only license Cambridge liveries. That doesn't prohibit other liveries from out of town from working in the city. So if you call them, you certainly can have them.

There's availability and we have 257 taxis, so I don't know how else I could evaluate it. I never heard it's a problem there's not enough. All I hear is there's too much.

CHAIRMAN MICHAEL GARDNER: But I take it that you hear there's too much from the people who they're in economic competition with from the

taxi industry, right?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion that we defer consideration of this application until our decision hearing on July 11th. That's at 10:00 in the morning.

You're welcome to come. We typically don't take public testimony at that time, but you can be here. It's a public meeting. And I guess -- I think it would be helpful to the Commission if we could get an inventory -- this is directed to the Commission staff, not to you, that if we could get an inventory of the livery licenses that are currently in existence, some indication of when the license was granted, the owner of the license, the number of vehicles that are operated under the license, if we have that, and any other qualitative information that could

help us understand better the structure of this portion of the industry. I don't know if there are any other thoughts that any Commissioners have about wrestling with that sort of issue.

POLICE COMMISSIONER ROBERT HAAS: It seems to me we have a longstanding moratorium. We need to think about whether there is a more effective way -- this is a difficult business to regulate and enforce, and if we can adopt some regulations that are attainable with respect to at least assuring the taxi industry and making sure that the people who operate these licenses understand there's a stricter or closer scrutiny in terms of their operation to continue issuing these licenses under the present conditions. All we're doing is issuing a license and have no ability to enforce it.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's correct.

CHAIRMAN MICHAEL GARDNER: I think I made my motion. Are there any seconds?

FIRE CAPTAIN TOM CAHILL: Second.

CHAIRMAN MICHAEL GARDNER: Motion have been made and seconded, all in favor, signify saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

The motion carries.

We're not going to take action on your application this evening. We're going to defer it to July 11. We have a number of concerns, some of which relate to are you really prepared to have a license and manage it according to our rules, some concerns about your own application, and Ms. Lint raised some general concerns about the number of licenses that are in the city, how those licenses are being used, whether the people

are following the rules and raising a lot of questions what we should do going forward. So do you have any questions?

ELIAS OMICHAEL: When you asked me about the time -- I don't know the location.

When she say eight hours, I didn't understand.

I know they give them the list ahead of time. If we pick up tomorrow, they give you the list, everything there.

CHAIRMAN MICHAEL GARDNER: I'm not sure who you mean the "they" is. Who is "they"?

ELIAS OMICHAEL: People who offer jobs through the smart phones. They give them ahead of time.

CHAIRMAN MICHAEL GARDNER: Do we understand your business plan to be that you want to use some sort of smart phone application to have people call in and schedule a ride?

ELIAS OMICHAEL: Yeah. Like Ober, you know what I mean.

CHAIRMAN MICHAEL GARDNER: Thank you very much. So 11 July, 10:00 a.m.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have no disciplinaries. All those licensees paid.

Ratifications: 206, 201, 164, 193, 239, 131 and 29. All the paperwork is in order.

CHAIRMAN MICHAEL GARDNER: Are these functions of changing interest rates that would do refinances is that basically what it is?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's exactly what it is.

CHAIRMAN MICHAEL GARDNER: Do you have any idea what typical interest rates are out there right now for this kind of a loan?

EXECUTIVE DIRECTOR ELIZABETH LINT: They have down around 4 percent, 3 and a half percent.

They have been very, very low.

CHAIRMAN MICHAEL GARDNER: Is that typically -- what is the length of time they're financed for?

EXECUTIVE DIRECTOR ELIZABETH LINT: The banks are clever. What they're doing is writing the loans for three years and then looking at a balloon payment, but they will allow you to refinance at that time and hoping that the rates will go back up.

CHAIRMAN MICHAEL GARDNER: Right.

So I make a motion to accept the ratifications approved by the executive director.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CAPTAIN TOM CAHILL: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I didn't ask for public comment because the room is empty.

Even though I probably should have.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not on ratifications.

CHAIRMAN MICHAEL GARDNER: Motion adjourn is always in order, even though I probably should have.

POLICE COMMISSIONER ROBERT HAAS: I make a motion to adjourn.

FIRE CAPTAIN TOM CAHILL: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

We're adjourned at 8:55 p.m.

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

CERTIFICATE

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 1st day of July 2013.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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