CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

MICHAEL GARDNER, CHAIRMAN
CHRISTOPHER BURKE, SUPERINTENDENT

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR

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

DATE: Tuesday, June 11, 2013

TIME: 6:11 p.m. to 7:47 p.m.

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P R O C E E D I N G S

EXECUTIVE DIRECTOR ELIZABETH LINT: This is the License Commission general hearing, Tuesday, June 11, 2013 at 6:04 p.m.

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

Before you're the Commissioners, Chairman Michael Gardner and Superintendent Chris Burke.

DISCIPLINARY: MOKSA, LLC D/B/A

MOKSA TAPAS LOUNGE/NAGA

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter tonight is a disciplinary matter. Disciplinary Moska, LLC d/b/a Moska Tapas Lounge/Naga, Taslim Chowdhury, Manager, holder of an all alcoholic beverages as a restaurant license at 450 Massachusetts Avenue due to police reports received by the License Commission regarding incidents on May 16/17 and May 23/24.

CHAIRMAN GARDNER: I think we'll hear from the City first and the officers so then...

So if there are any City employees who are here with information about this from the Police Department, I would ask you all to come forward first.

Although you've given the stenographer your names, just for the record, I'll ask each of you, including you, Ms. Boyer, to state your name and spell your last names for the record, please.

OFFICER HECTOR VICENTE: Officer Vincente with the Cambridge Police.

Last name is V-I-C-E-N-T-E.

ANDREA BOYER: I think, Attorney Sean Hope would have to sit closer to be able to hear them.

CHAIRMAN MICHAEL GARDNER: If you need to sit up closer, that's fine.

Sergeant?

OFFICER DAVID BROWN: Sergeant David Brown, B-R-O-W-N.

OFFICER JONATHAN RUSSELL: Officer Jonathan Russell, R-U-S-S-E-L-L.

CHAIRMAN MICHAEL GARDNER: Andrea.

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

CHAIRMAN MICHAEL GARDNER: Okay. So, Ms. Boyer, would you give us some background information about this matter and your conversations with the establishments overtime.

ANDREA BOYER: So on January 25 and January 27 of 2013, there were two alleged incidents regarding some large groups of people leaving the establishments of Moska and Naga, two alleged fights, which prompted a meeting between Solomon Chowdhury, the owner, Renato Rodriguez, another gentleman, Alex, Superintendent Steve

Williams, Elizabeth Lint and myself just to discuss some safety concerns that we had and to try to prevent future problems.

CHAIRMAN MICHAEL GARDNER: Is this Superintendent Williams from the Police Department?

ANDREA BOYER: Yes, sir.

CHAIRMAN MICHAEL GARDNER: Okay. Go ahead.

ANDREA BOYER: Since that meeting there are minimal isolated incidents, but recently since mid-April the situation seemed to be escalating, as the police can testify to. And, once again, concerns of safety that should be addressed by the Board.

There have been emails and -- basically from that meeting, I should also state that Solomon Chowdhury and Renato nationality broken down the demographics of their situation and of

their establishment, they added some digital recognition, they have the age range and they have also been sent a weekly calendar of their events, so we could actually send that to different detail officers at the Cambridge Police Department. We would also have a copy.

Kind've looks like this where it states who can be there, DJ who is playing, who has promoted the night, age limits, cover charge.

With the people we send it to, sometimes it's hard where it might be a higher capacity situation where we can go out and check ourselves to keep an eye on things. And back and forth we emailed with the establishment saying "We think there may be a problem with this particular event, and they will add a detail officer sometimes depending on what their own thoughts are also.

CHAIRMAN MICHAEL GARDNER: How long have

these kinds of communications been going on?

ANDREA BOYER: Since January.

CHAIRMAN MICHAEL GARDNER: How much notice do you typically get?

ANDREA BOYER: At least a day or two days. It's usually sent to me on Wednesday or Thursday, and the event would be Thursday, Friday, Saturday and Sunday night of the upcoming weekend.

CHAIRMAN MICHAEL GARDNER: In your view, is that sufficient time?

ANDREA BOYER: Yes, it has been.

CHAIRMAN MICHAEL GARDNER: Okay. My understanding is there were incidents that concern us here both on the evening of May 16, 17 and the evening of May 23, 24.

And, Sergeant Brown, maybe you could just have the officers describe the events as what they observed.

OFFICER DAVID BROWN: Well, I can speak to the 17 as well Officer Russell. I was not present when Officer Vincente had interaction.

I can relay my information for the 17. On the 17th, I was the supervisor assigned to the area where Moska is located. It was a little after 2:00 in the morning.

One of our detective cars called for a large fight. I was already positioned int Central Square so I was there within a minute.

What had happened was the patrons from the Moska, and no doubt from other barrooms in the area, had decided -- had started a fight.

There were about 400 people in the street in pockets of fights had grown -- had begun to grow in the crowd.

Almost immediately because of the response of the police, 14 Cambridge officers were there, eight MIT officers were there. They

availed themselves to us on their own.

Mass Ave was effectively shut down. Passage for vehicular traffic and all emergency apparatus was at a standstill. The sidewalks were full of persons making it literally impossible for other persons to pass. You know, people that wanted to go from A to B without being part of the fight.

The street itself was not only filled with, as I said, emergency vehicles, but other patrons and persons from that bar as well as other bars fighting amongst themselves.

We arrested seven persons for a charge of affray. I had at least one officer that reinjured a portion of his leg, which had been injured in a previous call a week before, but nonetheless was aggravated that evening through his duties.

So after we were able to take the

situation under control, myself and Lieutenant McVay and the other 14 Cambridge officers that were there, we had an opportunity, myself and Officer Carona, who's not here tonight, had an opportunity to speak with management at the bar, and I can reference Officer Carona's report with some of the notes he had regarding the patrons present. There were 476 guests at any one point in their barroom. His license allows for 480. With the people leaving the bar and it appears the average count was 338, which is, I guess, underneath his allowable limit.

He did have ten staff working, five guards at the -- in the backroom where the largest amount of patrons usually gather.

He had two securities guards roam in the middle of the barroom, front to back and he had three security guards in the front checking IDs and frisking individuals for weapons, et cetera.

So the events themselves, they unfolded in the street, they were physically outside of the barroom. The staff said they weren't even aware that there was a fight going on until they heard our sirens and they looked outside and saw the fight.

I know that at least one time post that event, Lieutenant McVay had sought permission to and hired overtime officers at City's expense to deal with this problem that apparently has been recurring.

CHAIRMAN MICHAEL GARDNER: You're saying since this event?

OFFICER DAVID BROWN: At least a week after.

So I suggested to Mr. Chowdhury hiring two officers possibly -- I believe that evening he requested one, although we weren't able to honor it. Maybe a show of good faith he tried to

hire at least two if you're going to have a crowd that might swell to that volume. He was very cooperative throughout the entire process that night.

CHAIRMAN MICHAEL GARDNER: Did you make any personal observations of the persons who were arrested?

OFFICER DAVID BROWN: A couple of them that I had seen. I was dealing with a lot of different things, but I saw a couple people.

CHAIRMAN MICHAEL GARDNER: Did you form any conclusions about whether them or other persons in the crowd were intoxicated?

OFFICER DAVID BROWN: I didn't see anybody to such a high level of intoxication that it appeared that there was some connection to being served too much in the bar, no, I didn't get that impression.

CHAIRMAN MICHAEL GARDNER: Did you get

any sense about what the fight or fights were about?

OFFICER DAVID BROWN: I don't know.

CHAIRMAN MICHAEL GARDNER: How long roughly did it take to quell the crowd and how were they dispersed?

OFFICER DAVID BROWN: Oh, I would say at least one hour to bring the situation to the point where the street was now open and the safety had been secured.

CHAIRMAN MICHAEL GARDNER: In one police report, I noted that officers were dispatched from as far away as 10-R or North Cambridge?

OFFICER DAVID BROWN: Yeah. Right. We needed help to support the officers, and one officer was called from the western Harvard Square area of the city.

CHAIRMAN MICHAEL GARDNER: Do you have any sense about what percentage of on-duty

officers that evening were pulled to this event?

OFFICER DAVID BROWN: About 75 percent of the force, that's not including the eight from MIT. But that was one hundred percent of their force that night.

CHAIRMAN MICHAEL GARDNER: Is it Officer Russell?

OFFICER JONATHAN RUSSELL: Yes, sir.

CHAIRMAN MICHAEL GARDNER: Any additional information to add including, in particular, any personal observations you made of members of the crowd and issues as to what the fight was about?

OFFICER JONATHAN RUSSELL: Very similar to what Sergeant Brown stated, it is very chaotic and rattled down there with the ground forces in the street and on the sidewalks between the people in the street fighting, yelling back and forth, just milling around in general.

Every officer had to be -- from the East

End, I think every officer from the East End had to respond. I'm not positive, but I'm almost positive almost every officer had to respond as well as the one from north. So it left the entire East End the city without any patrol. Everybody was concentrated on Mass Ave.

The rest -- the back of the city was pretty much open, no officer patrolling.

As far as the observations of those arrested, as far as being excitable, they were fighting with each other.

There were no indications to me that they were over-served. They were intoxicated, but not to a level that they were unsafe to themselves or others.

I think, to my knowledge, there were at least -- after being booked, there was no reason to keep them because they were too intoxicated.

But, as I said, it was just a chaotic

scene, fights. As soon as you finished breaking up one fight, another fight began. And officers had to go from one fight to another fight to another fight to break them up.

CHAIRMAN MICHAEL GARDNER: Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: Yes. Sergeant Brown, Officer Carona completed a report as a result of this incident?

OFFICER DAVID BROWN: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: You're the approving officer of that report?

OFFICER DAVID BROWN: Correct.

SUPERINTENDENT CHRISTOPHER BURKE: Have you had an opportunity to review the report today?

OFFICER DAVID BROWN: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: I draw your attention to Page 2. Officer Carona lists

staffing for -- that was explained by the manager, five security guards, ten security guards in total. Five security guards in the backroom, two security guards roaming the middle and front rooms, and three security guards at the front entrance. That's located on Page 2 in the middle of the paragraph, is that accurate, from your recollection?

OFFICER DAVID BROWN: Yes. I was present when the interview was taking place.

SUPERINTENDENT CHRISTOPHER BURKE: Were you also present when the manager said that they weren't aware a fight was going on until they saw (sic-"heard") police sirens?

OFFICER DAVID BROWN: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: So did you ask or inquire whether or not the security guards at the front entrance had any of that information or anything to that effect?

OFFICER DAVID BROWN: I didn't.

SUPERINTENDENT CHRISTOPHER BURKE: What -- how did you come to the conclusion that these were patrons of that establishment?

OFFICER DAVID BROWN: Simple reasonableness. The crowd was, as we stated, at any one point over 400, at a minimum point at 338 and there were over 400 persons or roughly 400 persons in the street.

The entered time was consistent with the time of the call of the fight.

CHAIRMAN MICHAEL GARDNER: What was the proximity of the center of the crowd to this establishment?

OFFICER DAVID BROWN: About 30 feet off the front door, 40 feet off the front door.

CHAIRMAN MICHAEL GARDNER: Okay. I'm sorry, Superintendent Burke.

SUPERINTENDENT CHRISTOPHER BURKE:

Nothing else.

CHAIRMAN MICHAEL GARDNER: Okay. Let's move to the events of the night of 23rd and 24th.

OFFICER HECTOR VICENTE: Yes. So on May 24th, 2013, at approximately 11:30 p.m., myself and Lieutenant Berlino, who was stationed there ourselves in front of the club prior to roll call, he stated to me that he wanted to actually spend sometime at 450 Mass Ave just to -- for himself to see what's going on there.

Shortly after we were there for about ten or 15 minutes, there was an individual who came up to us and stated that he was allegedly assaulted by two members of the Naga Club.

At that point we decided to take his statement and his information.

Shortly after, I went to the station, wrote the report, but prior to that, I went back to the club and I wanted to confirm the

description of the suspect.

He gave a description of the suspect were both -- one of them, I think, was dressed in a suit. I'm not -- that I can remember.

And when I went in there, there was nobody dressed with a suit.

Then after I spoke to the manager, Renato Rodriguez, he stated to me that protocol is once a person is ejected from the establishment, they are just to walk them right to the front door, not to walk them around the corner or a short distance.

So that information was confirmed at the time.

A report was taken shortly after this individual was almost gonna get -- was gonna take -- we were gonna take him under custody because he was in the middle of the road causing a scene.

CHAIRMAN MICHAEL GARDNER: This is the person who complained to you about being assaulted?

OFFICER HECTOR VICENTE: Right.

At that time we gave them several warnings to go home.

The girlfriend came up -- they claimed they were inside the club at that time, which he was and that was confirmed by me, by asking the staff.

Shortly after, 20 minutes after, the person was placed on protective custody because he was acting very inappropriate on the sidewalk.

He was pretty much threatening the police to the point that we didn't let him go too far with that.

CHAIRMAN MICHAEL GARDNER: My understanding is that his original claim was that he was escorted out of the club --

OFFICER HECTOR VICENTE: That's correct.

CHAIRMAN MICHAEL GARDNER: -- by security staff or by representatives of the club, and you did confirm with representatives of the club that, in fact, he had been he escorted out --

OFFICER HECTOR VICENTE: Yes.

CHAIRMAN MICHAEL GARDNER: -- for being inappropriately in the ladies' room, I believe --

OFFICER HECTOR VICENTE: That's correct.

CHAIRMAN MICHAEL GARDNER: -- allegedly looking for his wife or his friend?

OFFICER HECTOR VICENTE: Yes.

CHAIRMAN MICHAEL GARDNER: So were you satisfied that at least that portion of his story checked out?

OFFICER HECTOR VICENTE: Yes, I was.

CHAIRMAN MICHAEL GARDNER: And were you able to do anything to confirm, identify or satisfy yourself at all with respect to whether

an assault had actually taken place on his person, and if so, the identities of those involved?

OFFICER HECTOR VICENTE: I was satisfied with the investigation that I conducted that night; however, it could not be determined whether he was assaulted or not.

He did not have any physical injuries; however, his clothes were dirty, which appears that he was on the ground.

He did appear to not -- he did appear intoxicated, but not to a very high level of toxication. He was walking back and forward. He could understand our -- what we were telling him.

CHAIRMAN MICHAEL GARDNER: Thank you.

OFFICER HECTOR VICENTE: To that extent, yes, I am satisfied.

CHAIRMAN MICHAEL GARDNER: Did you interview any of the security officers or did you

interview or were the security officers that escorted him out identified to you by management and were you able to interview them?

OFFICER HECTOR VICENTE: What I did is walked to the back and I actually identify each security back there to see the description that the victim gave me matches. That did not match.

Then I walked to the manager Renato Rodriguez, and I spoke to him about that. And it was confirmed that he went back and spoke to staff and that did not happen.

I then went to the front and spoke to one of the security there -- I don't think I have his name, but very familiar with him -- he told me that, yes, in fact, the victim was escorted out of the establishment; however, he did not -- the staff did not walk him around the corner and assault him.

CHAIRMAN MICHAEL GARDNER:

Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: Officer Vincente, you completed a report as a result of this incident?

OFFICER HECTOR VICENTE: Yes, I did, sir.

SUPERINTENDENT CHRISTOPHER BURKE: Have you reviewed your report tonight?

OFFICER HECTOR VICENTE: No, I did not.

SUPERINTENDENT CHRISTOPHER BURKE: Do you have it with you?

OFFICER HECTOR VICENTE: Yes, I have it with me.

SUPERINTENDENT CHRISTOPHER BURKE: You indicate that you drew the conclusion that the victim was intoxicated and unstable?

OFFICER HECTOR VICENTE: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: As a result of that he was placed into protective custody?

OFFICER HECTOR VICENTE: That's correct.

SUPERINTENDENT CHRISTOPHER BURKE: You also report on the second page that you spoke to a manager, Renato Rodriguez?

OFFICER HECTOR VICENTE: Yes, I did.

SUPERINTENDENT CHRISTOPHER BURKE: And Mr. Rodriguez, the manager, indicated that he had no knowledge of any employee walking the victim away from the club, is that accurate?

OFFICER HECTOR VICENTE: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: The next paragraph you indicate that you spoke to a Sazar Katan (phonetic) who checked the IDs the front door?

OFFICER HECTOR VICENTE: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: And he indicated that the man was in the club, and he was escorted off the property, is that correct?

OFFICER HECTOR VICENTE: That's correct,

sir.

SUPERINTENDENT CHRISTOPHER BURKE: Is that your recollection?

OFFICER HECTOR VICENTE: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: Thank you. No further questions.

CHAIRMAN MICHAEL GARDNER: Anything else you have to add, Ms. Boyer, or any of the other officers?

OFFICER HECTOR VICENTE: There was another incident if you want me to go over that.

CHAIRMAN MICHAEL GARDNER: Yes, I do. Thank you.

OFFICER HECTOR VICENTE: On the same night, May 24, at approximately 2:07, I believe one of our sector units were due back to 86 in front of the 450 Mass Ave when they were called for a fight in progress.

At that point, I was responding from

1256th Street from finishing that report.

When I arrived there, apparently, the units had it quite under control; however, there was one victim bleeding from the mouth, who, at the time, refused medical.

What pretty much happened is this guy, this individual, the victim Shane Clayton -- I'm sorry, Alex Louis Crandall -- apparently he was breaking a fight, and somebody from the crowd came in and punched him on his face.

Shortly after that, a suspect was attained and was ID'd by the victim's brother as the person who punched Mr. Crandall.

We investigated a little further and we could not arrest on that time. It was actually an assault, a simple assault.

So what we did is I went back to the station and wrote a complaint against the suspect.

CHAIRMAN MICHAEL GARDNER: Okay. And were you able to determine whether or not either the alleged victim or the alleged assailant had been patrons of this or any other establishment that evening?

OFFICER HECTOR VICENTE: Yeah, they were all in there.

CHAIRMAN MICHAEL GARDNER: All in...?

OFFICER HECTOR VICENTE: All in this place.

CHAIRMAN MICHAEL GARDNER: Moska?

OFFICER HECTOR VICENTE: Yes.

CHAIRMAN MICHAEL GARDNER: Did you form any opinion as to their level of intoxication, if any?

OFFICER HECTOR VICENTE: They appeared to have been drinking. However, their level of intoxication wasn't that high to the point that they stumbled.

CHAIRMAN MICHAEL GARDNER: Anything else, Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: As a result of this incident you also completed a report?

OFFICER HECTOR VICENTE: Yes, sir.

SUPERINTENDENT CHRISTOPHER BURKE: That information is outlined in the report?

OFFICER HECTOR VICENTE: Yes, sir.

SUPERINTENDENT CHRISTOPHER BURKE: Nothing further.

CHAIRMAN MICHAEL GARDNER: Ms. Boyer, anything else?

ANDREA BOYER: And just to go along with that report, actually, we have one more that was added from Officer Linnihan that called -- the second call that was made. That was generated by Officer Sean Lowe. He was at the corner of 86 which was located in the area.

His attention was drawn into the alleyway at State's End to the front door of the establishment and a crowd was gathered and a fight erupted. He -- Lowe had called for assistance, and the Cambridge Police and MIT Police units responded.

There was a crowd of approximately a hundred people in the immediate area. Many of them gathered, some from inside Moska and Naga and others simply in the Central Square area were drawn to the event.

After order was restored, investigation determined that the argument had turned violent and one individual punched another.

The reason I'm reading this part of it, it goes to what Sergeant Brown stated and the other officers just how many people gather in that area. Units are being called from other areas and the safety problems that are kind've

generated from these incidents transpiring.

CHAIRMAN MICHAEL GARDNER: Thank you. Superintendent, anything else?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

CHAIRMAN MICHAEL GARDNER: All right. Thanks.

Why we don't do a line shift here and ask you all to step back.

I see Attorney Hope here. From the records I have, I think you may be involved in this case, so I'll just ask you to identify yourself and state and your last name for the record and bring any of the principals up with you.

ATTY. SEAN HOPE: Attorney Sean Hope, S-E-A-N, H-O-P-E, of Hope Legal Law Offices.

From Moska and Naga, I have the director of operations and proposed new manager, Renato

Rodriguez. We also have Alex Perez, and we also have the owner, Solomon Chowdhury.

RENATO RODRIGUEZ: R-E-N-A-T-O. R-O-D-R-I-G-U-E-Z.

ALEX PEREZ: Alex, A-L-E-X, last name Perez, P-E-R-E-Z.

CHAIRMAN MICHAEL GARDNER: Mr. Hope?

ATTY. SEAN HOPE: Good evening. Thank you for having us here.

In preparation for this hearing, I asked Mr. Renato Rodriguez to walk through the three separated different events.

So we have an event that's listed on the 17th, on the 24th and we actually brought from the establishment, they have a security system that does a count of the number of patrons who are in on a given night. It has some demographic information.

I think because some of the allegations

are about the number of people and also maybe about the given promoter, I thought it would be relevant for the Commission to have this.

I would like to submit this for the record. This is from their automated system.

Mr. Rodriguez could tell you more about how it works, but I think it's just relevant to show the type of data they keep on a weekly basis specifically for those two nights.

I think it may be relevant just to briefly walk through their protocol for the establishment since this is involving security.

I think it is relevant for the record, too, that none of the events happened within the establishment. It happened on the outside.

But I did think it would be helpful for the Commission to hear about what they do on a weekend basis, Thursday through Sunday.

RENATO RODRIGUEZ: We generally have

between ten and 12 security members of our team between Thursday, Friday and Saturday, which are our busiest nights.

We generally request one detail officer -- one to two detail officers, depending on the night.

CHAIRMAN MICHAEL GARDNER: How frequently are those filled?

RENATO RODRIGUEZ: They're generally filled on a regularly basis. There have been a couple times where they haven't been filled.

We generally have three to four security members in the front to check IDs, screen the line, and do a check of people's persons.

We have one to two guys in the front bar and in the dining room, and we have between five and six guys in the back, which is the largest space where people gather.

CHAIRMAN MICHAEL GARDNER: Mr. Hope?

ATTY. SEAN HOPE: So just relevant, I think, to the 17th, which I consider the bigger affray, I had a chance to review some of the police report. I don't have it here.

Just a little context. As the Commission knows within 20 to 30 feet of Moska or Naga, you have at least two separate establishments, you have ZuZu which has an all alcohol license and full dancing, we also have Middle East, which has a full alcohol license dancing and also has a very large club venue downstairs from the venue.

So on a given weekend night at 2:00, when all these same venues close their doors, you can have -- I'm not sure of the exact capacity of Middle East but I think it's pretty close to what Moska and Naga is, close to 400, 450 patrons -- you have people coming out who have been drinking or who have been eating and partying coming out at the same time in the evening.

When you specifically discuss the affray incident, you know, I think part of the testimony you will hear from all three of them is they didn't recognize the fight was happening until they saw the police lights.

From the testimony, when we discussed the event, is they don't believe the event actually happened in front of Naga. They actually thought the event happened closer to the corner of Middlesex by High Five.

Also, they didn't even feel, just in terms of the security being accustomed to when a fight is about to start and the fight may be taken to a certain leave outside. There was no indication that a fight was starting or patrons from inside Moska were even involved. They can't speak to who may have gotten involved.

I thought Officer Brown's testimony was important, because on the scene, he just

testified that he wasn't quite sure where these patrons came from, and that probably generally -- I'm not trying to quote him -- that they could have been coming from several different establishments.

I do think that's important because Moska is the only establishment that's been called for this particular disciplinary hearing.

I did think Ms. Boyer rightfully said that in January they called in Solomon and Renato for a conversation just about the different events and try to establish some kind of protocol.

I really think from the beginning, since they've opened, they actually have taken the security very seriously and kinda feel like the reason why there haven't been incidents inside Moska because they have been working with the Commission, they have been doing their best, they

haven't been overcrowding and they haven't been over-serving.

Part of this we feel like is we can help maybe inform the Commission on what we know about these two various events.

I think the first one, the affray, I think in terms of context, another thing this was the beginning of the Together feast. This was a big weekend for the city where they had outdoor music concerts. They used the rear parking lots around Bishop Allen to one block away from Mass Ave to host a myriad of events.

Thursday was First Night, but I think they had events all through the weekend. This happened at 2:00, but, you know, I'm not sure --

CHAIRMAN MICHAEL GARDNER: My understanding is that the Together Festival was much more of a generalized family event, and that the activities that one could attribute to people

being there for that would've been well over by 2:00 a.m.

Is that different from your understanding?

ATTY. SEAN HOPE: No. I agree with you. I'm just saying in terms of that many people being on --

ALEX PEREZ: That's not correct. We actually hosted a couple parties for the Together Festival. They had a nightlife.

ATTY. SEAN HOPE: But I understand it was two parts, there was a green part and then some of the venues had an evening part.

ALEX PEREZ: A lot of venues had an evening part.

ATTY. SEAN HOPE: I think to Mr. Perez's point, it was not only Moska that was part of hosting evening events. I believe Middlesex Lounge -- and I'm not trying to point fingers.

I'm saying for this type of incident where, I guess, 75 percent of the police force were called to a given area, I think the context of what was going on that weekend is also important as to how many people and the level of fighting that happened. And it sounded like it wasn't just in front of one area, but it seemed like it also permeated to the corner of Prospect and Mass Ave.

If you look in front of Moska, you can really see clearly to McDonald's across the street, but you really can't see because of the window to the left and right. I only say that when I talked about the stuff that they actually didn't see a lot of the fighting until they came out.

I asked Mr. Rodriguez, I said, "Why -- what is your normal protocol at 2:00? What do you normally do?"

He relayed to me that they clarified that

they had cleared out the full venue by the time 2:00 happened. So there were no more patrons.

Part of their closing procedure is not having them leave the establishment, but also clearing them off the sidewalk and from the patio.

So they had actually done that with the security detail by the time that had happened, so -- and actually, the two gentlemen here, they weren't out front. They did done their clearing and they were following their closing procedure inside the restaurant.

I do think that's relevant in terms of the incident that night.

One of the -- you didn't bring this up, but one of the emails Ms. Boyer had talked about the promoter there, and she said after the 17th -- and correct me if I'm wrong on the dates -- but that was a Thursday. The following Thursday

that maybe the promoter, who was promoting these events, may have been a cause to some of this crowding, which we didn't think so, and that there was may be an opportunity to look at the promoter.

And I ask this group here. So this promoter had been holding events for six months at the establishments on various given different nights.

This promoter does bring in some Celtics players and Patriots players. They do bring a large crowd.

When the 24th happened and Solomon contacted me after getting a letter, I said, "Let's evaluate whether or not you should have this promoter at another venue.

Solomon and Renato, they were pretty adamant, they felt that the promoter wasn't the cause of any of the affray, but, also, any type

of drawing the wrong crowd into the restaurant.

I think it's important to note that this same promoter actually held an event at Moska on Sunday the 26th. That was the Sunday before the Monday of the long weekend, Memorial Day weekend.

And so that's a very big weekend. I think the numbers there, they were a total of 330 people that came to the venue. So it was a very full packed night. There were no incidents inside the establishment and there were not incidents outside the establishment.

I bring that up because I think they look closely at the type of promoters they have, try to draw a correlation to see if there was any connection, and they had found none.

But to the point where they do take it seriously and really kinda look at themselves as well their own protocols.

I think Officer Brown's testimony is

important because for the record, it shows the level of security that they do have on place on a given night, not just for special events, but from Thursday through Sunday.

CHAIRMAN MICHAEL GARDNER: Did these security personnel participate at all in the postclosing crowd control?

ATTY. SEAN HOPE: On which night?

CHAIRMAN MICHAEL GARDNER: On the 17th.

ATTY. SEAN HOPE: Do you mean involving the police, or do you mean involving clearing the sidewalk and patio.

CHAIRMAN MICHAEL GARDNER: I mean once the crowd of 400 had started and 75 percent of the on-duty police personnel had to be called, what role, if any, did the security guards play in either assisting the police or in any efforts of postclosing crowd control?

RENATO RODRIGUEZ: At that moment in

time, we were still in the process of clearing guests out of the venue.

I was called to the front by one of my security guys saying that there something going on down the block.

When I came in, there was already sirens and police on the scene. Everything was happening around the High Five Pizza area.

So from there, our team just stood back.

CHAIRMAN MICHAEL GARDNER: Okay.

I guess I understood Mr. Hope differently.

I thought Mr. Hope said that you all had shut everything down, the people were out, you'd gotten your people off the -- onto the sidewalk and you were back inside doing the closing.

I understand you to be saying that's not right, that you were still clearing guests out when the affray started.

RENATO RODRIGUEZ: We were in the process of.

CHAIRMAN MICHAEL GARDNER: Mr. Hope, anything else?

ATTY. SEAN HOPE: No, not right now.

TASLIM CHOWDHURY: If I may clarify that. The majority of our crowd by 2:05 was already out. We still have a few VIP guests that are still there that are maybe settling up their bill and stuff in the background, and Renato, at the end of the night, is settling those tabs and making sure they got paid and to get them out also right away.

But the majority of our crowd, the security already pushed them out from the establishment and also away from the sidewalk.

CHAIRMAN MICHAEL GARDNER: So, let me ask what, if any, responsibility have you in the past assumed, and what, if any, level of

responsibility do you think it is reasonable for us to request of you with respect to crowd control upon the closing of the establishment on the street?

RENATO RODRIGUEZ: Part of our protocol is to disperse people from the front doors and the patio area and where our windows are. We push them down and up Mass Ave and just try to clear that area as much as possible.

Once they start moving up and down the street, we just fall back.

ATTY. SEAN HOPE: I would like to add that part of the responsibility really doesn't start when it ends, but it starts when you're serving patrons, the environment that you allow them to be overcrowding or not, and I think that's something that they have taken pride in.

CHAIRMAN MICHAEL GARDNER: No, I get that. I understand that you have to be

responsible during your period of operation.

I am asking, without indicating that I've particularly got an opinion, I'm asking what, if any, level of responsibility that you think you've got for postclosing crowd control, and, you know, part of it relates to well maybe not everybody should have a 2:00 license.

If everybody is pouring out at the same time, and it's get them beyond the borders of my lot line, then it's the city problem.

So I'm asking what, in the past or what going forward any of you think is reasonable to ask of your own security personnel with respect to post-party behavior on the public way?

ALEX PEREZ: I think our procedure has been just to get people from our vicinity, the immediate vicinity -- I think in the past when we've had units in the area, we've pulled back, just so we don't get in the way of the police

doing their work. So that's -- that's the best answer that I think I can give as far as why we only generally stay to our area.

ATTY. SEAN HOPE: I would like to add, you know, part of the anticipation for large crowds is they have the two police details, and I think on the 17th there was two details for 11:00 to 2:00, but part of these conversations were having the police detail there at any given night, but it does seem like having them there, whether it's 1:00 or 2:00 -- but when people are milling around to have the police presence there, which is part of the reason why things don't happen in front of an establishment because there are police there as opposed to people going to their cars from several different establishments, but in terms of responsibility, as an owner of an establishment, there is a duty of care that they owe to all patrons, and that duty of care really

extends into reasonable person standards, and that duty of care would probably be that your patrons enter and exit in a safe manner, especially if there's a fight or there's some danger.

I think it's really probably limited to your frontage and the public street, but I think there has been situations -- there's a parking lot down an alleyway by McDonald's, and in conversations of in terms of thinking who might've started any given fight, they have told us, and I believe they told this to the officers, that's kind've of a dangerous alley.

If there are women leaving the premises and they're parking their cars, they cross their street of Mass Ave and they're going to the parking lot, there are people that don't even come into the bars because they're too young or maybe that can't get in that will hang out there.

And that's become also another part of what's becoming the challenge, I wouldn't just say for Naga, but for Mass Ave, in general. And I don't necessarily think it's about the hours.

I don't think 1:00 is safer than 2:00, but I do think it's the nature of having establishments come out and the need for people to act reasonably. And if this is the case, they'll put a tax on the Police Department.

But I feel like their level of responsibility has to end really at the premises, but I do believe it starts before then.

CHAIRMAN MICHAEL GARDNER: Thank you.

Superintendent?

SUPERINTENDENT CHRISTOPHER BURKE: I'm concerned about the different versions with respect to the account that is provided to the Police Department that an incident with 400 people involved happens right outside the

establishment, and there's ten security staff on duty, and when the managers are spoken to by the police, it's reported to the police that "Oh, we didn't know what happened until we heard sirens."

And now I'm hearing from that "Oh, we saw something happening, but we stepped back."

It's just hard to determine what actually happened. I mean, why wasn't this information provided to the police officers at the scene? I just don't get that.

RENATO RODRIGUEZ: Well, when I was called out, everything was already in play. Everything was already happening.

So when I came outside, which I did with my front door guy, the sirens were already there, there was already a large group of people on both sides of the sidewalk, and all I saw (sic-"heard") was sirens.

At that point our front vicinity was

clear. There was no one there. Everybody was down towards the High Five area.

At that point I went back in and continued to do what I usually do, and that's when, I believe, Sergeant Brown came in.

SUPERINTENDENT CHRISTOPHER BURKE: Well, I mean, according to Officer Carona's report, which Sergeant Brown had an opportunity to review and approve, the three managers all stated they did not know a fight had occurred.

I did not even know -- "I did not even know there was a fight going on outside until I saw (sic-"heard") police sirens."

Well, that differs from the version that I just heard that I saw something happening and we stepped back, the police were coming.

You've got two different versions going on here.

ALEX PEREZ: No, no. Not that the police

were coming, but they were already there on the scene.

RENATO RODRIGUEZ: Sirens were already on the scene and there was already a large group of people.

TASLIM CHOWDHURY: I was already in the back doing our paperwork getting ready to close when somebody came in and told me that there's an issue outside, and I came in the front and there wasn't anybody in front of Naga.

Literally I had to walk in front of the Middle East to see what's going on in that intersection between Mass Ave and Brookline Ave to see what's going on.

Then I came back into the restaurant, and then the sergeant came in after me and I gave him all the information, and I told him that I didn't -- from the inside I didn't even see that there was something going on outside until somebody

told me that, then I had to go outside to see there's the issue that was outside.

SUPERINTENDENT CHRISTOPHER BURKE: Well, I'm seeing a consistent theme with both instances in which the managers don't have a clue on what's going on. Either they don't know or they're not reporting to the police.

I don't know if we want to talk about the second incident. But we have a manager who's saying that they didn't know -- nobody was courted outside, and then another staff person said that there was.

TASLIM CHOWDHURY: Actually, I was involved in that issue that -- the incident that Mr. Hector is talking about.

So I met him outside in front of the restaurant and explained to him what happened.

This gentleman that walked into the restaurant, he had nothing to do in the

restaurant. He didn't eat in the restaurant. He just walked straight from the front door and went straight frantically looking for somebody. We had a security female person in front of the restroom. He walked straight into the ladies' room. That's when Natasha, who is our security officer, told him, "Listen, that's the ladies' room, you can't go in there.

She had to literally go in there and get him out.

Then there was another security officer that escorted him out.

Now, this gentleman had nothing to do with Moska, he didn't eat at Moska, he didn't drink at Moska. He basically walked in straight from outside from the sidewalk because I reviewed the videotape later on to see if he was actually in the establishment eating or not.

Hector explained to me what happened. Me

and him, we actually stood outside and talked about this.

This gentleman then left, walked away from the Moska area, went closer to the park crossing the street and he literally hit a taxicab.

I also brought that up to his attention saying that that gentleman right there just hit a taxicab. Right?

So 15 minutes later this gentleman comes back right in front of Moska. In the meantime, this ten, 15 minutes I was with Hector talking to him about the whole incident. I even joked about it that somehow we're going to get blamed for this.

Because it's -- we had nothing to do with this and this gentleman was drunk, he was -- he wasn't drunk, he was literally frantic about something. I think he was completely on drugs

that came from somewhere.

Then half an hour later, all I see is there's like six or seven other police officers arresting him. I don't even know what happened. This gentleman that this whole incident that we had nothing to do with, that walked into our establishment, created this issue, we escorted him out and then we got a complaint about it.

SUPERINTENDENT CHRISTOPHER BURKE: So he was escorted out?

TASLIM CHOWDHURY: He was escorted out, meaning like we told him "You have to leave." And we immediately walked him out. We didn't even touch him. We basically walked him out saying, "You have to go. You have to go."

SUPERINTENDENT CHRISTOPHER BURKE: Again, you have a manager who's reporting to the police they had no knowledge of any employee walking the man out of the club.

RENATO RODRIGUEZ: Well, to clarify, I was only speaking of the events of the 17th and 18th.

If we're speaking on the gentleman of the 23rd, I was a part of that. And I was there. Natasha radioed me to let me know that this individual tried go into the ladies' bathroom. He was looking for his wife.

At the time we told him, you know, "You can't go into the ladies' bathroom."

We told him we had to escort him out. And we walked him outside. We went inside to -- Alex was there -- look for the description that he gave us of his wife. The place wasn't busy. We went in and looked around and didn't see anyone of that description.

Went outside and told him, you know, "The person you're looking for is not in the building."

At that time Officer Vincente was there and I told him, you know, he could speak to the officer. I went back and did what I had to do.

CHAIRMAN MICHAEL GARDNER: Thank you.

TASLIM CHOWDHURY: As the gentleman was getting arrested, the wife showed up actually and she wasn't anywhere near Moska or Naga. She came from a completely different direction.

CHAIRMAN MICHAEL GARDNER: Thank you for that carnification.

I have a few other questions. One is: Mr. Hope, you indicated that you didn't think whether it was a 1:00 or 2:00 closing would necessarily make any difference.

My point or the question was: Is part of the problem here too many people who have been in places that have full alcohol licenses and at least at that hour of the evening don't appear to be primarily at the restaurant or functions or

establishments?

Are there too many people being disbursed onto such a crowded and narrow area all at the same time? And would public safety and the public good be served by perhaps staggering hours so that not everybody gets out at the same time?

Another question I have is: You've given us some demographic data, which we can evaluate, but while you tell us what you think the demographic data tells you about incidents like this and the ways in which, if any, you can use that demographic data to help make city streets in Cambridge safer?

The third question is: You mentioned videotape capacity. I take it that's internal to the establishment, but I am asking if you have or you see any value to having a videotape capacity to the outside in the area around your establishment, including wide angle lenses?

Mr. Hope, why don't you coordinate the answers?

ATTY. SEAN HOPE: I would probably just answer No. 1, and I'll leave the demographic data and videotape to the representatives of Naga.

I would just say that the incident that happened on the 17th, it was a very rare incident. You have some 400 people from -- as Officer Brown stated -- from probably several different establishments meeting in the square and taking an hour to put to bed that unrest.

I don't think that had to do with any one establishment. I think the context of what was going on that weekend in terms of the Together Festival and the different events that were being held at several different ventures really led to something that was highly usual, and I don't think that should be attributed to any one user.

So, I think the idea that staggering --

this was an incident obviously that was ongoing and there were 400 people.

Growing up in Cambridge, you know, High Five at 2:00 is where people go for a slice of pizza.

Whether you're at the Phoenix Landing or you're at different places, that's where people who are out go to have that on a given Friday night. I'm sure any of these officers can testify to that. There's a lot of a lot of people. There's not going to be fights, there's not -- I mean, there would not be the affray, but I don't think you would have this situation.

So I personally wouldn't think that somehow there's too many licenses open at one time or at least that shouldn't be evidenced by this one incident.

I think there's a larger problem that is something that the City Council wants to deal

with or the Police Commission want to deal with. I would take their advice better than mine.

Just as a resident of Cambridge and dealing with licensees, I don't necessarily think that staggering licenses would avoid something that happened like happened on the 17th.

A portion of an answer for the demographic area, that part of the data that we have includes demographic, but I think even more importantly, I would want to show what the occupancy was.

On the second page of what we handed out shows the occupancy. I think that's more important maybe than the demographics.

But I do think when I looked at, part of what I saw was this is not a place where 21 and 22-year-olds are coming for a pint of beer and shots. It does cater to a more sophisticated crowd. I think the demographics of race and

gender and all that, that's not something I really care to look into.

But I think what I have complied is I wanted the Commission to know what type of data was available to them as a licensee, and if it would be helpful to the License Commission if they wanted to see that, that was why I presented that.

On the second page it does show on a given night, specifically, on the 17th as well as the other nights of what we brought, what is the capacity of this place, and that's why I presented that. If you want to answer --

CHAIRMAN MICHAEL GARDNER: So let me -- just with respect to Sergeant Brown's report, I do not know if the demographics are going to confirm this or not, but that there was an average of 338 people there. At least at one time there were 476 guests on a 480 occupancy.

Do the statistics support that?

ATTY. SEAN HOPE: We turned that over.

TASLIM CHOWDHURY: 476, I do have a picture of the -- 476 was total people came in throughout the night after 10:00. And the most amount of people we had was 308, I believe.

But 476 that we showed the police officer as the count was the actual total count throughout the night.

CHAIRMAN MICHAEL GARDNER: When I looked at the demographic data, what I noticed is that it had some age information. I didn't notice any of the other characteristics that Mr. Hope mentioned.

ATTY. SEAN HOPE: It was on the second page.

CHAIRMAN MICHAEL GARDNER: Since you gave us the data, I'm asking you to tell us what you -- what value you think the data is and what

you would point out to us and how you use it in your own business?

TASLIM CHOWDHURY: Throughout the weekly basis, we get this report every Monday, so it's not like we get to see it at the end of the night.

This is a third party company that generates the report and gives -- emails it to us Monday morning everyday.

CHAIRMAN MICHAEL GARDNER: So like our licenses are scanned or something or somebody manually enters it DOB?

ALEX PEREZ: The way it's designed, there's a camera and sensor, so the sensor detects the count. The camera is actually very sophisticated where it detects so many points on your face to determine your age and male versus female.

CHAIRMAN MICHAEL GARDNER: All right.

That's an interesting capacity.

TASLIM CHOWDHURY: In terms of any videos or anything, we don't have any videos or any cameras that are outside.

This information is only captured as the public that is entering or the guests that are entering through our doors.

We don't have anything on the sidewalk or anything that records outside.

On the report, if you look at it, that Thursday night, our male-to-female ratio -- male ratio is 29.1 percent, female ratio is 70.9 percent. The male age is 30.66 years and female age is 27.28.

So the clientele that we're attracting coming into our establishment, it's not the 21 or 22-year-old or 23-year-old. I'm sure there is a few of them, but the majority of our crowd is over 30, a 30-plus crowd. That's professional --

they have the money to spend on a cocktail, a $12 cocktail.

CHAIRMAN MICHAEL GARDNER: To make sure I'm clear about this, on the Thursday night, which, I take it, was the night of the big affray, the 17th, over 70 percent of your patrons were female?

TASLIM CHOWDHURY: Absolutely, yes.

CHAIRMAN MICHAEL GARDNER: Is that typical?

ALEX PEREZ: Yes. We get anywhere between 60 to 70 --

RENATO RODRIGUEZ: For Thursday, Friday and Saturday.

ALEX PEREZ: -- percent female.

TASLIM CHOWDHURY: That's one of our -- it's -- a lot of restaurants would say it's a good problem to have.

ALEX PEREZ: We actually have complaints

from women that there are not enough gentlemen that come in.

TASLIM CHOWDHURY: In terms of the count for that night at peak customer hour was at 1:10 a.m. we have 340 people. That's including -- -- we had about ten to 12 security, four managers, four cocktail waitresses, four bartenders and two support for the bartenders.

CHAIRMAN MICHAEL GARDNER: Thank you.

I take it all four of you have substantial experience in this business.

What are your recommendations for us because I don't take Mr. Hope's point that this was an isolated incident. There were enough incidents in January of this year, when it's colder and harder to amass such a group, so that the License Commission felt it had to intervene and have conversations, and the next week, there were a hundred people in an alley around a fight.

So I'm not at all persuaded that this is a one-time event that we don't have to worry about in the future. I am persuaded it's an issue we do have to take seriously.

You're the professionals. Tell us what you can do and what other establishments can do, what we can do to prevent having to strip the city of such a large amount of its public safety for other citizens who are not involved in such business?

ATTY. SEAN HOPE: I am going to turn it over to the owners of the establishments, but we sat hear and we brainstormed, and one of the things we said, "Let's think forward. What are some of the solutions for -- not even for this affray, but I personally don't feel like that affray was erected, but the idea that you have police detail that are detailing the place and they're located where they want to be, it sounds

like the incident is -- let's just say the one happened at Moska for the individuals in the alley that were on Moska property, that a police detail were stationed specifically outside between closing half -- maybe how it happened an hour after closing, that was my suggestion in terms of making sure that things don't happen on the property of Moska.

It seemed like that worked because I think since they have been open, there haven't been several incidents. I think it happened to your point. I also felt like, well, you know, Solomon says "Things happen at McDonald's across the street."

I said, "Okay. Well, maybe it makes sense -- you know, that patron from all around go across the street that maybe a police detail and Solomon said, "Well, who's going to pay for that because it benefits all of us?"

So he suggested going to Middle East and Phoenix and contributing to some sort've pool to have a police detail in that area because McDonald's has to compete with the parking lot. They have identified that as a potential hazard from patrons coming from all areas. I think that was a good suggestion they could do.

I know it taxes on the Police Department and they have several things to do. But I did think some of that cost was taken on by a group taxicab on by the group of licensees, that would be something that would be beneficial.

CHAIRMAN MICHAEL GARDNER: Anything else, Mr. Chowdhury?

TASLIM CHOWDHURY: We do take our security and our establishment very seriously. We're doing everything in power to control everything within our establishment and in front of our establishment.

One other thing is any time we know that we're going to be busy, we always have a detail on call for Thursday, Friday, Saturday, no matter what, whether we're busy or slow. If we're thinking -- if we know we are going to be busy, we will double that detail.

Sometimes it doesn't get filled, but the majority of the time it gets filled.

It -- we'll continuously do that, get one detail every night, and if we think it will be doubled, we'll get two.

CHAIRMAN MICHAEL GARDNER: Anything else?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: I just ask, Sergeant Brown, if you could comment on the claim that this didn't seem to the management of this establishment that it was really right outside their door. It was someplace else. And also any assessment you have as to the sex ratio within

the crowd.

OFFICER DAVID BROWN: Well, first of all, Attorney Hope indicated this happened at Mass and Prospect. He may have misspoken. He might've meant to suggest Mass and Brookline.

The reason that there was a large amount of activity there and over towards Douglas Street is because our job is to break up the fights, but also get people to go home, and by default, you're moving away from the door, that's the desire to get people to go home. So as a result, the disturbances get further and further from the door.

It took an hour for this to end. It's not going to be one hour of an affray right in the front of the -- if that were the case, we're really in trouble.

We were having some success in getting some persons to leave, clearly others didn't get

the message. There were a lot of females, but everybody who was fighting, they were male persons fighting. So we didn't take any females into the custody. So I really can't speak to the gender demographics. I don't know.

CHAIRMAN MICHAEL GARDNER: Right. That's fine. Thank you.

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

Seeing none. Do we have a decision hearing scheduled for this month?

EXECUTIVE DIRECTOR ELIZABETH LINT: We don't have one this month because the next hearing is the 25th. So, I'm thinking, it would be the 11th.

CHAIRMAN MICHAEL GARDNER: So, Superintendent, I'm inclined to defer any action on this until the decision hearing of the 11th, but I wanted to see if you had any other thoughts

on disposition presently.

SUPERINTENDENT CHRISTOPHER BURKE: None presently.

CHAIRMAN MICHAEL GARDNER: All right. I would suggest to the management of the establishment and to the staff of the License Commission, to please continue to keep your lines of communication or dialogue open and to be sure to alert our office with respect to anticipated activities.

And I would encourage you to be conservative with respect to the need for security, and make sure that you do what you can to have the staff, that you're hoping for a police detail and you're not getting it, which can be a problem, if you've got a capacity to increase your own security staff in response to that, that may be of use to you.

I would encourage you to have

conversations with your neighboring establishments with respect to whether or not the idea of pooling any funds for additional security help is one that has many wings. We've had some experience with that in other parts of the city where it seems to have been of some value.

And, however, we won't take any testimony on the -- at the decision hearing, which is at least presumptively scheduled for July 11. If there's any written communications that you want to submit to the Commission to have us take into consideration with respect to those deliberations, we would obviously appreciate any additional information.

I'll make the motion that this matter be deferred to the decision hearing. Is that --

EXECUTIVE DIRECTOR ELIZABETH LINT: Taken under advisement.

CHAIRMAN MICHAEL GARDNER: Taken under

advisement until the decision hearing of July 11, 2013.

SUPERINTENDENT CHRISTOPHER BURKE: I will second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you.

To all of the officers and Commission staff and to the representatives of the establishment, I appreciate your participation and forthcomingness this evening.

And for the rest of the persons who are on the agenda this evening, I apologize for the length of the first item.

APPLICATION: ZOLL BROTHERS PRIVATE CELLARS, LLC

D/B/A ZOLL CELLARS

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Zoll Brothers Private Cellars, LLC d/b/a Zoll Cellars, Frank Zoll, Manager, has applied for a farmer winery license to operate at the Central Square Wednesday Farmers Market, 23 Sidney Street, on Wednesdays from June 5 to November 20, 2013.

CHAIRMAN MICHAEL GARDNER: Please come forward and have a seat.

I'd ask you to state and spell your last name for the record, identify your affiliation and then tell us about the plan.

KATRINA JAZAYERI: My name is Katrina Jazayeri, K-A-T-R-I-N-A, J-A-Z-A-Y-E-R-I.

I am the owner of the Central Square Wednesday Market as well as a managing vendor there. And I mean representing Zoll Cellars on behalf of Frank Zoll as he's appearing at another

licensing hearing this evening.

CHAIRMAN MICHAEL GARDNER: Has this seller been at this location in the past last year?

KATRINA JAZAYERI: No. This is a brand-new market. We started it in the wintertime. We were in the old Blockbuster location. Very small number, five or six vendors. And with public support, we have now an outdoor location and trying to expand the number of vendors we have.

CHAIRMAN MICHAEL GARDNER: Is the outdoor location on city property?

KATRINA JAZAYERI: It's private property.

CHAIRMAN MICHAEL GARDNER: Okay.

KATRINA JAZAYERI: University Park is hosting us.

CHAIRMAN MICHAEL GARDNER: Have you moved outside yet?

KATRINA JAZAYERI: Tomorrow is our opening day.

CHAIRMAN MICHAEL GARDNER: Good luck.

KATRINA JAZAYERI: Zoll Cellars has been selling at 12 other local Farmers Markets. They were at the Somerville Market where we also had a -- my other half has a catering company who I represent as well, and Frank is MRA certified alcohol server, and he plans to pour samples and sell wine at the market if approved for the license.

CHAIRMAN MICHAEL GARDNER: Do you have any experience in sort of superintending wine cellars in the past?

KATRINA JAZAYERI: I personally do not.

I am also not the market manager. I'm the owner. We have another staff member who is the person who patrols vendors and makes sure permits are in place.

CHAIRMAN MICHAEL GARDNER: Does that person have any experience in superintending wine sampling and selling?

KATRINA JAZAYERI: This is also her first year doing the market, so Frank has actually helped with the expert who will be on-hand, as he's been doing that for a number of years.

But we have worked with other market managers as we were putting our plans in place of like, "Do you think this makes sense? Is this a good idea?" Using our networks of Farmers Markets as our advisors.

CHAIRMAN MICHAEL GARDNER: What is your understanding of the underage or age check controls that will be put in place?

KATRINA JAZAYERI: My understanding is only from a -- I've done tastings at different wines stores and have been an attendee at Farmers Markets, and so any time the vendor has a

question -- any sort of question about age, they ask for IDs before they serve any samples.

So, to my knowledge, that's the protocol. If someone looks under 30, they should be asked, but I don't know the extent of those regulations.

CHAIRMAN MICHAEL GARDNER: Okay, I see.

Will you make the representation to us that either you or the walk-around manager will have the conversations with the Zoll Brothers' representatives to ensure that they are aware and are following age check appropriate protocol?

KATRINA JAZAYERI: Yes. Absolutely.

CHAIRMAN MICHAEL GARDNER: Thank you.

Miss Lint, has Zoll Brothers participated in any of our markets before?

EXECUTIVE DIRECTOR ELIZABETH LINT: They have and they actually appeared after the season to let you know how it went, and they have not necessarily anticipated coming back until the

market moved down to University Park.

CHAIRMAN MICHAEL GARDNER: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add?

KATRINA JAZAYERI: Just that there's been no issues previously serving residents of the Charles Square Farmers Market.

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 farmer winery license to operate at Central Square Wednesday Farmers Market during the time period as listed in the application.

SUPERINTENDENT CHRISTOPHER BURKE: I will second that motion.

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

signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So good luck with your move.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I could just add if Frank wants to be there tomorrow, he can come into the office, it's a $50 license fee and they can get him his license tomorrow.

KATRINA JAZAYERI: Wonderful. I'll let him know. Thank you very much.

APPLICATION: LEGAL SEA FOODS, LLC

D/B/A LEGAL SEA FOODS

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Legal Sea Foods, LLC d/b/a Legal Sea Foods, Joseph Deagle, Manager, holder of an all alcoholic beverages as a restaurant license at 5 Cambridge Center has applied for a change of

manager to Charlotte Wirtanen.

CHAIRMAN MICHAEL GARDNER: Please come forward and have a seat.

State and spell your last names for the record and identify your affiliations.

DONNA CRUZ: Donna Cruz, C-R-U-Z. I am the legal assistant to the general counsel at Legal Sea Foods.

CHARLOTTE WIRTANEN: Charlotte Wirtanen, C-H-A-R-L-O-T-T-E, W-I-R-T-A-N-E-N. I'm the restaurant manager at Kendall Square.

CHAIRMAN MICHAEL GARDNER: Ms. Cruz, got anything to add?

DONNA CRUZ: I'm here to support.

CHAIRMAN MICHAEL GARDNER: Could you describe your experience, if any, as the manager of record for an organization serving alcohol?

CHARLOTTE WIRTANEN: I have been the manager for Legal Sea Foods for three years now

at five different locations. So I think I have pretty good experience. I was at Charles Square at the Terrace Bar.

CHAIRMAN MICHAEL GARDNER: As the manager of record?

CHARLOTTE WIRTANEN: Yes. Well, not -- the liquor license was not in my name, but I was the manager.

CHAIRMAN MICHAEL GARDNER: What differences, if any, do you see between actually being the manager of record and what you did at Charles?

CHARLOTTE WIRTANEN: I see no difference. We follow the same rules.

CHAIRMAN MICHAEL GARDNER: Are you actually functioning at the Cambridge Center location now?

CHARLOTTE WIRTANEN: Yes.

CHAIRMAN MICHAEL GARDNER: How long have

you been there?

CHARLOTTE WIRTANEN: A year this month.

CHAIRMAN MICHAEL GARDNER: As the manager?

CHARLOTTE WIRTANEN: Yes.

CHAIRMAN MICHAEL GARDNER: Ms. Cruz, are we just getting the paperwork squared away after a year?

DONNA CRUZ: No, Mr. Deagle was on the license as of April.

CHAIRMAN MICHAEL GARDNER: You've been there for a year, but Deagle didn't leave until April?

CHARLOTTE WIRTANEN: Yes.

CHAIRMAN MICHAEL GARDNER: We're trying to get our licensees to move swiftly if there's a change in manager. Hopefully it's not too an onerous a process, but...

Any questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

CHAIRMAN MICHAEL GARDNER: Anything else you want to add?

CHARLOTTE WIRTANEN: No.

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 Charlotte Wirtanen as the manager for 5 Cambridge Center assuming she has taken --

EXECUTIVE DIRECTOR ELIZABETH LINT: 21 Proof.

CHAIRMAN MICHAEL GARDNER: -- 21 Proof training. Have you had 21 Proof training from the city?

CHARLOTTE WIRTANEN: Not yet. I contacted the person in charge today. I'm waiting to hear back.

CHAIRMAN MICHAEL GARDNER: Okay. Subject

to taking and successfully completing that program.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I guess you have already been there, so it might be late to say good luck, but good luck.

CHARLOTTE WIRTANEN: Thank you.

DISCIPLINARY: ALL LODGING HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT: Disciplinary matter: All lodging house, innholder, open air parking, hawker/peddler, junk dealer, limo-livery, and antique licensees that failed to renew their licenses for 2013/2014.

So the only ones we have would be Gray Gabbles Condo Trust, Story, Incorporated, JR Fennel Realty Trust, Clinton and Prospect Apartments, Nicholas LaFouche, United Homes for Children, the Windsor Inn, Brian J. Snacktime and Court Furniture Rentals.

Anybody here? No.

CHAIRMAN MICHAEL GARDNER: So any persons present with knowledge about any of these license holders or who wish to speak on this matter?

Seeing none, what would you recommend, Ms. Lint, as the appropriate course?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll have Ms. Boyer go out and make sure all of these are still in business. I know the Windsor Inn is, I know Brian J. Snacktime is, I know Court Furniture is.

CHAIRMAN MICHAEL GARDNER: Should we take any action this evening with respect to

rescinding those licenses, either immediately or provisionally?

EXECUTIVE DIRECTOR ELIZABETH LINT: We didn't give them notice that they would be rescinded. This would be to get them into pay. Actually, we do. So I take that back. We can do that.

CHAIRMAN MICHAEL GARDNER: I will make the motion to rescind the licenses of the persons named in the hearing and on the agenda effective -- and I would take a suggested date from you, Miss Lint.

EXECUTIVE DIRECTOR ELIZABETH LINT: 30 days.

CHAIRMAN MICHAEL GARDNER: Effective July 11, 2013 absent their coming forward to the staff and both complying with the obligations of the Commission with respect to fees and any other requirements, and also giving sufficient reason

to the staff to satisfy why they were delinquent in their payments.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

You will second out the notices and be in touch with them?

APPLICATION: UNO RESTAURANTS, LLC

D/B/A UNO CHICAGO GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

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: Anybody from Uno still here or show up?

Would you be in touch and particularly find out if Duncan Chan is, in fact, serving as the manager of record now, and ask them if that's the case, to please be sure to be here for our meeting on the 25th?

EXECUTIVE DIRECTOR ELIZABETH LINT: You might not want to do that. It's going to be a long night. It's a long one. You can, but...

CHAIRMAN MICHAEL GARDNER: I don't care if this is a perspective applicant but if Mr. Chan is functioning --

EXECUTIVE DIRECTOR ELIZABETH LINT: No, no, I understand perfectly.

CHAIRMAN MICHAEL GARDNER: -- in the manager's role, I would like to have it move forward.

And you have another Uno's matter?

APPLICATION: UNO RESTAURANTS, LLC

D/B/A UNO CHICAGO GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

Application: Uno Restaurants, LLC d/b/a Uno Chicago Grill, holder of two all alcoholic beverages license has applied for a change of corporate officer/director. This application has already received Alcoholic Beverages Control Commission approval.

This was a reverse application because it was change of officers and directors for all of the restaurants in Massachusetts. So they go through the ABCC first and we ratify it.

CHAIRMAN MICHAEL GARDNER: Do you have any questions about this application?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Are there any members of -- anybody from Uno here for this

matter?

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 change of corporate officers and directors as provided in the application taking particular note of the fact that the alcohol beverages in both Commissions has already approved this matter with the expectation of that having been done, the likelihood that our Commission would have any substantive concerns about it are small.

This motion, obviously, reserves the right to reconsider this matter should there be any undisclosed or unrealized problems with the application.

SUPERINTENDENT CHRISTOPHER BURKE: I second the motion.

CHAIRMAN MICHAEL GARDNER: Motion having

been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed. So we'll approve that one.

APPLICATION: CALIFORNIA PIZZA KITCHEN, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: California Pizza Kitchen, Inc., d/b/a William Long III, Manager, holder of an all alcoholic beverages as a restaurant license at 100 Cambridgeside Place has applied for a change of manager to Michael Helvitz, new officers/directors, and a transfer of stock.

CHAIRMAN MICHAEL GARDNER: Good evening. Again, if you would state and spell your last names for the record and identify your affiliations and accept my apologies for the late hour.

GREGORY DEMARKIS: My name is Gregory

Demarkis, D-E-M-A-K-I-S, I'm an attorney in Lynn and I represent California Pizza Kitchen, and to my right is Michael Helvitz, H-E-L-V-I-T-Z.

What we got here today is -- good evening. What we have here today is a transfer of stock in California Pizza Kitchen, Inc at the Cambridgeside Galleria at the upper tier level. Cambridgeside Galleria is a publicly traded company, and we're also here for a change of officers and directors and change of manager.

CHAIRMAN MICHAEL GARDNER: I'm sorry, California Pizza is a publicly traded company?

GREGORY DEMARKIS: Yes.

CHAIRMAN MICHAEL GARDNER: I believe you mentioned you mentioned Cambridgeside, so I just wanted to --

GREGORY DEMARKIS: I'm sorry. California Pizza Kitchen, Inc.

And there's going to be a transfer to two

private equity firms. Golden Gate Capital Opportunity Fund and Golden Capital Opportunity Fund A.

And they're owned basically by several nonprofits and educational endowments such as principals, Stanford, the MacArthur Foundation, Howard Hughes Medical Center Foundation and entities like that.

This is part of a national transfer. There's 260 restaurants in the country.

The transfers is 472 million dollars, the purchase price, and there's six units in Massachusetts. So this affects all of the units in Massachusetts and the country. There's two in Boston, one in Cambridge, one in Natick, one in Wellesley and one in Braintree.

In addition to the transfer of stock ownership, we would like to transfer the change officers and directors to the officers and

directors set forth in the application and change the manager from William Long to Michael Helvitz, who is to my right. He's been an employee of California Pizza Kitchen for 14 years since 1999. He has worked in 18 different California Pizza Kitchens.

I think we're all familiar with this operation. It's a very well run restaurant.

I've been informed there's been no suspensions or violations in Massachusetts at any of the six units -- suspensions or violations of any licenses in Massachusetts.

It's going to be continued to be run the same way it has been run. The hours are 11:00 to 9:30 Monday through Friday -- Monday through Thursday, 11:00 to 10:00 Friday and Saturday, 11:00 to 8:00 on Sunday. There really will be no change in the operations, even with the change of ownership. We're asking you to approve those

applications.

CHAIRMAN MICHAEL GARDNER: Mr. Helvitz, are you currently functioning as the manager?

MICHAEL HELVITZ: Yes.

CHAIRMAN MICHAEL GARDNER: How long have you been so functioning?

MICHAEL HELVITZ: Within the last year.

CHAIRMAN MICHAEL GARDNER: You have been there for a year --

MICHAEL HELVITZ: I was been one of the managers for a year and recently now I'm the store manager.

CHAIRMAN MICHAEL GARDNER: We appreciate you trying to get the paperwork straight in a timely way. This is a publicly traded company which is going private?

GREGORY DEMARKIS: Right.

CHAIRMAN MICHAEL GARDNER: Any questions?

SUPERINTENDENT CHRISTOPHER BURKE: How

long were you at this location?

MICHAEL HELVITZ: Off and on over the past year I have been back in the store permanently for the last year.

CHAIRMAN MICHAEL GARDNER: Is there any alcohol license at all involved?

MICHAEL HELVITZ: Yes, we do.

CHAIRMAN MICHAEL GARDNER: What kind?

MICHAEL HELVITZ: Full license, beer, wine and liquor.

CHAIRMAN MICHAEL GARDNER: Tell us about your experience, if any, as being a manager of record for alcohol sales?

MICHAEL HELVITZ: Typically run like it always has. Make sure we check all IDs. We're a family-style restaurant never overserving.

Always been --

CHAIRMAN MICHAEL GARDNER: My question wasn't clear. Have you ever been a manager of

record before?

MICHAEL HELVITZ: Previously, no.

CHAIRMAN MICHAEL GARDNER: And so, what, within the past three months or more, you have been de facto the manager?

MICHAEL HELVITZ: Yes.

CHAIRMAN MICHAEL GARDNER: Three months?

MICHAEL HELVITZ: Little over three months.

CHAIRMAN MICHAEL GARDNER: Okay. Prior to that, you've had a lot of experience in the restaurants?

MICHAEL HELVITZ: Yes, sir.

CHAIRMAN MICHAEL GARDNER: Do most of them have alcohol licenses?

MICHAEL HELVITZ: Every one except our City Place store on Stewart Street in Boston, they only have beer and wine. The other 17 locations have had full liquor licenses.

CHAIRMAN MICHAEL GARDNER: What, if any, additional responsibilities do you see as being the manager of record?

MICHAEL HELVITZ: Making sure that all of my employees are following the correct procedures, making sure we card everyone -- typically I like to card everyone -- making sure we have the proper identification, never overserving.

CHAIRMAN MICHAEL GARDNER: Are you 21 Proof certified?

MICHAEL HELVITZ: I'm currently not, but I will be.

EXECUTIVE DIRECTOR ELIZABETH LINT: Paperwork's all in order, all background checks are fine.

CHAIRMAN MICHAEL GARDNER: So I'm wondering is there a way we can more effectually communicate the need for the 21 Proof training

before the people come into our hearing because it really does seem like a lot of them aren't, even though they have been de facto serving in the position for sometimes a substantial period of time haven't actually -- they somehow haven't gotten the message or taken the message to get certified?

EXECUTIVE DIRECTOR ELIZABETH LINT: Let's talk about it afterwards.

If it's a change in the restaurants that we do -- I don't want to say a lot of business with, but that we see all the time, say they're members of the Cambridge Licensee Advisory Board, they're the ones that tend to come in -- to do that much sooner because they're aware of it and they do the trainings on an ongoing basis. It's the bigger ones that tend to not.

CHAIRMAN MICHAEL GARDNER: So maybe my question is better asked to you, Mr. Helvitz,

like have you generally been aware of the need for the 21 Proof training and just didn't get around to it yet, or was it in the process of this application or listening this evening?

MICHAEL HELVITZ: Listening this evening.

GREGORY DEMARKIS: We do listen.

CHAIRMAN MICHAEL GARDNER: So what I would just say is hopefully the prior manager the record was 21 Proof certified and hopefully in an organization seemingly as responsible and hopefully as well run as yours, so some private equity people think they can make money off it, you would hope that the transition or the hand-off from one manager to another would include the sort've checklist of things that Cambridge requires, and I hope you'll take that message back and think about it when at some point in the future perhaps your career blossoms even further and you get to go to places beyond

Cambridge. It's hard to be believe that would be any better.

Are there any members of the public that would like to be heard in this matter?

Do you have anything else?

SUPERINTENDENT CHRISTOPHER BURKE: None. Nothing.

CHAIRMAN MICHAEL GARDNER: Then I'll make the motion to approve the change in officers and directors and any other functions we have do with respect to the transfer of stock and also to approve Mr. Helvitz as the manager of record subject to taking the 21 Proof training and any meeting any other requirements.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So belatedly welcome to Cambridge and good luck.

GREGORY DEMARKIS: Thank you.

APPLICATION: FRANK SACCHETTI D/B/A FROSTY ICE CREAM

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Frank Sacchetti d/b/a Frosty Ice Cream, has applied for a peddler/vendor license to operate a mobile ice cream truck. This is the purchase of an existing route. The route is available for review in the License Commission office.

CHAIRMAN MICHAEL GARDNER: If you would be so kind as to state and spell your last name for the record and just identify who you are?

FRANK SACCHETTI: Frank, last name is

Sacchetti, S-A-C-C-H-E-T-T-I.

CHAIRMAN MICHAEL GARDNER: And you have purchased or in the process of purchasing an existing business?

FRANK SACCHETTI: Yes. I purchased Charles Lavoie Soft Serve Ice Cream truck. He operated in Cambridge for 40 years. He's retiring, so I purchased the truck and hoped it would be approved for this license.

CHAIRMAN MICHAEL GARDNER: Do you have experience in this business prior to now?

FRANK SACCHETTI: I do, like 40 years myself.

CHAIRMAN MICHAEL GARDNER: Uh-huh. Okay. So could you just give us a very brief sort've summary of, I guess, kinda the economics of the business and how you staff it. Do you have drivers or you do most of it or just some sense about your operation?

FRANK SACCHETTI: Yes. Basically it's the old Americanized street vending type like some ice cream trucks that are out there that goes stop to stop, play the music and wait for people to come out of their house. You go in a timely manner around the town, usually about eight hours. I work and I have a brother-in-law that helps me. I've been doing it a long time and knock on wood I've been okay.

CHAIRMAN MICHAEL GARDNER: How much time do you have to wait to after presumably where somebody can hear the music to expect that the kids have managed to get the money and get outside?

FRANK SACCHETTI: About five minutes. By the time they hear the music and tug on their mother's shirttail, it's basically five minutes.

CHAIRMAN MICHAEL GARDNER: Where do you get the ice cream? How does that work?

FRANK SACCHETTI: HP Hood. Soft serve ice cream, sundaes and milkshakes.

CHAIRMAN MICHAEL GARDNER: You have a wholesale relationship with them?

FRANK SACCHETTI: Correct.

CHAIRMAN MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: What are your typical hours of operation?

FRANK SACCHETTI: We're usually out by 11:30 in the morning and we go to about 9:00 at night, 9:30.

SUPERINTENDENT CHRISTOPHER BURKE: What is your general route area? I know it's on file.

FRANK SACCHETTI: Mainly East Cambridge.

CHAIRMAN MICHAEL GARDNER: Are there any safety issues with respect to operating that late at night and after dark at least some of the summer?

FRANK SACCHETTI: Usually not. Usually it's right around dark is when we really call it a night. It's more really like 8:30. That's -- once it gets dark, it gets late and we don't stay out much after that.

As far as safety issues, really just drive very carefully and watch for kids running around.

SUPERINTENDENT CHRISTOPHER BURKE: Do you have any provisions for trash or anything like that?

FRANK SACCHETTI: We do. It's all self-contained in the truck. We have trash and water and all that stuff.

SUPERINTENDENT CHRISTOPHER BURKE: What, if you know, is the decibel limit of your chimes?

FRANK SACCHETTI: It's -- you know, I really haven't been asked that question.

But we try to keep it low. We only play

the song through twice. The song is Strawberry Blonde, it's from like the '30s, an old-fashioned song. We play it twice and cool it right there 'cuz we have had our experience with people coming out and saying "Can you please turn that off?"

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a non-measured noise. It's not one of the noise complaints that we get.

CHAIRMAN MICHAEL GARDNER: So the song that you say is Strawberry Blonde?

FRANK SACCHETTI: Yes.

CHAIRMAN MICHAEL GARDNER: Is that the song I know because it's the only ice cream truck song I've heard in my life?

FRANK SACCHETTI: You know, there's a couple different ones. Ours is kinda unique to other trucks so they kinda know who we are.

CHAIRMAN MICHAEL GARDNER: Are there any

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

Seeing none, I make the motion to approve this application for a peddler/vendor license to operate the mobile ice cream truck.

Before I finalize that motion, this application is subject to background check.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it's all set. Mr. Sacchetti has been in the city for awhile. We're very familiar with him.

FRANK SACCHETTI: Thank you.

CHAIRMAN MICHAEL GARDNER: That's my motion.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So I can't welcome you to Cambridge apparently, but welcome to Frosty Ice Cream you're new route.

FRANK SACCHETTI: Appreciate it. Thank you. Have a great night.

APPLICATION: TATTE CAMBRIDGE, LLC D/B/A TATTE BAKERY & CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Tatte Cambridge, LLC d/b/a Tatte Bakery & Cafe, Tzurit Or, Manager, has applied for a common victualer license to be exercised at 205 Broadway. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 19 inside and 12 seasonal outdoor patio seats. The hours of operation will be 7:00am to 8:00pm Monday through Friday, 8:00am

to 6:00pm on Saturdays, and 9:00am to 6:00pm on Sundays.

CHAIRMAN MICHAEL GARDNER: Good evening.

TZURIT OR: Good evening.

CHAIRMAN MICHAEL GARDNER: I'd ask you to state and spell your last name for the record and your affiliation.

TZURIT OR: Last name is O-R. First name T-Z-U-R-I-T.

CHAIRMAN MICHAEL GARDNER: I'll apologize again for the lateness of the hour. Sometimes we go on much longer than this.

Tell us a little about your plans and your experience.

TZURIT OR: I was here a little bit over a year ago when I opened Tatte on 3rd Street in Kendall Square. And it's been huge success for us.

I start five years ago in Brookline, and

then after four years, I opened Tatte in Kendall Square and Tatte 205 Broadway are owned by the same landlord of the building as 205 Broadway which is known at 50 Hampshire Street. Basically the landlord want me -- wants me in the building. They offered me and I took it.

CHAIRMAN MICHAEL GARDNER: So you will continue to operate now two, in two locations.

TZURIT OR: I will have three, three locations.

CHAIRMAN MICHAEL GARDNER: How will your opening this location affect the management and operations in the other two?

TZURIT OR: I have managers, GM in each location. I have director of operation. I have assistant general manager and wholesale managers. And I have each location taking care of the individual location.

CHAIRMAN MICHAEL GARDNER: Will you focus

more time on this new location as part of the startup or -- I'm just trying to get a sense about your own involvement.

TZURIT OR: Well, I'm working on a few projects right now. Tatte Brookline is all set, Tatte on Kendall Square is all set. I'm now focusing on Tatte 205 Broadway.

In the meantime we're working on another Tatte less than a mile to have our headquarters to support all the Tatte around it.

We have been in this location for about eight months now. It was drop ship center for -- we work with Williams Sonoma. We partnership with Williams Sonoma. I have been working on three locations for quite sometime now. It's quite a big operation.

CHAIRMAN MICHAEL GARDNER: Have you actually opened and started to sell food, or have you been using this more administratively?

TZURIT OR: No, no. We're in construction right now.

CHAIRMAN MICHAEL GARDNER: Any issues with the other Cambridge location?

EXECUTIVE DIRECTOR ELIZABETH LINT: None at all.

CHAIRMAN MICHAEL GARDNER: The outdoor seasonal patio seats, are those on private property?

TZURIT OR: Yes.

CHAIRMAN MICHAEL GARDNER: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

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 to be exercised at 205 Broadway as described in the application with the seating as given.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

CHAIRMAN MICHAEL GARDNER: Are there any outstanding issues that we need to address?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm just checking. I don't think so.

Yeah, the abutter notifications.

TZURIT OR: I have signed them and given to Chris.

EXECUTIVE DIRECTOR ELIZABETH LINT: But the actual --

CHAIRMAN MICHAEL GARDNER: The cards, are you talking about the green cards?

EXECUTIVE DIRECTOR ELIZABETH LINT: There are no abutters.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So welcome to your second Cambridge location. Good luck.

TZURIT OR: Thank you very much.

APPLICATION: ALGA MEKONEN

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Alga Mekonen has applied for a livery license at 35 Hovey Avenue for one vehicle.

CHAIRMAN MICHAEL GARDNER: Good evening. If you would please have a seat and state and spell your last name for the record and tell us about your plan.

ALGA MEKONEN: My last name is Mekonen, M-E-K-O-N-E-N. My first name is A-L-G-A.

CHAIRMAN MICHAEL GARDNER: Tell us about your plans, please.

ALGA MEKONEN: My plan is to manage my

family, cooperate to do my plan to do work by limo. For now, I'm working by driving taxi in Boston.

CHAIRMAN MICHAEL GARDNER: So you now have a Hackney driver's license in the City of Boston?

ALGA MEKONEN: Yes, sir.

CHAIRMAN MICHAEL GARDNER: You want to open a limo business here?

ALGA MEKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: In Cambridge?

ALGA MCKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: Do you already have a vehicle?

ALGA MEKONEN: For now -- to have permit for that, I'm coming for hearing.

CHAIRMAN MICHAEL GARDNER: Okay. I understand.

Do you have a vehicle that you own or

lease that you plan to use in this business?

ALGA MEKONEN: Yes, to do in the future. They take time, you know, for that.

CHAIRMAN MICHAEL GARDNER: Right. And what is the vehicle?

ALGA MEKONEN: For now I'm driving Boston cab.

CHAIRMAN MICHAEL GARDNER: Right, okay. What is your plan with respect to when you obtain the vehicle, parking it? Where do you anticipate to park the vehicle when it's not being used?

ALGA MCKONEN: When I'm not using the vehicle?

CHAIRMAN MICHAEL GARDNER: Yes.

ALGA MCKONEN: Just in -- wherever I'm permitted to park, I have to park there.

CHAIRMAN MICHAEL GARDNER: In other words, on-street parking?

ALGA MCKONEN: I have --

CHAIRMAN MICHAEL GARDNER: You don't have a park lot or a driveway or place to park the vehicle?

ALGA MCKONEN: I have in my apartment, which I lived at. I have parking place to be parking there.

CHAIRMAN MICHAEL GARDNER: Well, is there another vehicle that will be occupying that space or will the space you have be used by this vehicle?

ALGA MCKONEN: That's for now I have a vehicle of -- my vehicle, which means, I own that for my home and I can park there. If I have the limo, I park it in my apartment.

CHAIRMAN MICHAEL GARDNER: Besides applying for this license, what other steps have you taken to get your business started?

Have you arranged for insurance? What is your plan with respect to the kinds of trips or

services you would be offering?

For example, do you intend to do trips to Logan airport? Do you intend to do package deliveries? How do you intend to advertise the business? What besides Logan trips would you expect you would be doing?

ALGA MCKONEN: For now I'm functionable to be worker for all wide Massachusetts. All the Massachusetts. I can drive it. But my focus to be working at airport.

CHAIRMAN MICHAEL GARDNER: I'm sorry, working where?

ALGA MCKONEN: Airport. To be transport to airport.

CHAIRMAN MICHAEL GARDNER: Do you understand that in order to operate at Logan Airport, you need a permit from Logan Airport itself?

ALGA MCKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: Do you have a permit from Logan to operate a limousine service?

ALGA MCKONEN: Is that needed permit from the Logan?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, from Massport.

CHAIRMAN MICHAEL GARDNER: Yes, from Massport. I mean, to operate a limo service is different than operating a cab, which is already licensed, in order to do the work at Logan you need a Massport permit.

ALGA MCKONEN: Livery?

CHAIRMAN MICHAEL GARDNER: For a livery service, that's correct.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Ms. Lint indicates it's correct. That's my understanding. That's the kind of thing you need to explore and know about. What arrangements, if any, have you

made for insurance?

ALGA MCKONEN: For insurance?

EXECUTIVE DIRECTOR ELIZABETH LINT: For insurance for the vehicle or for the business.

ALGA MCKONEN: I don't have vehicle. I operate Western Cab for now.

CHAIRMAN MICHAEL GARDNER: Do you have any questions?

SUPERINTENDENT CHRISTOPHER BURKE: How would you plan on getting your fares? Can you explain that process?

ALGA MCKONEN: Say again? What do you mean? Can you explain?

SUPERINTENDENT CHRISTOPHER BURKE: How are you going to generate business? Where is your business going to come from?

ALGA MCKONEN: I generate whether in Boston or in Cambridge. Just I'm working for both sides.

CHAIRMAN MICHAEL GARDNER: So what do you understand to be the differences between the rules that you have to follow in operating a limousine service in Cambridge compared to the rules you have to follow operating a taxicab in Boston?

ALGA MCKONEN: Yes. If that limousine you can work anywhere in Massachusetts, but if that is taxi, that is -- that belong for that -- if I'm working in Boston, only for Boston. I cannot pick them from Cambridge or Brighton.

CHAIRMAN MICHAEL GARDNER: So what are the rules about picking people up in Cambridge with a limo service? What do you understand the rules to be?

ALGA MCKONEN: The rules to be recording.

CHAIRMAN MICHAEL GARDNER: I'm sorry?

ALGA MCKONEN: Recording. Telephone. With telephone, you --

CHAIRMAN MICHAEL GARDNER: You understand it has to be by appointment or by telephone?

ALGA MCKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: You understand that you can't pick people up off the street or wait in a taxi line?

ALGA MCKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: Have you ever run a business like this before?

ALGA MCKONEN: In the United States, no.

CHAIRMAN MICHAEL GARDNER: How about elsewhere?

ALGA MCKONEN: In Egypt I had been working, yes.

CHAIRMAN MICHAEL GARDNER: You ran a limousine service?

ALGA MCKONEN: No, taxi. Public service.

CHAIRMAN MICHAEL GARDNER: Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: So when you got a vehicle, it would be parked at --

ALGA MCKONEN: 35 Hovey Ave.

CHAIRMAN MICHAEL GARDNER: 35 Hovey Ave?

ALGA MCKONEN: Yes.

CHAIRMAN MICHAEL GARDNER: In a space you have in your own apartment?

ALGA MCKONEN: Yes, sir. Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would be a condition from the landlord to park it there.

CHAIRMAN MICHAEL GARDNER: Have you talked to the landlord about whether that would be allowed?

ALGA MCKONEN: Yes. Allowed, yes, I have.

CHAIRMAN MICHAEL GARDNER: Our decision hearing is July 11.

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe so.

CHAIRMAN MICHAEL GARDNER: So I'm inclined, sir, to postpone a decision on this until July 11. Does that cause you any particular hardship?

ALGA MCKONEN: Yes. But for now just to be hold the license, I have family to allow them, I'm incorporated with them, so if the time is not limited to me, yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Chair, I just would point something out from our -- from the city ordinance regarding the number of licenses that the License Commission shall issue for livery licenses. The Commission shall determine the number of licenses needed under Section 1645 to provide for public convenience and necessity without harming the public welfare and that number shall be the

maximum number of such licenses to be issued.

We now have over 20 livery vehicles and we have no public outcry for any more.

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

Seeing none, I'll make the motion to take this matter under advisement until our decision hearing on July the 11th at which time we will deliberate not only over the merits of this application, but also the issue of public need for further livery service.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

So thank you for coming in.

We feel we can't decide this this evening and we've put it over to our next hearing.

ALGA MCKONEN: I appreciate it.

CHAIRMAN MICHAEL GARDNER: Thank you very much. Good luck.

APPLICATION: CAMBRIDGE COMPOST, LLC

D/B/A CITY COMPOST

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Cambridge Compost, LLC d/b/a City Compost, Adam Jankauskas, manager, has applied for a disposal/waste hauler license.

CHAIRMAN MICHAEL GARDNER: Good evening. If you could be so kind as to state and spell your last name for the record and identify your affiliation.

ADAM JANKAUSKAS: Adam Jankauskas, J-A-N-K-A-U-S-K-A-S.

I would like to make a correction, it's

City Compost, LLC not Cambridge Compost, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, okay.

CHAIRMAN MICHAEL GARDNER: We have Cambridge Compost, LLC doing business as City Compost, but it's City Compost doing business as City Compost?

ADAM JANKAUSKAS: City Compost, LLC.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll fix that.

CHAIRMAN MICHAEL GARDNER: Tell us about your plans.

ADAM JANKAUSKAS: I want to put together a residential organic pick-up business initially focusing on residents and it would be one where I would provide a 5-gallon pail container with a cover with a bag and using bikes with trailers go around and gather those on demand.

Initially it's going to Monday through

Friday per the facility that I would ultimately bring the material to, which my primary identified facility is Rocky Hill Farm which is in Saugus, Mass. So I will be biking around, bikes with trailers, and then transferring the material to either a van or pickup truck or a vehicle -- a gas-powered vehicle with a trailer for the final shoot up to Saugus.

CHAIRMAN MICHAEL GARDNER: Okay. For this you would charge a weekly or monthly fee to the participants?

ADAM JANKAUSKAS: Per pick-up fee, yes. It would be $7 to sign up and $7 per pickup on demand, next day no subscription is required.

CHAIRMAN MICHAEL GARDNER: Tell us about your bike or bikes you will be using.

ADAM JANKAUSKAS: So the bikes are going to be standard issue two-wheel bicycles off the shelf that myself or my employees would own their

own bikes to start off with until I can buy a bike that I want to use across the company.

The trailer is a trailer I'm custom-designing for the purpose of the business, designed to not leak, of course, which is an issue and that's going to be either a two- or four-wheel trailer. I'm using BMX bike tires that are able to withstand heavier loads and larger impacts to minimize risk of flats and issues like that.

The trailers will be designed so that I had start off with two wheels. Should I move to hold more materials, depending on the capabilities of the individual biker, those wheels could be moved backwards a notch, and then two wheels could be added up front to turn it into a four-wheel vehicle.

The width of the trailer will be more no more than three feet wide and then four feet in

length is the initial plan of the trailer, not including the arm which would attach to the bike, and no more than, say, six feet high. So the trailer itself, one foot for like about -- off the ground with the bike tire, then 20, so call it 30 inches max where material would actually be contained within any sort've food or yard waste, and then the additional height above that would be for bucket storage in order to replace all customers' containers with a clean bucket upon the service.

And those will slide in a sleeve-like manner and that's going to be covered as well so that the buckets aren't just going to be hanging out and visible.

I'm actually trying to make it look a little bit like a covered wagon.

CHAIRMAN MICHAEL GARDNER: How many full buckets can your trailer accommodate?

ADAM JANKAUSKAS: The current design should be able to handle 24 containers.

CHAIRMAN MICHAEL GARDNER: Did you say they're five gallons?

ADAM JANKAUSKAS: 5-gallon buckets, yes. So the intent would be ultimately to transfer the bagged material into a larger container within the trailer that would hold three per vessel and the buckets would then slide overhead, so you can -- dirty bucket in; clean bucket out kind've to maximize the space.

The trailer in time may go longer, but never wider in order to accommodate for the bike lanes and all of that.

CHAIRMAN MICHAEL GARDNER: What are the licensing requirements with respect to the vehicles?

ADAM JANKAUSKAS: So following mass bike laws as well Cambridge bike laws, I've been able

to acquire all that information, and that's going to be a part of the protocol of the operation.

As far as outside of that, the licensing with the city, I believe -- I have checked with traffic and parking and there's no concerns on their end. I talked with zoning and there's nothing that seems applicable there except if I were to potentially be picking up from commercial districts, my hours of operation may be constricted, however, that is not an initial target market, so I have not further explored that area yet.

CHAIRMAN MICHAEL GARDNER: So this is strict residential?

ADAM JANKAUSKAS: To start off, yes. And the plan is to keep it residential for a time. But for the purposes of licensing, I don't know if it would be a -- if it applies to say just residential or not, if that's something that

needs to be checked off or considered, but I would like to be considered for commercial, though, it's not my initial target market.

EXECUTIVE DIRECTOR ELIZABETH LINT: That wouldn't be part of our licensing. It's a blanket license.

CHAIRMAN MICHAEL GARDNER: Our license is for --

ADAM JANKAUSKAS: It's for the hauler.

CHAIRMAN MICHAEL GARDNER: For the hauler, whether residential or commercial, is that correct, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Is this a business model which has a track record anyplace else that you're aware of?

ADAM JANKAUSKAS: There's several other companies both in the area and nationally. To name a few, there's Metro Pedal Power, they have

a bike delivery out of Somerville. They also offer a composting service.

There's Pedal People in Northampton, they also offer both bike-powered residential pick-up service.

And there's a handful of others in several other cities, as well as those that offer service with four-wheel gas vehicles.

CHAIRMAN MICHAEL GARDNER: How do you deal with the issues of, I guess, quality control around the contents deposited by the residents in the buckets whether it's meat or paper or metals?

ADAM JANKAUSKAS: We accept all food scraps, all like yard waste and other compostables. And the quality -- the facility that I'm bringing it to is good with that. It fits all of what they need.

I will be upon the first batches of material brought, present with them to go through

it to make sure everything is good, but these types of programs seem to have pretty good track records in that regard because those that want to opt to paying an extra fee for their waste removal upon what is provided to them by a city tend to want to do it correctly.

CHAIRMAN MICHAEL GARDNER: And so you can take meat and bones and fat?

ADAM JANKAUSKAS: Yes.

CHAIRMAN MICHAEL GARDNER: What conversations, if any, have you had with the Public Works Department of the city?

ADAM JANKAUSKAS: I've spoken with Randy Male about my plans as well John Nardone, I believe his name is, just kind've sharing with him what I'm working on. I'm aware of the intent to do a pilot program citywide for 800 residents next April, and I expressed my intent to vie for that business potentially, but it appears outside

those conversations, there's no jurisdiction questions that they had for me to return.

CHAIRMAN MICHAEL GARDNER: Uh-huh.

Questions?

SUPERINTENDENT CHRISTOPHER BURKE: What, if any, plans do you have for staging your vehicles?

ADAM JANKAUSKAS: I'm sorry, could you rephrase?

SUPERINTENDENT CHRISTOPHER BURKE: Where would you maintain the pedal vehicles and the gas-powered vehicle, do you have a location for those yet?

ADAM JANKAUSKAS: I'm working to site like a covered garage or something like that where I can store my vehicles for nonoperation hours, and then, for the vehicle for the final leg, I'm looking -- I'm considering a rental to start things off because I feel it would be

better economically and there's like by-the-hour commercial vehicle rentals. Enterprise has a program as well.

CHAIRMAN MICHAEL GARDNER: Do you have a projected start date when you could actually be up and running?

ADAM JANKAUSKAS: So, I mean, I could start tomorrow with the license. So my intent is to do a soft start through the rest of June. Once everything is in place and I'm able to do kind've of a bigger public awareness push in the beginning of July, at that time, leaving my full-time current position and giving this my full attention.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add?

ADAM JANKAUSKAS: I would say, I mean, overall, you know, the quality of the experience for both my customers and any passersby is going

to be of strong value for not just the initial hauling aspect of the business, but also once I add the next phase for processing, which I'm sure we'll be talking much more deeply about once I get to that point, but I plan on doing it right.

CHAIRMAN MICHAEL GARDNER: Advertising or lettering on the wagon?

ADAM JANKAUSKAS: So I'll stay confined to just company logos and company slogans. I don't plan on marketing other companies like the current pedicabs that are out there.

CHAIRMAN MICHAEL GARDNER: Any questions you have, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't.

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

Seeing none --

Last question: Experience in disposal and waste hauling?

ADAM JANKAUSKAS: This will be something new for me.

CHAIRMAN MICHAEL GARDNER: Experience in running your own business?

ADAM JANKAUSKAS: So I've had some sales things I've done in the past with where it's kinda like running your own business, I guess, but with like vector marketing, so I was a contractor for door-to-door sales where I was -- and then right now I'm an account manager for a semi-conductor company that does business-to-business sales and I am responsible for the entire relationship with two of our major accounts in the Boston area.

CHAIRMAN MICHAEL GARDNER: You're satisfied that you have adequate capital resources to launch the business?

ADAM JANKAUSKAS: Yes.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion to approve the application for a disposal waste hauler since for City Compost, LLC doing business as City Compost.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck with the new concept. I know that the Public Works Department has been very anxious to have some composting capacity in the city for a long time now, and it sounds like you may be the first.

ADAM JANKAUSKAS: Thank you very much.

APPEAL: ANDREW HAYCOX

EXECUTIVE DIRECTOR ELIZABETH LINT: Appeal: Andrew Haycox, applicant, due to the denial of his City of Cambridge Pedicab Operators's license.

CHAIRMAN MICHAEL GARDNER: Good evening. If you could be so kind as to state and spell your last name for the record?

ANDREW HAYCOX: My last name is Haycox and it's spelled H-A-Y-C-O-X.

CHAIRMAN MICHAEL GARDNER: As I understand it, Mr. Haycox, you were an applicant to get a Cambridge pedicab operator's license?

ANDREW HAYCOX: Yes.

CHAIRMAN MICHAEL GARDNER: My understanding is that you were denied.

ANDREW HAYCOX: Yes.

CHAIRMAN MICHAEL GARDNER: Do you have any understanding of why you were denied?

ANDREW HAYCOX: I'm not really clear. I don't really know why.

CHAIRMAN MICHAEL GARDNER: Did Ms. Lint give you an explanation when she met with you?

ANDREW HAYCOX: I got an idea, but I wasn't sure if that was like all of the reason.

EXECUTIVE DIRECTOR ELIZABETH LINT: Due to the background check.

ANDREW HAYCOX: Okay.

CHAIRMAN MICHAEL GARDNER: So as is our standard procedure, we do a background investigation, and that includes getting a criminal offender record information out of the Mass Department of Probation.

You have a copy of that record, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, but I cannot provide to him.

CHAIRMAN MICHAEL GARDNER: Can you --

EXECUTIVE DIRECTOR ELIZABETH LINT: I can

provide it for you, but CORI regulations prohibit me from -- he would have to obtain it himself.

CHAIRMAN MICHAEL GARDNER: Why do you think you should receive a license?

ANDREW HAYCOX: I am -- I've been an courier a long time. I'm good at riding my bike around knowing where I'm going.

I'm like a social person.

Really need a job right now.

I'm like homeless and starving for real.

I think I would be good at it.

CHAIRMAN MICHAEL GARDNER: Do you need a license to be a courier?

ANDREW HAYCOX: Yeah. You do.

CHAIRMAN MICHAEL GARDNER: Do you have such a license?

ANDREW HAYCOX: No longer.

CHAIRMAN MICHAEL GARDNER: Why is that.

ANDREW HAYCOX: Because it was not

renewed.

CHAIRMAN MICHAEL GARDNER: And was that on your initiative or on the initiative of somebody else?

ANDREW HAYCOX: It was on my initiative. But I haven't been able to get a job as a courier so there's no need for me to get one. There's no openings currently.

CHAIRMAN MICHAEL GARDNER: I'll ask you a question which you can decide to answer or not, and whether you decide to answer or not will represent to you -- I'll represent to you won't particularly have an influence on our decision or at least my view of it. Could you describe your use of intoxicants.

ANDREW HAYCOX: Occasionally I smoke marijuana. I rarely drink alcohol anymore since the time that I got arrested for peeing in public when I was really wasted. So far I've been able

to manage the level of intoxications so that I haven't gotten to that level or gotten in any trouble in three years.

CHAIRMAN MICHAEL GARDNER: Thank you. Anything else you would like to say on your behalf?

ANDREW HAYCOX: Nope.

CHAIRMAN MICHAEL GARDNER: Thank you. Superintendent, any questions?

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

CHAIRMAN MICHAEL GARDNER: Mr. Haycox, I appreciate your coming forward.

In my view, particularly under this pilot program where there are relatively few jobs or vehicles, I believe that Ms. Lint's judgment in this matter in denying your application under the totality of circumstances was an appropriate one. So I'm going to make the motion to reaffirm

Ms. Lint's denial of your application and reject your appeal.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

I'm sorry that the outcome from us, from your perspective was not more favorable. I appreciate the economic difficulties that you have described to us. But I sincerely believe it's not in the best interest of the users of the Cambridge pedicab system to, at the present time, have you working in that function, and so I regret to say we're telling you no.

ANDREW HAYCOX: Okay. All set here?

CHAIRMAN MICHAEL GARDNER: Yes. We don't have any further action with respect to your application.

ANDREW HAYCOX: Okay, see you later.

SUPERINTENDENT CHRISTOPHER BURKE: Andrew, good luck.

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratifications: Refinance 246, 219, sale and refinance -- sale and factual basis of 257. Refinance 63. 45, 214, sale and finance of 249 and refinance of 37 and 186. Paperwork all in order.

CHAIRMAN MICHAEL GARDNER: Do you have any idea about the sale prices?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah. I wanna say one was around $500 and one maybe was $460, give or take.

CHAIRMAN MICHAEL GARDNER: So I'll make the motion to accept the ratifications approved

by the executive director as listed in the agenda.

SUPERINTENDENT CHRISTOPHER BURKE: Second that motion.

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

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you.

Do we have any minutes that we should be approving?

EXECUTIVE DIRECTOR ELIZABETH LINT: Good question.

April 23rd.

CHAIRMAN MICHAEL GARDNER: We were both here.

EXECUTIVE DIRECTOR ELIZABETH LINT: You

were both here. March 19. And the others have been done.

CHAIRMAN MICHAEL GARDNER: I'll make the motion to approve the minutes of March 19 and April 23, 2013.

SUPERINTENDENT CHRISTOPHER BURKE: I will second that motion.

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

Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed. Motion carries. Minutes are approved.

Any other business?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: A motion to adjourn is always in order.

SUPERINTENDENT CHRISTOPHER BURKE: I'll

second that motion.

CHAIRMAN MICHAEL GARDNER: Motion to adjourn, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

So we're adjourned at approximately 8:20.

(Whereupon, the License Commission hearing was adjourned at 8:22 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 20th day of June 2013.

_____

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

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