

COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Chairman
Robert C. Haas, Police Commissioner
Gerald E. Reardon, Fire Chief

STAFF:

Elizabeth Lint, Executive Officer

-- Held At --

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts

Tuesday, October 18, 2011

6:06 p.m.

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I N D E X	PAGE
Application: Vailmail, Inc.	4
Application: Compass Group USA, Inc.	7
Application: Boston Area Rape Crisis Center	11
Application: Kurage Restaurant Corp.	15
Happy Hour Legislation	18
Application: NPPE Corp.	30

P R O C E E D I N G S

ELIZABETH LINT: Okay. We are going to begin.

This is the License Commission General Hearing being held on Tuesday, October 18, 2011. It is now 6:10 p.m.

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

Before you are Commissioners Chief Gerald Reardon and Commissioner Robert Haas.

The Chairman will be here, he is running late, so we are going to get started without him.

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If anyone is here for the matter of Dunkin' Donuts or Blue Moon Limo, those have both been continued to November 1st.

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ELIZABETH LINT: Application Vaimail. Inc., doing business as Kendall House of

Pizza, Efstathios Mallakis, manager, has applied for a common victualer license to be exercised at 201 Third Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The proposed hours of operation are 6:00 a.m. to 12:00 a.m. seven days a week.

ATTORNEY CRANE: Members of the Board, my name is Kevin Crane and I'm the attorney that represents the petitioner in this instance.

Just as background, Kendall House of Pizza has been in operation for 25 years. Peter Mallakis, who is to my right, was initially a partner with another gentleman, and last spring, Mr. Mallakis' brother, Stephen, bought out his brother's interest.

At that time, I asked the executive officer if there was any need for any approval from the License Commission, for it's just a

common victualer license, there's no pouring license at all attached to the premises. And I was told that there wouldn't be a need for a hearing where it was just a change of ownership with the common victualer, and said to send you a letter and I did so.

And then upon further review, it was determined that the records the License Commission had the operation under its partnership, and yet they've been operating under the corporation Vaimail, Inc. for quite a while.

And the petition before you tonight is really just to substitute the corporate entity for the entity that is presently on the records of the License Commission. There is no change in hours of operation, capacity, or the manager.

ROBERT HAAS: So this has been in place now since the springtime, and the partnership that had existed dissolved and now

it's just a single owner involved with the property?

ATTORNEY CRANE: That's right.

GERALD REARDON: No change to the premises, counselor?

ATTORNEY CRANE: That's correct.

GERALD REARDON: So this will be a corporate group or is it individual ownership?

ATTORNEY CRANE: It is Vaimail, Inc. and it's a corporation which is owned totally by Efstathios Mallakis, better known as Stephen. His brother Peter is the manager, he bought Peter's interest out, and Peter still runs the place.

GERALD REARDON: Probably for the record, we should have Peter spell his name.

PARASKEVAS MALLAKIS: Paraskevas --

ATTORNEY CRANE: I'll spell it. It's P-A-R-A-S-K-E-V-A-S. The other one is -- he's the owner, Efstathios, but the manager is Paraskevas, better known as Peter, to my

immediate right.

GERALD REARDON: Any other paperwork on this?

ELIZABETH LINT: No.

RICHARD HAAS: I have no further questions.

GERALD REARDON: I don't either.

ROBERT HAAS: So I would make a motion to approve the application as stated.

GERALD REARDON: Seconded.

ROBERT HAAS: All those in favor --

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

ATTORNEY CRANE: Thank you very much.

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ELIZABETH LINT: Application Compass Group USA, Inc., doing business as Eurest Dining Services, Ernie Nieves, Manager, has applied for a common victualer license to be exercised at 35 Cambridgepark Drive. Said license if granted would allow food and

non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 400. The proposed hours of operation are 6:00 a.m. to 3:00 p.m. Monday through Friday.

GERALD REARDON: Good evening.

ROBERT HAAS: Would you state your name for the record.

JERRY NEVERMAN: My name is Jerry Neverman, I'm the district manager for the Compass Group, and we are doing business as Eurest Dining Services.

Pfizer has two buildings, Building 35 and Building 200, on Cambridgepark Drive, and we are simply taking over the business from Sodexo Food Service. And we transitioned on Friday, the 7th, and opened up on the 10th, which is a week from yesterday.

The hours of operation are the same, seating capacity is the same, nothing has changed, the kitchen facility is all the same.

ELIZABETH LINT: I should announce the other one, too.

GERALD REARDON: Okay. They should be together.

ELIZABETH LINT: Application Compass Group USA, Inc., doing business as Eurest Dining Services, Ernie Nieves, Manager, has applied for a common victualer license to be exercised at 200 Cambridgepark Drive. Said license if granted would food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 165. The proposed hours of operation are 6:00 a.m. to 3:00 p.m. Monday through Friday.

GERALD REARDON: Do you do other work for Pfizer?

JERRY NEVERMAN: Yes. Actually, we are in Groton, Connecticut, and Cambridge South here at 620 Memorial Drive, and actually it's a global contract, so we're all over the

United States.

GERALD REARDON: So when Pfizer took over the two properties --

JERRY NEVERMAN: Right. It went out for bid and we won the bid and we took over on the 10th.

ROBERT HAAS: Did you have an inspection prior to starting up again?

JERRY NEVERMAN: We did. We had fire, building, and health. Chris was out, and everything was signed off on it. Thanks to Chris O'Neil, he was a great help in helping us expedite the process.

ELIZABETH LINT: Everything is signed off on this, I think.

ROBERT HAAS: And the entity you are replacing operates at both locations as well?

JERRY NEVERMAN: Yes, sir.

ROBERT HAAS: No other questions.

GERALD REARDON: I have nothing.

I make a motion to approve both

applications for the 35 Cambridgepark Drive and for 200 Cambridgepark Drive, with the Compass Group to take over the Eurest Dining Services at the two Pfizer locations.

ROBERT HAAS: I second the motion.

GERALD REARDON: The motion has been seconded, all those in favor? Aye.

ROBERT HAAS: Aye.

JERRY NEVERMAN: Thank you.

* * * *

ELIZABETH LINT: Application for Boston Area Rape Crisis Center, 99 Bishop Allen Drive, Cambridge, Mass., has applied for a charity wine license for November 17, 2011, to be held at the Royal Sonesta, 40 Edwin Lane Boulevard.

GERALD REARDON: Good evening. Would you state your name for the record and your position.

KELLY BETH CONWAY: I'm Kelly Beth Conway, development manager.

GERALD REARDON: And for --

KELLY BETH CONWAY: For the Boston Area Rape Crisis Center.

GERALD REARDON: Just want to make sure your are not -- so there's no confusion -- you are not an employee of the Sonesta Hotel.

KELLY BETH CONWAY: Sure, okay.

GERALD REARDON: We have had a number of these things, so I guess you are going to have wine donated by some corporation?

KELLY BETH CONWAY: Yes.

GERALD REARDON: And who is that?

KELLY BETH CONWAY: By Martignetti's.

GERALD REARDON: So maybe you can just describe that a little bit. We've had a number of these, okay.

KELLY BETH CONWAY: Sure. So November 17th will be our Champion for Change gala and auction held the Royal Sonesta.

Martignetti's donates various red and white wines to be utilized for the cocktail hour as well as dinner. The cocktail hour runs for about an hour and then we have a sit-down dinner event where wine will be served for guests.

GERALD REARDON: Have you done this other years?

KELLY BETH CONWAY: Yes. We got a license last year as well. And in previous years we were held at the Seaport Hotel here in Boston.

GERALD REARDON: That's a nice place.

KELLY BETH CONWAY: The view is beautiful.

GERALD REARDON: So that the Royal Sonesta is handling all --

KELLY BETH CONWAY: They do all the pouring, ID-ing, and everything, absolutely.

GERALD REARDON: And we have had a number of these in the past with the same

situation.

I don't have any further questions.

RICHARD HAAS: And you did this last year? And you had no issues with this last year?

KELLY BETH CONWAY: No, no issues.

ROBERT HAAS: I'll make a motion to approve the application for a charity wine license for November 17, 2011, at the Sonesta Hotel.

GERALD REARDON: Seconded.

RICHARD HAAS: All those in favor?
Aye.

GERALD REARDON: Aye.

RICHARD HAAS: Good luck.

KELLY BETH CONWAY: Thank you very much. Have a wonderful evening.

* * * *

ELIZABETH LINT: I don't know why the Green Street people are not here?

(Discussion off the record.)

ELIZABETH LINT: I didn't hear from them.

* * * *

GERALD REARDON: What about the Kurage Restaurant?

ELIZABETH LINT: I didn't hear anything about that either.

GERALD REARDON: Okay.

ELIZABETH LINT: I sent a notice.

ROBERT HAAS: Do you want to give them a few minutes, say, to 6:30?

ELIZABETH LINT: Sure.

So I guess we can go off record for a little while.

(Brief recess.)

* * * *

MICHAEL GARDNER: For the record, my name is Michael Gardner, I'm the designated Chair of the Committee, but I had a conflict earlier this evening which I was with the School Committee and only able to get here

now.

I want to first commend my fellow commissioners on being so efficient in expediting the agenda so quickly. I'm not sure if that is because I wasn't here or --

ROBERT HAAS: It was pretty straightforward.

ELIZABETH LINT: It was three simple matters.

MICHAEL GARDNER: So in the past, if we had not had applicants, I do know that we have either done something like table the matter or continue it generally.

We have a member of the public here who is prepared to speak on one of these issues? We do have one member of the public?

JAMES IFFLAND: Right.

MICHAEL GARDNER: You may have spoken last time that the matter of Kellari was up? I think it was Kellari -- NPPE.

JAMES IFFLAND: Right.

MICHAEL GARDNER: The Green Street.

JAMES IFFLAND: The Green Street
Restaurant in the basement.

MICHAEL GARDNER: I'll note the
pleasure of the commissioners, rather than
inconvenience this member of the public,
should we give him the opportunity --

ROBERT HAAS: Yes. We were just
going to wait until 6:30 to see what happens,
if anybody shows up. But if you want to take
this man now --

GERALD REARDON: Why don't we take
this one now and if there's no one here by
6:30, we'll --

MICHAEL GARDNER: Well, let me raise
one other issue before we do that.

Can I just go to a new item?

ELIZABETH LINT: Sure.

* * * *

MICHAEL GARDNER: I know there was --
through the executive director -- some

discussion about whether some legislation which is pending which might affect so-called happy hour rules in the Commonwealth was being considered by the general court or the state legislature. And the matter was raised as to whether or not the Commission -- would it be appropriate for the Commission to take a public position on that.

And I think I expressed the view that I thought if there were any such action taken, it should only be after it was discussed in public. And I suggested a meeting. I actually hadn't ever attended an additional meeting or a different meeting, but simply having the matter discussed at one of our regular meetings.

And I don't know if there is any interest on the part of either of the Commissioners to brief the rest of us on the matter or to have any discussion about it generally, including whether or not we would

take any public position.

So because we have the time, I'll just simply raise the matter generally of pending legislation before the general court with respect to so-called happy hour. Is that what it's called, happy hour?

ROBERT HAAS: It's referred to as the happy hour legislation.

MICHAEL GARDNER: Happy hour legislation. Okay.

ROBERT HAAS: Mr. Chair, I think the reason why I brought it forward is because I know that there is a concern in the law enforcement community across the Commonwealth and, in fact, the association and most of the police chiefs in the Commonwealth are encouraging its membership to voice their concern about a number pieces of the legislation, and I guess concerns with respect to enforceability to concerns about whether or not it is going to change the collection of

how alcohol is being served in the Commonwealth.

And we've had a couple of instances here where we have had licensees mistakenly think that they can have happy hour, and we have had to correct that situation a couple of times. And a number of liquor establishments, I didn't know if there was an appetite for a License Commission to at least voice some concerns with respect to the administration and application of the legislation with the fact that it did go forward.

My sense of the timing of the legislation is pretty much on a fast track, and I'm not sure we have a lot of time to say anything if we do, in fact, have a desire to say something.

And, again, my suggestion was that we to voice our concerns with our local representatives and talk about issuing a blanket letter to the entire legislation, just

to at least have an opportunity to express whether or not we had a concern with respect to that legislation or not.

MICHAEL GARDNER: I would appreciate it if somebody could generally educate me about the idea of happy hour and what is currently banned and what the legislation might allow. My generalized understanding is that happy hour means that alcoholic beverages are somehow sold at a discounted price.

ELIZABETH LINT: That is part of it. But I think part of the issue really came out of the Casino Bill. Where they are saying, "If the casinos can give away free drinks -- which traditionally they do while you're gambling -- then the restaurants have to be afforded the same opportunity."

GERALD REARDON: And I believe this is a way of trying to start to clear some of the hurdles potentially for the casinos in terms of statewide legislation. This will be

something that they would need along with some other certain, I guess, changes in law to make their operations work.

So I think they started early, so to speak, because free drinks and so forth are part and parcel of the casino way of life. So that's my take as to why it kind of raised itself to the surface quickly right now.

MICHAEL GARDNER: So for anyone who knows, does the pending legislation authorize either discounted or free or gratis drinks during particular hours of the day? Is that the thrust of it?

ROBERT HAAS: I don't think they necessarily specified the hours of the day. But I think there was a sentiment in the legislation, this was where they contemplated for all liquor establishments, so they come up with the Casino Bill. And I think industry made an argument that, "Well, if we are going to allow the casinos to serve free or reduced

priced alcoholic drinks, then we should be afforded the same opportunity." And that's when this was kind of attached to the legislation, it was almost like a rider that they attached to it.

GERALD REARDON: I'm not really sure that all the nuances are completely --

ROBERT HAAS: No, they aren't. They are not just talking about reduced prices, they are talking about free drinks as well.

MICHAEL GARDNER: And do we know if the legislation has a local option provision?

ELIZABETH LINT: We don't know.

ROBERT HAAS: Not specified.

ELIZABETH LINT: But I'm going to guess, if it's attached to the Casino Bill, that's it's not going to be -- well, my concern is, you know, going back to the happy hour days when you could get two for one, so all of that would -- if this is the way I think that it will be -- all of that would

start all over again.

MICHAEL GARDNER: And in terms of the history of this, is that something that used to be allowed by state law and then was banned or used to be allowed in Cambridge and then Cambridge banned it, and it's allowed in other places?

ELIZABETH LINT: State law.

MICHAEL GARDNER: So currently no one can have reduced drinks --

ELIZABETH LINT: No.

MICHAEL GARDNER: -- at a specific time of day?

ELIZABETH LINT: You can have a happy hour, you can give away free appetizers, you cannot give away free drinks.

MICHAEL GARDNER: Well, is there any sense from the Commissioners as to whether or not you think it's appropriate to prepare a letter directed to the local representatives expressing our concerns about this, or is this

something that you are not comfortable having the Commission take a position on?

ROBERT HAAS: Well, again, I think, just given the history, I think some of the things that have been raised by my colleagues, I think there is some concerns about enforceability. It's interesting that we once had the ability to do this and then somehow there was a something in the legislation that stopped it. Now to reintroduce it -- I mean, there had to be a reason why that took place. And I'm just concerned whether --

GERALD REARDON: That was quite a few years.

ELIZABETH LINT: Quite a long time ago.

ROBERT HAAS: And if we just don't raise it as an issue, then our silence may mean that we acquiesce to the proposed legislation. Again, we don't know what the final version will look like at this point in

time.

ELIZABETH LINT: I think when the thought changed, it had a lot to do with MADD, Mother's Against Drunk Driving, that was a big force.

GERALD REARDON: There was a lot more clubs in the city. And we had some serious medical fights and large altercations that were involved, and it probably very easily could have been what led to the happy hour conflict.

MICHAEL GARDNER: So, Commissioners, any particular sense about whether you think it is appropriate for us to take a public position on this?

GERALD REARDON: Well, I believe that we should make a comment to the --

THE COURT REPORTER: Excuse me. I can't hear you.

GERALD REARDON: I'm sorry. I believe we should make a comment to the

legislation about what our concerns are with regard to public safety. In the previous -- although, it was many years ago -- history, we were dealing with it, and we don't know what the law is that is going to come out in terms of, as I said, the details and what this means. But it would appear at this time that we should -- (inaudible) it looks like it is being pushed as a statewide, that would probably limit control, I would assume, on local boards and commissions to regulate it, whether or not to have it.

MICHAEL GARDNER: Well, let me try my hand at a motion then and see if it takes a second, or any amendments that anybody might wish to offer.

But I would move that we direct the Executive Director, Ms. Lint, to draft a letter for our review to be sent to our local legislative delegation that expresses our strong concerns about any legislation which

would, through either discounting or providing free alcoholic beverages, our concern is that such legislation could have a detrimental impact on public safety within the city.

And, further, that should the legislature decide to pass such legislation, that we strongly urge that they make its adoption subject to local acceptance or local option provision, which would require both the approval of the Chief Executive Officer of the City as well as the City Council, which is a form, a local option legislation form. So that's my motion.

ROBERT HAAS: Seconded the motion.

MICHAEL GARDNER: Is there any discussion on that motion?

GERALD REARDON: No. I think it might have after the "free" the inclusion of "reduced."

MICHAEL GARDNER: I had reduced in.

ELIZABETH LINT: Yes, he did.

MICHAEL GARDNER: So the motion has been made and seconded. I don't think we asked for any public comment from members of the audience.

We've been generally discussing some pending legislation before the general court or the state legislature that might loosen some of the current restrictions on either free or discounted alcoholic beverages -- and food, is that --

ROBERT HAAS: You can do food now.

MICHAEL GARDNER: You can do food.
Thank you.

So if there are any members of the public that would like to comment on this, this is the time. Just please step forward and state and spell your name for the record.

Seeing none -- well, we have a stage-whispered comment coming from an unidentified member of the audience that he said he agrees.

So there being no other public comment, all those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: None opposed.

So, Ms. Lint, will you draft such a letter and circulate it to us for our review.

ELIZABETH LINT: Sure will.

* * * *

ELIZABETH LINT: Kurage Japanese Ramen Restaurant has not appeared and I would say that we should take it off the agenda and call them tomorrow and find out what the situation is.

MICHAEL GARDNER: Without objection.

ROBERT HAAS: No objection.

GERALD REARDON: No.

* * * *

ELIZABETH LINT: Application
continued from September 20, 2011, NPPE

Corporation doing business as Kellari. Penny Kokkinos Hamourgias, Manager, has applied for a new all alcoholic beverages as a restaurant license and entertainment license at 228B Green Street with a seating capacity of 150. The proposed hours of operation are 11:00 a.m. to 2:00 a.m. Tuesday through Sunday and closed on Mondays. Applicant is also applying for an entertainment license to include dancing by patrons and live musical instruments and/or vocalists with amplification.

MICHAEL GARDNER: Okay. If you would all please state and spell your names for the record so our stenographer can get it right and just identify your affiliation.

ATTORNEY VINCENT PANICO: My name is Vincent Panico, P-A-N-I-C-O. I am the attorney for the petitioner.

PENNY HAMOURGIAS: My name is Penny Hamourgias, P-E-N-N-Y, H-A-M-O-U-R-G-I-A-S, manager of Kellari.

NICHOLAS HAMOURGAS: My name is Nicholas Hamourgias, N-I-C-H-O-L-A-S, H-A-M-O-U-R-G-A-S.

MICHAEL GARDNER: And if you would, sir, would you just tell us your affiliation.

NICHOLAS HAMOURGAS: I'm applying for the license.

MICHAEL GARDNER: Mr. Panico.

ATTORNEY VINCENT PANICO: Just let me briefly touch on some of the stuff that went on before. This is a Greek restaurant that is trying to go into the basement of the Greek American Political Club, which is fully sprinkled, and it used to be the site of the VFW Hoyt Post. And while there, it's my understanding that they had a full alcohol license and they had dances and they had entertainment there. So I don't feel that this is anything completely new.

When we were here before, the Board said, "Well, we should have something about

public need and also some community support."

And so we went and we did get a lot of signatures, and we talked to a representative of the Cambridge Neighborhood Association who said they typically -- something like this -- they don't take the position, they support businesses, but they don't go one way or the other, or something of this nature.

And I also understand that Carl Barron from the Central Square Neighborhood Association has written a letter. Attorney Goldberg was going to bring it --

ELIZABETH LINT: I have it.

ATTORNEY VINCENT PANICO: Okay, you have it. And I understand Councillor Marjorie Decker also sent a letter.

ELIZABETH LINT: That's correct.

ATTORNEY VINCENT PANICO: So the question is -- and we had asked for an all alcohol license, and we asked for a 2:00

license, and the Board said, "Well, what about a 1:00 license and what about a beer and wine license?"

And the Board also said that they felt that the existing license there may be under-utilized. And I think that summarizes briefly what went on before.

But I think one of the key issues is the public need. And how do you define a public need in a situation like this? If it was a public in need of food, we can say, well, there is a definite need there.

But we feel that typically a Mediterranean restaurant operates with a liquor license. And to attempt to have a Mediterranean style restaurant, a Greek restaurant, without a liquor license, it is just impossible. It's something -- for want of a better word -- there is a public need to have a liquor license in this type of operation. And that's as far as we can go on

the public need.

I can't say that I found anyone that said they would be in desperate straits if there were not a liquor license in a restaurant on this site.

But I did talk to many people in the Greek community, people that belong to the Greek church, and people I know in the neighborhood, and they said they would just love to have a place like this, a Greek restaurant in this section of Cambridge and one with a liquor license.

And that, briefly, is our comments at the moment, but I'd be happy to answer any questions.

ROBERT HAAS: Mr. Panico, when you got the -- I guess, you said you had a petition? Did we see the petition yet or the signatures?

MICHAEL GARDNER: We are looking at a stack of letters now.

So what has been presented to us, and I appreciate that, appears to be, in general, a form letter with an opportunity for signatures, it's dated September 22nd, and it talks about the corporation and what the plan is.

And then it says, "Thus with your continued endorsement and support of the Kellari restaurant, we look forward to serving you as patrons of our establishment. We thank you in advance and kindly ask for your signature below as an indication of your support." So that's kind of what the signatures mean.

And I've been looking through them, I'm not completely done, but it looks like maybe something less than half of them are from Cambridge residents. It seems to be a wide dispersal of geographic locations.

If you can just tells a little bit about the process of obtaining these and sort

of what you think this stack of papers represents?

ATTORNEY VINCENT PANICO: I think it represents people who enjoy eating at this type of restaurant. And bear in mind that the restaurants in Cambridge do not draw solely from Cambridge people. Our restaurants draw people from all over the place; people come to Cambridge because of its reputation for good restaurants.

So as you appointed out, Commissioner, you don't have a pile of Cambridge residents there, you have some Cambridge residents and people from other areas.

Now, I didn't collect the signatures so -- Penny, can you tell me something about the collection of the signatures?

PENNY HAMOURGAS: Nick came down one day and he approached people in the neighborhood and right over by the Charles. A

lot of them were visitors, a lot of them were international students. And that's part of those signatures. The rest of the signatures, I think the members of the club helped getting them.

MICHAEL GARDNER: Thank you.

PENNY HAMOURGAS: You're welcome.

ROBERT HAAS: So did you get a chance to talk to people in the neighborhood to get a sense of their feelings about the restaurant.

NICHOLAS HAMOURGAS: We did.

PENNY HAMOURGAS: Yes. I e-mailed the Professor Jim, and also the other gentleman by the name of Peter. I called Pete, I didn't have his e-mail address; but the Professor, I had his e-mail, and so I did e-mail this letter along with a little explanation, because I have no way of getting in touch with the rest of the neighborhood and he was representing them.

And I did state in there that I would

be more than happy if you want me to come down and meet with all of you, if you have any questions. And I put my cell phone number there and I didn't get anything, so I assumed there was no questions, but I don't know.

GERALD REARDON: So Counselor, this is going to be a space that gets renovated?

ATTORNEY VINCENT PANICO: Yes. One of the things we brought up as a side issue, not exactly through the jurisdiction of the Board, but they are going to spend \$250,000 on the renovation. There is going to be jobs created there. And then when they open up, there is going to be more jobs created there.

And, first of all, in this economy, I think it takes a lot of courage to open a restaurant, and I think it's also a benefit to the community if you can create jobs and you get a viable business going in there.

ROBERT HAAS: As I understand it, the restaurant is going to be located in the lower

level of the church, right?

ATTORNEY VINCENT PANICO: No, the building.

MICHAEL GARDNER: Not the church. The church is next door. The building.

ROBERT HAAS: So describe for me the methods of entry and egress from the restaurant.

ATTORNEY VINCENT PANICO: There would be two exits and entrances from Green Street, and there would be one from Franklin Street that we have agreed will only be an emergency exit. It will be set up in such a way that it can be opened during an emergency, but the employees would not be allowed to go out onto Franklin Street where the residential neighbors are.

GERALD REARDON: So you would stipulate to like an emergency exit or a panic bar and alarm on it that would sound if one were to open the door other than in an

emergency situation?

ATTORNEY VINCENT PANICO: Yes. And we had proposed that as a condition of any relief that is granted.

GERALD REARDON: Do we know how many seats were previously posted?

ELIZABETH LINT: I don't know.

ATTORNEY VINCENT PANICO: I think, based on my discussions with Rongene [Singanayam] (ph.sp.) and the measurement --

THE COURT REPORTER: Excuse me?

MICHAEL GARDNER: Rongene Singanayam. (Ph.sp) You can say the director of inspectional services.

ATTORNEY VINCENT PANICO: It's spelled S-I-N-G-A-N-A-Y-A-M. Singanayam.

And from my discussions, that you could have 300 seats there and we've asked for 150.

GERALD REARDON: So it's a pretty large space.

ATTORNEY VINCENT PANICO: It's a large space.

GERALD REARDON: So do you have a floor plan or a proposed floor plan for this yet?

ATTORNEY VINCENT PANICO: Well, we submitted a rough floor plan with the application.

GERALD REARDON: So it's 150 seats. How many standing?

ATTORNEY VINCENT PANICO: I don't think there were any standing.

GERALD REARDON: Is there going to be a bar?

ATTORNEY VINCENT PANICO: There's going to be a food bar. There will be no liquor served without food.

ELIZABETH LINT: The sign off is for 257.

ATTORNEY VINCENT PANICO: They are trying to create a family restaurant here.

MICHAEL GARDNER: There is an application for an entertainment license as well?

ATTORNEY VINCENT PANICO: There is.

MICHAEL GARDNER: And the entertainment contemplated is, again, please remind us.

ATTORNEY VINCENT PANICO: There will be a band, a Greek band, and the dancing will be Greek dancing. It's not going to be a place where young people can go for dancing.

MICHAEL GARDNER: So much of the discussion the last time was about the financial straits of the Greek American Club and with respect to their fixed costs and the revenue they can generate from their annual dues and their need to, the value of this to them in terms of a rental income stream.

And I did have questions because it's my understanding, and I stand to be corrected, is that the liquor license that the Greek

American Club has now is like a general license, it is not restricted as a club license or in any way. Am I correct?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: I'm correct in that regard. And so I guess of the things I was unclear about is the need for a new and separate license, whether the club itself could, by some leasing or management arrangement, use the seats in its own license to create a restaurant or a dining experience that would generate income to help with their financial troubles?

And I'm not sure I got an answer to that question. And I'm not sure that you are the appropriate party to answer that question, but I'm sort of troubled. There is a license there now, why would we need to be giving another?

ATTORNEY VINCENT PANICO: Well, I think your proposal would certainly be a

viable alternative. But what they would like, and what any business would like, would be a complete separation. So if somebody else causes a problem, that doesn't involve them liability-wise.

The best situation would be for them to have an independent license. And I understand what you're saying, it makes sense.

May she say something?

MICHAEL GARDNER: Yes, of course.

PENNY HAMOURGAS: The answer to that question is -- when we made this decision to make that type of an investment and spend all that money to fix that up, we run our businesses a certain way, and I don't want to find out a month or a year down the line that because of somebody else's neglect that I don't have a license.

So I would feel a lot more comfortable spending that kind of money if we had our own license.

GERALD REARDON: Well, I guess one of the options would be to transfer seats from the club, put them in their name so they are clearly on their license and just --

ELIZABETH LINT: They would not be able to operate on somebody else's license.

GERALD REARDON: No. If the club was to reduce the number of alcoholic seats and we just turned it around --

ELIZABETH LINT: It would still require two licenses.

GERALD REARDON: Correct. But one would be less than the other.

ELIZABETH LINT: Yes.

GERALD REARDON: How many seats are in the club?

NICOLAS HAMOURGAS: 258.

GERALD REARDON: And they traditionally don't use that number of seats. What I'm saying is that maybe an accommodation would be -- in terms of the people in the

neighborhood and CAPS -- in the number of seats and so forth, they could voluntarily reduce their license because they don't need as many, and use them for downstairs. Two separate licenses, but we still don't have another 150 on top of 258 in one building which is kind of excessive.

MICHAEL GARDNER: So clearly what we are doing is we are sort of brainstorming. We are talking about our concerns here --

And it seems Mr. Goldberg is here. And you represent the club, do you, sir?

ATTORNEY GOLDBERG: I represent the club, yes.

MICHAEL GARDNER: I think it would be appropriate to give you an opportunity to speak now. You've sort of heard some of the colloquy and we'd appreciate any comments that you have.

ATTORNEY GOLDBERG: I appreciate the comments that the Board has stated. And in

answer to the comment that you made with regard to why does not the club open up -- have a license that they have already and serve food.

And a short answer to that, they can't afford it. It requires a great deal of alteration and restoration downstairs. And they now have someone who is willing to go downstairs and do what is necessary to make it habitable as a club, as an entertainment site. So that is a short answer but nonetheless a necessary answer to portray to you that they cannot afford it.

So far as their expenses are concerned, I do think I mentioned the last time that it is over \$100,000 in real estate taxes, mortgage payments, utilities, water, and other things, and they do not get a regular stream of income from the membership except by way of dues. And they do provide to the members entertainment on the first level

during every week. So that they provide them with what they want by way of dancing, music and the like.

With regard to the second floor, if I may add, the numbers of people that enter and leave the premises are very small indeed. I mentioned this at the time we got a 2:00 license upstairs. They come at different times and they don't start until about 8:00 or 9:00. And the people who were there at 8:00 or 9:00, have their fill of dancing and they leave and another portion of people come in. So that there is not a steady egress or entrance by the people who take part in the second floor.

With regard to the public need, years ago in Cambridge there was two Greek restaurants. I think the members know that Harry Kattus (ph.sp.) operated those restaurants, one where the kitchen is now and one in North Cambridge.

At the present time, there are no Greek restaurants, no people serving Greek food. Yes, there are salads with feta cheese in it and anybody can make that. But not the type of Greek restaurant that we used to have and don't have now.

GERALD REARDON: And Mr. Panico represents maybe another Greek restaurant --

ELIZABETH LINT: No, it's Mr. Crane.

ATTORNEY VINCENT PANICO: Let me just say, that Greek restaurant in North Cambridge, it does have a limited menu.

ELIZABETH LINT: Down on Third Street, the Espina.

ATTORNEY VINCENT PANICO: That's a very small restaurant.

MICHAEL GARDNER: Thank you. I understand why there are business difficulties with it.

Commissioner Reardon raised the question about, you know, is the existing

license for the Greek American Club with all of the seats, in fact, under-utilized now? And I don't know if that's a for value license or a not for value license.

ATTORNEY GOLDBERG: That's a full alcoholic license, yes.

MICHAEL GARDNER: Is that transferable?

ATTORNEY GOLDBERG: It would be transferable to the site, but they are not interested in transferring that because it services their utilities.

ELIZABETH LINT: No, it's not, it has no value.

MICHAEL GARDNER: It's a no value license?

ATTORNEY GOLDBERG: Yes.

MICHAEL GARDNER: So what you are calling the second floor is where the club is, right?

ATTORNEY GOLDBERG: No. The second

floor is the dancing area. The basement level the bottom level --

MICHAEL GARDNER: There is three levels, a basement, the first floor where most of the club activities are, and the second floor where the dancing is?

ATTORNEY GOLDBERG: Yes. As far as the lower level, if you will. And I have talked to Professor Iffland previously on both times when the Greek restaurant or Greek Club was here, and he is a gentleman about it and he talked to you about his concerns.

And with regard to his concerns, the lower level that will not emanate any noise whatsoever; it's downstairs and there will be no noise coming to affect Franklin Street or to affect Green Street. It is just encompassed within the lower level. And there is an exit there but it is only for an emergency situation and they have an exit coming up.

And so the restaurant will service the many, many people who are interested in Cambridge, which is an internationally known city, and provide them with something they do not have in the Central Square area, which has been agitated by many in the City Council so as far as wanting to improve the Central Square area and their desire to have a restaurant in Cambridge servicing Greek food.

I know that I've talked to Councilor Reeves and I don't know whether or not, Ms. Lint, if he has submitted it. But I've talked to Councilor Reeves on many occasions and I'm surprised that he hasn't submitted to you a letter of endorsement. But he is thinking that Central Square needs this type of restaurant. I'm not speaking for him, but in conversation with him, he has indicated that Central Square needs vibrancy.

MICHAEL GARDNER: How many seats does the license that the Greek American Club has

now?

ELIZABETH LINT: I think it is 257.

ATTORNEY GOLDBERG: 257.

MICHAEL GARDNER: 257 for the first floor?

ATTORNEY VINCENT PANICO: Yes, but it's encompassing --

MICHAEL GARDNER: The first floor and the second floor?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: And what is the maximum that is used?

ATTORNEY GOLDBERG: Well, downstairs they have a membership of about 165 to 170. With regard to the second floor, as I indicated, that varies at different times. The number of people at a given time is not able to be established.

MICHAEL GARDNER: So there could be in excess of 400 people then?

ATTORNEY GOLDBERG: I doubt that very

much.

MICHAEL GARDNER: Well, it's 257 plus the --

ATTORNEY GOLDBERG: Well, that's the seating capacity, yes. But the seating capacity has never been obtained at that particular site, the first level and second level.

MICHAEL GARDNER: So I guess one of the questions that I understood Commissioner Reardon to be asking was, suppose -- given some of our concerns about the concentration of seats there -- suppose the Greek American Club voluntarily turned in some number of seats because they are, in fact, not utilized, as a part of our understanding, you know, how many real seats there would be in use in that building.

And I'm not suggesting that you do any report or negotiations, but I'm asking the question and -- I just still don't quite

get -- I understand why they don't want to use, why they just don't want to lease out some of the space on their own license in terms of the financing.

But if we approve this, and then next month the Greek American Club decides, in fact, they have got a new idea and they are going to have, you know, make more use of those seats by somehow attracting more people by some sort of changed business model, we've got something we didn't expect.

ATTORNEY GOLDBERG: Well, I'd agree with you if something like that would happen, but I doubt it very, very much.

Let me say that in the City of Cambridge there is a restaurant, Middle East, that has the capacity of 500 plus people, and they've been operating it successfully without any problems, not creating any nuisance that I'm aware of.

And in this particular instance, I

think that the club in the lower level would be able to do that, and there would be no harm and no public safety problem with regard to it. If they operate their restaurant as they suggest that they will do, then it will be a wonderful restaurant, not creating any harm, but servicing the needs of the people of Cambridge and environs.

ROBERT HAAS: I think one of the things we talked about the last time, and I guess Mr. Panico brought it up again, is -- I'm trying to figure out I guess the impact on the surrounding neighborhood and it's proximity to the residential neighborhood. And then trying to figure out how we can strike a balance that is not going to pose a hardship or a disturbance to the neighborhood.

I mean, the Middle East is out in Central Square. There is located set back away from Central Square on Green Street and there's an adjoining residential neighborhood

that could potentially be impacted by, say, for sake of argument, you've got a 2:00 closing, and as the Chairman has indicated, you could have upward of 257 plus 150 people leaving, right. And that's the worst case scenario.

So what kind of noise will that generate? What kind of traffic congestion will that generate? We are trying to figure out if there is almost like a separation in terms of closing times, would that alleviate some of the potential impact into the neighborhood and address some of the concerns of the neighbors.

And so, again, like the Chairman was talking about and thinking out loud, we're trying to figure out what's a way to make reasonable accommodations without imposing an adverse impact on the surrounding neighborhood.

So I think those are the things that

we are trying to struggle with, at least that's what I'm trying to struggle with in terms of where's the balance here.

And I -- nobody is arguing the fact that if you're going to be a successful business you probably do need a liquor license, but I'm trying to figure out how we do this in a way that it almost becomes a potential win and no loss for the neighborhood; I don't know if I can ever characterize it as a win-win, but those are the things I'm trying to struggle with.

And I think I raised the 1:00 issue the last time. You know, is there a possibility to reconsider the closing time, at least for a period of time, so we can kind of evaluate what the impact is going to be.

But those are the things that I'm kinds of wrestling with, with respect to this application.

ATTORNEY VINCENT PANICO: Well,

Commissioner, may I, for the sake of Commissioner Reardon, just repeat the conditions that we propose be inserted in the decision.

The neighborhood would have the manager's cell phone and they could call 24 hours a day.

There would be no dumpsters prior to 8:00 a.m.; no deliveries prior to 9 a.m.; nobody can exit onto Franklin Street in the residential neighborhood, all exiting will be on Green Street.

A legitimate concern would be "What the employees who smoke or just like to take a break and go outside?" No employees can congregate on the Franklin Street side for any reason. We said we would supply the registration number of all cars owned by the employees; none of them could park on Franklin Street. That's an important part.

And these are conditions -- we went

before the ZBA for the variance and these are the conditions that the ZBA also put in to their conditions.

ELIZABETH LINT: Mr. Chair, in regards to the 2:00 a.m., it's always been the policy of the Board to not grant a 2:00 a.m. time right off the bat; there is always at least a six-month waiting period. And we do not grant 2:00 a.m. on Tuesday night and Wednesday night or Sunday unless Monday is a holiday.

MICHAEL GARDNER: So there are lots of different pieces and segments here. I'm going to open it up to members of the public.

Do if you have anything you would like to say, ma'am?

PENNY HAMOURGAS: Obviously, those are logical conditions, and I'm a logical person. I would not be opposed, myself, I could not see people being out there past 1:00, except on Thursday, Friday, and

Saturday.

And as far as -- can I answer your question also?

ROBERT HAAS: Yes.

PENNY HAMOURGAS: It's a family- type restaurant, I really don't -- I mean, I can't speak for the club, but I don't foresee them all of a sudden start to have that amount of people in there.

But I don't think any of our clientele would have an issue or would cause any type of problems or be loud on their way leaving the place, because it won't be that type of an environment.

GERALD REARDON: I would say the issue is that at that address. And I don't dispute what you're saying at all. But at that address, you're going to have over 400 listed seats at face value, which is probably in the top three or four in the city.

So the question would be and that I

posed before and I don't think I really got an answer, was that: Do we absolutely need the number you have with the club, or could that be reduced and we issue new licenses that would kind of lower the number?

Because at the end of the day, we are responsible: Why did you issue a license that in totality represents over 400 liquor seats at one address backing up to the neighborhood?

So if there is some way that they feel as though they don't use them all the time and we can do some sort of balance, it just makes it easier for the case to be made going forward.

ATTORNEY VINCENT PANICO: With regards to the second floor, the dance place --

MICHAEL GARDNER: It would good if you could kind of just review for us what that activity is, because it is substantially different than what happens on the middle or

first floor. If you could just summarize how that space is used now.

GERALD REARDON: And just for the record, we understand there is many, many fraternal clubs out there that are having great difficulty trying to maintain the properties and the pressures, and we understand that and I, for one, am sympathetic to that. But at the same time, we also need to try to make this work with some of the neighbors and due diligence.

ATTORNEY VINCENT PANICO: If I might comment. You won't be overloading the building since at one point the VFW was down there.

But what do you have on the second floor? You have a salsa club. I used to be an Arthur Murray instructor and I can tell you, when people go to a place to dance, they want to dance. That's it. They don't go there to drink, they just want to dance. And

they don't dance all night. They will stay there for a couple hours and then they'll take off.

I think it's a good suggestion that if the number is troubling, maybe we can strike a balance with the club. Or maybe even on the second floor: Do they need that many seats? Do they get that kind of crowd actually up to capacity?

GERALD REARDON: From my point of view, I'm not talking about the number of seats but just alcohol seats. I personally am not suggesting you have to limit the number of people on the second floor. But as you say, there's a lot of people going there that don't drink. How many alcohol seats do you have in terms of that?

ATTORNEY VINCENT PANICO: So the potential there is to reduce the number of alcohol seats also.

And, Commissioner, if you ever went

to this place, you'd be amazed. You look around the room, there are very few seats.

GERALD REARDON: I agree.

ATTORNEY VINCENT PANICO: These people come to dance. So you don't have a whole room flooded with tables. So I think that's something that could be worked on. Good suggestion.

MICHAEL GARDNER: Before we ask for members of the public to comment, I wonder if there is anyone else either affiliated with this application or affiliated with the existing club who would like to be heard.

SADDAS VALLIS: My name is Saddas Vallis and I live at 45 Milton Street in Arlington.

MICHAEL GARDNER: Could you spell your name for the purposes of the stenographer please.

SADDAS VALLIS: The first name is S-A-D-D-A-S, and the last name is V-A-L-L-I-S.

What I'm trying to say is that we are about 160 members, but you never seat more than 40, 50 a day. The most you can seat is 50. We never seat more than 50 people on the first floor in the club. So we don't need all these seats. That is why we give 50 seats for downstairs, for the basement.

So that's what I wanted to say. You asked something before about the capacity. We don't need so many capacity. That's why we can give it.

MICHAEL GARDNER: And what about the second floor and the salsa dancing? Typically with that size crowd --

MR. SADDAS VALLIS: We don't touch anything for the third floor. We leave it the way it is. The seats we give is for the first floor, from the club, not from the third floor.

MICHAEL GARDNER: So how many people typically would be up dancing and is alcohol

served there, on the third floor?

MR. SADDAS VALLIS: With the salsa, not the first floor, the second floor.

MICHAEL GARDNER: The second floor, the salsa dancing.

MR. SADDAS VALLIS: Usually 200, 250 sometimes. But they come and go; they are not all the time the same. The people come early and then they go, and some other people come later. No more than 150.

MICHAEL GARDNER: And is alcohol served to them?

MR. SADDAS VALLIS: Yes.

MICHAEL GARDNER: Okay. Thank you.

MR. SADDAS VALLIS: Thank you.

MICHAEL GARDNER: Any other questions before we open it to the public?

ROBERT HAAS: I guess I feel somewhat awkward in terms of trying to negotiate one party against the other. But it seems that the Greek American Club has a vested interest

in terms of this restaurant establishing itself to help offset their cost or defray their cost.

So I don't know if it is totally appropriate to think about what's the appropriate number of seats. And I'm going back to, I guess, the Chair's initial question, you know, if, in fact, there is a way to restructure some of the number of seats, especially with the alcohol licenses, and, again, be able to reassure the neighborhood that you are not going to have any loud people.

And when I talk about being loud, I'm not talking about people being boisterous in the street, but just normal commotion, people getting in their cars, people having conversations, people walking down the street.

So I wouldn't imagine that your clientele is going to be rowdy. I just think just by the very nature of them traversing the

street, it's going to cause and generate some noise. And you can only control that to a certain degree.

I think we are pretty much satisfied that the noise, at least the way it is being depicted to us, is somewhat self-contained because of where you're located in the building.

But I think what we are concerned about is primarily people coming and going, and then coupling that with another venue, what does that look like in terms of just sheer number and just the normal noise that would be generated by this number of people traversing Green Street, which is a relatively narrow street and, again, abutted by a residential neighborhood. So those are the concerns that I would have.

And I think we are going to get to a place where we can make some accurate representations in terms of what the neighbors

can expect. It would make me feel comfortable in terms of being able to move forward on the application. So that's my issues. I don't imagine or believe that you're going to have families out there yelling and screaming.

I just think what you're going to have is you're going to have just the normal noise of people, the discourse of people coming and going out of the establishment.

And to the Fire Chief's point, it is probably one of the higher capacity establishments. And, again, not just you, but coupled with the fact that they are all coming out of one building. So it's among one of the highest capacities we have in the city.

ATTORNEY VINCENT PANICO: I have one more question, please.

When we are talking about alcohol seats, are we talking about seats in that room?

MICHAEL GARDNER: Well, I'm not sure

I understand the distinction. You've got so many alcohol seats, that's the number of people you can have in the space. You can't designate the people who are going to be drinkers and the people who are not going to be drinkers.

So the seating, it's including people standing and sitting. I don't think we can, in fact, draw a line between, you know, "You can have 100 drinkers and you can also have 50 or 100 non-drinkers." We are assuming that they all have the capacity to drink.

ATTORNEY VINCENT PANICO: My question is, and I think you've answered it, it doesn't matter how many chairs you have in the place; is that true?

MICHAEL GARDNER: Well, we definitely want to see the floor plan, you know, and it's been represented as a restaurant.

ATTORNEY VINCENT PANICO: I mean, on the second floor -- let's say, you had 50

seats on the second floor and that's it. How would you count that?

ROBERT HAAS: I think we are looking at capacity as opposed to seats.

ATTORNEY VINCENT PANICO: Go by the capacity?

GERALD REARDON: Right. I guess, to be clear, in terms of the member section, I don't know how it's broken up now, you know, if they had 150 seats there, and by the club's own representation, you really don't need 150, you know, we balance this out so we have an idea. And I don't know how it's broken up between the first, second and third floors.

ATTORNEY VINCENT PANICO: And so, theoretically, if we could arrive at a number where we have 150 seats in the basement and an adjustment has been made on another floor, that might be something to think about.

ELIZABETH LINT: Mr. Chair, I'm looking at the sign off, it says "Total

occupancy 257," looking at all three floors. Now, I know in the original file there is a breakdown of each floor, and I think that would be very helpful.

MICHAEL GARDNER: Well, it sounds to me -- and I apologize to all of the people who have come here and are hoping to see us act -- but it does sound like this is something that is appropriate for us to defer to the October 27th Decision Hearing, which is scheduled for 10:00 a.m.

And that's a meeting where we discuss the matter among ourselves, we typically do not take additional testimony; obviously, somebody can supplement the file with letters and representations beforehand. But I think we need to know ourselves what the zoning language provides and to make sure that we are compatible with that.

The number 257 was mentioned as that's what on the existing license. If that

257 is also an occupancy restriction for the entire building, we have to think about it in that way.

ATTORNEY VINCENT PANICO: I'd like to check on that.

MICHAEL GARDNER: So we'll defer the decision until the 27th, but we'll also take any additional testimony now. And so I would recognize any member of the public who would like to speak. And if you would, please state and spell your name for the record.

JAMES IFFLAND: My name is James Iffland, I-F-F-L-A-N-D. I live at 248 Franklin Street. Thank you very much for the opportunity to speak this evening.

You heard me a month ago representing the perspective of the people in 246 - 248 Franklin Street, which is one kind of an association here in constant communication with the folks at 240 Franklin Street. Mr. Vassue (ph.sp) came and spoke back in

August.

Penny did send this document to us to see whether the people in the buildings would sign on. I would venture to say that if you look, my guess is that you won't find too many signatures of people on those documents that were turned in corresponding to people who actually are in that zone that is potentially most impacted.

I talked this over with the neighbors. We are not -- we will not actively fight this. It's not -- Penny has convinced us that she is trying to put together a good restaurant. Bernie and I have worked together on issues having to do with the club. We've talked these things out. We'd get sound insulation. And so I know that there is good faith on the part of everyone.

As you can imagine, however, we live in a very, very congested neighborhood. And it's not just the bars and the restaurants.

There are issues having to do with -- and please don't get offended -- we have issues having to do with some of the churches that are in the area, not in the Greek church, but one halfway down the block on Franklin Street. And we have church services going deep into the night and sometimes accompanied by lots of noise. We have had to work with the City on controlling that situation.

So when we look at the notion of the arrival of yet another new entertainment venue, even one that we sympathize with -- I love the Greek culture, I love Greek food, I've been to Greece -- that is not the problem.

Just thinking about some of the issues that some of the Commissioner's have been referring to, which is, there is no way that the arrival of this restaurant will reduce the amount of stuff going on in the neighborhood.

And being the father a 15-year-old and an 11-year-old, whose rooms abut onto this area, practically every night of the week, there are people coming back and getting in their cars on Franklin Street and sometimes they are not particularly courteous.

I'm convinced that all of the clients of this proposed restaurant will be the exact reverse; they will go to their cars, they will go out at whatever time they go out and will not make a single peep. But maybe that won't happen. Even if they were courteous and nice, they'll be talking.

And the scenario that we have, as a group, I sort of wonder about. We are talking about a building -- and I said this the last time -- we have a building which on certain nights of the week will be having things going on on all three floors. It's a big operation.

So you've got salsa on the top floor, on the second floor; you've got the club on

the first floor, they don't make any noise, except, if I can point this out to my neighbors, they do have that little driveway there into which about ten cars get packed. And then there is the moving in and out of cars.

And the discussion -- and the problem there, if you look at the configuration of the space there, you've got the Greek Club on one side, you've got the church corner on the other, and then you've got the Manning Apartments in that one little square.

That means that any normal conversation that occurs there gets projected. You can be talking with a regular voice and you get the echos there.

So I know that the club members try to be courteous, but as they move their cars in and out of that lot, that's yet another thing that is happening in the area.

So trying to get to a formula of the

way of our section of the street, which is the street that is most directly affected by this, we are the ones that are right behind this site, we came to a consensus that -- well, we would describe our attitude as tolerating the arrival of the club, assuming that all those conditions be met, the ones that were laid out by Mr. Panico.

But I think we would be being hypocritical if I -- I like Penny, I like this project, but to convince, you know, to get everybody to sign this, I mean, do we need another entertainment establishment right across the street from us.

We got the Green Street there, they are kind of under control there, but for many years they weren't under control.

I've been there for 15 years and, generally speaking, I think we are in a good moment in Central Square, but that could come undone.

So I think trying to synthesize the way we feel, we are okay, we aren't going to be signing petitions and coming out with placards saying "no restaurant." But on the other hand, we feel it would be somewhat foolish on our part to say, "Oh, yes, we absolutely have to have another restaurant right in this neighborhood, which is served by the fact that there is many, many restaurants.

If we do get a Greek restaurant, I'm sure they will be good clients and we'll be happy and enjoy the food but we also want to sleep at night.

And there is people on the first floor in that building, they got twins that are two months old, they are awake, they're going to be disturbed at night, and we all got to go to work in the morning. That's our main concern.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: No questions.

GERALD REARDON: No questions.

MICHAEL GARDNER: Any other member of the public who would like to be heard on this matter?

Anything, Mr. Panico?

ATTORNEY VINCENT PANICO: Yes. I just wanted to comment on Chief Reardon. I described this location in the basement and it is really surrounded by solid walls, granted not as good as he.

But the petitioner has promised that she would soundproof the place to whatever extent is necessary so that there is no sound coming out of there; not that I think there would be any anyway under its presents configuration, but she is willing to take whatever steps are necessary.

MICHAEL GARDNER: Thank you very much.

I make a motion to take this matter under advisement for consideration at our

October 27th Decision Hearing?

ROBERT HAAS: Seconded.

MICHAEL GARDNER: Any discussion?

GERALD REARDON: No.

MICHAEL GARDNER: Motion having been made and seconded to defer this matter, take it under advisement until our October 27th Decision Hearing, all those in favor signify by saying "aye."

ROBERT HAAS: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: Any opposed? None opposed. So we'll take this matter up on the 27th.

I would say we appreciate all of your hard work in collecting these signatures and helping us understand it better. I think that you all may want to have some discussions among yourselves about this and you can always communicate anything in a letter to the Commission.

And we will also be reviewing this issue of occupancy and how we would be breaking things down floor-by-floor if that's an issue. Thank you.

ATTORNEY VINCENT PANICO: Thank you.

PENNY HAMOURGAS: Thank you.

NICHOLAS HAMOURGAS: The October 27th, what time?

MICHAEL GARDNER: It's 10:00 on the 27th.

PENNY HAMOURGAS: It's not a public meeting?

MICHAEL GARDNER: Well, it's a public meeting, but we won't particularly be taking testimony.

NICHOLAS HAMOURGAS: Morning or night?

MICHAEL GARDNER: Morning, 10:00 in the morning.

GERALD REARDON: But if, for example, Mr. Panico had some additional information, he

could drop it off.

MICHAEL GARDNER: We have heard people before.

PENNY HAMOURGAS: I understand your concerns. I totally understand.

GERALD REARDON: And we understand your concerns also.

PENNY HAMOURGAS: Right.

GERALD REARDON: You want to have a license --

PENNY HAMOURGAS: Absolutely. We've had one now for ten years. What does the Commissioner in Boston say, the ABCD, "It is a privilege to hold a license in the state of Massachusetts."

ROBERT HAAS: Thank you very much.

MICHAEL GARDNER: Thank you.

GERALD REARDON: Thank you.

MICHAEL GARDNER: So just, procedurally, this matter was heard first with Deputy Chief Mahoney; is that right?

ELIZABETH LINT: I don't think so.

MICHAEL GARDNER: And you were here, Commissioner Haas?

GERALD REARDON: I'm on vacation the week of the 27th --

THE COURT REPORTER: Excuse me. I can't hear you.

GERALD REARDON: I'm on vacation the week of the 27th, and I don't know if I'll be back here or not. If I can, I will.

MICHAEL GARDNER: We'll deal with what we have.

Any minutes that haven't been approved that we can approve?

October 4th, we saw, I made some comments.

ELIZABETH LINT: We sent a request for the changes.

MICHAEL GARDNER: Did we approve those as amended?

ELIZABETH LINT: Absolutely.

MICHAEL GARDNER: Chief, you were here, right? October 4th?

GERALD REARDON: Yes.

MICHAEL GARDNER: Commissioner Haas was out?

ELIZABETH LINT: Right.

GERALD REARDON: And I saw your comments, I have no problem with it.

MICHAEL GARDNER: So I move we approve the minutes from October 4th as amended by the comments we've already provided?

GERALD REARDON: Seconded.

MICHAEL GARDNER: Commissioner Haas won't vote on this.

All those in favor, signify by saying "aye."

GERALD REARDON: Aye.

MICHAEL GARDNER: So two yes, none opposed.

Are there any other minutes?

ELIZABETH LINT: There are but I don't have it hear. I have a little chart upstairs.

MICHAEL GARDNER: That may be something we could do on the 27th?

ELIZABETH LINT: Absolutely.

MICHAEL GARDNER: Would you get that set and square for us.

Is there any other business before the Commission this evening?

ELIZABETH LINT: I have nothing.

MICHAEL GARDNER: Seeing none, a motion to adjourn would be in order.

ROBERT HAAS: Seconded.

MICHAEL GARDNER: Motion having been made and seconded to adjourn the meeting at approximately 7:29 on the evening of October 18th. All those in favor, signify by saying "aye."

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: And none opposed so the meeting is adjourned.

Thank you very much.

(Whereupon, the Hearing was adjourned at 7:30 p.m.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified Shorthand Reporter and Registered Professional 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 this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skills and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of October, 2011.

Evelyn M. Slicius
Notary Public
Certified Shorthand Reporter
License No. 127193
My Commission Expires:
May 15, 2013

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