

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman  
Robert C. Haas, Police Commissioner  
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139  
Monday, July 13, 2009  
6:10 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Monday evening, July 13, 2009. It's 6:10 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you the Commissioners:  
Chairman Richard Scali, Deputy Chief Dan Turner,  
and Commissioner Robert Haas.

(Minutes from the July 2, 2009 meeting were accepted by the Board.)

Anyone that's here for the transfer from Z Square to Ginger Spice, that has been taken off of the agenda.

MR. SCALI: Anybody here for Ginger Spice? Seeing no hands.

MS. LINT: If anyone is here for the transfer of the taxi medallion, that's been

continued to August 10.

MR. SCALI: Anybody here on that matter? No hands.

As is our custom, we allow public officials to speak first. I know Councilor Kelley is here but I'm not sure for which matter.

MR. KELLEY: I'll wait and speak as they come up. Thank you.

MR. SCALI: Anybody else that's a public official? No one else is a public official here besides Councilor Kelley.

We'll go to our first matter then.

MS. LINT: Disciplinary matter continued from June 23, 2009. New Asia in Cambridge, Incorporated d/b/a New Asia Restaurant, Sally Loh, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 1105 Massachusetts Avenue due to a noise reading by Chief Licensing Investigator, Andrea Boyer, which shows a violation of the Cambridge Noise Ordinance.

MR. SCALI: Ms. Boyer.

MS. BOYER: Yes.

MR. SCALI: New Asia.

MS. BOYER: Actually Sally Loh doesn't have to be here. I just want to have it on the record.

Andrea Boyer, Licensing Investigator, City of Cambridge. Do you want me to recap what the case was about?

MR. SCALI: That would be good if you could.

MS. BOYER: Previously we were here based on the noise readings that were performed from 1105 Mass. Ave., New Asia, with the with the

residents that live upstairs. Norma Thompson was the complainant.

The noise readings previously had been 66.7. At the last hearing, we had stated that Sally Loh should have the unit tweaked, fixed, whatever, for a more permanent solution since this had been an ongoing case for the last couple of years, on and off.

Sally Loh was supposed to contact me but I'm not sure if through miscommunication she did not contact me. But I did speak with the complainant and asked her if it sounded as if the noise was a little lower. She said it was, so I just scheduled the reading anyhow, without Sally Loh actually knowing.

I did that reading actually on the 9th at approximately 7:30 p.m. I did make sure that there were no background levels. I took into consideration buses and other items because there are many units on that roof right below.

Once again -- I don't know why -- there were no other units on that roof, which was

another lucky situation. But they came in at 57.9 and 58.1. Previously, they had been 66.7. In that area though, it is residential in a commercial zone, it is still zoned all commercial area -- I should say building. Therefore, according to the Noise Ordinance that is commercial, which means it cannot be over 66 at any time, 65 any time day or night.

MR. SCALI: Is it 65 in a commercial zone?

MS. BOYER: It's 65 in a commercial zone at all times. We are at 57.9, 58.1; therefore, it is no longer a violation. And the complainant also stated that she was content. But also at the last hearing there was some cooking that was taking place all night long. So as long as that was off after the reasonable closing time, she was fine also.

MR. SCALI: The complainant is satisfied with the levels as they are now?

MS. BOYER: Yes. I spoke with her today just to make sure.

MR. SCALI: Is it your intention then to place the matter on file, withdraw the case? Does the complainant wish to withdraw their complaint at this point?

MS. BOYER: I'd just like to have it on file since we've started this and it's had been ongoing now for a while. It would be nice just to have everything wrapped up on record.

MR. SCALI: New Asia was cooperative with you in terms of fixing the matter?

MS. BOYER: It seems so. I mean, it's fixed.

MR. SCALI: She didn't give you a hard time? I mean, she worked with you?

MS. BOYER: No.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Does anybody from the public want to be heard on New Asia?

Motion to place the matter on file.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you, Ms. Boyer.

MS. LINT: Disciplinary matter, Museum Market Corp. d/b/a Museum Market, Deborah Zammutto, Manager, holder of an All Alcoholic Beverages as a Package Store license at 12 Museum Way for selling alcohol to a minor using fake ID on May 13, 2009, and failing to properly apply for a change of d/b/a.

MS. VIGORITO: Good evening, Attorney Ann Vigorito on behalf of Deborah Zammutto.

MR. SCALI: Tell us your name again.

MS. VIGORITO: Ann Vigorito, I'm an attorney. I represent Deborah Zammutto in this matter.

MR. SCALI: We're going to start with Ms. Boyer with regard to the Disciplinary matter.

MS. BOYER: On May 13, 2009, we had been in the process of having an underage investigation ongoing. On this particular evening, May 13, at approximately 6:48 p.m., we had arrived at the Museum at Regatta. The youth was 17 years old. The birth date was 6/14/1991 and the individual attempted to purchase a sixpack of Bud

Light. Twenty dollars was given to the individual ahead of time. The person actually -- excuse me.

MR. SCALI: I didn't mean to rush you. Do you need a moment to review your notes?

MS. BOYER: No, I think I'm fine. I just kind of started backwards instead of the way that I usually do. I'll explain the ID afterwards unlike I usually do. The underage individual was not questioned as to their age but was asked for an ID. The seller, there was actually a male and a female at the counter.

MR. SCALI: So they asked for an ID?

MS. BOYER: Yes, they did. The female requested the ID. The male rang in the item into the register. When I returned to the store, I showed the female employee what was incorrect with the ID.

That particular ID that was utilized was a false Ohio driver's license. The Ohio license does not show the correct picture or the height of the minor who used the driver's license. The license was also expired in June 2007. That's

all the information.

MR. SCALI: This is part of your filed investigations that were on the same evening. There were a number of other stores that evening and this in one of the ones. We've heard a number of them already. This is one of the ones that was in that list.

MS. BOYER: This was actually continued a few time. We had a few other hearings that involved everyone being here on the same evening.

MR. SCALI: You followed your regular procedure in terms of the youth that you used was through the Prevention Coalition through Ms. Rots. And you provided the ID to the person?

MS. BOYER: Correct.

MR. SCALI: Did she have any other ID on her?

MS. BOYER: No, she did not. She only had that ID and a marked \$20 bill.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Questions of Ms. Boyer?

MS. VIGORITO: No.

MR. SCALI: Do you have anything else you want to present to us on that matter?

MS. BOYER: No. It was this report that led into the d/b/a change, or lack of.

MR. SCALI: Let's start with the sting investigation first.

MS. VIGORITO: I've spoken to Ms. Zammutto. She is the manager. The employee that was on who checked the ID was a Julie Favre, and she did ask for an ID. She did notice it was expired. She admits to the sale to the minor.

I've instructed Ms. Zammutto, and they're looking into a program through the ABCC for the acceptance of out of state IDs because they differ from Massachusetts greatly. Ms. Zammutto is working on having all of her employees be enrolled in that program. That's something she's working on to obviously take positive steps to make sure an incident like this never happens again.

Do you want to move on to the d/b/a?

MR. SCALI: I guess as I recall, when you first got this license we require that all of our new managers and owners go through our own training program, which is the 21-Proof program, which you did. I'm not sure if any of your staff went through that training.

MS. ZAMMUTTO: That was about six years ago. She's only been with me for about six months.

MR. SCALI: And that's where the problem lies. I think when you have new staff that come on, there's no follow-up with new staff in terms of training. So while I'm sure the ABCC's program is perfectly worthwhile, I recommend our program since it is Cambridge-based and revolves around Cambridge issues. So we would prefer that you do that training.

MS. VIGORITO: Absolutely. I had suggested to Ms. Zammutto, now, as part of the hiring for anyone that is going to be making sales of the alcohol that they should upon -- you know,

within several weeks of their hire, go through that program. Like I said, I wasn't sure if the City of Cambridge still had such a program. Mrs. Zammutto and I have talked about this and that's something that she's going to enroll all employees -- even as a refresher I think is always a good idea.

MS. BOYER: One of the things that you stated was that the ABCC does give certain classes for the acceptance of out of state IDs. I do want to just make you aware that out of state IDs are not an acceptable form of identification that is acceptable. Just so you can tell your employees that first.

MR. SCALI: You do so at your own risk. If you take an out of state ID, it's at your own risk, and you don't have a defense in terms of whether you took that license or not. Plus, I guess in this situation it was expired and not the ID of the person. So it's three strikes kind of against you going on there.

Any past record?

MS. LINT: No.

MR. SCALI: Comments, Commissioners?

MR. HAAS: What's the status of the employee now?

MS. ZAMMUTTO: She's still employed.

MS. VIGORITO: She is still employed. She was disciplined and Mrs. Zammutto obviously is going to have her enrolled in that program so that she can be better at -- this is a first-time incident obviously for the employee as well.

MS. ZAMMUTTO: And for the store.

MR. SCALI: Are aware that if someone is under 21 that the Mass. license looks different than over 21?

MS. ZAMMUTTO: Yes.

MR. SCALI: What does it look like if it's a --

MS. ZAMMUTTO: Like this instead of across. What is that?

MR. SCALI: Vertical. Is your staff aware of that?

MS. ZAMMUTTO: They should be. I mean I have signs posted that we card anyone who looks

under 35, and I think that they do a pretty good job. When I'm there, I see them asking for IDs. Most of our clientele in the building is older people, you know what I mean? So it's usually --

MS. VIGORITO: Museum Towers is kind of a secluded area, but I've cautioned Mrs. Zammutto that now because of that fact, a minor might find that as an attractive spot because they're going to say they wouldn't expect a minor to come in. Usually word spreads around the cities where there's a place you can slip through. That's why I think they almost need to take some other steps because they could be a target for that.

MR. SCALI: I think what we are finding in all the cases that Ms. Boyer presents to us is that everyone is asking for the ID, but they're not looking at it.

MS. VIGORITO: As a former bartender myself, I think that's something that people just look at the date and they say, oh, there it is. They don't look at the picture sometimes, and that's something that Mrs. Zammutto is trying to

really come forth to her employees. Women, we change hair color quite often, and that's something where people really need to start scrutinizing them and taking a look at them.

MR. SCALI: Anything else, Commissioners?

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard on this matter? No hands. Pleasure of the Commissioners?

MR. HAAS: A warning on file.

MR. SCALI: Motion for a warning. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: If I could amend that, Commissioners, to require 21-Proof for all of your staff.

The second half of this issue is your d/b/a.

MS. VIGORITO: Mrs. Zammutto, as she stated earlier, she's been licensed for over six years now. At the time, the property where she is housed was called the "Museum Towers," and therefore, they placed their name on as the Museum Market.

Museum Towers changed their name. They're now the Regatta Riverview Condominiums, so forth and so on. But Mrs. Zammutto never changed the name of their establishment. I have documents here; bills that come to Museum Market, their checks say "Museum Market, Inc." She has had conversations with the Regatta Association now because they basically changed their name out on this marquee without the request of Mrs. Zammutto.

MR. SCALI: Where is the sign?

MS. BOYER: It's outside.

MR. SCALI: On the front?

MS. ZAMMUTTO: It's like one of those hangover tarps for shade.

MR. SCALI: Like an awning?

MS. ZAMMUTTO: An awning, yes.

MR. SCALI: Is that the only place your name is?

MS. ZAMMUTTO: Yes.

MR. SCALI: And there's no other name on the front of your door or the building?

MS. ZAMMUTTO: No.

MR. SCALI: Is the Association willing to change it back?

MS. ZAMMUTTO: They are. I have a letter just saying that the building has changed. I have all this. I didn't change. My payroll company is the same, my checks are the same. I didn't go about changing any of my name with like my bank, nothing to that effect.

They would like me to change my name so that I kind of blend in with the surroundings. But to be honest with you, I at this point don't have the time to go through all of the changing myself. I will have to pay to have the awning changed, which is fine, back until I decide exactly what I'm going to do.

MR. SCALI: Your real name is?

MS. ZAMMUTTO: Museum Market Corporation, and the store was Museum Market.

MR. SCALI: And they have out there Market at the Regatta?

MS. ZAMMUTTO: Yes, because the building is now the Regatta Review Condominiums.

MS. VIGORITO: When they were originally licensed that was the name. They want to get away from being Museum Towers but it's not that -- they don't own the store that Mrs. Zammutto owns. Yes, it's on the property and they kind of -- basically they want to put everything in their name. They're trying to get away from the other name.

MR. SCALI: We don't care what name you use as long as you're both using the same name.

MS. VIGORITO: Obviously, Mrs. Zammutto, as she stated, to change all of her accounts and so forth, it would cost her time, money. She has established accounts in the Museum Market name.

MS. ZAMMUTTO: I just brought some of

the stuff. Like you'll see everything is still -- like all my alcohol bills, everything, they still know me as Museum Market.

MR. SCALI: You have one of two choices: Either you change the awning to Museum Market, or you change all your other -- your license and everything else to Market at the Regatta.

MS. VIGORITO: I'll change the awning back at least for now until I see what happens; if they give me a hard time.

MR. SCALI: How much time do you need to do that?

MS. ZAMMUTTO: Six weeks maybe by the time I order. I would think to order, at least six to eight weeks I think for them to order a new awning and put it up. I'm not sure really how long it takes to make a new awning.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Before you make that decision, is management -- is that something that

might violate your lease agreement? Do you want to check with them?

MS. ZAMMUTTO: I'll have to check with Maureen.

MS. VIGORITO: She put her on notice about this violation and basically, Mrs. Zammutto received an apology that they did this. They never sent her a letter saying you have to change your name. I briefly looked at the lease. There's nothing in it to indicate that Mrs. Zammutto needs to go along with whatever names the Association decides to become. They could change every year and where does that leave her? That's her corporate name; that's what she does business as.

MR. HAAS: Did the property owner suggest that you change your name and went ahead and bought the awning reflecting the new name?

MS. ZAMMUTTO: They did an exterior redo of the entire building when they changed over.

MR. HAAS: Did they consult with you at all or just went ahead?

MS. ZAMMUTTO: They mentioned to me

that I wasn't going along with the whole new look of the building. I didn't know the sign was coming until they showed up outside. They had told me that they were going to do it. I didn't think it was going to be that quickly that it was going to show up and be right out front, because I never had an awning before.

MR. HAAS: What was your sign before the awning?

MS. ZAMMUTTO: I didn't have a sign.

MR. HAAS: You didn't have a sign at all?

MS. ZAMMUTTO: No. I'm like in a condominium complex. You can't have a lot of outdoor signage and things like that. You have to be kind of quiet.

MS. VIGORITO: It's not on the main street. It's kind of off the beaten path. Mrs. Zammutto's store is more there for the tenants, the people who rent and live there. Most people wouldn't just stop there for a sandwich or to purchase something.

MS. BOYER: Or an illegal sixpack.

MS. VIGORITO: I think that's the problem that is definitely going to -- it's something that now -- it never arose before and I think that's something where Mrs. Zammutto is starting to realize that it could be an attractiveness for people.

MR. SCALI: You've decided you're going to change the awning. That's probably the easiest thing to do.

MS. ZAMMUTTO: I just don't know really how long it will take to order one. I have no idea.

MR. SCALI: This has been going on for a while so I don't want this to go on too much longer.

MS. VIGORITO: What I suggested to Mrs. Zammutto is as soon as she knows from the awning company as to when this will happen, that she let Elizabeth Lint know, whether it be a fax or a letter saying they're telling me it's x-amount of time to get it and x-amount of time to fix it.

MR. SCALI: That's what we'll do then.  
Questions?

MR. HAAS: No.

MR. TURNER: No.

MR. SCALI: Anybody from the public want to be heard on this matter? Ms. Boyer, any comments?

MS. BOYER: No.

MR. SCALI: Should we continue the matter, Commissioners? Motion to continue.

MR. HAAS: If Mrs. Zammutto does in fact notify Mrs. Lint of the change, and we can just verify it, then I think the matter is just closed at that point. Based on the explanation we've gotten so far I don't think we need to bring it back.

MR. SCALI: Unless the landlord doesn't then let her change it.

MR. HAAS: Then I think if there is a conflict then --

MS. VIGORITO: If there is an issue, I've instructed Mrs. Zammutto to let Mrs. Lint know

one way or another as to what that will be. When the new awning will be up and who she is dealing with at Regatta.

MR. HAAS: So you would let Mrs. Lint know one way or another whether or not there's still an issue.

MS. ZAMMUTTO: I'm going to call Maureen tomorrow, the woman who runs the building. I'll tell her what I'm doing, and then I'll call the awning company, and then I'll have an idea.

MR. SCALI: Motion to place the matter on file with the understanding you'll notify Mrs. Lint of the timeframe on the change of the awning.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Disciplinary matter, Waste Management, Mark Fumicello, Manager, for allegedly being in violation of the Cambridge Noise Ordinance on eight separate occasions.

MR. SCALI: Waste Management is here. Ms. Boyer is here.

MR. MOORES: Brian Moores for Mark Fumicello, and Gail Lynch.

MR. SCALI: I'm sorry, and your name, ma'am?

MS. LYNCH: Gail Lynch, counsel for Waste Management in Hampton, New Hampshire, in-house.

MR. SCALI: We'll start with Ms. Boyer.

MS. BOYER: Thank you, sir. This complaint started from really back in February. As you are aware, when certain disposal companies pick up in a sensitive area, I would speak with them and they will re-route or pick up at a later time. And usually it's pretty consistent of them to change it and not kind of come back, but this

has been a repeat situation, and that is why we are here today.

There is a complainant who lives on Jerry Street in Cambridge, and he called on March 13, and stated that Waste Management had been backing down Jerry Street since it's one-way to pick up trash from a dumpster on these dates, and then I'll explain the location: February 27, at 5:50 a.m.; March 6, at 5:45 a.m.; March 13, at 6:15 a.m.

There is a specific representative, Karen Obie that I speak with at Waste Management when I have a problem situation. I spoke with her on the 13th and asked her to advise her driver not to pick up until 7:00 a.m. Then the complainant called again on March 27, and that another pick up had taken place on the 27th at 6:04 a.m.

I called Karen Obie again, and I also e-mailed her. She and I communicated by e-mail to determine the actual location of the pickup. At one time it was stated that it was St. Paul's Parish, and that she spoke to the church

representative and said that they couldn't pick up until 7:00 a.m. When she e-mailed me back that information I explained that actually Jerry Street is on the other side of Harvard Square, and that St. Paul's Parish is not the issue; that they can tell them that especially around Easter that they can go ahead and pickup again before 7:00 a.m.

So we communicated on the 27th, and that ended our communication until April 3. Then the complainant called again and stated that since that date, on the 22nd, the 29th, there had been pickups, and also on June 5.

On June 5, I e-mailed Karen Obie again and informed her that the problem had stopped since we had last spoken, so she must have found the location. I also stated that if the violation occurred again that the complainant would like to have a hearing. She e-mailed back that she would, and then on June 12, Waste Management allegedly came back down Jerry Street at 6:15 a.m., and the complainant wanted to have the hearing. That's when I informed Karen Obie that the hearing would

be held based on all of these violations.

MR. SCALI: We have eight violations from February 27?

MS. BOYER: We have the three.

MR. SCALI: You listed eight violations: February 27, March 6, March 13, March 27, May 22, May 29, June 5, and June 12.

MS. BOYER: Yes.

MR. SCALI: Is Ms. Obie here?

MR. MOORES: No, she's not.

MR. SCALI: The complainant - oh, Ms. Obie is the person from your company.

MR. MOORES: She is the dispatcher.

MR. SCALI: Who was the complainant, Ms. Boyer? Is she anonymous?

MS. BOYER: It's a male and for some reason I don't have his name with me right here. He may be in the audience.

MR. SCALI: Is the complainant for Waste Management here? I don't know your name. You don't have to raise your hand if you don't want to. I'm just wondering how they know it's Waste

Management.

MS. BOYER: He looks at the truck.

MR. MOORES: It actually was us. We did make a mistake and we've fixed it.

MS. BOYER: I also went to the location to see where they may be backing up. So when I was speaking with Brian and also Gail, who had stated that it's a possible Memorial Drive pickup, but they're backing up Jerry Street to get to the Memorial Drive location instead of being on Memorial Drive.

MR. SCALI: You found a better way to pick it up?

MR. MOORES: Yes, we did. There are a few things that changed and we had a different driver. Also, we have a list at the district where we kind of post certain areas that we can't be in before 7:00 because of the town ordinance in the residential areas.

This originally started where we tracked it down in the St. Paul Parish area, so we thought we actually fixed the problem. But then

come to find out the driver realizing that it was an unsafe stop, decided to do that area a little different, and that's when the noise started up again, because he was backing down the street and you've got the backup alarm. At 6:00, that does wake up people.

Once we were notified about the problem, we probably should have fixed it back in May when we were originally notified again of the issue. But we kind of dropped the ball and it has been fixed going forward.

MR. SCALI: Is it the same driver?

MR. MOORES: A different driver.

MR. SCALI: So the ones in February and May were different than the person that was in May and June?

MR. MOORES: Correct. So what we've done, instead of traveling down the one-way street, we're actually circling the area and coming through the right way to not make the noise, and coming after 7:00 to fix the issue.

MR. SCALI: How are we going to make

sure this is not going to happen again?

MR. MOORES: Two things: I actually have it documented on the route sheet so it doesn't matter who the driver is. It will be noted and there's a sign-off process. I actually have a list of certain streets in certain areas, not just Cambridge, but other communities that we can't travel down, and I have driver's that sign-off on it, so just adhere to it.

MR. SCALI: You have who sign-off on it?

MR. MOORES: Other drivers.

MS. LYNCH: We've actually given up accounts where the customer was unwilling to -- they wanted us to keep come in early, and we have actually given up the -- There was one stop, which was a problem, Christopher's. We just finally said we can't do it anymore.

It's unfortunate we had a change. Brian is essentially Mark Fumicello's replacement. Mark is working somewhere else in Waste Management. Then we had -- it created the perfect storm -- we

had new drivers. So it's unfortunate we're here again after two years, but we apologize.

MR. SCALI: In the past, what has happened is if the company themselves can't resolve it with the drivers, we have stationed a police officer out there who will then ticket the driver and fine you as well. So you can let your drivers know that it will go on their own driver's license, if it doesn't work through you. It's not what we like to do with a police officer that early in the morning, Commissioner, but if we have to, we will.

MR. MOORES: We've done a few things on our end to fix it internally.

MR. SCALI: Ms. Boyer.

MS. BOYER: Do we have to change Brian Moores on any of the paperwork since Mark is no longer our contact?

MR. SCALI: We don't really have like a management name on there, but we can certainly change it to Mr. Moores name, of course.

Questions, Commissioners?

MR. HAAS: Take the public.

MR. SCALI: Anybody from the public want to be heard? Past history? I think you have a long past history.

MS. LINT: Yes. A fine of \$3,600 for twelve violations; a fine of \$1,500 for five violations in 2001; a \$1,200 fine in March of 2001; a \$1,200 fine in October of 2000; a \$600 fine in September of 2000, \$900 in November 1999; and two warnings in 1997.

MR. SCALI: You spend a lot of money on fines.

Ms. Boyer, your recommendations on this one?

MS. BOYER: No, I'm leaving that to you, Mr. Scali, and Commissioners.

The complainant has been very patient over all of these months and has been pretty much policing the area for me. I think he'd be just happy if there were no more violations down the street at 6:00 in the morning.

MR. MOORES: There won't be.

MR. SCALI: I think you said that last

time you were here too.

MR. MOORES: I understand.

MR. SCALI: I think as soon as a face changes, or a driver changes, or your management changes, it all goes up in smoke again. So there's something -- pass that wisdom down to the next person that missing, and I don't know how to do that other than get your attention somehow.

MR. MOORES: The documentation and the paperwork should carry on and move. The intent is to be a good neighbor and stay working in Cambridge.

MR. SCALI: Commissioner, you're looking at me funny. I know you haven't decided. Do you want to take the matter under advisement?

MR. HAAS: I don't know about that.

MR. SCALI: Comments, Deputy Chief?

MR. TURNER: The comments I would have are that we've had three incidence of complaint. Ms. Boyer was notified and did contact the company, the complaints went away for what appears to be a month, and then they picked up again. According to

the testimony, they admit that the mistakes were made. I'm just curious why they started up again. What happened there?

MR. MOORES: What happened is the new driver that started the route realized by going there after 7:00, the can was blocked. It was kind of a safety issue the way he was actually serving the stop, and he kind of took it upon himself to go there a little earlier and actually service the stop in a different direction. It eliminated the safety issue and also eliminated it being blocked.

MR. TURNER: This driver, was he aware of the ordinance, the 7:00 a.m., but yet still -- safety issue or not, it's still an ordinance that he shouldn't have been there prior to 7:00 a.m.

MR. MOORES: Yeah, I agree.

MR. TURNER: They were aware of it.

MR. SCALI: I think Ms. Boyer has been more than kind in calling you. She didn't really have to call you or e-mail people.

MS. LYNCH: She's been terrific. She

calls us all the time.

MS. BOYER: That doesn't sound good.

MR. SCALI: That doesn't help you at all.

MS. LYNCH: It does help. It helps everyone when she calls.

MR. HAAS: My difficulty quite honestly is I think Ms. Boyer tried to work with the company several times. I don't think it was just a matter of indifference. You had an opportunity it looks like up to seven times, where you could have really gotten this matter resolved and never been before this Board. Given the eighth time, I'm really leaning towards a fine.

I just think warnings are not appropriate at this point in time, especially given the history and the fact that Ms. Boyer has really done quite a bit of work to try to get the company -- again, I don't think it's because they're indifferent, I just think trying to get the situation under compliance and for the sake of the complainant, get them some peace. My inclination

is to move in the direction of a fine, Mr. Chairman.

MR. TURNER: I concur. One question to Waste Management: You mentioned that the problem has been rectified once and for all. Is the container in a different location? How is the problem being rectified?

MR. MOORES: We're just actually servicing the stop differently. I sent out a manager to kind of look at the stop and see if we could do things differently. Between the two guys out there, they made a better decision to kind of angle it differently, and that was kind of a solution.

MR. SCALI: Pleasure of the Commissioners? We have the power to fine up to \$300 per day per incidence.

MR. HAAS: I'm inclined to make a motion that we fine for \$300 for eight violations.

MR. SCALI: Motion for \$300 fine times eight. That would be a \$2,400 fine. That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Let's try and not come back here again. I don't know what it's going to take. Obviously the fines are not bothering you all too much.

MS. LYNCH: They bother us.

MR. SCALI: Thank you very much.

Thank you Ms. Boyer.

MS. LINT: Disciplinary matter, Riverside Pizza & Seafood, Inc., Alex Goulopoulos, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 305 River Street for three CAD reports from the Cambridge Police Department relating to noise.

MR. SCALI: Good evening. Just tell us your name for the record.

MR. GOULOPOULOS: Alexander Goulopoulos.

MR. SCALI: This is Ms. Boyer's complaint so we'll start with her again.

MS. BOYER: This is pertaining to noise issues that transpired at the Riverside Pizza location at 305 River Street. I had received three CAD incident reports, which I've attached in our initial packet given to the Commissioners consisting of noise related issues which had to be addressed by the Cambridge Police. They are dated April 8 at 1:51 a.m., May 1, 2009 at 9:14 p.m., and May 15, 2009 at 10:11 p.m.

Please be advised that based on a City

Council order that we had received previously after receiving numerous complaints from neighbors regarding patrons being loud outside the establishment, Elizabeth Lint and I had a meeting with the owner, Alex, in December 2007, to discuss the problems and possible solutions for when the 2008 seasonal outdoor seating started.

At that time, Mr. Goulopoulos stated that he would speak to the customers since most are regulars, and post signs stating to respect their neighbors. He also stated that he would post a sign to not go down the alleyway.

Though the noise issues stopped for a short period of time as stated by the complainants, the problems are happening again, as stated by the complainants. It had also been stated that the signage is not working; that the noise is problematic for the residents in the area, especially in the latter hours.

That is why we're having the hearing this evening to find hopefully permanent solutions. And also since the information was sent out to the

establishment owners and complainant, I had checked with the criminal analysis center to see if anymore complaints had been called in, and there have been two: June 24, 2009 at 1:15 a.m., and June 26, 2009 at 9:08 p.m. Both were based on a group outside being loud and screaming, and the other complaint was based on people being loud.

MR. SCALI: There are five different calls that came in. Is it that there are patrons that are sitting outside that are making the noise, or is it people that are leaving the premises that are making noise? I'm not sure.

MS. BOYER: From what was related to me, it seems to be a combination of both. There is a little bit of a seating patio area that is outside of Riverside Pizza, and I know that we've had some situations in the past to many establishments based on people smoking outside. So that's when people -- sometimes their voices rise, and Riverside Pizza is maybe four feet away from a residential two-family or three-family home.

So a lot of these issues are coming up

based on the new ban a few years ago. And this specific particular location it has been ongoing. Sometimes when people leave -- from the time of record, it seems as if it's during when they're open and a little bit before the closing hour. It doesn't seem as if it's from the 2:00 a.m. on, or anything like that. It's not like a bulk of people are coming out. It's seems from when people are out on the patio.

MR. SCALI: It could be 9:00 p.m. and it could be 1:00 a.m, so it doesn't seem like it's the people leaving. It's people that are just out there either smoking outside or just talking as they're leaving. Perhaps they're on the patio; is what you're saying?

MS. BOYER: From the complaints that I've received, it's the people on the patio, also maybe leaving.

The alley situation is one that I'm not very clear on why there are even people walking down the alley, unless it's a combined easement. I'm not sure.

MR. SCALI: Yours is strictly CAD reports. I know there are a number of letters that came in.

MS. BOYER: There are letters that came in. I think Mrs. Lint has those. And this hearing was also requested by residents that live in the area. I'm not sure if anyone is here this evening.

MR. SCALI: Are there any residents here that want to speak? You've got a few hands, Ms. Boyer.

MS. BOYER: I do?

MR. SCALI: We've got hands of residents that want to speak. Do you want to come forward and speak, or would you prefer not to speak?

UNIDENTIFIED SPEAKER: I'm happy to come forward if that's helpful.

MR. SCALI: Have a seat if you would. Tell us your name and your address.

MS. BALLIGAN: My name is Lisbeth Balligan, and I live at 295, right next door.

MR. SCALI: 295 River Street?

MS. BALLIGAN: River Street.

MR. SCALI: And you are?

MS. WOLF: I'm Pamela Wolf. I also live at 295 River Street.

MR. SCALI: Who wants to speak first?

MS. WOLF: I'll just clarify a few of things you had questions about. People are mostly gathered on -- there's a handicap ramp that leads up to the door, which is very close to our building, and that's where we seem to notice the problem from. When they're on the other side, it's not as much of a problem.

I would say the noise is an issue, but they're not only on the premises of the bar, they're also coming to our doorstep and sitting on our doorstep, talking very loudly on our doorstep, smoking pot on our doorstep. The alley that we're speaking of runs along the side of our building. They come in the alley.

MR. GOULOPOULOS: Those doors are locked though.

MS. WOLF: They're locked, but the locks have been broken.

MR. SCALI: Let's let her speak. You'll have every opportunity to speak. I just want her to finish talking.

MS. WOLF: This isn't personal, this is just what we've witnessed.

So it's gotten to the point where it's a safety issue. I'm certainly not comfortable asking people to get off of my steps or to be quiet. They're large groups of people that are really intimidating.

I've had an incident once where people were yelling up into my window at me. So it really feels like it's gotten out of control. There have been two fights that I've just witnessed in the past several months. One, I called the police, they came. They broke it up. The second one had escalated for quite some time, but then I don't know if it was you, but someone from the bar came outside and broke that one up. It was escalating for a long time. So it doesn't appear that there's

anybody monitoring the situation on the outside.

MR. SCALI: Is it people who are on the patio that are making the noise, or is it just people who are like kind of hanging out on the doorstep making noise, or in the alleyway?

MS. WOLF: It's all of the above. It's just very large groups of people outside.

MR. SCALI: Is it people who are smoking out there that are making the noise?

MS. WOLF: Usually, but also cars pull up, they double-park, they play their music. Cars get stuck behind them -- it's a one-way street -- they start honking their horn. People are coming in and out of the bar to talk to the people in the cars. It's very disruptive.

MS. BALLIGAN: We've talked about the issue a lot and we share many of the same concerns. Just along the lines of the cars, at least a dozen times I've heard them say, "Yeah, pull around the side and I'll give it to you there."

MR. SCALI: The pizza.

MS. BALLIGAN: Drugs, the drugs.

They're dealing drugs. It's basically the bar is enabling them to be able to do these things. It's a place for these people to meet. It's a place for them to pass drugs.

I know there are other local residents in the audience that live on the corner, just between kind of where the entrance to Hoyt Field is. It's not even a full block, it's just a couple of houses. A lot of times they've heard people say exactly the same things about the drugs.

They dump their trash from their cars. Apparently there was someone who recently decided to defecate all over the street and leave it there. There has recently been a hit-and-run by cars. They hit two parked cars while they were pulling out. I believe that made it into the police report. Those are just a few of the other things that are going on.

This isn't something that like we just moved in and are like, "Oh, my God." Pam has been living there for at least two years, I've been living there for a year. I have a dog so I'm out

in the neighborhood a lot. I talk to people a lot and people are really concerned, not just in the action of some of the patrons, but it's a lot of the patrons.

It's also teens are standing on the corners having screaming and shouting matches across the street. Sometimes they're fighting, sometimes they're just hanging out because they just came from Hoyt Field, which is fine, but no one has any sense of the fact that residents live here, and this is where we come home. And as Pam mentioned, it's very scary sometimes to come home to people just sitting on your steps and you can't even get in your own house.

MS. WOLF: I've had friends who don't want to come into my building because there's crowds of people outside of it. I'll also add that there are several other people in our building who didn't want to come here tonight for fear of retribution. And to be honest with you, I'm a little nervous about that as well. I'm a little nervous about it, but it's important enough to us

to be here tonight.

MR. SCALI: Are you worried about Mr. Goulopoulos, because Mr. Goulopoulos has been a very good licensee for many years?

MS. WOLF: Absolutely not, it's not you. It's the people that go to your bar, unfortunately.

MR. GOULOPOULOS: I want to speak on this.

MR. SCALI: Have you ever spoken to Mr. Goulopoulos about this issue?

MS. WOLF: I haven't but other people in the building have.

MS. BALLIGAN: I have I believe twice now. The first time was a couple of months ago, maybe more than a couple, probably six to eight months ago. I had asked to at least take some effort to try and redirect traffic even just to like the other side.

Basically -- I'm sorry those pictures are so poor but -- there is an entryway, and then on the right-hand side is the handicap ramp, which

to the best of my knowledge should always be clear at all times, and is often not. That side is the one that is directly next to our building. Then there is another side where the patio seating is that crosses Putnam and River, so it's more of like an industrial corner. There are no residents immediately next that side of the building.

So I just asked to do whatever you can do to please promote people to sit on the other side, to not smoke on the handicap ramp. There are people in our building with asthma. Like to please take whatever effort you can to do that. And for a while there was a handwritten sign that said -- it was on the door coming out to the handicap side that said please -- it didn't say "no smoking." It said something like -- what did it say?

MS. WOLF: You have one that says to keep the noise level down.

MR. GOULOPOULOS: I have a lot of signs.

MS. BALLIGAN: There are a few signs, but it says something like "noise complaints,

please don't stand here," or something.

MR. SCALI: Warning them not to stand near the building.

MS. BALLIGAN: It's not just that. I've seen employees on that side, so it's like no one -- the message isn't getting through.

MR. SCALI: It seems to be like a hangout. People are just hanging out, out there. It's become an attractive place for people to gather and cause noise trouble on your steps and on the sidewalk.

MS. BALLIGAN: And the signs -- you know, people don't pay attention to them. So to me it's like yeah, it's a step, but it's really not any sense of action. Like I said, we've seen employees even, so if the employees can't even set the example, how can you expect the patrons to not even do it. It's really problematic.

MR. SCALI: You don't know if something is different in the last couple -- I mean, you've only been there two years, you've been there one year, so you don't know if something is

different in the last year.

MS. WOLF: We have heard from neighbors who aren't comfortable coming forward that it's gotten worse.

MR. SCALI: So it's been this way but not as bad as it's been the last year or two?

MS. WOLF: I can't say, but that's what I've heard.

MR. SCALI: There are other hands. Do you have any questions of these ladies, Commissioners?

MR. HAAS: No questions.

MR. SCALI: Thank you ladies.

Anybody else want to come forward?  
Councilor, good evening.

MR. KELLEY: My name is Craig Kelley. I live at 6 St. Gerard Terrace. I've been by the place, your restaurant a bunch of times. I bicycle all over town at different times and I haven't witnessed any fights or any drug deals, but otherwise, what the ladies said, I've seen not all the times I've gone by, but on enough instances of

people smoking in the adjacent doorways.

A lot of times people interacting against the bar with people on the curb; that sort of thing. I can well imagine that it would be disturbing for residents in the area, or even passersby on the street to some extent. What the answer is, I don't exactly know, but I can definitely say that I would agree entirely with the ladies that there's a problem there. Thank you.

MR. SCALI: Thank you Councilor. Any questions of Councilor Kelley?

MR. HAAS: No.

MR. TURNER: No.

MR. KELLEY: I don't get complaints like this very often so by the time it gets to that point, it's probably more significant than other places.

MR. SCALI: Thank you very much.

MS. MILLER: My name is Sherry Miller and the problem extends beyond --

MR. SCALI: Can you tell us where you live?

MS. MILLER: 275 River Street, which is on the corner of Hoyt Field and River Street, or Montague Street and River Street. Patrons are using the parking lot behind that, that abuts up against the Hoyt Field tennis courts to park, and as far as I know, that is private parking. It belongs to 264 Putnam Avenue. They are parking back there. It's an unlit parking lot and after they vacate the bar, they're hanging out there. That is where they are going and meeting to do drug deals, which I've witnessed. And that will continue from like midnight until 2:00, 3:00 in the morning.

MR. SCALI: And you've seen that just by -- from where you live you can see it?

MS. MILLER: It's 12 feet away from my bedroom window.

MR. SCALI: Have you been disturbed by the noise, too? People hanging out on the corner?

MS. MILLER: I've called the police a number of times. I was the one that called when there was a huge number of cars that pulled in one

night, all on their way to the bar at the end of June. They all got out of their cars, many of them were finishing bottles of alcohol before they went into the bar. Someone else came and hit two parked cars. I think three people in my building called the police that night. There were a number of reports.

MR. SCALI: This happens all during the evening, not later? You said later at night for the drug deals, between 12:00 and 2:00, but is it earlier in the evening too?

MS. MILLER: No, it's later at night. It's once the Hoyt Field -- like when the lights go off they park there at midnight and then leave the bar later.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. HAAS: No questions.

MR. SCALI: Anybody else want to be heard?

MR. SCALI: Ms. Boyer, any comments? We'll give Mr. Goulopoulos a chance to respond.

MS. BOYER: No. There just the letters that Elizabeth has.

MS. LINT: I have e-mails. I'm not sure that they wanted their names put out there. They were unable to attend tonight and basically said all the same things; that it's very noisy, there's starting to be safety issues. I do have one letter in support of the restaurant; that it's a neighborhood establishment and it's a good place to go.

MR. SCALI: Mr. Goulopoulos, it's your turn. I don't know what you can say.

MR. GOULOPOULOS: The last time I talked to Elizabeth and Andrea, and I think I did some progress. I put some signs up. I talk to my customers, a lot of regulars. From what I heard tonight, I had no idea about all this drug dealing and all that, and what's going on in the street.

A lot of my customers I talk to them. I move them towards the patio side because that house is too close, and I can understand sometimes the customers can be a little loud. It's late at

night. So I did that.

I don't see too many people hanging around. I don't know what she's saying about my employees. There's only one employee working. She goes out to smoke, might have one cigarette then go in. I don't know if she can -- I never remember being out there and being that noisy.

MR. SCALI: How do you monitor this? How many employees do you have?

MR. GOULOPOULOS: This is a family business. It's me and my brother, family, and we have one bartender there. I have cameras and watch what's going on. I see who's in there, who's coming in, who's going out. We're not a traffic place. Business is slow.

MR. SCALI: It seems that there's a high-traffic issue going on here. Maybe it's not car traffic.

MR. GOULOPOULOS: We are a neighborhood bar; we're a neighborhood restaurant for the last 25 years so a lot of people know us. There's a lot of people walking. They might live

around the corner so they're walking. They might go through Hoyt Field that they were talking about. So I don't know if I should be held responsible for all that.

MR. SCALI: If these people are residents in the area watching people go in and out of your premises, if you bring them to the neighborhood, you are responsible for them. That's Rule No. 1 of our Rules Book. Whether you want them there or not, you're an attractive nuisance, you might want to say, and you're bringing them there. You're responsible to make sure to resolve the issue, obviously with some help, of course, if you need help.

MR. GOULOPOULOS: There's a lot of these people sometimes when they're walking, they're not even coming to my place. Yes, they might have been -- I've been there for 25 years. There might be some kids, might be their uncles or they live around the corner, they're walking. So they might cause a lot of noise.

I don't have that many customers to be

out there and be that loud, especially after I did the signs, after I talk to them. I'm not guarantee a hundred percent but I did a lot, and I think we eliminate the noise a lot.

According to some police reports there, like 1:52, I was gone. I was on my way home. Then the other one, early, I don't know. One of them says -- and I'd like to know -- like a lot of times we have the police coming around there walking. If I see a lot of kids outside, I ask them to move them around, because even if they like to hang around there, one of them might come into to get a slice of pizza, and then 10 of them might be hanging around two houses down. That's what's going on, and I don't think I should go on the streets. I'm not going on the streets to control these people on the street if they're two houses down.

MR. SCALI: If they're coming there for a slice of pizza and they're hanging out, you're responsible for them.

MR. GOULOPOULOS: Or maybe they

haven't. They're walking down, they're coming from Hoyt Field. What I'm supposed to do?

If they come into my area, my patio, I will. If a lot of them, I'll call the police and I have a couple of times. I had the police. In the summertime there's a lot of groups that come from the basketball court around the corner. So they're walking by, it's a city. They stay out late I guess. I don't think I'm causing all this traffic, my business.

MR. SCALI: You have to think about if you weren't there, would they be hanging out on that corner? Probably not. They're probably there because they got a slice of pizza and they're hanging out sitting on the neighbor's steps next door. It depends on what the reason is that they're hanging out there. Are their friends hanging out there having a slice of pizza so they're all hanging out? Maybe. Ms. Boyer.

MS. BOYER: Even when I'm doing my weekend checks, you have a good crowd, and that's a good thing. But at the same time it's -- what time

do you leave the establishment on the weekends?

MR. GOULOPOULOS: At 1:30, everybody is out. I give last call earlier. People leave slowly. I don't want everybody to go at the same time, slowly, but 1:30, everybody is out.

MS. BOYER: It may be just like any other establishment we've had that maybe has a larger capacity, you may have to hire an extra person to maintain that outdoor area during the open door season.

MR. TURNER: Mr. Chair?

MR. TURNER: Deputy Chief.

MR. TURNER: Ms. Boyer, would you please clarify. You mentioned there is a good crowd. Is it a good crowd getting a slice of pizza or is it a good crowd hanging in the sports bar?

MS. BOYER: When I go by, they're in the sports bar.

MR. TURNER: Thank you.

MR. SCALI: People are drinking too?

MS. BOYER: Yeah. I mean I didn't go inside to see if they were drinking but that's

where I see the people.

MR. TURNER: The attraction is the sports bar?

MS. BOYER: On the evenings that I've gone by on the weekends it seems as if there are more people on that side than the pizza side.

MR. TURNER: To Ms. Lint, what are the hours on the license?

MR. SCALI: Is it a 1:00 a.m. license?

MS. LINT: Yes.

MR. SCALI: It seems like it's earlier in the evening anyway. It's not really a totally late-night issue. It's 9:00, or 10:00, or 11:00 at night.

MR. GOULOPOULOS: Hedley Henderson has been inside last year I think. He's been inside a couple of times.

MR. SCALI: That's a task force inspection. That's not an investigation for people; that's for capacities and hours.

MR. GOULOPOULOS: I don't know if Andrea Boyer actually been inside. I know she

probably drive outside.

MR. SCALI: What do you think you can do to help this problem?

MR. GOULOPOULOS: I'm going to do everything. I've got my signs up. I'll try more. I will do -- I want my neighbors to be happy. I don't want any arguments with them. I want them to be free. I want them to come into my place. I want them to be comfortable to go to the house. I've been there for 25 years. We serving the restaurant anything from the homeless all the way to the Vice President of America. Walter Mondale was over there for lunch recommended from the local hotel. So we're not a five-star restaurant but I think we have good food, nice friendly neighborhood place.

MR. SCALI: Maybe a little too friendly.

MR. GOULOPOULOS: Maybe. I don't know.

MR. SCALI: Commissioner, any suggestions? It sounds like it's maybe a police

matter as well.

MR. HAAS: We'll look into that aspect of it, but I think the other thing, taking up what Deputy Chief Turner has talked about is I think you have to really kind of assess your business hours, and where you're doing particularly well and it's crowded, you need to have some other employees maybe just to kind of encourage your customers not to --

MR. GOULOPOULOS: All the time it's me and my brother, all the time we're available right there. If it gets a little too crowded, we'll give a hand, we'll stay at the door. It's not like we have a lot of minors or a lot of traffic.

MR. SCALI: It sounds like you have to have somebody out there monitoring at 295 River, making sure your customers are not sitting on those steps. You need to make sure people are not smoking on other people's steps. You need to make sure that the people are moving along and not talking out there. That's your responsibility to do that.

MR. GOULOPOULOS: I think what's cause me most the problem is the people that are walking, the neighborhood people that are walking by. They might see somebody that they know, they might know some. Ten people might stick around there because one of them is talking to them.

MR. SCALI: And you tell them to move along.

MR. GOULOPOULOS: A few times I have the policeman around.

MR. SCALI: You called the police. Why would you call the police?

MR. GOULOPOULOS: I did a few times, and also the people that -- there's a police going around on the route in the area and I ask them a few times. I don't know what's my line, and how far can I go on the street. Do I go break up the groups?

MR. SCALI: Many establishments have security people who do that.

MR. GOULOPOULOS: I don't know what's going on on the streets. There's a lot of things

going on on the streets. I really don't want to cross the line over my property, because they might turn around and tell me none of your business or whatever.

MR. SCALI: That's why you call the police.

MR. GOULOPOULOS: If I don't feel comfortable them I will and I did a few times. I will try again my best.

MR. SCALI: It's not a matter of your best, it's a matter of a consistent plan that you're going to have to follow.

MR. GOULOPOULOS: Sure.

MR. SCALI: Because what's happening is that the word is that "we can hang out there and no one is going to bother us." That's what the word is if that's what neighbor's are saying.

And it's a combination of things. It's a combination of you having a security person out there maybe that monitors that; a combination of you taking an active role in calling the police and making sure that -- I can't handle this, please

come and help me.

It may mean that you work with the neighbors on a plan making sure that when they see someone they're able to call you directly and say here's what's happening. All those things are standard things that we do all the time with many of our licensees, and Ms. Boyer can tell you that these plans have worked in the past.

MR. GOULOPOULOS: If they call me - I'm right next door -- if they could call me if they see something I don't realize or I don't pick it up, I'm willing to go there and help and do whatever needs to be done.

MR. SCALI: Any other comments?

MR. HAAS: No other comments.

MR. SCALI: Anybody else from the public want to be heard on this matter? Ms. Boyer?

MS. BOYER: As you stated, there are many establishments recently, even before the B-Side closed, you know, that there is someone who is outside that you can specifically tell when you have customers who are engaging with people who are

walking down the street. And if these are all regulars, then you should be able to say to your regulars, "Hey, the neighbor is next door. Let's keep this -- keep walking." If you do have that relationship with your patrons then you shouldn't have to worry, as you said, about people turning on you when they are obviously talking to people that they know. And if they respect you, they will listen to you. We need a solution to people standing in your space talking loudly next to your neighbors.

There are many establishments smaller than you and larger than you that can accomplish this, and I believe that you can also. And that may mean having an extra person on staff. As much as no one wants to pay anybody, you may have to do that for your busy nights, weekends, not necessarily every night.

MR. GOULOPOULOS: As far as like people going in the alleys, I have no idea. I don't know how can somebody go in. It's private property going --

MR. SCALI: Is it your property?

MR. GOULOPOULOS: No.

MR. SCALI: It's an alleyway that's next to your building?

MR. GOULOPOULOS: It's a gate. I never --

MR. SCALI: If you see someone there, you call the police. "I don't want them there. They're in my alleyway."

MR. GOULOPOULOS: It's hard for me to see because it's a wall.

MR. SCALI: That's where your security person has to be out there watching. That's just the way it is. If you want to be in that neighborhood then you're responsible.

Any other comments, Commissioners?

MR. HAAS: No other comments.

MR. SCALI: Motion.

MR. HAAS: Under advisement please.

MR. SCALI: Motion to take the matter under advisement. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Ms. Boyer, did you maybe perhaps want to talk to him about a plan. Maybe you can come up with a plan in the meantime. We're scheduled to vote on this July 30 at 10:00 a.m. Maybe between now and then you can come up with some solution.

MS. BOYER: Maybe he could supply something to me with a couple of solutions. Right now, it seems as if I gave him lots of suggestions tonight. If he could work with me, then I would definitely do that, sir.

MR. SCALI: Thank you,  
Mr. Goulopoulos.

MS. LINT: Application, Multinational Trade Group, Inc. d/b/a Gourmet Express, 1868 Massachusetts Avenue for operating under a corporate name that has not been applied for and/or approved by the License Commission.

MR. SCALI: Good evening. Tell us your name.

MR. HAMZA: Nazih Hamza.

MR. SCALI: Mrs. Lint, do you want to fill us in on this?

MS. LINT: Apparently Gourmet Express is operating under the corporate name of Quick Gourmet Incorporated, but their actual corporate name is Multinational Trade Group.

MR. SCALI: What name are you operating under?

MR. HAMZA: I can explain this whole thing.

MR. SCALI: I hope so.

MR. HAMZA: We used to be a White Hen Pantry. My corporation is Multinational Trade Company, used to do business as White Hen Pantry.

Now, White Hen Pantry sold off. We were in limbo for a long time before they decided to exit abruptly. We had to renegotiate the lease and we rushed over here to get a CV. It was me and my brother working on this.

So we obtained a Common Victualer license as Multinational Trade Company d/b/a White Hen Pantry. Shortly thereafter, which is maybe two or three weeks after that, I came to realize that we cannot do business as -- Multinational Trade Company cannot do business as Gourmet Express because we were running other stores and we run into payroll issues, and tax issues, and Workmen's Comp issues.

So I formed a new corporation and it dawned on me, honestly that I didn't come to you for this.

MR. SCALI: How long ago did it dawn on you?

MR. HAMZA: It was a year-and-a-half, maybe two years ago.

MR. SCALI: That's a long time ago.

MR. HAMZA: Just to show you my good will, when I renewed my Common Victualer license, I renewed it under the proper name, which is the Quick Gourmet, Inc. d/b/a Gourmet Express, which matches by Workmen's Comp and my payroll.

MR. SCALI: You just can't change it on your own just like that.

MR. HAMZA: Honestly, you know, with all the stuff that's been happening I just -- I just applied for a new Common Victualer license with the proper name and corporate name.

MR. SCALI: So Quick Gourmet, Inc.?

MR. HAMZA: It's the Quick Gourmet, Inc.

MR. SCALI: That's what you want to be?

MR. HAMZA: Yeah.

MR. SCALI: Is it still you and your brother in that corporation?

MR. HAMZA: Yes.

MR. SCALI: The people haven't changed, just the name of the corporation.

MR. HAMZA: Nothing has changed. The d/b/a is still the same as it's always been. The Workmen's Comp, the insurance, and all that stuff that I'm required to have is properly obtained, accept that -- when we first started, like I said, there was just a lot of commotion going on, and we didn't have proper notice. When I realized that I have to do a new corporation I didn't think of coming here. So when I used to give the application I would just fill out --

MR. SCALI: Cross it out?

MR. HAMZA: No.

MR. SCALI: When did you apply, today?

MR. HAMZA: Last week. I finished my application today, actually. I had to come up with a plan, and I paid today, this morning.

MS. LINT: We did send him notice in February with an application.

MR. HAMZA: You have, and I did not open it until just recently.

MR. SCALI: From February?

MR. HAMZA: I didn't know what it was.

Ma'am, you've got to realize one thing, I know it is --

MR. SCALI: I wish I could not open my mail for like six months. I don't know how people do that.

MR. HAMZA: It's hard to explain. I do everything from taking the trash out to preparing payroll, and I'm not making any excuses. I made a mistake and it's negligence, and I apologize. I rectified that and I'm going to go in front of you and --

MR. SCALI: So you're on for our August hearing?

MR. HAMZA: August hearing, yes, sir.

MR. SCALI: Councilor Kelley.

MR. KELLEY: My name is Craig Kelley. I live at 6 St. Gerard Terrace. I can't speak to his business acumen or paperwork, but we meet up there in the morning at 5:30 to go bicycle riding. We go there for lunch. I don't quite remember what it was when it was the White Hen Pantry, but it's got one of the best breakfasts in town now, and

it's really becoming a great neighborhood place.

So to the extent that whatever the paperwork problems are can get ironed out smoothly, it can continue being a great neighborhood place. Thank you.

MR. HAMZA: There's room for improvement when it comes to --

MR. SCALI: If Councilor Kelley likes your breakfast there, it must be pretty healthy, I can tell you that.

MR. HAMZA: Thank you. I appreciate that.

MR. SCALI: Anybody else want to be heard on this mater? Pleasure of the Commissioners?

MR. HAAS: I guess my question would be for Ms. Lint. What would be the application process, the cost of the application if they filed it properly a year-and-a-half ago?

MS. LINT: It's \$175.

MR. SCALI: You fill out the CV application, advertise.

MS. LINT: I think the bigger issue is, as we say at our alcohol renewal meetings every year, when you get mail from the License Commission, you need to open the mail from the License Commission.

MR. HAMZA: Like I said -- but usually I know in the mail if there's licenses or there's application, I know the time when I have to renew.

You know, I have some issues and I don't know if you have the time for me to discuss it?

MR. SCALI: We don't have the time to hear your issues. You're going to be heard August 10.

MR. HAAS: Is there any prior disciplinary action? None.

MR. SCALI: Do you want to continue it to the hearing on August 10?

MR. HAAS: Yes.

MR. SCALI: Motion to continue this matter to the August 10 hearing when your application will be heard. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: See you August 10.

MS. LINT: Disciplinary matter, Koko's Garage, Krikor Vartanessian, Manager, holder of a Used Car Dealer's license at 651 Mount Auburn Street for failing to submit proof of a current surety bond.

MR. SCALI: Koko's Garage? Not here. Mr. O'Neil, have you had any contact with them?

MR. O'NEIL: Just the letters I sent them.

MR. SCALI: Any contact at all?

MS. LINT: No, and the letters didn't come back.

MR. SCALI: Are they still operating?

MS. LINT: I can have Officer Zito or Officer Arcos check that out.

MR. SCALI: Anybody from the public want to be heard on Koko's? Motion to have Officer Arcos check the establishment for operation and report back to us on July 30.

MR. HAAS: I'm just concerned about the proof of the surety bond. I would submit that at the very least, when Officer Arcos or Zito goes

to the establishment they should at least check to see if they have the proper paperwork and report back to the Commission. Then I think we need to take some action pending the hearing. I'm just afraid if we allow them to continue to operate between now and then without the appropriate bond that could be a potential problem.

MR. SCALI: I think it's been going on for quite a while.

MR. HAAS: I think now that we're aware of it --

MR. SCALI: I'll amend my motion then to have the officers check it out and report back to Mrs. Lint. And if they do not have the proper paperwork, order them to cease operating.

MR. HAAS: That's correct.

MR. SCALI: That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: Disciplinary matter, Frank's Catering, Michael Sanseverino, Manager, holder of a Vendor/Peddler's license for failing to pick up the current license for 2009.

MR. SCALI: Frank's Catering? I think they haven't paid for how long.

MS. LINT: Three years. I personally spoke with Mr. Sanseverino right around the renewal period, and he assured me he would be coming in the following Monday at 10:00 a.m. to pay for his licenses. He did come in and leave a check.

MR. SCALI: But he also needed to appear here.

MS. LINT: But he also didn't pick up his license.

MR. SCALI: Anybody from the public want to be heard? No hands. I guess it would be time to take Mr. Sanseverino's license.

Motion to revoke the Peddler's license.

MR. HAAS: Are you going to revoke or suspend?

MR. SCALI: If you want to suspend it, he has the power to get it back. If we revoke it, he doesn't.

MR. HAAS: I know the difference, I'm just asking a question.

MR. SCALI: My motion is to revoke. I think he's had three years to straighten it out.

MR. HAAS: I agree.

MR. SCALI: Discussion?

MR. HAAS: I concur.

MR. SCALI: Motion to revoke.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: How are you going to keep him out of Cambridge?

MR. SCALI: Have Officers Arcos and Zito out there monitoring.

MR. HAAS: He must have a regular route that he utilizes; right?

MR. SCALI: Yes.

MR. HAAS: I suspect we can send an officer over there to try to identify him and notify him his license has been revoked for operating.

MR. TURNER: I should have asked: What was the check for? Was it for one year or three?

MS. LINT: Three.

MS. LINT: Review, Super Duck Tours, LLC & Boston Top Deck Trolley Tours, Jack Harte, Manager, holder of a Jitney permit for review of the routes and vehicles being used.

MR. SCALI: Good evening, just tell us who you are, please.

MR. HARTE: I'm Jack Harte, H-A-R-T-E.

MR. KRAEZ: And I'm Dennis Kraez.

MR. SCALI: Mrs. Lint, the issue was a review. I guess what I've been hearing is that your vehicles are changing, or have changed, or are about to change. I was standing on Mass. Avenue a couple weeks ago and I see a big tall green -- it looked like a bus to me, and not really a trolley either.

MR. HARTE: If it was down on Mass. Avenue, we had done a few different charters for a few different groups in Cambridge, for the mayor, and a few other organizations. The new larger trolleys that we have typically don't run down there unless it's for a charter. We have two licenses in Cambridge.

MR. SCALI: Didn't we agree that when you changed them you would be coming back to us.

MR. KRAEZ: According to the licenses in Boston, on our Boston run that we have with you guys, it doesn't say what vehicle it is. We do have a permit from you for the ones that run in Cambridge that say it's the white trolley, which we're still running in Cambridge. If we want to change those, we would have to come back.

MR. SCALI: That's the one that's through Harvard Square, the one with the white trolley; right?

MR. KRAEZ: That's correct.

MR. SCALI: That's the one we just approved a short while back that you bought from --

MR. KRAEZ: Gideum.

MR. SCALI: These white trolleys are still operating on the Harvard Square route?

MR. KRAEZ: That's correct.

MR. SCALI: Where are these green trolleys operating?

MR. KRAEZ: They run into Cambridge

into Kendall Square, and over to the Galleria Mall and then out again.

MR. SCALI: Are these green trolleys the only ones you're using now on that route?

MR. KRAEZ: Yes.

MR. HARTE: In Boston.

MR. KRAEZ: If you would like, here's a brochure that shows the different routes of the trolleys.

MR. SCALI: Because these are considerably bigger.

MR. KRAEZ: They're taller; they're not any longer or wider than the normal trolleys.

MR. HAAS: What is their capacity compared to the white ones?

MR. KRAEZ: It's 45.

MR. HAAS: And the white ones are?

MR. KRAEZ: They're 42.

MR. SCALI: Is it your intention then to start to change over to these green trolleys on the other route, too?

MR. HARTE: No.

MR. KRAEZ: No, not currently. Eventually we'd like to but we know we have to come back to you guys to talk about it.

MR. SCALI: When people start calling me saying, "What's that big green thing," and I don't know what it is, that's when I call you.

MR. KRAEZ: Those were charters that we had for -- we had a couple of charters for MIT, we did the Taste of Cambridge.

MR. SCALI: No, you didn't do the Taste of Cambridge.

MR. HARTE: It wasn't the Taste of --

MS. LINT: The Concierge Event.

MR. TURNER: Are these the ones you were discussing, the better fuel economy ones?

MR. KRAEZ: These are all green, correct.

MR. HAAS: When you say "green," what are they fueled by?

MR. KRAEZ: They're diesel and they have the new advanced scrubbers, so it's a zero emissions vehicle.

MR. TURNER: Mr. Chair, just so I understand, the issue is the different vehicle, not so much the route? There's nothing wrong with the route they're taking, just the fact that they're not using the vehicle they said they'd use? I can almost remember when they were applying for the route, there was discussion about these new environmentally friendly vehicles that were coming, and I thought we were kind of looking forward to that.

MR. SCALI: We were. The agreement at the time for that route was that you would come back to us and tell us when that was going to happen.

MR. KRAEZ: And we will. We'd like to run these here. It's a much better vehicle to run. They turn better, they operate easier. You're welcome to ride them. It's a wonderful vehicle; you're up above the traffic. It's a great viewing vehicle. In fact, I have a few pictures of what it's like if you're in the inside of the vehicle looking out. It has a panoramic view which makes

it great for the riders.

MR. SCALI: They certainly look newer and cleaner.

MR. KRAEZ: And comfortable.

MR. HARTE: Quieter.

MR. SCALI: They're just tall.

MR. KRAEZ: It's two feet taller.

It looks a lot taller, but it's two --

MR. TURNER: A lot more glass.

MR. KRAEZ: That's correct.

MR. SCALI: You're not having any trouble maneuvering any of the streets with these.

MR. KRAEZ: Much easier to drive than the old ones. Like night and day.

MR. SCALI: Comments?

MR. HAAS: No comments.

MR. SCALI: Anybody from the public want to be heard? Ms. Bell.

MS. BELL: I'm Robin Bell with the Cambridge Office for Tourism, and I just saw their route. I need I think a degree to figure this thing out, but I think I've got it down. These are

going now just in Kendall is my understanding.

MR. HARTE: And to the Galleria.

MS. BELL: The only thing I would have a question about is when they do come back, which I'm assuming you'll come back here to get approval, is to find out more about the vehicle, the height of it, accessibility issues, and whether or not it can clear those lines in Harvard Square. Have you run one on the whole route?

MR. KRAEZ: On the charter, we were in Harvard Square and we didn't have any issue with it.

MS. BELL: There are a lot of those power lines that the trolley buses are using. So just to find out more about the vehicle.

I've been on one. I sat on one on the Concierge thing, and I don't have a problem -- I mean from the tourist aspect, it's got great visibility. There's a lot you can see. It's just coming before you guys and making sure it can navigate all the turns and do what it's supposed to do; get the right approvals.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Is there a different rate for the better bus?

MR. KRAEZ: No. In fact, the rates that are in there are for both Cambridge and Boston. It's one rate. There isn't an extra charge.

MR. TURNER: I mean for the different buses.

MR. KRAEZ: Right.

MR. TURNER: Does it cost me more to ride on the nice bus?

MR. HARTE: No. The green busses run on the Boston route, and the white buses run -- so when you buy a trolley ticket from Upper Deck Trolley, you're buying both routes. So you may buy the ticket in Boston, you ride into Cambridge, and when you get to the Galleria, if you choose to go to Harvard Square, you jump over to the white trolley for no additional cost.

MR. KRAEZ: It's new in the fact that

we've been doing this, but we've been able to -- gradually the numbers are increasing of bringing people to Harvard Square. It's working.

We'd like to eventually come back to you -- I mean each one of those busses is a \$220,000 investment. It's a substantial investment for a good product. We'd like to be able to hopefully come back to you guys and show you what it is. If you approve it, then we would operate them.

MS. BELL: How many do you have?

MR. KRAEZ: We have 10 of them. Well, they're still being built. We have six now; there's four more being built.

MR. SCALI: You intend to have 10 on the Kendall route?

MR. KRAEZ: Correct.

MR. SCALI: How many do you intend to have on the Harvard Square route?

MR. KRAEZ: Right now, we have two.

MR. SCALI: Two of the white trolleys?

MR. KRAEZ: Correct.

MR. SCALI: And you intend to only have two of the green eventually?

MR. KRAEZ: That's correct. We feel that it's short enough that we can do that.

MR. SCALI: I think it was just more of a shock to see what it was because you couldn't miss it. It was big and green. There was no missing this trolley.

MS. BELL: It's a green vehicle.

MR. SCALI: Yeah, they're green. They're green all over.

Questions?

MR. HAAS: So Ms. Bell, really your only concern is maneuverability around the Square, and just to make sure it's not going to be a problem in terms of the bus getting through and around the Square.

MS. BELL: Yes, and when it comes time. It's not even -- we're not approving that tonight?

MR. HAAS: No. I'm just curious as to what your reservations were.

MS. BELL: Just making sure that it goes through the proper channels.

MR. KRAEZ: I invite you all to ride.

MR. SCALI: We'll let Mrs. Lint ride it.

Anybody else from the public want to be heard on this matter? Pleasure of the Commissioners?

MR. HAAS: So just remind me, what are we approving tonight?

MR. SCALI: It's just a review so we'd know what they were. I couldn't give an answer to anybody other than they're big and green.

MR. KRAEZ: We weren't running them in Cambridge. We did a few charters and that's where the confusion came from.

MR. HARTE: I think probably when you saw the vehicle I think you said it was in front of City Hall. That was a Boy Scouts luncheon.

MR. SCALI: I saw it going up and going down Mass. Avenue, and I'm like that's not a route that we approved for a green bus.

MR. KRAEZ: It should have had a charter sign in the windows.

MR. SCALI: I didn't see that.

MR. TURNER: Just one last thing: If and when you're ready to bring these into Cambridge, I noticed on this one, it's Upper Deck Trolley Tours. Will you be doing a name change as well?

MR. KRAEZ: We will.

MR. TURNER: Thank you. In other words, right now, they're Boston Top Deck Trolley Tours.

MR. SCALI: Oh, I see. Anything else, Ms. Bell?

MS. BELL: No.

MR. HAAS: When do you plan on coming back?

MR. KRAEZ: It probably wouldn't be until next year, because by the time these are built and then we get more into production, it wouldn't be here until the spring. So we would probably come back in the beginning of the year

once we know what the build schedule would be. We wouldn't build them until we know you'll approve them.

MR. SCALI: Make sure you run them by Traffic and Parking to make sure that they can fit down the streets you want to fit. I guess you've already thought about that. Maybe they should check it out for you and run it by Ms. Bell in the Tourism Department, and the Harvard Square Business Association would be helpful as well to make sure that they all know.

MR. KRAEZ: We'd ride them around to make sure that they're comfortable in the route.

MR. SCALI: Motion to place the matter on file.

MR. HAAS: Motion.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: Application, K. W. Hotel Corp. d/b/a Hotel Tria, Shannon Smith, Manager, holder of an All Alcoholic Beverages as a Hotel license at 220 Alewife Brook Parkway has applied for a change of premises description to include renovations to the first-floor and a four-story addition.

MR. SCALI: Good evening, just tell us your names for the record please.

MR. RAFFERTY: Good evening, Mr. Chairman, members of the Commission. For the record, my name is James Rafferty. I'm an attorney with the law firm of Adams and Rafferty located at 130 Bishop Allen Drive in Cambridge, appearing this evening on behalf of K. W. Hotel Corporation d/b/a Hotel Tria. Seated to my immediate right is Robert Carol. He's the president of K.W. Hotel Corp., and to Mr. Carol's right is Shannon Smith. Ms. Smith is the manager of the hotel.

MR. SCALI: I think we've talked about this before but this is the time when you're actually applying.

MR. RAFFERTY: At the time of the transfer we did explain to the Commission that the hotel was transferred to K.W. Hotel's ownership approximately a year ago. The prior owner had obtained approval from the Planning Board to put an addition on the hotel. Essentially what occurred there was adjoining the hotel was the Ninety-Nine Restaurant. There was an area on the second-floor of the Ninety-Nine that was actually a separate structure from the hotel. So that was taken down and a companion piece was built, another four-story element containing an additional -- the prior rooms were 69, this now has 121 rooms. Fifty-three new rooms, the difference between 121 and 69.

MR. SCALI: So it went from 69 to 121.

MR. RAFFERTY: To 121.

So there are two components to the hotel change. One is the addition containing the new 53 rooms. The second is some reworking of the ground-floor space in the existing hotel. The pool is being removed. You might recall there was an indoor swimming pool. That's being removed. The

breakfast room is being changed. There are a couple of conference rooms.

The plan calls for the creation of a small bar with about four or five stools. It's depicted on the plan that we submitted. Currently the alcohol service is only done through the front desk. This isn't really conceived -- someone can get a beer or wine essentially, and sit down in the lobby. Now, this would be a room that would have service largely in the early evening.

MR. SCALI: Is it a separate bar area?

MR. RAFFERTY: As you see on the plan, it's a room right off the lobby. We've called it a lounge for lack of a better term. It has some soft chairs, a couple of tables, and three or four stools.

MR. CAROL: It's really a lobby bar that's primarily for patrons of the hotel.

MR. SCALI: What's the capacity of that room; do you know?

MR. RAFFERTY: It's on the CV, the seating on there. It was previously listed with 45

seats in the prior. It was treated more as a breakfast room in the prior application.

MR. SCALI: So it's no longer a breakfast room?

MR. RAFFERTY: It's both actually.

MR. CAROL: It is as well, yes.

MR. SCALI: Still serving breakfast?

MR. CAROL: Yes.

MR. SCALI: So you said four to five seats?

MS. LINT: It's a capacity of 45 with 35 seats, 10 standing.

MR. CAROL: The breakfast area is really around the corner. It's not really intended to be part of the bar. The bar is over here and then you go like this.

MR. SCALI: Let's say it like it is then. The breakfast room in separate and then there's a bar area that's separate too.

MR. RAFFERTY: I'm reading off the ad now. What the ad says is the function room on the first-floor has a capacity of 45, 35 seated, 10

standing. The breakfast room has a capacity of 32.

MR. SCALI: So the breakfast room is 32.

MR. RAFFERTY: There is a function room with 35, and 10 standing. Then the lounge has a bar with four stools and five tables. There are few tables in front of the bar; is there not?

MR. CAROL: There is just some seating. There's not really tables. It's a dual purpose area where it's really actually the lobby of the hotel as well.

MR. SCALI: The terminology is --

MR. RAFFERTY: Maybe we can direct you on the floor plan to exactly the area.

MR. SCALI: If we are creating a lounge, I need to know we're creating a lounge.

MR. RAFFERTY: We are creating a lounge. We're creating a lounge in the sense that the room is there now. In the corner of the room will be a bar containing four stools. So instead of going up to the check-in desk now where people go to get a beer or wine, they will go to this

part.

MR. CAROL: So you walk in here, the front desk was over here before. The front desk is now going over here. This was the breakfast room. This is now the bar here with a few seats.

MR. SCALI: There are six stools on the plan. So is it four or is it six?

MR. RAFFERTY: It's six.

MR. CAROL: This serves as the lobby seating as well as sort of a lobby bar. The breakfast room as you can see is really around the corner. This is breakfast buffet where you get your cereal and your toast, and all that kind of stuff.

MR. SCALI: That's the room that has 45; 35 and 10?

MR. CAROL: Yeah. This is the function room I believe he is referring to. We have just a small meeting room. It will hold about 30 people. So it's really -- I would say the appropriate term is a lobby bar. It's low-key. Just people in the hotel can go get a beer or a

drink in the early evening.

MR. RAFFERTY: Everything was there before but the bar, and what was the pool is now the function room.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Through you to the applicants: Is this unique, a lobby bar? I'm trying to think of any other hotel that has one.

MR. CAROL: They're actually all over the place. When you go to the Copley Marriott there's a lobby bar. What we're trying to do because it's limited space is serve dual purposes. So during the day, it's really the front lobby where people can sit if they're waiting for people or meeting people, because it's a small space. And then at night, it's sort of a dual purpose.

MR. TURNER: But you wouldn't hold functions there?

MR. CAROL: No.

MR. TURNER: If I were to check-in to the hotel and walk into the lobby --

MR. CAROL: No, no. It's really just a lobby with a bar in the corner.

MR. SCALI: It's a whole different feel than what it was before.

MR. CAROL: Yes, much improved.

MR. RAFFERTY: Given its size, it feels more like a service bar.

MR. SCALI: You're serving alcohol there; right?

MR. RAFFERTY: Service bar in the sense that there won't be many people mingling at the bar, and I don't think they're intending to serve it in the morning.

MR. CAROL: That will be closed during the day. And then when he referred to the function facility that's just a small meeting room.

MR. RAFFERTY: That's in the area where the pool used to be.

MR. CAROL: So the hotel is all being completely redone. It's a huge upgrade over what it was.

MR. SCALI: So that's the renovations

to the first-floor. And then you're adding on the other tower?

MR. RAFFERTY: Four stories.

MR. SCALI: A four stories is a tower, not a huge tower.

MR. TURNER: Is just about done; right?

MR. RAFFERTY: Close to finished, yes.

MR. TURNER: I suppose this would be a bad time to deny?

MR. RAFFERTY: This would be very inconvenient. We had such faith in the good judgment of the License Commission that we kind of thought we'd already taken care of this.

MR. TURNER: Mr. Chair, the Fire Department, as far as speaking from my position, we've been there on many occasions. It's fully code compliant. The plans were all reviewed and approved. There's really no issues that we see from our end. I believe they have TCOs on it.

MR. RAFFERTY: Yes. TCOs have been issued by the Building Department, the Fire

Department, and everyone else.

MR. TURNER: Just about ready to do final sign-offs on the projects. It's been a tremendous improvement to what used to be there.

MR. RAFFERTY: All the health and safety codes have been upgraded, the handicapped access has been upgraded. It's part of an overall improvement to that whole Fresh Pond Circle with what's happening across the street and with this hotel, sidewalks.

MR. SCALI: Is the parking the same as it was before?

MR. RAFFERTY: The same. In fact, there's a few -- there are a half-dozen fewer spaces because in the Planning Board approval process they imposed green space requirements that the new zoning contains. So there's actually a slight reduction in the parking capacity for green space. They're required to have bicycles now for hotel guests, covered bicycle parking. The overall site was improved as part of the special permit process by the Planning Board.

MR. SCALI: As I recall way back when, you placed a fence around that whole area. Is that fence still there?

MR. RAFFERTY: We did not place a fence around the area.

MR. SCALI: There was some issue with the mall behind.

MR. RAFFERTY: The owner of the mall placed a fence. The presence of the fence at the moment prevents hotel guests from having direct access into the shopping center. They have to go around the fence. We were asked to explore whether the mall owner might consider removing it. We have not been successful in persuading him.

Although there was great cooperation, we want to note, from the mall owner during construction. There's a new sidewalk now which never existed along Concord Lane, the area where the former Hideaway Pub, a licensed establishment known only professionally I'm sure to Mr. Scali. Some of the younger members of the Commission may not recall --

MR. SCALI: That pub was there when I was in high school.

MR. RAFFERTY: Many Belmontonians enjoyed it.

MR. SCALI: I never went there but I remember it being there.

MR. RAFFERTY: It was the last call on the way back to Belmont.

That Concord Lane now has a new roadway, has a new sidewalk thanks to this, and pedestrian access does exist into the shopping center on that side of the building.

MR. SCALI: Just as an aside, that sidewalk was put in incorrectly. You'll be seeing another sidewalk coming there very soon because the telephone poles are in the middle of the street.

MR. RAFFERTY: Yes, that's being addressed I understand by the Pole and Conduit. I must confess, when I saw it, it did strike me as somewhat unorthodox.

MR. SCALI: I didn't make any sense to build a sidewalk where the telephone poles are not

on the sidewalk.

MR. RAFFERTY: It's a function of a private lane, and I think there was little engineering snafu. It's been caught and is being addressed. But the sidewalk is benefiting the pedestrians because they are able to walk now from the reservation right down into the Whole Foods in that area. It would appear there was a little miss on the execution, but I think the overall effect is good.

MR. SCALI: Did the Zoning Board, because it is more rooms and less parking spaces, did they make some exemption or something?

MR. RAFFERTY: No. We're way over with the requirements. The Zoning requires on parking space for every two rooms, so we're only required to have half of 121, which is probably somewhere around 60 spaces. I think the lot contains --

MR. SCALI: How many space do you have?

MR. CAROL: About a 100 -- over a 100. So we have well in excess of what is required.

MR. RAFFERTY: I used to accommodate the hotel and the restaurant when it was quite active. So that's in fact consistent with the City's policy of constraining the parking supply. I can assure you the operator was interested in maximizing the parking supply. Because the new zoning out there imposes green open space requirements that didn't previously exist, we were directed to remove spaces right along the edge of the parkway. You'll see there's green landscape plantings there now.

MR. SCALI: No intention of putting a restaurant in there; right?

MR. RAFFERTY: No, I don't think at the moment. There's a tenant in the building. I mean there's Starbucks in the building as a tenant, and then there is food service for the --

MR. CAROL: Food service is part of the hotel where we serve breakfast and light panini sandwiches, soups and salads.

MR. SCALI: But nothing separate? There's not going to be like another Ninety-Nine or

anything like that?

MR. RAFFERTY: No.

MR. SCALI: Discussion?

MR. HAAS: No.

MR. TURNER: No.

MR. SCALI: Anybody else want to be heard on this matter? Pleasure of the Commissioners?

MR. HAAS: Move to approve.

MR. TURNER: Second it.

MR. SCALI: Motion to approve. Moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application, Wagamama Boston One LLC d/b/a Wagamama, Glen Rochon, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 57 JFK Street has applied for a change of manager from Glen Rochon to Meredith Clancy.

MR. SCALI: Good evening.

MR. GOLDBERG: Bernard Goldberg, 620 Massachusetts Avenue, Cambridge.

MS. CLANCY: Meredith Clancy, 388 Medford Street in Somerville.

MR. SCALI: So you're going to be the new manager of Wagamama. Tell us your experience in the restaurant business.

MS. CLANCY: I have over 10 years experience as a server, a bartender, and a manager in the industry. I do all the alcohol service training for Wagamama. I'm certified as a TIPS trainer for the three restaurants that we have. I train all the staff.

MR. SCALI: Have you been through our 21-Proof training at all?

MS. CLANCY: I have not been to 21-Proof training.

MR. SCALI: We require all new managers and owner and service people to go through our 21-Proof training program. They'll come out to you or you can go to them. We'll give you the name of the person to contact to do that.

MS. CLANCY: All right.

MR. SCALI: Can you tell me what a Mass. license looks like for someone who is under 21?

MS. CLANCY: For someone who is under 21, it's vertical, and it's big and red that they're under 21 until a date.

Questions, Commissioners?

MR. HAAS: No questions.

MR. HAAS: No questions.

MR. SCALI: Comments from the public? Anything else changing?

MR. GOLDBERG: Nothing else changing.

MS. LINT: Background checks okay.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Moved and seconded. All  
in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you Ms. Clancy.

Also subject to 21-Proof.

MS. LINT: Application, Leamil Corporation d/b/a First Printer Restaurant Bar & Grill, Jessica Leahy, Manager, has applied to transfer the All Alcoholic Beverages as a Restaurant license currently held by Tuesday Afternoon, Inc. d/b/a Cambridgeport Saloon. The license will transfer from 298 Massachusetts Avenue to 21 Dunster Street, which is located in Cap Area No. 1. Applicant is also applying for an Entertainment license to include audio tape machine/CD playing music below, at, or above conversation level; four TVs; live musical instruments and/or vocalists with amplification; comedy show; and reading of poetry or other works. There will be an increase in capacity from 60 seats to 94 seats.

MR. SCALI: Good evening.

MR. UPTON: Good evening, Mr. Chairman. Andrew Upton from the firm of DiNicola and Upton, representing the Leamil Corporation. With me are Jessica Leahy, the proposed manager; Jeff Stanett, the owner.

As you and the Commissioners may recall, we were here last month and we attempted to demonstrate the character and fitness of the applicant, as well as the public need through a discussion on the history of the restaurant, a history of the qualifications, support from the community, testimony from longtime employees as well as customers.

You asked us to come back specifically to re-advertise the increase in the seats and to specify where in the floor plan the entertainment will occur. So the re-advertising has been done.

MR. SCALI: We've clarified the address. So it's 21 Dunster; right?

MR. UPTON: It's 21 Dunster. It is known as 15-18 Dunster; that's the mailing address. But when I went to the Assessor's Office they said that the building that people mail to at 15-18 Dunster is known as 21 Dunster as the assessed address. Upon review of the actual computer at the Assessor's Office, it is the same building, because there's only one building in the middle of that

block and this is it.

MS. LINT: That's it.

MR. SCALI: It's 21 Dunster but the mail goes to 15-18.

MR. STANETT: 15-13 -- we're 15-13; that's our mailing address. The bank that owns the building gets mail for 21 Dunster because of the Assessor's Office. Apparently when the building was constructed they used that whole structure as 21 Dunster even though the mailing addresses across the building are different.

MR. SCALI: If someone put 21 Dunster on it, would it get to you?

MR. STANETT: That's questionable.  
I hope so.

MR. UPTON: Absolutely it would.

MR. SCALI: We have to go by what the Assessor has it as so it's 21 Dunster Street.

MR. UPTON: The Assessor also believes there's some not totally documented history that there's both odd and even numbers on that side of the street because those buildings preceded

anything else by so many years. That's why they have both odd and even numbers.

MR. SCALI: If there's some reason it's a problem, we'll have to figure out a different mailing address for you, but officially it will be 21 Dunster Street.

So we're going from 60 seats to 94 seats, and we've advertised that as an increase from the license that you are purchasing. The overwhelming neighborhood support; do we have all of those qualifications?

MS. LINT: We had the people that came here the last time and I believe the Harvard Square Business Association.

MR. UPTON: Cambridge Local First sent a letter.

MS. LINT: Cambridge Local First had sent a letter as well, yes.

MR. SCALI: The other issue was your building schedule and how you were going to handle that in terms of wanting to keep the ice cream shop open. But you wanted to be able to do renovations

over a period of time; right?

MR. UPTON: There's some modification in the schedule. When I attempted to get a building permit to build out the existing sneaker store, Ranjit does not want to allow me to use it for zoning purposes because the ice cream store is an existing nonconforming. If I added the seats on the side, it would be expanding an existing nonconforming.

As soon as Chief Turner signs off a certain document, I get a building permit to proceed and build out the right-hand side. The right-hand side, which is this -- do you want me to show it to you?

MR. SCALI: The ice cream shop has a certain capacity. So Ranjit is saying that if you add, that's adding to a nonconforming use, which you can't do.

MR. STANETT: Yes. So I agreed not to penetrate the wall. I agreed to build out the first phase of it on the right, and Chief Turner has the information -- he's involved in it. As

soon as the building permit is issued, we will build out the space on the right and not --

MR. SCALI: The empty space.

MR. STANETT: The empty space, and not use it. Until there's some change upstairs, even on a warm day I can't put picnic tables in it. I can't do anything with it. My argument would be I can't use sidewalk seating so give me a couple of picnic tables, but that's insignificant. The answer is, this will be built out, Phase 1.

Phase 2 is we're cleaning up the basement. We have a large piece of basement space. We're in the process -- we've got demo permits. We're cleaning it out and we will build out the basement. Depending on weather, around October 1, between October 1 and November 1, we will shut down the ice cream store. We will have at that time a building permit to complete the whole project and they'll have adequate information.

MR. SCALI: You got it right on key now.

MR. STANETT: And what I had said

before, there was a miscommunication. My suggestion was that if I could have used these seats, I would have raised the CV on the ice cream store temporarily.

MR. SCALI: But you can't.

MR. STANETT: Okay. I can't use the seats. I'm locked in irons at the moment and maybe conceivably that might be soluble, but at the moment --

MR. SCALI: It sounds like a good plan you have right now from what you've said.

MR. STANETT: Good, thank you.

MR. SCALI: Comments?

MR. HAAS: No comments.

MR. TURNER: I have no questions.

MR. SCALI: Does anybody from a public want to be heard?

So are we ready, Commissioners, at this point? So motion is to approve the transfer of the license from Cambridgeport Saloon to First Printer at a new location that will be called 21 Dunster Street to allow the increase in capacity

from 60 to 94 seats, along with the entertainment as listed, and to follow the buildout schedule as stated by the applicant.

MR. TURNER: Mr. Chair?

MS. LINT: 21-Proof.

MR. SCALI: Discussion? And also subject to 21-Proof training for all owners, managers, and service staff.

Yes, Deputy Chief.

MR. TURNER: The only thing I want to throw out at this point is on the addressing, at the end of the day -- because I don't want this to hold up where we are now -- if you pick up the phone and dial 911, where are we going?

MR. STANETT: 15-13 -- I mean 13-15.

MR. HAAS: That's what it says at ECC.

MR. STANETT: The mailing addresses, the buildings are indicated -- there is indication on the building. The good news is that we've been there so long that most of the staff, most of the people on the Fire Department know exactly where it is and they'll know exactly where it is again. But

in terms of 911, I would think we ought to be using 15-13 at the 911 address.

MR. HAAS: It really depends on what it displays at the center.

MR. TURNER: Should this also go under 13-15?

MR. STANETT: If it's a fire alarm, the beacon on the front of the building goes off. If it's an ambulance or a medical response, it's 15-13.

MR. UPTON: I think that would be worth checking into.

MR. TURNER: It's a question of automatic.

MS. LEAHY: I called the Cambridge Police the other night and I gave the address as 15 Dunster Street.

MS. LINT: And?

MS. LEAHY: They came.

MR. HAAS: When you dialed, did you dial the 3300 number or the 911?

MS. LEAHY: I did. I did not dial

911. We just had a customer who was kind of drunk, but was he was very quiet. I asked him to leave and then I said, "Would you like o get some help?" And he said yes. And that's when I dialed the regular number.

MR. HAAS: What you may want to do during business hours is just call the Chief of Operations at ECC and ask to do a test, and see when you dial 911, what does it display on the communications center.

MR. SHAFERETT: I've dialed 911 from it, and it does come up as 15.

MR. HAAS: And you know that because?

MR. UPTON: He's an employee.

MR. SCALI: Tell us your name.

MR. SHAFERETT: My name is Ryan Shaferett. I'm Jeff's right-hand man. I've worked with this.

MR. HAAS: My question to you is how do you know what it displays on the other side?

MR. SHAFERETT: Because they've asked. When you call 911, they ask, "Is this your

location?" And you say, "Yes, this is my location, 15 Dunster."

MR. HAAS: Okay.

MR. TURNER: With that said, how should they --

MR. SCALI: Why don't we check on that in terms of -- we've advertised it both ways now, so at this point, it doesn't make a difference. We'll check on the address thing.

So the motion is to approve 60 to 94; checking on whether it's 15 or 21 Dunster; 21-Proof for all staff; with the entertainment and buildout as stated. That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application, Lesley University has applied for a Lodging House license at 1 Wendell Street for 38 rooms and 71 occupants. Applicant is also applying for a resident manager exemption.

Do you want to take them both at the same time?

MR. SCALI: Yes, please.

MS. LINT: Second Application, Lesley University has applied for a Lodging House license at 3 Wendell Street for 15 rooms and 28 occupants as well as the resident manager exemption.

MR. SCALI: Is Lesley spelled incorrectly on here?

MR. MURPHY: It is.

MR. SCALI: I'm sorry. Good evening, tell us your name.

MR. MURPHY: I'm Kevin Murphy, Director of Facilities and Operations at Lesley.

MR. SCALI: So these are two new dorms?

MR. MURPHY: Two new dorms.

MR. SCALI: One is at 1 Wendell, which

is 38 rooms, 71 occupants, no resident manager because it's connected to the dorm system. The other one is at 3 Wendell, 15 rooms, 28 occupants. Again, no resident manager.

Are these to house undergraduates?

MR. MURPHY: Yes. In 1 Wendell, there is a resident director apartment on the first-floor.

MR. SCALI: So there will be a resident manager there?

MR. MURPHY: There will be. Our resident managers have duties across campus.

MR. SCALI: Not specifically for that building?

MR. MURPHY: Correct. There one of the professional staff in the Resident Life Department.

MR. SCALI: So if there's a problem there or issue with us, or somebody from the public, they wouldn't go to that person?

MR. MURPHY: There's a good chance that they wouldn't be there most of the time.

MR. SCALI: So you're saying that's

not the resident manager in particular for that building.

MR. MURPHY: Correct.

MR. SCALI: What is your schedule on the buildings?

MR. MURPHY: We expect to occupy them in September.

MR. SCALI: So you're moving along quickly.

MR. MURPHY: Yes.

MR. SCALI: No parking on the premises?

MR. MURPHY: Not for students. There are some parking spaces associated with it. There was parking in those lots previously.

MR. SCALI: Where are the spaces; are they underneath?

MR. MURPHY: No, they're behind the buildings.

MR. SCALI: Open-air parking spaces?

MR. MURPHY: Open-air, accessed off Wendell Street.

MR. SCALI: Are those free spaces?

Do you charge for them is what I'm asking? Do you charge someone for them?

MR. MURPHY: Yes. They would be Lesley personnel.

MR. HAAS: Employees?

MR. MURPHY: Employees, yes.

MR. SCALI: Do you charge them a monthly fee?

MR. MURPHY: Uh-huh.

MR. SCALI: Do you have an open-air parking lot license for those spaces? I don't think you do. You need to apply for an open-air parking lot license. Is there a lot for each one of the buildings?

MR. MURPHY: It's one lot.

MR. SCALI: One lot for the two buildings?

MR. MURPHY: Uh-huh.

MR. HAAS: How many spaces?

MR. MURPHY: I'm not sure.

MR. SCALI: Do you know how many spaces?

MR. MURPHY: Probably in the order of about 16 to 18 approximately.

MR. SCALI: We can follow up with you on that. Questions from the Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard? Is there any use of the rooftop?

MR. MURPHY: No.

MR. SCALI: No rooftop, no parties on the roof? No alcohol allowed?

MR. MURPHY: Not accessible, correct.

MR. SCALI: Parties, any function rooms?

MR. MURPHY: There's just a large lounge in the main building.

MR. SCALI: and that lounge is for students in that building?

MR. MURPHY: Yes.

MR. SCALI: Is it a gathering area for the students?

MR. MURPHY: It is.

MR. SCALI: Do you allow them to have events and parties there?

MR. MURPHY: If they do, they have to be approved up through the dean of students.

MR. SCALI: Do you know how many people that room holds?

MR. MURPHY: It's probably about 1,000 square feet. It's probably on the order of about 50, no more than that.

MR. SCALI: The reason why I'm asking is that sometimes when students have permission to be there, then they have events that might include alcohol, or food, or entertainment, and then they have to come in to us for event permission; through you first and then to us.

MR. HAAS: If there's a problem in one of the apartments during the course of the night, who would they call if they needed some kind of service or assistance, not police or fire?

MR. MURPHY: If one of the residents in there --

MR. HAAS: Yes. If the toilet is not

working properly?

MR. MURPHY: There's the resident assistants in the building but they all know that they can call security. Security is manned 24/7.

MR. HAAS: And they will respond to a repair?

MR. MURPHY: Uh-huh. What they do is they usually call the manager on duty for the physical plant, and they dispatch people accordingly.

MR. SCALI: So you're pretty close to the residents there. Are we going to have noise complaints from these residents?

MR. MURPHY: I would expect not.

MR. SCALI: I know you can't anticipate but I'm just wondering. Do you have a plan for that?

MR. MURPHY: Just across Wendell Street and down, we have two dormitories that have been operating for the last few years and we haven't had any problems there.

MR. SCALI: So did you say you do not

allow any alcohol on the premises? Or is it case-by-case?

MR. MURPHY: If a student is 21, they can have alcohol, but students under 21 are not supposed to be in the presence of it.

MR. SCALI: Are you talking about in their private rooms? Or are you talking about in the lounge?

MR. MURPHY: In their private rooms.

MR. SCALI: But in the function area there's --

MR. MURPHY: No.

MR. SCALI: There's no alcohol in the building for parties?

MR. MURPHY: Right.

MR. HAAS: Is this primarily for undergraduate students?

MR. MURPHY: It is all undergrad.

MR. SCALI: Any other questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Pleasure of the

Commissioners?

MR. HAAS: Motion.

MR. SCALI: Motion to approve both locations at 1 Wendell and 3 Wendell, and allowing an exemption for resident manager. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: You need also to apply for the open-air parking lot. It's determined that that's what you need to do. Thank you.

MR. MURPHY: Thank you.

MS. LINT: Application, Hoppy, LLC d/b/a Trata, Meghan Hopkins, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 49 Mount Auburn Street has applied to upgrade said license to an All Alcoholic Beverages as a Restaurant license. The hours of operation are from 11:00 a.m. to 1:00 a.m. seven days per week, with food and non-alcoholic beverage service until 2:30 a.m.

MR. CRANE: Good evening, Mr. Chairman and members of the Board. My name is Kevin Crane. I'm an attorney, 104 Mount Auburn Street in Cambridge. I represent the petitioner, Hoppy, LLC. To my left, I have Brendan Hopkins who with his brother, Lawrence Hopkins, owns and operates Trata. And I do have my green cards.

MR. SCALI: We're applying to upgrade from the Beer and Wine to the All Alcohol.

MR. CRANE: Right.

MR. SCALI: My first question is going to be, what attempt have you made to purchase an All Alcoholic license?

MR. CRANE: We have made attempt to contact licensees that hold banked seats, three in particular. Two of them were problematic, I would say; they presented issues. So the third one did not.

MR. SCALI: What kind of issues?

MR. CRANE: One would have involved bankruptcy court, and I believe that particular licensee was on the agenda this evening, and they were also concerned about what the new operator would be needing for capacity under that license, and whether they would be dipping into their banked seats.

When I did contact them a couple months ago it was sort of a wait and see. I don't know what the status of that will be subsequent to the Board's action on the petition that was filed.

I also contacted counsel for a licensee on Brattle Street which has banked seats.

MR. SCALI: Cafe of India.

MR. CRANE: Yes, and that just seemed to be a morass.

MR. SCALI: Is it priced too high, or is it just they don't want to sell?

MR. CRANE: We didn't even get to the issue of price really. It was more of a not wanting to sell, and there was concern about someone who might be a creditor or pledgee on the license. It sounded like it was going to be a problem. In any event, I did contact and spoke a couple of times with counsel for the licensee.

The third licensee was on Eliot Street, Takamura. We actually made an offer to purchase 39 seats on April 28 to them, and I did have discussion with counsel for them prior to it. There was some concern whether that licensee wanted to use some of their seats also for maybe potential increase in capacity. But I thought there might be some seats available there and I never heard back from them. We actually offered them a figure for 39 seats.

MR. SCALI: Under our new policy, we do allow transfers from area to area now. I think we have a few licenses for sale around City, don't

we, Mrs. Lint.

MS. LINT: There's one in an area that I believe we are getting an application for tomorrow, and there are several in Harvard Square, but they are much larger capacities.

MR. SCALI: What is your capacity there?

MR. CRANE: Our capacity is 39. The Beer and Wine license was issued about a year ago, the Common Victualer license was issued about six months prior to that. It was issued on a no-value, no-transfer basis. We are requesting the same no-value, no-transfer if the Board approves our request.

I would note to you that although I realize it's a little different operation than ours, the theater up the street was recently approved for an upgrade, and we just -- we're a ma-and-pa operation that just wants to maintain its competitiveness.

The Board is familiar with the Hopkins operation at Dedelis, which has been there for

eight-and-a-half years, and they haven't had any problems at all. I do have a petition that has been signed by close to 200 people. My review of it is that at least a majority, probably two-thirds is Cambridge residents.

I also have nine individual letters which were written in support of it. I'm not going to read all nine of them. I will identify the writers as I submit them. I do want to take a second as far as two of them in particular.

One is the Old Cambridge Baptist Church, which is located at 1151 Massachusetts Avenue. An individual by the name of Shelby Condray who identifies herself as living at 28 Whitney Avenue in Cambridge. She writes that she is asking the Board to approve Trata Restaurant in their request for a liquor license.

"Since they opened last year, Trata Restaurant has offered a much-needed alternative for those of us who live and work on this side of Harvard Square. From Sunday brunch with my family following church, to a late-night pizza after the

Lowe House Opera, Trata Restaurant has become part of our traditions. I highly support their request for a license and hope that you approve their application."

The next letter is submitted by Jerome Marion who is associated with the St. Paul's Roman Catholic Church, which is just a half-block up the street. I won't read you the letter, but the gist of it is, as are most of these, they're in support.

I also have a letter from Timothy Patrick McCarthy of the Harvard University, John F. Kennedy School of Government. He, amongst other things says that he "Thoroughly enjoys everything about these restaurants, the food, the beverages, the ambiance, the service. I feel that the addition of a liquor license would only enhance the overall experience of spending time at Trata. It will also offer another full-service restaurant to this area of Harvard Square."

I also have a letter from Rory Keohane of 129 Magazine Street, Cambridge, in support. He

is also a fairly well-known businessman in Harvard Square.

I also have a letter of support from the owner of the Tennis and Squash Shop, which is located at 67 Mount Auburn Street in Cambridge.

There's also a letter from Maureen Manning of 26 Arlington Street in Cambridge.

There is also a letter from Rani, R-A-N-I, Neutill, N-E-U-T-I-L-L, identified as being from the Harvard University History and Literature Department.

Also a letter from Heidi Cook of 13 Ware Street in Cambridge, and finally a letter from Christopher Loyas, L-O-Y-A-S, of 167 Charles Street in Cambridge.

MR. SCALI: Mr. Crane has done his homework I can see. good to hear.

How is the issue of stopping -- I guess you're serving food and you're serving non-alcoholic beverages until 2:30 now, already?

MR. HOPKINS: No. We actually close the restaurant every night at 1:00 a.m.

MR. SCALI: So you're not doing that?

MR. HOPKINS: No. We're not doing any late-night food. Initially when we did open, we did do that but once we got the Beer and Wine, we wanted to concentrate more on the restaurant.

MR. SCALI: Do you still want to do this with the food? I guess on the application it says until 2:30. Is that something you still want?

MR. HOPKINS: Not necessarily.

MR. CRANE: It's a Common Victualer license. It's not necessary to be there to 2:30.

MR. SCALI: I just don't understand how you're going to pull a drink away from somebody at 1:00 and then have them eat their food. You could do it.

MR. HOPKINS: Right now, it's not an issue because we do shut at 1:00 a.m., and we haven't really discussed keeping open until 2:30. So it's not a problem.

MR. SCALI: We have overwhelming neighborhood support from letters of petition. The need issue has to do with?

MR. HOPKINS: A lot of our customers who do come in, they have been inquiring are we going to get a full liquor license. We've had customers who have come in and have left because we don't offer a full liquor license. It's also nice to have the option especially in the summertime, Mohitos, Margherritas. And also a little more elaborate drink list as well to go along with the food, which will be nice to give that to the customers when they do come in.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: There was a period of time you weren't open for lunch. Can you just remind me why that was?

MR. HOPKINS: We did open for lunch initially, and then we just shut down because when we're running both places it was just a lot of headaches. So we said why don't we shut down for now, and later on let's revisit it, which we probably will down the road.

MR. HAAS: So you're still not serving

lunch yet.

MR. HOPKINS: Still not serving lunch yet, but we did initially.

MR. SCALI: Your application is for 11:00 a.m.

MS. LINT: It's the current hours.

MR. HOPKINS: But down the road we probably will revisit lunch again.

MR. SCALI: Our licenses have to reflect the hours that you're actually operating because the public expects you to be open if your license says that.

MR. HAAS: I was one of those people once.

MR. SCALI: The Commissioner does eat in the City, I know that. He's tried almost every restaurant from what I hear.

What time do you open?

MR. HOPKINS: We open at 5:00 p.m. every day.

MR. SCALI: 5:00 to 1:00?

MR. HOPKINS: Yes, 5:00 to 1:00.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard on this matter? Ms. Jillson.

MS. JILLSON: Good evening.

MR. SCALI: Good evening, how are you?

MS. JILLSON: Very well thank you.

For the record, my name is Denise Jillson. I'm the Executive Director of the Harvard Square Business Association and we would be in support of this request from our good friend, Mr. Hopkins.

As you know, we supported a year ago when it was the Beer and Wine license, and we've been working very closely with Attorney Crane. He's kept us updated on the administrative procedure that they've gone through to try to purchase, and we really feel comfortable in supporting this.

Dedelis has been a wonderful long-time member of the Association. Trata is also a member of the Association. Brendan and his brother Lawrence are wonderful community partners and they

participate in all of our events, and are members of the restaurant committee. They just do a really nice job. So we're very comfortable and in full support of this applicant.

MR. SCALI: So they've paid their dues but were they part of Taste of Cambridge?

MS. JILLSON: They were not part of the Taste of Cambridge.

MR. HOPKINS: No we weren't.

MS. JILLSON: But we're going to get them next year.

MR. SCALI: I can't believe that's happened. That doesn't make any sense to me at all.

MS. JILLSON: We're upset. I'm trying to figure out, did we miss out or did they?

MS. LINT: A little bit of both.

MR. SCALI: I think we missed out on their food.

Thank you very much.

Any questions?

MR. TURNER: No questions.

MR. SCALI: Anybody else want to be heard from the public? Pleasure of the Commissioners?

MR. HAAS: Motion.

MR. SCALI: I have a question. The question is, you know that the no-value, non-transferable license have a higher yearly fee. A few of the people who have been getting these licenses are coming to us -- in fact, one is on tonight -- for a reduction of their fee because they can't afford to pay the higher fee. We want to make sure you understand that if you get this license, it's a higher fee. There's no understanding of a reduction coming on these because you're not paying a note on the licenses, you're paying a fee to us.

MR. HOPKINS: Yeah, that's fine.

MR. SCALI: You think you can handle that?

MR. HOPKINS: Yes.

MR. SCALI: Motion then to approve 5:00 p.m. to 1:00 a.m. If you wish to come back

and add lunch, we'll allow you to do that.

MR. CRANE: Mr. Chairman, just on that. Could we maybe leave it at 11:00 for now and keep that for review, maybe in three or four months?

MR. SCALI: You've been open what, a year?

MR. HOPKINS: Yes, correct.

MR. SCALI: You need to have a lunch to be open. I have no objection to him --

MR. CRANE: Reapplying for 11:00 if they --

MR. SCALI: Even for an amendment. It's not an ABCC issue of time, it's just a matter that has to come before us. So it's not a matter of a long process with the ABCC. It's just a matter of amending the Common Victualer.

MS. LINT: We could build in an automatic review in four months.

MR. HAAS: This way I don't get to have lunch there.

MR. CRANE: You've got to have the

Commissioner for lunch. You can always go to Dedelis, Commissioner.

MR. HAAS: That's where I wind up going.

MR. CRANE: Could we do that four-month review?

MR. SCALI: Pleasure of the Commissioners?

MR. CRANE: Is that okay?

MR. HOPKINS: Yeah.

MR. SCALI: It's okay with you but it may not be okay with us. I guess I feel like maybe we should give you a three-month review on this. We'll be into the wintertime by the time we get to the four months.

So a three-month review on the hours, no-value, non-transferable, 39 capacity. You've already been through 21-Proof training?

MR. HOPKINS: We have in the past, but not for Trata. We've gone for Dedelis but we will do that.

MR. SCALI: 21-Proof training for all

your staff, managers.

Discussion?

MR. HAAS: No discussion.

MR. SCALI: Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you.

Before I forget, Madame Stenographer, Motion to accept the minutes from our last meeting which was July 2, which was our Decisionmaking meeting. And I think the one before that as well. Did we already accept those?

MS. LINT: We accepted those.

MR. SCALI: That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Also, can you put a note

of that at the beginning of the transcript because we'll never find it in the transcript later on.

We'll take a five-minute break.

(Short recess taken.)

MS. LINT: Application, Crema LLC d/b/a Crema Cafe, Marley Brush, Manager, holder of a Common Victualer license at 27 Brattle Street has applied for a Wine and Malt Beverages as a Restaurant license at said address. The hours of operation are 6:00 to 2:00 a.m. seven days per week with alcohol service starting after 8:00 a.m. Monday through Saturday and after 11:00 a.m. on Sundays.

MR. SCALI: Good evening. Tell us who you all are.

MS. BRUSH: I'm Marley Brush.

MS. BERKAN: Liza Berkan.

MR. BRUSH: Tom Brush.

MR. SCALI: That's your daughter; right?

MR. BRUSH: Yes.

MR. GETZ: I'm Dick Getz, Richard Getz Associates. We manage the property there.

MR. SCALI: So Crema Cafe is there now with a Common Victualer; right?

MS. BRUSH: Yes.

MR. SCALI: How long have you been there?

MS. BRUSH: Since last April, so 15 months.

MR. SCALI: And you're reassessing your business plan?

MS. BRUSH: While it was always kind of in the back of our minds that if it went well as the cafe that this is another part of the business that we would like to pursue. It's going very well. We make everything on the premises and we really want to be able to expand and do more of a night menu as well; do tapas and small plates, and have beer and wine to go along with that.

MR. SCALI: What is your menu going to look like? Beer and wine licenses are an accessory to the food, so what kind of food do you have?

MS. BRUSH: Right now, I think I included with the application both a copy of our current menu as it is in the cafe and a projected menu of what we would do in the evening.

During the day, we do all of our baked

goods in-house. We do breakfast and then we have a lunch menu: soup, sandwiches, and salads. We serve that through dinner now too. That's the place with the same menu all day. So if we got the beer and wine license, we would switch over to the evening menu at a certain hour and then have beer and wine.

I also have these. I think you need the green cards. We have I think it's over 1,400 signatures from the community urging us, in support of a beer and wine license.

MR. SCALI: Are these Cambridge residents?

MS. BRUSH: The majority I believe are Cambridge and Somerville. There's probably a fair amount of Somerville in there, but it's mostly Cambridge.

MR. SCALI: Is this going to be mostly beer, mostly wine? I'm trying to figure out what's your main push.

MS. BRUSH: Our idea is to have both. We would ideally have five beers. We want to keep it relatively simple. Do something like five

beers, five reds, five whites, and those would basically be selected to complement what we have on our menu.

MR. SCALI: You're not changing your seats?

MS. BRUSH: No.

MR. SCALI: No bar?

MS. BRUSH: No.

MR. SCALI: How many seats do you have?

MS. BRUSH: Right now, we have 84 indoor seats and 15 seasonal seats.

MR. SCALI: How many outside?

MS. BRUSH: Fifteen.

MR. SCALI: Are they on private property?

MS. BRUSH: No. They're on the sidewalk. We have a DPW license.

MR. SCALI: Do you intend to do the alcohol outside too?

MS. BRUSH: We do, yes. I have the additional application that I filled out for the

possibility of having them outside, and we would have to change -- right now we have a barrier that we make with plants, and we know we would have to enclose that better with either like a fence or some sort of barrier running between those.

MR. SCALI: It has to be completely enclosed with only one entrance in and out. Is it up against the wall or is it on the curb side, the seats?

MS. BRUSH: It's against the front window of the cafe so it would be pretty easy for us to enclose it with the main entrance door.

MS. LINT: Mr. Chair, we don't have that application.

MR. SCALI: Did you apply for it on here? I don't see the description of it.

MS. BRUSH: I did give it. I applied for it, I wrote the check for it, and I gave it to Chris.

MS. LINT: But it hasn't been advertised yet.

MS. BRUSH: I was under the impression

on the advertisement, it did mention the 15 outdoor seats. So I thought that that was included, and I brought it in the day I did because he said it would be included in the advertisement. I rushed it over that morning because he said he would include it.

MR. SCALI: It's not in this one here, but maybe it's in the paper one.

MS. BRUSH: It says 84 indoor and 15 outdoor seats in the ad.

MS. LINT: Yes.

MR. SCALI: It's in there?

MS. LINT: Yes.

MS. LINT: So if you do that, it's in agreement with the City Manager to rent that space on the sidewalk. It's different than what you have now because you're serving alcohol. So it's \$750 a year with the insurance policy coverage and the City Manager's agreement to do that.

The other question I have for you too is a wine and malt license that's new is almost double the fee, which is a very huge fee for

someone who may be a smaller restaurant like yourself. A couple of people have already said, "I believe I can't afford this." So you need to know whether you can afford to pay the \$4,000 a year for the license fee.

MS. BRUSH: We can afford it. And I also did check in to see -- I checked several months ago, probably six or seven months ago at this point to see if there were any for sale. At that time there weren't, and I actually called again today to see if there were any for sale as of today. Chris told me that there was, but we called the Three Aces and it's actually under signed agreement already, so it's not available currently.

MS. LINT: I didn't know that.

MR. BRUSH: She did say that she would call us if it fell through, but as of right now, it is signed and under agreement, the Three Aces license.

MR. SCALI: I had heard that there were a number of different people inquiring but I hadn't heard that they had signed yet, so I don't

know. That's the only one we have for sale in the City, the only Beer and Wine?

MS. LINT: I believe so.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: Why so early for beer and wine?

MS. BRUSH: You mean, why 8:00 a.m.?

MR. HAAS: And the 11:00 a.m. on Sunday.

MS. BRUSH: That was the one when I looked at the packet that came with the application, it looked like that was the license. We would like to be able to complement lunch or dinner with beer or alcohol. We have a lot of requests for it.

MR. HAAS: At 8:00 a.m. in the morning?

MS. BRUSH: Not necessarily at 8:00 a.m. but certainly at 11:00 a.m.

MR. SCALI: Would you be okay with just lunch and dinner? You're not going to serve

breakfast alcohol, are you?

MS. BRUSH: We don't need beer with breakfast.

MR. HAAS: I was just trying to figure out who --

MS. BRUSH: It's 11:00 a.m. when we start serving lunch.

MR. SCALI: Let's amend to 11:00 a.m. until -- what time do you close?

MS. BRUSH: We're licensed to be open until 2:00. I believe that with the beer and wine it's until 1:00, so I guess we would have to --

MR. SCALI: The patio is definitely only until 1:00 a.m. That's our policy.

Do we have any 2:00 a.m. Beer and Wines? I think all of our Beer and Wines are 1:00 a.m. So do you still want to be up until 2:00 for food?

MS. BRUSH: Yeah, and then if we had to stop serving beer and wine at 1:00, but the kitchen would be open until 2:00.

MR. SCALI: Anybody from the public

want to be heard on this? Ms. Jillson and Councilor Kelley.

MS. JILLSON: My name is Denise Jillson, Executive Director for the Harvard Square Business Association, and we would be in support of this application.

Just as an aside, Marley and Liza have done an amazing job. They opened in April of '08, and they haven't stopped working since. I thought I was the hardest working woman in Harvard Square, but they have run circles around me. They've participated in all our events. They've done an amazing job.

If I had one complaint, it's that they don't have enough patio seating, because every time I go there for a coffee in the afternoon, the car top guys just won't move, and they just hang around.

I can't believe that they're not asking for a full complement because Grapa is what they're really looking for. Nonetheless, it's a wonderful operation. They've done an amazing job.

Recently they were celebrated as part of the young women -- this trend that we have in Harvard Square where there are just young women entrepreneurs, and Representative Alice Wolf came with the Massachusetts caucus of women legislators to tour Harvard Square. One of the first places that they wanted to see and to talk to was Crema Cafe, and Marley did a very nice job talking about the restaurant and her vision for it. And we're delighted with the entire operation.

MR. SCALI: You're feeling confident that the food is sufficient; that the wine would complement the food?

MS. JILLSON: Their menu is going to be upgraded, and as it is right now, they have wonderful sandwiches and quiche and salad and fruit. So to add tapas and a couple of other small plates would be -- it's really -- yes, the answer is yes.

MR. SCALI: And you really feel there is a need for another Beer and Wine license in Harvard Square?

MS. JILLSON: Yes, and I say that with a straight face, absolutely.

MR. HAAS: Then why are you smiling?

MS. JILLSON: Because I always smile, Commissioner.

MR. SCALI: Just cap criteria. I know we've amended our cap criteria in the past couple of years, and of course Harvard Square has the densest amount of liquor licenses anywhere in the City, so I just want to make sure we're all feeling confident about that.

MS. JILLSON: Recently I went through and checked to see what has been added since the change in the policy. Interestingly enough it seems like I'm always here advocating on behalf of one member or another.

MR. SCALI: I don't think you ever say no.

MS. JILLSON: But there really has not been as many as I thought. I was a little bit surprised at how few had actually been issued. If you would like, I can share that report with you

and I should have probably sent it over. The answer is yes.

MR. SCALI: Thank you Ms. Jillson.  
Questions?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Councilor.

MR. KELLEY: My name is Craig Kelley. I live at 6 St. Gerard Terrace in Cambridge. We go there, my wife, kids, and I, to the Cafe Crema fairly often. It's not that far from our church. It's a great place.

More importantly, I go to community planning meetings all the time all over Cambridge, and what you hear time and time again is everyone wants the mom-and-pop thing, the mom-and-pop store, the mom-and-pop cafe, the mom-and-pop whatever, and this is exactly what folks are looking for. You know, with or without the Beer and Wine license, it's what they're looking for but I can understand why a Beer and Wine license would make it more attractive to people.

Frankly, I have yet to have someone complain to me about some place that just has a Beer and Wine license. I have not gotten a single complaint -- full force, yes, but never a Beer and Wine license. So I would highly recommend an approval.

MR. SCALI: Thank you very much. Anybody else want to be heard?

MR. GETZ: Just briefly. I'm Dick Getz with Getz Associates. These tenants are typical of what we're looking for in Harvard Square. We do want family-run business, we want people who are hard-working, and can stay in tune with the community, and they're doing that.

They have an excellent product, excellence food, they work hard. They're always on-the-job, so we're behind this 100 percent.

MR. SCALI: Thank you very much Mr. Getz. Questions from the Commissioners?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Pleasure of the

Commissioners?

MR. HAAS: So you're modifying your application to 11:00 a.m. to 1:00 a.m. for beer and wine?

MS. BRUSH: Yes, from 8:00 to 11:00 a.m. for beer and wine.

MR. SCALI: What time do you open for food?

MS. BRUSH: We open at 7:00 a.m. on the weekdays, and 8:00 a.m. on the weekends. We were opening at 6:30 a.m. but seasonally, it kind of tends to vary. We post the hours depending on the season.

MR. SCALI: We're clarifying that the CV is 7:00 a.m. to 2:00 a.m., and the Beer and Wine is 11:00 to 1:00. That means you're going to be responsible at 1:00 a.m. to make sure that all that beer and wine is put away and no one is drinking past 1:30. You have 30 minutes to clean everything up between 1:00 and 1:30.

So the motion is to approve 11:00 a.m. to 1:00 a.m. for the Beer and Wine, and

clarification of the CV is 7:00 a.m. to 2:00 a.m. Capacity is 84 inside and 15 outside. They have met overwhelming neighborhood support, need, lack of harm. Have you been to 21-Proof?

MS. BRUSH: I have not, so we will go through that.

MR. SCALI: 21-Proof training for you and your staff.

MR. HAAS: What is outstanding for the outside seating with respect to the liquor license?

MR. SCALI: You need to do the City Managers agreement; you I need to provide proof of insurance. There's criteria for the insurance. The payment is \$750 per year on that.

MS. LINT: DPW permit, City Council approval.

MS. BRUSH: So will there be an additional DPW permit on top of the sidewalk permit?

MR. SCALI: Yes. You need to apply to the City Clerk's office for permission by the City Council for permission to use the sidewalk. So we

actually need to make the outside patio subject to all of that before it goes to the ABCC. So that will delay you a little bit because that all has to be done before it goes to the ABCC. We're going to hold until you complete the patio process. That

That's moved.

MR. HAAS: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Good luck.

MS. LINT: Application, Toasted Hatch LLC d/b/a The Friendly Toast, Melissa Jasper, Manager, holder of an All Alcoholic Beverages as a Restaurant license at One Kendall Square has applied for a change of premises description to include a kitchen on the lower level.

MR. SCALI: Good evening.

MR. BENZEN: Attorney Dennis Benzen from the firm of Altman and Altman representing Toasted Hatch d/b/a The Friendly Toast.

MR. SCALI: So your client isn't here?

MR. BENZEN: She's not here. She had an emergency at her restaurant in Portsmouth, New Hampshire so she headed out there to deal with that.

MR. SCALI: We usually like the client to be here so we can ask questions that maybe you can't answer for some reason.

MR. BENZEN: I'll try my best.

MR. SCALI: How long has Friendly Toast been opened?

MR. BENZEN: They've been doing

business now for about two-and-a-half months. As you know, an indispensable part of their menu is bread. They've had some issues with space and baking bread. So they would like to use a kitchen that is available on the lower level so that they can bake bread and possibly do some prep work down there.

MR. SCALI: Is that Shines kitchen?

MR. BENZEN: It is part of the lower level which I guess at one point was part of the restaurant Shine, but it is set off. If you look at the floor plan, it is somewhat set apart from the rest of the space on the lower level.

MR. SCALI: Does that mean that the space next to it will be without a kitchen then, or will it be shared?

MR. BENZEN: What we're looking for is basically a temporary arrangement. They will be operating on the lower level in the kitchen until which time the Beale Company decides to put a tenant in that space. At that point, they would be willing to cease operations. They need to do this

on a temporary basis because they're having a difficult time baking bread in Portsmouth, New Hampshire and delivering to the location here in Kendall Square.

So until they're able to make the necessary adjustments with their kitchen space now, and train their staff properly, they would like to utilize the space down below.

MR. SCALI: Is the space connected to the current restaurant at all?

MR. BENZEN: It is not connected to the current restaurant, no. It's not contiguous to the restaurant.

MR. SCALI: It's going to be a problem because the ABCC is not going to approve that. It has to be contiguous to the space or connected in some way because they're going to have to carry through the halls or wherever it is to another location.

MR. BENZEN: The way it works now is that they have a door that goes right out of the kitchen, and they have to walk down a common

hallway, take an elevator downstairs, and then they enter the kitchen immediately for the lower level.

MR. SCALI: I understand their predicament and it sounds like a logical solution but it will never fly with the State.

MR. BENZEN: Is this an issue until there's a request to transfer that liquor license to a different location?

MR. SCALI: No. It's just that the space has to be contiguous. It has to be attached in some way. If you were somehow renting out the hallway and the whole thing, it would be part of your lease. Where the kitchen was part of the lease and the hallway's part of the lease right to the door of the Friendly Toast space, maybe I could make that argument to them, but if it's not attached, they won't approve you.

MR. TURNER: This is just to bake bread for the CV part? I'm trying to figure out where the alcohol is coming in to play in the basement.

MR. SCALI: It will be part of the

premises description.

MR. TURNER: But they're not serving in the basement. They just basically want to use the kitchen space.

MR. BENZEN: They will not be serving any the alcohol, they're not serving any food.

MR. SCALI: I understand.

MR. BENZEN: It's simply just a space issue. And as I said, they're having a very very difficult time. I can show a picture of the space that they're temporarily using for prep.

MR. HAAS: What is the long-term plan? You're saying that once the landlord leases the space and they're willing to vacate it -- what's the long-term solution?

MR. BENZEN: There are two possible options. One has to do with the actual Shine space and working out some type of a leasing agreement with Beale to allow them to actually add that additional space for either restaurant use or in this case, possibly kitchen use, which is more important right now. It's pretty urgent that they

do that.

The long-term solution is to insure that they're able to train the staff properly; that they're able to utilize whatever minimal space they have in the kitchen now; and that they're able to work out an efficient system for transporting bread every morning from Portsmouth, New Hampshire to the Kendall Square location, which is right now, very very difficult, and it's costing them a lot of money to do that.

As I said, Friendly Toast, it's an indispensable part of the food menu, and they do bake bread fresh every day, and a number of times during the course of the day.

MR. HAAS: I'm not sure how that's going to alleviate your problem because if you go back to transporting it from Portsmouth, you're still going to have the issues of distance to travel. I'm not clear about the training issues with the staff. I'm assuming the same staff is going to be using this area as compared to the other area, so I'm not sure what the difference

would be in terms of training for the staff.

MR. BENZEN: The problem is that they don't have their staff properly trained to work within the confined space that they have now. With a kitchen where they can actually get the proper ovens and put the proper equipment in place, they're able to do that more efficiently. Right now, they're not able to do that.

MR. HAAS: Will that space that they have now allow for that eventually, or no? My understanding is that space is relatively small that they're operating in at this point.

MR. BENZEN: The current kitchen, yes, it is relatively small. They're going to have to make use of what was an office in the kitchen to bake bread. May I give you a picture here?

MR. SCALI: Is there some way that you -- first of all, it's temporary, which is a problem because then you have to come back and apply to take it off. The other issue has to do with -- is there some way that you can attach this to the lower level of Friendly Toast now? Is there other

space that you could attach to that?

MR. BENZEN: The Friendly Toast operates on the first-floor and the Shine Restaurant on the lower level. So the only way to access the Shine Restaurant would be to travel through the common hallway, whether it's the front hallway that leads to the restrooms or the rear hallway which leads right into the kitchen. So you do have to travel down the freight elevator.

I actually have some pictures here. If you don't mind, I wish I could share them with you.

MR. SCALI: Sure.

MR. BENZEN: This is the lower-level kitchen here, and this is what is their small prep area, area where they can basically prep, and this is an office that they've actually converted.

MR. SCALI: So they have no cooking area now? They have no baking area, I mean?

MR. BENZEN: No. They do not. They bake their bread in Portsmouth. If you visit on a weekend, it's extremely busy and it's making it

very difficult. Sometimes food is taking a lot longer to prepare because they just don't have enough space.

MR. SCALI: I'm wondering whether it might be --

MR. BENZEN: This is the common hallway here.

MR. SCALI: Some places don't have a large enough kitchen and they rent premises in another city or town, or part of the City where they just do all their baking and then they transport it. So I'm thinking maybe it might just be a situation where you just rent that space, not as part of your premises but just use it as a kitchen and then just to transport to the restaurant.

MR. BENZEN: Meaning the space on the lower level?

MR. SCALI: Yes.

MR. BENZEN: How do we deal with the permitting issues? And it's still -- I mean, doesn't that leave us in the same place because

it's still attached?

MR. HAAS: To your point, Mr. Chairman, we had an applicant earlier today, the first one, in fact, I think that does that; that basically leases out their kitchen space for another person to do their food prep. There's a model that already exists here in the City for that purpose.

I'm just concerned with a couple of things. One, it's a temporary space. You're going to have to come back. Secondly, it isn't contiguous space to your operations, and I'm not sure you're really going to gain much by operating this way. I think it's a short-term solution. I don't know how it gets you to a longer-term resolution.

MR. BENZEN: There are a couple of issues. One is that they are waiting to see what happens with the Shine license, and they are trying to work out some kind of a leasing agreement with Beale. This is part of one of the steps that they need to take in order to get there because this is

an essential part of their food menu.

MR. SCALI: I think you might want to rethink that a little bit. Maybe talk to the Health Department, talk to Ranjit, and see if there's some other way it can be done without it being part of the license.

MR. BENZEN: The Health Department actually raised it as an issue initially, and I'm not sure if you remember, Elizabeth, I think the health inspector might have spoken to you.

MS. LINT: No.

MR. BENZEN: No, okay. One of the employees did tell them that they were going to be utilizing the kitchen down below to bake bread, and approached someone in the Commission.

MS. LINT: Oh, yes.

MR. BENZEN: And that necessitated this hearing.

MS. LINT: I think the difference with the restaurant that's leasing out to have the food truck do their prep there is it's a licensed premise. It's all part of the --

MR. SCALI: They're taking and transporting it some place else.

MR. HAAS: They're wrestling with that now because it sounds like they're transporting their goods from Portsmouth down to this establishment.

MR. BENZEN: So the key is that the space is not contiguous to the restaurant because it's on a different level?

MR. SCALI: Yes.

MR. BENZEN: And this would create a problem with the ABCC?

MR. SCALI: Yes. So why don't you maybe think about it, maybe talk with Mrs. Lint a little bit about it. Maybe there's some other solutions that are more permanent. Because the temporary part of it is going to be more complicated for you anyway; you'll have to come back.

We'll just place it on hold right now until you get back to Mrs. Lint.

Motion to place on hold?

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application, Shogun Japanese Steak House, Inc. d/b/a Bisuteki Tokyo Japanese Steak House, Guang Long Lin, Manager, has applied for an All Alcoholic Beverages as a Restaurant license and Entertainment license at 777 Memorial Drive for 103 seats and operating hours from 11:30 a.m. to 1:00 a.m. Monday through Saturday, and 12:00 p.m. to 1:00 a.m. on Sundays. Entertainment will include an audio tape machine/CD playing music below, at, or above conversation level and two TVs.

MR. SCALI: Good evening. Tell us your name.

MR. COLEMAN: Chris Coleman, and Guang Lin, 120 Lincoln Street in Boston.

MS. KOR: Andrea Kor, I'm the paralegal for Chris.

MR. SCALI: So this is an application to go into the Marriott Courtyard?

MR. COLEMAN: That's correct. The location, as you're aware, is at the Marriott. It's a first-floor space. It's approximately 3,900

square-feet.

The space is to consist of a lounge/bar area, dining room, kitchen, and storage area. The plan shows 18 seats in the bar area. That is eight stools at the bar and 10 seats in two-seat tables, again, shown on the floor plan. There are 85 seats in the dining room, nine of those are at the sushi bar, the rest are at what's called tapenyaki tables. I'm not sure if you're familiar with that style. It's basically -- you might remember Benyhana; they come and cook right at the table.

It's pretty attractive. He's had a restaurant in Peabody that does very well. People seem to like that type of preparation.

As already stated, the proposed hours of operation are --

MR. SCALI: So 85 seats in the dining room?

MR. COLEMAN: That's correct.

MR. SCALI: It's 18 at the bar, and 85 seats, totaling 103?

MR. COLEMAN: That's correct.

MR. SCALI: The hours again are what?

MR. COLEMAN: Proposed hours of operation are 11:30 a.m. to 1:00 a.m. Monday through Saturday, and on Sunday, 12:00 noon to 1:00 a.m.

The menu is typical Asian cuisine. We have a copy of the menu from the Peabody restaurant. It's a lot of fresh meat, fresh seafood, chicken, all cooked tableside. Then there is the sushi bar as well, and there's a sushi menu. They're open for lunch as well.

MR. SCALI: Is this the franchise, Bisuteki?

MR. COLEMAN: No. He is right now the owner and operator of Tokyo Steak House, and it's just that. This is the second.

MR. SCALI: There used to be a big Bisuteki chain.

MR. COLEMAN: He's using the name but it's not part of the chain at all.

MR. SCALI: So how many do they own;

just this one and Peabody?

MR. COLEMAN: One in Peabody, right.

MR. SCALI: are these people the owners or managers?

MR. COLEMAN: Mr. Lin is the owner/operator of the one in Peabody and he'll be the owner/operator of this one here as well.

MR. SCALI: Who are the other owners with him? Is he a sole owner?

MR. COLEMAN: He's sole owner and shareholder. He's also going to be the manager, and he is also a US citizen. He plans on spending 40-plus hours a week at this site; somebody else is going to be operating the other restaurant. The assistant manager will be up there.

He's got extensive restaurant experience. I know you've been here a long time, so I'll just be very brief. From '01 to '05, he was the assistant manager at the Hibachi Steak House in Norwood, from '05 to '07, he was the manager of the Oriental Grill in Salem, New Hampshire, and from '07 to date, he's been the

owner/operator of the Tokyo Steak House in Peabody.

MR. SCALI: Where was the Oriental Grill?

MR. COLEMAN: Salem, New Hampshire.

MR. SCALI: Was it on 28?

MR. LIN: On 28, Route 28, right.

MR. SCALI: Right there by the big intersection?

MR. LIN: Yeah.

MR. SCALI: Is it closed down now?

MR. LIN: No. Right now, I sold this restaurant.

MR. COLEMAN: He is TIPS certified but he has not taken the Cambridge course I heard before. Is it 21-Proof?

MR. SCALI: 21-Proof, we call it.

MR. COLEMAN: We'd certainly be willing to have him and all of his staff as well participate in that.

There is a need there I think at the hotel. Right now, it's summertime and people can walk or go to wherever they want, but I think when

it gets a little colder or the weather is inclement, I think the hotel guests are pretty well served by having a restaurant in the hotel.

MR. SCALI: There used to be a restaurant there before when it was the Radisson, obviously, and of course, they shut down when they renovated. We fully expected another restaurant would be coming in there.

What's your lease arrangement with the hotel? How long is your lease?

MR. COLEMAN: It's a 10-year; correct?

MR. LIN: Twelve years.

MR. SCALI: I was just wondering whether they're going to kick you out sooner.

MR. COLEMAN: It's a long-term.

MR. SCALI: They kicked the other ones out when they renovated so I was just curious about how long you could be there.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I'm interested in these cooking tables that you mentioned. Are these

tables listed for use, or are they a homemade design?

MR. COLEMAN: Not at all. I've been in not only his restaurant in Peabody, but there's also one in North Reading as well. They're becoming fairly popular. Waltham had one on Waltham Street.

MR. TURNER: Are they a manufactured one-piece unit?

MR. COLEMAN: Yes.

MR. TURNER: What about fire suppression for the grease? Are you submitting plans to renovate?

MR. COLEMAN: Oh yes. The whole interior will be renovated.

MR. TURNER: So you're going to go under a building permit?

MR. COLEMAN: Of course. You'll see all of that.

MR. TURNER: We've recently had some homemade ones show up which --

MR. COLEMAN: It's really not flame.

Below it is the flame, but it's not like a grill where the flames will come up. It's actually a steel top where the cooking is really done on that.

MR. TURNER: Patrons don't do the cooking?

MR. COLEMAN: Correct.

MR. TURNER: A chef does the cooking?

MR. COLEMAN: They do the eating and hopefully drinking.

MR. TURNER: Similar to Koreana.

MS. LINT: Yes.

MR. TURNER: Thank you.

MR. SCALI: Just background music?

MR. COLEMAN: Yes.

MR. SCALI: With two TVs in the bar area?

MR. COLEMAN: Correct.

MR. SCALI: Background checks?

MS. LINT: Yes.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Anybody from the public

want to be heard?

MR. TURNER: Was it Bisuteki when it was Hojo's?

MR. SCALI: When it was Hojo's, then it was something in between, and then it was Radisson.

MR. TURNER: When they sold, was it Bisuteki?

MR. SCALI: Dionysus was there and they got kicked out. I could have sworn there was a Bisuteki in there before.

MR. COLEMAN: There was in that location.

MR. SCALI: But it's not related?

MR. COLEMAN: It's not related at all. It's kind of strange it's the same name. I didn't ask him whether or not he chose it for that reason, for familiarity.

MR. TURNER: I just find it unique that it's kind of like gone full circle here.

MR. COLEMAN: Maybe it's not a unique name. For us, it may sound it but it may be --

MR. SCALI: They're not going to sue you for using the name I guess is what I'm trying to ask you? Is it a protected name? I'm not sure.

MS. KOR: We did a quick search. They didn't register a trade name. Also, they have been gone for a long year already.

MR. SCALI: Are they out of business completely, gone?

MS. KOR: Yeah. I can't see any Bisuteki in Massachusetts anymore.

MR. COLEMAN: It doesn't bode well for their choice of name, does it?

MR. SCALI: They were there a very long time. I think it was because of the renovations that they left.

Pleasure of the Commissioners?

MR. HAAS: Motion.

MR. SCALI: Motion to approve.

MR. HAAS: Seconded.

MR. SCALI: Pending 21-Proof, and that's for all your staff and managers; that's 11:30 a.m. to 1:00 a.m. Monday through Saturday,

12:00 to 1:00 on Sunday; 85 seats in the dining room, 18 seats in the bar area, along with the Entertainment as listed. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: Application, Brattle Film Foundation d/b/a Brattle Theatre, Edward Hinkle, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 40 Brattle Street has applied for a reduction of the Wine and Malt license fee.

MR. SCALI: I guess the Brattle Theatre is not here. Is there a reason they --

MS. LINT: I haven't heard from them

MR. SCALI: Just on the record, we've had this discussion a couple of times with different people, and it's very clear that our fees are larger because it's a free license. So there's huge note, they don't have to pay, there's no pledge, there's no bank issues, and so -- you know, I think we've made it quite clear that the fee comes to the City because we're issuing a free license, as opposed to it being issue to the previous seller.

MR. HAAS: I think the largest quandary is also, how do you establish a criteria where you can say to one applicant, you have to pay the required fee? And then I guess what's the

criteria to indicate hardship so that you'd qualify for a reduction in the fee? I think it's really kind of arbitrary and somewhat subjective in terms of trying to figure out what that bright line would look like in terms of making a determination one way or another. You could argue non-profit versus profit and things like that.

I think what we were hoping would happen is that folks that are applying for a non-value and no-transfer license would have to pay something to make it somewhat equitable for those people that did in fact purchase their license, and also build that into their business model and calculate that as part of their cost of doing business.

MR. SCALI: I know we want them to succeed and we don't want them to not serve beer and wine, but I guess they have to figure that into their plan.

MR. TURNER: Is this their second request?

MR. SCALI: They actually wrote a

letter to us. Then we said -- we put it on the agenda so we could talk about it with them. And we had wanted them to come in, but I guess maybe they changed their mind for some reason.

MR. TURNER: Continued to next hearing?

MR. HAAS: It's up to them to reapply to come back?

MS. LINT: I think usually for a license hearing and someone doesn't show, we usually have me call them and find out why they didn't come.

MR. HAAS: But we'd still take it up at a future hearing though; right?

MS. LINT: Yes. We wouldn't make them reapply.

MR. SCALI: Make a motion that Mrs. Lint call to find out why they didn't show up. Maybe they changed their mind and wish to withdraw. They certainly can come to our Decisionmaking meeting on the 30th.

Councilor, yes.

MR. KELLEY: My name is Craig Kelley. I live at 6 St. Gerard Terrace. I went through your rules for alcoholic premises and I didn't see anything about waiving or limiting a license fee. So I don't know if you have standards or not.

But to go back to one of my comments I said earlier, what people like about Cambridge, and I get this at meeting after meeting after meeting, is these small local things that you really don't find any place else, or not often, like a Cafe Crema, or even honestly, a Gourmet Express, but certainly a Brattle Theatre.

To put them in the same category as most of the other licensed places that we have -- it's a one-of-a-kind -- and you could conceivably go to the Kendall or to the Coolidge Corner Theatre for something like it, but even that's not going to be the same. Maybe one has to look at the regulations and see if there is a way to meet the Commissioners concerns, and I think they're valid concerns about where do you draw lines in terms of giving people breaks when they knew what they were

getting into, and so forth.

The Brattle Theatre is something of a neighborhood institution and to the extent that we can support it, we will be doing everyone a favor. And if that means we have to rethink how we do business, I would certainly be happy to help in that regard. Thank you very much.

MR. SCALI: Ms. Jillson, did you want to speak on this at all?

MS. JILLSON: I'm a little frustrated because they're not here.

MR. SCALI: That's why I said maybe give them an opportunity to -- I wanted them to speak as to the real reason why they needed it. If there's some real hardship that we don't know about that --

MS. JILLSON: I know that they're having incredible financial difficulties. I agree with the councilor that they are one-of-a-kind and everybody is sort of rallying around trying to help them. I would just like to refrain at the moment and find out why they didn't come. Maybe they re-

thought it and if there's an opportunity for them to come back at a later date, I'd live the chance to chat with them and find out. But I was fully prepared to speak tonight on their behalf, but maybe they put it on and don't know.

MR. SCALI: Why don't we give them the opportunity at least to come in and plead their case. I think we need to hear from them as to what the reasoning is. Maybe there's something we don't know.

We'll have Mrs. Lint give them a call and they're welcome to come in at our Decisionmaking meeting on the 30th, which is at 10:00 a.m., if they wish to do that.

MS. JILLSON: Would be possible -- and I'll call Med tomorrow -- could we have the opportunity to put something in writing and send it to them?

MR. SCALI: Of course. We have on the record what the Councilor has said, and what you said as well, so we'll take that into consideration along with their story.

MR. HAAS: What would be the difference between this theater and the Central Square Theatre?

MS. JILLSON: Oh, enormous.

MR. HAAS: How so?

MS. JILLSON: Just in terms of its -- it really has to do with their philosophy and kind of -- you know, they don't do regular films. It's really classic films and they do a lot of independent films, and the theater is so different from any other theater.

MR. HAAS: I know the Central Square theatre recently got a license for alcohol service and things like that. I'm just trying to figure out why they wouldn't come back and say gee, we're really kind of catering to a different segment of the population, principally, people who want to come and see the theater and culture, and things like that. And we also don't want to pay the \$4,000.

MS. JILLSON: Central Theatre is live theater and this is not. This is film.

MR. HAAS: No, I know. You're saying their kind of genre as far as --

MS. JILLSON: Their genre is completely different.

MR. HAAS: I understand that. Are you going to fight with me now?

MR. KELLEY: I think Commissioner, if I could --

MR. SCALI: Councilor Kelley.

MR. KELLEY: Perhaps there is no difference. And perhaps when we look at the rules we decide that for certain institutions it makes sense if they come in and can show a need for this fiscal reduction that we would do it. So if the Central Square Theatre were to come in say, listen, we're going broke. We can't pay you the \$4,000, then maybe we would say, okay.

I agree entirely with your concern that if this, why not the next one. And before one starts to go down that hill very far that would have to be addressed, but I think that would be one out.

MS. JILLSON: Could I also suggest that maybe there is a non-profit category?

MR. HAAS: That's what I was trying to get at.

MS. JILLSON: Then why didn't you say that, Commissioner? That's one thing that we didn't look at.

MR. HAAS: That's what I said before in my comments, we can use non-profit as a criteria, and things like that. Maybe we do use it as a policy matter that non-profits would -- but again, that, and we should also have extra criteria too. If Central Square is really taking off, I don't see why they shouldn't be paying the full amount. And if Brattle can demonstrate a hardship and things like that --

But I don't down to the situation, and I can see it happening, where you're going to have profit entities coming in here decrying a hardship and want us to reduce the fees. We struggled with this for a long long time because we had restaurateurs coming in here who were basically

getting multiple free licenses. At some point you have to say, you can't keep telling us your business model won't support buying a liquor license. And I would think too, if I'm going to go into to business, sir, I'll get a free license too.

MS. JILLSON: Maybe they really should come in.

MR. SCALI: It does add to the expense of the City to investigate them, to monitor them, administrative, the police, the fire, the health, all that is a very expensive proposition.

MS. JILLSON: I remember when we sat on that committee, what we suggested was that you had to cover your costs, but maybe because there are so few non-profits that actually might come forward, that that might be a category that we could look at.

MR. SCALI: Let's give them an opportunity to at least speak about it, and we can certainly make it a policy consideration for revisiting the alcohol policy that we had back in 2008. So we'll give them an opportunity to come in

if they wish to.

Motion to continue the matter, have Mrs. Lint call them and see if they want to come in on July 30. Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you Ms. Jillson.

Any other matters before us?

MS. LINT: Yes, Ratifications.

MS. LINT: Medallions 72, 44, 76, 189, 63, 198, 185, 47, 247, and 194.

MR. SCALI: Is all the paperwork in order?

MS. LINT: Yes.

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Any other matters before us?

MR. TURNER: Mr. Chair, I just wanted to bring up based on tonight's agenda, the Decision hearing would be the 30th of this month?

MR. SCALI: Yes.

MR. TURNER: For just this hearing; correct? There's only one issue which is Riverside Pizza.

MS. LINT: We have something else

pending upstairs that got kicked -- Burdick's.

MR. HAAS: The only thing I'd add, Deputy Chief, is I think we are suggesting to particularly Riverside Pizza that you need to think about what you're going to do, and I think Inspector Boyer gave them a number of things to digest. And I definitely want to kind of check through some of the veracity of some of the complaints that are going on. So I would like the time so that we can come back and I can report back in terms of what our findings are.

Hopefully the proprietors of Riverside are going to be able to give us some tangible actions that they're going to take to resolve some of the issues that the neighbors have raised as concerns.

MS. LINT: I see this one very much as like the Ebony Club where it wasn't necessarily the patrons of the club, but because they're open, there are mikes, and people tend to congregate in that sort of situation.

MR. SCALI: The Ebony Club had to

close, not because of that.

Anything else before us? Motion to  
adjourn.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

(Whereupon, the proceeding was  
concluded at 9:20 p.m.)

**CERTIFICATE**

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 17th day of July, 2009.

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