CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISIONS HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: April 22, 2014

TIME: 6:06 p.m.

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April 22, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, we would appreciate it if you would turn it off.

This is the License Commission General Hearing. It is Tuesday evening, April 22, 2014 at 6:02 p.m.

We are in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

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

And if anyone is here for the application of the Noodle Project, that has been continued to the May 20th hearing.

APPLICATION: MIT TRANSFOODER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Massachusetts Institute of Technology d/b/a MIT Transfooder, Michael Meyers, manager, has applied for a vendor/peddler license to operate a mobile food truck/car on all MIT property.

MIT?

CHAIR ANDREA JACKSON: Moving right along.

APPLICATION: BERTUCCI'S

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Bertucci Restaurant, Corp. d/b/a Bertucci's Brick Oven Restaurant, Diane LaMonica, manager, holder of a wine and malt beverages restaurant license at 21 Brattle Street has applied to hold said license as inactive.

CHAIR ANDREA JACKSON: Anybody here for that matter?

But, Tom, you are not here representing Bertucci's. We'll put that matter at the end.

CHAIR ANDREA JACKSON: Let's keep going through.

APPLICATION: KENDALL SQUARE CINEMAS

EXECUTIVE DIRECTOR ELIZABETH LINT: Application, Silver Cinemas Acquisition, Co, d/b/a Kendall Square Cinemas, holder of an entertainment license at 1 Kendall Square Complex has applied to amend their hours from 11 a.m. to 1 a.m. seven days per week, to 10 a.m. to 1 a.m., Monday through Thursday and 10 a.m. to 2:30 a.m. Friday through Sunday.

CHAIR ANDREA JACKSON: Good evening. Please have a seat.

Please state your name for the record, spelling your last name, and if you could speak up, it is hard to hear over the air.

HOWARD SANDLER: Howard Sandler

S-A-N-D-L-E-R.

CHAIR ANDREA JACKSON: And your relationship to the applicant.

HOWARD SANDLER: General manager.

CHAIR ANDREA JACKSON: And if you can tell us why you are looking for the change in hours.

HOWARD SANDLER: We are looking to institute a midnight program to be able to run later shows. Something similar to what the other theaters doing, especially with the T staying ope later it would benefit us as well as our customers.

CHAIR ANDREA JACKSON: Have the abutters been notified?

HOWARD SANDLER: Yes.

CHAIR ANDREA JACKSON: Did we receive cards?

EXECUTIVE DIRECTOR ELIZABETH LINT: I

don't have them.

HOWARD SANDLER: I brought them in last Friday. I brought the white copies from the --

EXECUTIVE DIRECTOR ELIZABETH LINT: I know where they are.

CHAIR ANDREA JACKSON: Okay. How would this effect your staffing, if at all?

HOWARD SANDLER: It really won't. It would be actually easy for staff to get home.

CHAIR ANDREA JACKSON: Are you looking to institute a midnight movie or something a little later? I know when I looked on-line, I think the latest movies tend to be around 9:00 in some instances.

HOWARD SANDLER: Right now, our latest movie doesn't go past ten, so it would get out at midnight so staff can get the train.

So now we would do film starting 11:30 and the latest at midnight. Maybe 12:15. We

want to get out in enough time for people to take the train home.

FIRE CHIEF GERALD REARDON: So you would take into consideration the length of the movie when you are setting the start times?

HOWARD SANDLER: Absolutely.

CHAIR ANDREA JACKSON: Any questions? POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any members the public that wish to be heard on this matter?

Seeing none I make a motion we approve the change in hours as stated for Silver Cinemas Acquisition Co., doing business as Kendall Square Cinemas.

Is there second?

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

POLICE COMMISSIONER ROBERT HAAS: Aye. FIRE CHIEF GERALD REARDON: Aye. CHAIR ANDREA JACKSON: You are all set. Good luck.

APPLICATION: CAFE ARTSCIENCE

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Cafe ArtScience, Inc., doing business as Cafe ArtScience Todd Maul, manager, has applied for a new all alcoholic beverages as a restaurant license at 650 East Kendall Street.

The proposal hours of operation of 6 a.m. to 1 p.m. Monday through Friday and 8 a.m. to 1 a.m. Saturday and 9 a.m. to 5 p.m. Sunday. The proposed seating capacity is 171 inside and 24 seasonal patios streets on private property.

CHAIR ANDREA JACKSON: Good evening.

How are you?

CHAIR ANDREA JACKSON: Good. How are you?

ATTY KRISTEN SCANLON: Good.

CHAIR ANDREA JACKSON: If you could all state your name for record starting on this end going down and stating your last name and speak up.

TODD MAUL: Todd Maul. M-A-U-L is my last name.

KERRY FITZSIMMONS: I am Kerry Fitzsimmons, F-I-T-Z-S-I-M-M-O-N-S.

ATTY KRISTEN SCANLON: Kristen Scanlon, S-C-A-N-L-O-N K-R-I-S-T-E-N.

ANDREW CHURCHMAN: Andrew Churchman, C-H-U-R-C-H-M-A-N.

ATTY KRISTEN SCANLON: Hi. Kristen Scanlon. I'm a licensing and permitting attorney representing the applicant tonight.

Just to do a little bit further of an introduction with everyone that's also at the table, Todd Maul, furthest to my right is the proposed manager of record; Kerry Fitzsimmons is the executive director of our ArtScience Lab; and Andrew Churchman is the director of ArtScience Prize, which are related corporations to the applicant for today.

As you know, we are applying for a new common victualer, seven day, all alcoholic beverages license along with a non-live entertainment license to be operated at 650 East Kendall Street.

The plan for this restaurant is to operate in conjunction with the new Lab a Trois (phonetic). My French is not that good.

(Laughter.)

ATTY KRISTEN SCANLON: I took Italian.

It is an art and design creativity and innovation center.

What the applicant plans to do is serve world-class foods and beverages at accessible prices and use its unique concept in nature where it invites customers to experience in ways with their foods and beverages to promote sustainability, health, and nutrition and new ways of looking at food.

And in a few moments, just until we get through a few more administrative matters, I would like to have Kerry explain the concept further including Wiki foods, which has been covered and national and international media and local too in the Boston Globe.

First and foremost, the proposed manager of record, Todd Maul, while he's not been named officially as the manager of record on a liquor license, he certainly has years of experience in managing high-end restaurant locations in and around the Boston area, which includes Clio, Rialto and Bonfire. And he's previously been named Boston best mixologist.

And along with Todd and his planned management staff, he's bringing on another manager who is also TIPS certified and trained. He's a TIP certified instructor. I know the Commission prefers the 21 Proof to the TIPS, which they do plan to have all managers and staff certified prior to opening of the restaurant.

The hours of operation that are proposed, in light of the fact that they do intend to have a breakfast bar serving coffee and pastries is 6 a.m. to 1 a.m. Monday through Friday. And Saturday would be proposed 8 a.m. to 1 a.m. and Sunday 9 a.m. to 5 p.m., noting that alcohol service would not begin on any of the days until noon. CHAIR ANDREA JACKSON: That's for all the days?

ATTY KRISTEN SCANLON: Yes. Sunday for when they do brunch, they intend to be able to serve alcohol then at 10 a.m. but all the other days across Monday through Saturday would not be until noon.

And as far as the seating and capacity, it is for 171 seats, which includes 29 at the bar and there's also seating proposed for 24 outside. Trash is taken care of through a rental dumpsters to the front of the property.

Deliveries would be off of Athenaeum Street, which borders the property, and security, that's included, there's general cameras and security systems, particularly with cameras pointed over the point-of-sale areas within the restaurant.

So at this time, if I may, I would like

to turn it over to Kerry so she can explain more of the concept to you.

CHAIR ANDREA JACKSON: Absolutely.

KERRY FITZSIMMONS: So I have a few renderings to show you.

Cafe ArtScience will open in conjunction with La Ba Trois Cambridge (phonetic). David Edwards is our founder. He's a Harvard professor, biomedical engineer, and inventor and he opened La Ba Trois in Paris, a cultural arts and design center in 2007. He has a long history of running a cultural center.

This new venture with Cafe ArtScience David's innovations have really been, as Kristen said, around food and exploration of food in new ways of eating. And it was the perfect marriage when he met Todd Maul, who has been pushing the envelope around new methods of drink at Clio.

And so with the whole package of Cafe

ArtScience, they want to have an amazing menu, a standard menu that people can come and enjoy, but also have food and drink innovations that really push the envelope and I think it will be a really asset to the Cambridge area.

(Showing Rendering) This is outside of the building. We have the full lease 13,000 feet of 650 East Kendall. It is a biomed building. One half will be Cafe ArtScience. This is the visual image here. This will be from the door the street level as you walk in.

This is the bar, the 25-seat bar, and there's an lecture hall, private dining room back there and then restaurant and Cafe there.

CHAIR ANDREA JACKSON: Just so I'm clear, you have the lobby when you first come in, and there's on -- there's either side of the lobby. If you can explain to me if I'm walking through the front doors, what is it that I see first? KERRY FITZSIMMONS: So when you come through, I will show you this rendering here, I'm sorry, and it shows you the space, this is the atrium, the front door.

We have our own entrances off the street. So on this side, this is the Cafe ArtScience side, and it has street level entrance here or as when people come in in the morning, they could come through here and get their coffee. The main entrance is from the street and then there's the side entrance here off Athenaeum for deliveries and on this we have our exhibition space, our cultural exhibition space.

CHAIR ANDREA JACKSON: In terms of the Cafe side, when people are entering, will there be someone be there checking IDs; or is that the bartender's role?

TODD MAUL: We would check IDs at the bar who are TIPS certified or 21 Proof certified. From working in Rialto, I'm very --

CHAIR ANDREA JACKSON: If you could speak up.

TODD MAUL: From working in Rialto's and in a university at this setting, we are very conscious of underage drinking. And it is very important for us to make sure our customers are safe and we are safe.

So it would not be an establishment where you would need a bouncer.

I'm very big on making sure the staff is appropriately trained and understanding what IDs are what these are, passport or a valid license, so I'm very much a stickler for knowing what exactly is proper form of identification.

CHAIR ANDREA JACKSON: Okay, you can go back to the rendering.

KERRY FITZSIMMONS: Okay, I think I have shown those renderings but you just might find it exiting to see the other side of the building, the front entrance is this side, so the two together will look like this, and then the atrium is here and there's street-level entrance from both.

So this is the exhibition side that will also have public programming, lectures, videos, movie nights, and a lot of public programming.

FIRE CHIEF GERALD REARDON: Is there a rear exit?

KERRY FITZSIMMONS: There is. There are rear exits. There are exits throughout.

ATTY KRISTEN SCANLON: Yes, throughout the lobby and side.

KERRY FITZSIMMONS: This is an exit here, there's an exit here and there, and on this side, an exit here and there's an exit here and an exit there.

EXECUTIVE DIRECTOR ELIZABETH LINT: And

there's another one.

KERRY FITZSIMMONS: And this is the building and there are different exits and loading docks. And they have 24/7 security on staff well.

CHAIR ANDREA JACKSON: What is situated in the space behind?

KERRY FITZSIMMONS: Right now it is empty. They hope is to fill it with lab office space and it will be a closed off wall. A separate entrance.

POLICE COMMISSIONER ROBERT HAAS: So the building is vacant right now?

KERRY FITZSIMMONS: It has been vacant for awhile. On the second floor, Epson has moved in and Avio is on the second floor.

FIRE CHIEF GERALD REARDON: How far are you in the build-out of this now?

KERRY FITZSIMMONS: We will be -- we are

moving along and we will open the restaurant in September and then the big public opening of everything October 30.

FIRE CHIEF GERALD REARDON: You have to do the kitchen build-out completely on this?

KERRY FITZSIMMONS: Yes. In August, so yes, and we had a professional kitchen consultant work with us in terms of the equipment.

FIRE CHIEF GERALD REARDON: And they have already provided the shaft space for the ventilation for the hoods?

KERRY FITZSIMMONS: Oh, we have been really working hard on that.

I know all about that. I never thought I needed to learn. But we have enlarged our grease trap and we will have access all the way up on the shaft with double wrapped, all of that. I know they are following your expert guidance.

FIRE CHIEF GERALD REARDON: It is not

mine. It is the law. I just happen to enforce it.

But it is for very, very good reason. There's been numerous fires and it's established because of that.

KERRY FITZSIMMONS: Yes.

CHAIR ANDREA JACKSON: And it is a full-service kitchen?

KERRY FITZSIMMONS: Yes.

CHAIR ANDREA JACKSON: I believe I did see the menu.

ATTY KRISTEN SCANLON: I did include some sample menus, but I have more if you would like them.

CHAIR ANDREA JACKSON: Would you like to see a copy of the menu?

POLICE COMMISSIONER ROBERT HAAS: Sure.

ATTY KRISTEN SCANLON: Breakfast is on the front and lunch and dinner are on the back. EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have the green cards?

ATTY KRISTEN SCANLON: I do.

CHAIR ANDREA JACKSON: Out of curiosity, I know this has been in the works for awhile, why did you wait until now to apply for the alcohol license?

KERRY FITZSIMMONS: We were busy getting everything ready in our construction.

It took us awhile to finalize the lease and that wasn't until last September, and then the concept for the Cafe ArtScience really came together when David and Todd put together their plan starting in December.

CHAIR ANDREA JACKSON: Okay.

FIRE CHIEF GERALD REARDON: How far along are you with the permitting for the construction? KERRY FITZSIMMONS: The permitting is -we are where we should be. So they have started construction and initially we had hoped to have it finished by July 10.

And we just extended it ourselves, but our construction manager had been working with the permitting office for permits so we are well under way.

FIRE CHIEF GERALD REARDON: Thank you.

POLICE COMMISSIONER ROBERT HAAS: So have you tried to purchase a liquor license at this point?

KRISTEN SCANLON: We did contact a broker back when they contacted me about the license, and at the time, there was one available with the whole business wrapped around it. So once that happened, I know I talked to Director Lint and it is my understanding that where this is located, it is an untapped area, which is why we essentially went and applied for the new license after going to the Planning Board and also talking to the City Council and they, which I also included in the packet, had welcomed the Lab to Cambridge and just thought it would fill an unmet area and also add to the unique nature of Kendall Square and thought it would be the perfect home and space for a concept that's so innovative and unique such as this.

POLICE COMMISSIONER ROBERT HAAS: Any criteria?

EXECUTIVE DIRECTOR ELIZABETH LINT: It doesn't apply because it is not a capped area.

In addition to that, I did speak with Ms. Hammerly (phonetic) in Community Development today and this is part of the whole plan to kind've invigorate Kendall Square where there's traditionally been nothing there and now that more businesses are moving in, they are interested in having more restaurants.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No. CHAIR ANDREA JACKSON: Any questions? FIRE CHIEF GERALD REARDON: No.

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

Please state your name for the record spelling your last name.

BARBARA BROUSSARD: Barbara Broussard B-R-O-U-S-S-A-R-D. I'm president of the East Cambridge Planning Team, and I have seen the plans, went through the building and really most, I will say, all of our members, young and old, are very supportive of upgrading that area and making it a great place to go. We have worked very, very hard to have restaurants and other small retail there.

CHAIR ANDREA JACKSON: Great.

Thank you very much.

Anyone else that wishes to be heard on

this matter?

(No response.)

FIRE CHIEF GERALD REARDON: I make a motion to approve the license at Kendall Square the, proposed hours of operation as stated and with a seat capacity of 171 inside and 24 seasonal patio on private property.

CHAIR ANDREA JACKSON: May I make a final amendment, 21 Proof.

FIRE CHIEF GERALD REARDON: 21 Proof.

CHAIR ANDREA JACKSON: You beat me to it.

FIRE CHIEF GERALD REARDON: I had it

written down.

CHAIR ANDREA JACKSON: Motion has been made and seconded.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

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

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

KERRY FITZSIMMONS: Thank you very much.

CHAIR ANDREA JACKSON: Congratulations and good luck.

APPLICATION: CLOVER FOOD LAB

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Clover Fast Food Incorporated doing business as Clover Food Lab, Ayr Muir manager, has applied for a vendor/peddler license to operate a mobile food truck at 32/34/36 Cambridgepark Drive. Applicant would be permitted to operate Monday through Friday from 11 a.m. to 2 p.m.

CHAIR ANDREA JACKSON: Good evening.

Please all state your name for the record, spelling your last names, starting at this end, please.

GRACE CONNORS: Grace Connors,

C-O-N-N-O-R-S.

MICHAEL THURNAUER: Michael Thurnauer, T-H-U-R-N-A-U-E-R.

JOHN LEE: John Lee, L-E-E.

AYR MUIR: Ayr Muir. A-Y-R. M-U-I-R is the last name.

CHAIR ANDREA JACKSON: And who will be speaking on behalf the application?

AYR MUIR: I can.

CHAIR ANDREA JACKSON: Sure.

AYR MUIR: So we're here for Clover Food Lab. We have been operating in Cambridge since 2008. So amazing it has been that long.

We started out with a food truck on MIT campus.

Since then we have grown and we now operate five restaurants, three of which are in Cambridge and seven food trucks, one in Cambridge, and we, I guess, as of two weeks ago, a second truck, on a temporary basis right now, but we are seeking a permit to operate in a parking lot by a building over by Alewife. It is in a parking lot in the Alewife office area.

And we have been working with the landlord there and they are trying to create a little bit of a community-gathering place at lunchtime for their employees and other employees in the area and we think it look promising and looking to be a part of it. So we are applying as part of that.

We have been really involved with a lot of different community groups in Cambridge, including recently a lot of employment opportunities. We have working with Vinfen and we won an award for employer-creating-opportunities-for-people-withdiverse-backgrounds last year and we have been working with YouthBuild Just-A-Start and Cambridge employment programs. And we are looking forward to having another opportunity to do more in Cambridge.

FIRE CHIEF GERALD REARDON: Is this going to be a new truck introduced into the Cambridge area?

AYR MUIR: It is a truck we already own and operated last season in Boston but we would be operating in Cambridge this year.

FIRE CHIEF GERALD REARDON: So the inspections are done prior to the start?

AYR MUIR: Yeah, we have gotten all the Fire and Health inspections have already been done on this truck.

FIRE CHIEF GERALD REARDON: Was that your truck this morning?

AYR MUIR: I'm not sure. I don't know. Did we have a truck inspection this morning?

I don't think so.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

think that one was already done.

CHAIR ANDREA JACKSON: So this is not your first truck?

AYR MUIR: It is not.

POLICE COMMISSIONER ROBERT HAAS: How many trucks do you operate?

AYR MUIR: Seven total of which two would be in Cambridge.

FIRE CHIEF GERALD REARDON: And where is that in Cambridge?

AYR MUIR: It's on MIT's campus; Carlton Street.

CHAIR ANDREA JACKSON: Any questions? POLICE COMMISSIONER ROBERT HAAS: No. CHAIR ANDREA JACKSON: Any questions? FIRE CHIEF GERALD REARDON: No. CHAIR ANDREA JACKSON: Any members of the public that wish to be heard on this matter? Seeing none, I make a motion that we approve the Clover Fast Food, Inc., doing business as Clover Food Lab vendor/peddler license to operate the mobile food truck.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye. FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you very much.

APPLICATION - MIT TRANSFOODER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Massachusetts Institute of Technology doing business as MIT Transfooder, Michael Meyers, manager, has applied for a vendor/peddler license to operate a mobile food truck/car on all MIT property. CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record spelling your last name.

MICHAEL MEYERS: Michael Meyers M-Y-E-R-S.

CHAIR ANDREA JACKSON: If you can tell us your relationship to the application.

MICHAEL MEYERS: I'm the associate director of dining services in charge of operations.

CHAIR ANDREA JACKSON: At MIT?

MICHAEL MEYERS: At MIT, yes.

POLICE COMMISSIONER ROBERT HAAS: Is this food service being operated by MIT itself?

MICHAEL MEYERS: No.

This particular location will be operated by Chartwells, which is a new dining partner that we brought on campus as of July 1.

FIRE CHIEF GERALD REARDON: So, it

appears as though you are not going to have a set location for this?

MICHAEL MEYERS: That's correct.

I got -- would you like the map? I've got a map in this packet.

FIRE CHIEF GERALD REARDON: Yes.

MICHAEL MEYERS: Absolutely.

So the concept of this is we will take it out three times a day. One morning run, a lunch run, and an evening run.

What will happen is basically each run, if you flip to the last page, is a map of all of our dining locations on campus.

On the left, up in the top, you will see a code here for the morning runs, the two yellow dots; then the two red ones will be lunch; and the two purple for the afternoon.

So the thought in selecting these specific spots are where the traffic flow is

going to be highest hopefully during those time periods and also taking into account our other 16 dining partners that are on campus. We don't want to be infringing on their business as well.

FIRE CHIEF GERALD REARDON: Even though you have the campus listed, you do have specific spots everyday that this will be at, at certain times?

MICHAEL MEYERS: That's correct. And this has been approved by John Defava (phonetic), Larry Brudie (phonetic) with Parking, the Dean.

CHAIR ANDREA JACKSON: Do we have copies of those?

MICHAEL MEYERS: You probably don't.

I would be happy -- this has been an interesting journey getting this going. I would be happy to give copies of those for you. Probably be in email form, if that would be okay.

CHAIR ANDREA JACKSON: If you could send

it to Director Lint, that would be great.

POLICE COMMISSIONER ROBERT HAAS: Why would you characterize this as an interesting journey?

MICHAEL MEYERS: When we started this process, it was very difficult for us to figure out exactly the process in which we need to go to get this done because we heard there had been the cap put on food truck licenses.

POLICE COMMISSIONER ROBERT HAAS: Moratorium.

MICHAEL MEYERS: With that being said, we spoke with the Health Department. They didn't want to do anything with it because they didn't want to officially approve it without us coming here first. And so then we kind've got caught in this catch 22 because the production of this vehicle is about halfway and we can't move forward until we know that we can have the City's authorization to do so.

And we also don't want to spend the rest of the money if we know it is not going to be approved by the City.

POLICE COMMISSIONER ROBERT HAAS: So is Chartwell building this truck; or is MIT building the truck?

MICHAEL MEYERS: MIT is building it and officially own it.

POLICE COMMISSIONER ROBERT HAAS: Chartwell is to provide the service?

MICHAEL MEYERS: Yes.

POLICE COMMISSIONER ROBERT HAAS: Do they do any other work besides this?

MICHAEL MEYERS: Yeah. We brought them on campus in July and they took over Sodexo, and the run six locations on the campus.

POLICE COMMISSIONER ROBERT HAAS: These are all stationary restaurants, though, the other

ones?

MICHAEL MEYERS: Yes.

FIRE CHIEF GERALD REARDON: Is this planning to be a street legal vehicle?

MICHAEL MEYERS: It will be, yes.

FIRE CHIEF GERALD REARDON: Obviously, you have to work around your other partners that have food vendoring there so it doesn't cause internal heartburn.

MICHAEL MEYERS: Yes. We had to forego the stop in front of the Student Center because of the 300-yard rule with the CVs.

CHAIR ANDREA JACKSON: And you are looking for it operating, it says, Monday through Friday, three times a day 8:00, 11:00 and 3:00?

MICHAEL MEYERS: That's correct.

FIRE CHIEF GERALD REARDON: Is this going to be a gas-powered vehicle?

MICHAEL MEYERS: All electric.

FIRE CHIEF GERALD REARDON: So the generator would be gas powered?

MICHAEL MEYERS: That's correct. The generator, which will provide the hot water and electricity.

EXECUTIVE DIRECTOR ELIZABETH LINT: Madam Chair, just a point of clarification in terms of the moratorium on the food trucks, that's for City streets, not private property.

MICHAEL MEYERS: So, yeah, hopefully that will make it a little easier for --

POLICE COMMISSIONER ROBERT HAAS: You are planning on staying on MIT property?

MICHAEL MEYERS: It will only used on MIT property.

POLICE COMMISSIONER ROBERT HAAS: Does the 300-rule apply to campus food establishments as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

think it would. They are licensed by us.

MICHAEL MEYERS: The only ones close by this area are operated by Chartwell. So the only impact it could have would be on their operations themselves.

FIRE CHIEF GERALD REARDON: Is this a GEM vehicle?

MICHAEL MEYERS: Yes, it is.

POLICE COMMISSIONER ROBERT HAAS: What's a GEM vehicle? Tell me what a GEM vehicle is.

FIRE CHIEF GERALD REARDON: It is an electric vehicle.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No.

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

Seeing none, I make a motion that we

approve the MIT Transfooder vendor/peddler license to operate a food truck on all MIT property for the days and times as noted. Is there a second? FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye. FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set. Thank you. Any follow-up documents will get to the Director.

MICHAEL MEYERS: Thank you for your time.

APPLICATION - BERTUCCI'S

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know what happened to Bertucci's. You are here for?

UNIDENTIFIED AUDIENCE MEMBER: I'm here in support of Tom. CHAIR ANDREA JACKSON: They were notified there was a hearing?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, they were.

CHAIR ANDREA JACKSON: We can act and make a decision without them and hold a hearing without them.

Are you trying to figure out who he is? POLICE COMMISSIONER ROBERT HAAS: I know who he is.

I'm trying to figure out what placing that license inactive has to do with you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can tell you.

CHAIR ANDREA JACKSON: I can tell you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Because he's now in the space with Felipe's.

POLICE COMMISSIONER ROBERT HAAS: You are not planning on taking the license? TOM BRUSH: I can't get a license because I have a --

CHAIR ANDREA JACKSON: So wait a minute. You have to come forward and identify yourself for the record, please.

TOM BRUSH: Tom Brush.

CHAIR ANDREA JACKSON: Speak up so we can hear you.

TOM BRUSH: B-R-U-S-H. Tom Brush.

I took possession of the space eight months ago, and I have done everything to contact Bertucci's, communicate with them, talk to the broker, and they always say they have a buyer who never surfaces, and I'm just trying to have an opportunity, I can't get a license because there's an active license or inactive, whatever, on the property. And so if they would even negotiate with me in good faith, or whatever, I made an attempt to buy the license from them, but they don't even respond.

And Kevin Green wrote a letter outlining what happened, and I sent the letter to the president. Just no communication. And the broker, Daniel Newcomb, of Atlantic Restaurant, I suppose he's a broker, and I would call him and he'll say, We have a national tenant and ready to make the deal. That's been going on now for six months.

POLICE COMMISSIONER ROBERT HAAS: Their plan is to sell it to someone else and then you can get a license?

TOM BRUSH: Exactly.

POLICE COMMISSIONER ROBERT HAAS: Right now they are representing to you that they have another buyer for the license?

TOM BRUSH: Right. This is like the fourth or fifth one that they have been representing they have.

POLICE COMMISSIONER ROBERT HAAS: So what do you think would've happened tonight if they came tonight? Do you know?

TOM BRUSH: I was just asking for -- I'm trying to get help to get resolution. If someone can say to them, Okay, if you are selling it, please sell it.

FIRE CHIEF GERALD REARDON: Why is it slated to this address? I mean, it can be inactive and not to this address.

EXECUTIVE DIRECTOR ELIZABETH LINT: No. TOM BRUSH: That would be fantastic.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Because that's where it was granted.

POLICE COMMISSIONER ROBERT HAAS: How long has this license been inactive status?

EXECUTIVE DIRECTOR ELIZABETH LINT: Since the summer. But we were not aware of that. So I spoke with Sandra Wooden (phonetic), who is the Licensing Coordinator for Bertucci's and told her that you need to apply to have it held inactive, and I know Mr. Brush is interested in purchasing it and she told me they had a buyer.

POLICE COMMISSIONER ROBERT HAAS: Did Bertucci's put this on the agenda?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. FIRE CHIEF GERALD REARDON: Where is Mr. Holland's license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Put it on the street.

FIRE CHIEF GERALD REARDON: It doesn't exist.

EXECUTIVE DIRECTOR ELIZABETH LINT: Actually, right now, it's at -- it is pending at the Mass. Ave address.

POLICE COMMISSIONER ROBERT HAAS: So have you entered into any negotiation with a broker for purchase of the license? TOM BRUSH: I have.

I made a formal proposal, sent a contract, signed it, everything, and basically they are not responding.

POLICE COMMISSIONER ROBERT HAAS: Submitted it to the broker?

TOM BRUSH: To the broker.

POLICE COMMISSIONER ROBERT HAAS: So they are not responding back to the broker?

TOM BRUSH: Bertucci's didn't respond back to the broker. I think originally they paid \$150,000 for this license 25 years ago. And that's what they are carrying it on their books for, so they want a hundred and twenty, fifty thousand dollars (garbled speech) for a beer and wine license, and I said, That's way over. You are not going to find anyone, and they keep saying that they have a buyer but the buyer never surfaces. This has been going on for seven months since I actively started trying to negotiating with them. It has gone on a long time. If there's any way I can somehow bring this to resolution with Bertucci, I would be --

POLICE COMMISSIONER ROBERT HAAS: So are you operating now or waiting to get this resolved first?

TOM BRUSH: I would like to get this resolved first, but at this point, I know even if this got resolved today, the time it takes to make the application and get approved, you are looking four or five -- so I will be opening without.

CHAIR ANDREA JACKSON: When are you slated to open?

TOM BRUSH: In the first of June.

I have been under construction for eight months. A total renovation from top to bottom

and I have done it all myself, all the plumbing, electrical. Everything. It is going to be a great space.

CHAIR ANDREA JACKSON: And Bertucci's was made aware this was on the agenda and they needed to appear?

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

CHAIR ANDREA JACKSON: Do we have a copy of the letter they sent in?

Thank you.

It says, "Dear Ms Lint: The letter is a request authorization to hold our liquor license ABCC No. 016600197 until the sale of the license is complete. We do have a buyer for the license and are our attorneys are working on the transfer application at this time," and it goes on with additional contact information. So they didn't specifically request a period. EXECUTIVE DIRECTOR ELIZABETH LINT: A time period, no.

TOM BRUSH: Normally it really wouldn't even -- it is not a big deal but it is just in this particular case, it's really impacting me, and I'm trying to get some resolution to it.

CHAIR ANDREA JACKSON: So they closed August of 2013?

TOM BRUSH: Exactly eight months today that they left. And (inaudible rapid speech) is on military leave and no one else would handle it. I finally went to Brian Swanky (phonetic), who was in charge at that time, sent him emails and could not get a response and I have been in touch with Dan Newcomb monthly to find out the update. He says, Yeah, it is sold, but that's been going on for five months now with no resolution.

EXECUTIVE DIRECTOR ELIZABETH LINT: We

can only deal with what we have advertised on the agenda.

CHAIR ANDREA JACKSON: It was clear that it was on the agenda today. They had sufficient notice.

TOM BRUSH: I spoke to the broker as well and made him aware that there's a hearing tonight and he said, Oh, really? And because hopefully -- I was hoping if they did have a buyer, they would sort of move it along or bring something, some evidence of it to this hearing tonight, so they definitely were aware of it.

CHAIR ANDREA JACKSON: So, Ms. Lint, if we make a motion to hold the license as inactive, I'm thinking out loud, until the end of May, at which time if they haven't transferred it, then what will happen to it?

EXECUTIVE DIRECTOR ELIZABETH LINT: You would have to hold a hearing and give notice of

cancellation or revocation of the license. So today you could actually move to deny the application to hold it inactive and schedule a revocation hearing.

CHAIR ANDREA JACKSON: As no one from Bertucci's showed up this evening to answer any questions that we have, I make a request that we deny the request to hold it inactive and place it on the agenda for the next scheduled Board meeting giving them appropriate time for notification at which time we decided whether or not we want to revoke the license. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye. FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: We'll let you know

whenever that hearing date is.

RATIFICATIONS

EXECUTIVE DIRECTOR ELIZABETH LINT: And last but not least, ratifications: Refinance the 57, 155 and 78. All paperwork in order.

FIRE CHIEF GERALD REARDON: Motion to accept.

CHAIR ANDREA JACKSON: Second.

All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye. FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: I make a motion adjourn.

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor

signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the proceedings were adjourned

at 7:45 p.m.)

CERTIFICATE

Commonwealth of Massachusetts Norfolk, ss.

I, Jill Kourafas, a Notary Public, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing herein before set forth is a true and accurate record of the proceedings with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

This record may not to be quoted from, or used in any formal proceeding, as this is not sworn testimony, administered by a notary public, and such record is strictly the inhouse minutes prepared for the Cambridge Licensing Board and is solely under the control and direction of the Cambridge Licensing Board.

IN WITNESS WHEREOF, I have hereunto set my hand set my hand this 27th day of April 2014.

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

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