

## 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  
Tuesday, January 20, 2009  
6:00 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday evening, January 20, 2009. It's 6:00 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman, Richard Scali, Deputy Chief, Dan Turner, and Commissioner Robert Hass.

If anybody has a cell phone on, we'd ask that you shut it off please.

MR. SCALI: Just for the record, our fire exits are here to my right and to the back to the left, and the door stays open at the back at all times for fire exiting purposes.

MS. LINT: Commissioners, if you could accept the minutes from December 23 and January 6?

MR. SCALI: Motion, Commissioners, to accept those minutes?

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: Moved, seconded. All in

favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye. Thank you for reminding me to do that.

Welcome to you all, good evening. Happy inauguration to those of you who are celebrating.

Our first item -- let's go to our Addendum Item, which would be the addendum item for Three Aces Pizza.

MS. LINT: Disciplinary matter continued from January 6, 2009, Stamatis Eliadis, Manager, holder of a Wine and Malt Beverages as a Restaurant license for having a lengthy absence from his establishment without notifying the License Commission.

MR. SCALI: Three Aces, do you want to come up here to our table and have a seat. Could you give us your names for the record please, so the stenographer has it on record?

MS. TRIANTAFILLOU: Good evening, my

name is Katherine Triantafillou. I represent Mr. Stamatis Eliadis.

MR. ELIADIS: Stamatis Eliadis.

MR. SCALI: Nice to see you Ms. Triantafillou in our casual setting here.

MS. TRIANTAFILLOU: It's so nice to see you Mr. Chairman. Although, I'm a little worried about those wires hanging down there.

MR. SCALI: That was our cable hook up for the inauguration, so no need to worry.

Mr. Eliadis, when we were last here you had a number of things going on, and a bunch of confusion about a bunch of different things. So tell me where you are at now.

MS. TRIANTAFILLOU: If I may interject, Mr. Scali?

MR. SCALI: Yes.

MS. TRIANTAFILLOU: There are still a number of things going on. And as I indicated to you late last week, because I couldn't get in touch with Ms. Lint, and also because of the holiday I didn't have the opportunity to review the file. I

have met with my client, but I'm not sure I have a command of all the facts that you may be interested in, in this Disciplinary hearing.

Suffice it to say we take it very seriously and we would like to resolve it as best we can so that Mr. Eliadis can continue to have a liquor license and be in good standing with the City as he has been for the most of his 32 years of doing business in the City.

I don't know if it would be appropriate -- I see that this is actually a continued hearing. I don't know if it would be appropriate to give me another week so that I can catch up, or if there is something we can do in the interim. How do you feel about this?

MR. SCALI: Maybe Mrs. Lint can fill us in on some of the details that have come in in the last few days, or this week.

MS. LINT: Most recently, I had a call from Harvard saying that Mr. Eliadis did not wish to reopen and that Harvard was buying out his lease.

MS. TRIANTAFILLOU: They have had a discussion. He did not have the benefit of counsel at that discussion, but that is correct that they have talked to him about his lease. So that is an additional wrinkle that has complicated this conversation.

MR. SCALI: So they've offered to do this but you have not accepted; is that the deal?

MS. TRIANTAFILLOU: I hate to be more specific since we are on the record, but I do believe the conversations were -- we were under the impression they were private, so I'm kind of surprised that they've called and talked to the City about these conversations. But in any event, Harvard is Harvard.

MR. SCALI: Did Mr. Lucee call you?

MS. LINT: Yes.

MR. SCALI: I guess he felt he could do that for some reason.

There are two issues I guess. One is the issue of Mr. Eliadis somewhat making an agreement with the people that were in there for

the sale of the license and the premises, and then somehow or another application was filed. Whether Mr. Eliadis signed that or not I guess is an issue that's in question. That is the first issue.

The second issue then is the issue of him then leaving the country for two or three months, and leaving the new people there in charge to run the premises while he was away, even though they hadn't been heard yet, and applied, and been granted the license.

Then the third issue is the issue of him being able to go back in there now if he wanted to go back in there, and the building sign-offs, and all the other issues that are going on there with the changes that were made while he was gone.

MS. TRIANTAFILLOU: Right.

MR. SCALI: At this point in time, you're closed; right?

MS. TRIANTAFILLOU: Yes.

MR. SCALI: Until those issues are resolved. The issues of safety I guess are the primary issues.

MS. TRIANTAFILLOU: Yes. In fact, he's been correcting those as we go along. There's been a number of workers in there. I think most of these issues are if not close to being corrected, are corrected, but I don't have a full rundown. I have a general sense of what's been fixed and what's been complained about, and I believe we are close to fixing them, but he's not open right now.

MS. LINT: I did speak with Ms. Boyer this afternoon and electrical is still not completed.

MR. SCALI: Not satisfied?

MS. LINT: No.

MS. TRIANTAFILLOU: I think part of that Harvard had to deal with some of that.

MS. LINT: I don't know.

MS. TRIANTAFILLOU: Part of that electrical issue was Harvard's problem, which we won't get into.

MR. SCALI: As landlord, they are responsible for the building anyway.

MS. TRIANTAFILLOU: Yes. So that was

something of their own doing and it needed to be rectified, but they were working on it. The other parts I think have been dealt with.

MR. SCALI: Your request for a continuance -- are you feeling that you will be able to help him? We don't meet again until February.

MS. LINT: February 10.

MR. SCALI: We have a Decisionmaking meeting on the 29th. We meet on the 29th at 10:00 a.m. for our Decisionmaking.

MS. TRIANTAFILLOU: The 29th of January or February?

MR. SCALI: January 29 at 10:00 a.m. is our Decisionmaking meeting. Do you feel that you would have a better handle on it by then?

MS. TRIANTAFILLOU: I think so. I would like to think so by then. But do you actually have a hearing before the 29th?

MR. SCALI: No. We meet now, and then next Thursday morning, and then we meet February 10, again.

MR. HAAS: Would we be able to bring it up on the 29th or do we have to wait until the 10th?

MR. SCALI: We can do what you want at that point, if you want to continue it. Do you think you need further information, further evidence?

MR. HAAS: From our perspective, it wasn't clear to us when Mr. Eliadis spoke to us last time. You're still not clear on it. It still sounds like there's a whole bunch of issues that haven't been resolved yet.

I'd be willing to continue to the 10th provided the restaurant doesn't reopen between now and then, until we have an opportunity to figure out what's going on, what the status of the restaurant is. So I mean, as long as Mr. Eliadis is comfortable with the fact that he's going to remain closed until the 10th. It sounds like there's a whole bunch of issues that haven't been resolved.

MS. TRIANTAFILLOU: It seems like one

thing starts and the next thing happens. It's a cascading number of issues that continue to happen. The reason we're here tonight obviously is to show our good faith; to demonstrate we're trying to fix it, whatever "it" is.

MR. HAAS: There may be many its.

MS. TRIANTAFILLOU: There are many its in this case, so that's why I wanted to make sure I come here tonight and just not send him here by himself like he was here last time.

MR. HAAS: We're glad you're here.

MR. SCALI: Is it your wish to be closed? I guess I'm not quite sure.

MS. TRIANTAFILLOU: Is there a way that we can get back to you before the 29th about all of these issues, since you're going to be making a decision?

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I'd like to point out while I was present with Building Department, Ms. Boyer, during the course of our inspections, there

were many many customers attempting to enter the establishment for a meal, so that is kind of a staple in the neighborhood. I would like to see if he chooses to open and see if we can expedite getting him reopened.

MR. HAAS: Mr. Chair, my only dilemma is that I don't think we've got a full picture of what's going on yet. I don't know how you can make a decision based on pieces of information. That's my problem.

We're still not very clear about what the transaction was that took place when Mr. Eliadis left the country, what the status was. We still have the issue of the application that we haven't resolved yet. Again, now there are some other issues going on with respect to the lease. So I'm not sure without hearing further testimony and clarification on those issues, I don't know how I could make a decision at this point in time.

MS. TRIANTAFILLOU: Can I ask a clarifying point? And I appreciate you mentioning that because Three Aces Pizza has literally been a

landmark in Harvard Square for as many years as Mr. Eliadis has been here, so I appreciate you noticing that because this is a man who has put his life-blood into this business. And there certainly were some unfortunate occurrences recently.

At this point, are you most concerned about the application or the fact that he -- I guess this would help me hone in on what it is you want to hear more of. Was it the application that was filed or is it the leaving the country without -- is there a way you can narrow me down here.

MR. SCALI: I think the first issue is a safety issue of the building, and the electrical and the plumbing issues that during the inspection that are safety issues. So that's the first thing for anybody's use, whether it's him or whoever goes in there.

The issue the Commissioner was talking about is the issue of the supposed alleged fraud on the application where Mr. Eliadis did not sign the application but someone else did. That's a big issue for us as well, a criminal issue actually.

Then the issue of him leaving the country without being there is just as important, but I guess that would be the third on the list in terms of importance. They're all pretty equal there in terms of what we need to here on.

MS. TRIANTAFILLOU: How about if we do this: How about if we take the hearing date of February 10, but if we can resolve some of these issues perhaps I can submit some information to you in writing before the 29th?

MR. SCALI: That's certainly fine. We can't really make a decision until we all vote though is what the Commissioner is trying to say. So we could certainly get information ahead of time to make a decision, some kind of decision on the 29th. Whether it means being closed still, or continuing it again, I guess would be the issue for further evidence.

MS. TRIANTAFILLOU: Why don't we do that, because I think that way I can -- I would rather give you a very clear picture of what's going on and not dance around this stuff. Again, I

would prefer to be very candid with you about the information but I don't want to misspeak given the limited amount of time.

Like I said, if we have a little bit more time perhaps we'll resolve it. I can send you a letter and say, A, B, and C, we don't need a hearing or A, B, and C, we do need a hearing.

MR. HAAS: I want to ask the Deputy Chief, was there alterations made to the establishment since Mr. Eliadis left the country; is that what the issues are? Or, is it in disrepair?

MR. TURNER: There were just very minor alterations as far as the second occupant that took over. They moved some equipment around, brought a new oven in, for example. Interestingly though, the landlord has a problem with the building and the landlord did some work in there as well. So I think that's the wiring issue with the landlord.

Most the issues were minor in nature, again, accumulative but minor in nature, and easily

correctable. I think once those issues were resolved as far as the Fire Department had no problem with the establishment reopening. I was waiting for a clean report from Ms. Boyer.

The issue I had was the hood, the hood over the grill needed to be cleaned. I don't know if that's been taken care of.

MR. ELIADIS: That was cleaned. That's been taken care of.

MR. TURNER: Then Ms. Boyer was going to get all the paperwork on that so I was waiting for a clean report from her.

MR. SCALI: Mr. Hedley is here to continue with that; Ms. Boyer is away on vacation right now.

MR. TURNER: But that's notwithstanding your investigation of the application.

MR. SCALI: I think if it is true and you do decide to take Harvard's offer, and you did notify us of that, then you'd need to decide to apply to put the license as inactive, and then I

guess decide whether you're going to sell the license or whatever it may be. How that would all happen would be up to you to apply for at that point in the future.

I think that's what Ms. Lint was referring to. I think she assumed that you all agree to that already and we didn't think that you were in disagreement in some way. Maybe you aren't, I don't know. I think we thought that was going to be a happy solution to him not reopening.

MS. TRIANTAFILLOU: It may very well be. I was just kind of surprised that you already knew about it before anyone had signed on the dotted line.

In any event, that would be great and I appreciate the feedback, because it does help me understand a little bit more about it. Like you said, it may vary well be just in the form of a letter saying this is what we're going to do and the course of action, in which case, we don't need a full-blown hearing. We can just proceed on Plan B as opposed to Plan A.

MR. SCALI: All right.

MR. HAAS: I guess the triggering thing would be if you want to open the establishment before you have a chance to have a hearing, I think that's the only issue we have. If you're content staying closed, you know, I don't think it makes --

MR. ELIADIS: We'll remain closed.

MR. HAAS: Depending on which plan you want to go with, Plan A or Plan B. If you decide to go Plan B, I would imagine you're not going to open again is my guess, and what you'd be looking for is an inactive status on your liquor license; that's my guess.

MS. TRIANTAFILLOU: You're looking at a business owner that has been done-in by the circumstances, a small business owner who has been done-in.

MR. HAAS: But it's still not clear to me what the business transaction was with the fellow that took over, and what was going on there. So I'm still not certain what that was all about

there.

MS. TRIANTAFILLOU: I'm attempting to retrieve all the documents. He was represented by a number of different attorneys prior to me. So rather than say what I think it is, I'd prefer to look at the documentation and say this is what I know what went on. I don't think anybody is trying to withhold anything.

MR. HAAS: I think we're looking for clarification, too, so I think this is what we're looking for.

MS. TRIANTAFILLOU: And well you should have it.

MR. SCALI: A motion to continue to January 29. Moved?

MR. HAAS: Moved.

MR. SCALI: Seconded?

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

So January 29 at 10:00 a.m. here, and if you have information before that, get that to Mrs. Lint and we'll be happy to consider it and move on from there.

MS. TRIANTAFILLOU: Again, when you say on the 29th, you're having a hearing, not a public hearing, you're just having a meeting?

MR. SCALI: No. It's a public hearing but it's a decisionmaking meeting, so we normally don't take additional evidence unless we've continued it for that purpose. So that's why we say it's continued for additional evidence at this point in time.

MS. TRIANTAFILLOU: Thank you so much. I really appreciate it.

MR. HAAS: Mr. Chair, just for clarification purposes, your understanding is the establishment will not open prior to January 29.

MS. TRIANTAFILLOU: No, he won't.

MR. SCALI: No.

MS. TRIANTAFILLOU: Unless maybe I go in there and try some ice cream hot dogs, you know.

But I won't do that.

MR. SCALI: Thank you both very much,  
and we'll see you on the 29th.

MR. SCALI: Let's do the other Addendum, Mrs. Lint.

MS. LINT: All Common Victualer, Entertainment, Used Car Dealers, Jitneys, and Disposal Licensees who failed to complete their renewal process for the 2009 license year. That would be: Corporate Cafe, Cambridge Auto, Back Bay Coach, Well Space, JP Licks at Harvard Square, Muquecka Restaurant, Pacific Street Cafe, Werner's, Borders, Aiyara, Market in the Square, and Aji Gourmet.

MR. SCALI: Give me the restaurant ones first. Which ones are the restaurants?

MS. LINT: JP Licks.

MR. SCALI: JP Licks? Not here.

MS. LINT: Muquecka.

MR. SCALI: Muquecka?

MS. LINT: Pacific Street Cafe.

MR. SCALI: Pacific Street Cafe?

Okay, come on up. Have a seat. Tell us your name for the record, please.

MR. OULD-SFIYA: Nouredine Ould-

Sfiya, N-O-U-R-E-D-D-I-N-E O-U-L-D-S-F-I-Y-A.

MR. SCALI: So you are the owner of Pacific Street Cafe?

MR. OULD-SFIYA: Yes, sir.

MR. SCALI: The issue with Pacific Street Cafe is the Workman's Compensation?

MS. LINT: Yes.

MR. OULD-SFIYA: It's been working fine for the last two years. The guy came in like a month ago and he asked for some papers, and I gave him whatever I could. He was asking for 2006, and the company who did my accounting stuff on 2006, is out of business. So give him 2007, 2008.

MR. SCALI: Are you talking about taxes? We're talking about the Workman's Compensation insurance.

MR. OULD-SFIYA: He didn't want to renew that because he was auditing my 2006, 2007, and 2008.

MR. SCALI: Auditing?

MR. OULD-SFIYA: Yeah. That's the thing, that's the only problem. He didn't let me

renew it because he said the auditing process was not done. But the payment is fine, everything is fine.

MR. SCALI: Did they give you a binder? No. They won't give you a binder until they do the auditing.

MR. OULD-SFIYA: Correct.

MR. SCALI: So you're open now without any insurance.

MR. OULD-SFIYA: They were getting paid all this time.

MR. SCALI: Unfortunately, we're required to make sure you have Workman's Compensation insurance in order for you to be open. We have already shut down one restaurant that does not have Workman's Compensation insurance.

We were trying to figure a way to make it easier for you so that it will give you some time to get it paid, then to get you a binder, but it sounds like it's going to be a long process for you.

MR. OULD-SFIYA: It was an emergency

and I was out of the country for three weeks, so that's the only problem I had also. So if I have some time, I think I'll be able to get it done.

MR. SCALI: We have to decide whether you're going to be open until then because legally you're not supposed to be open. How long is it going to take you, do you think?

MR. OULD-SFIYA: A couple of weeks.

MR. SCALI: We're going to have trouble with that.

MR. OULD-SFIYA: I've been great for the last three years. It's never been a problem.

MR. SCALI: It's not a matter of the past. It's a matter of if something happens to one of your employees right now, you've got no insurance, and you're required to adhere to all the laws to be open. It's already January 20, so you're talking 20 days into the year where already you don't have insurance. I guess we have to look at that issue.

Any other issues that were related to this?

MS. LINT: Not that.

MR. SCALI: Why don't we put you aside for now and hear any of the other restaurants? Do you want to vote on this at this point in time, Commissioners? Or, would you prefer to take the matter under advisement? I will tell you for the record, we've already closed East Square. For the last three weeks they've been closed. East Square in Harvard Square has been closed for not having Workman's Compensation insurance.

MR. TURNER: Mr. Chair, I don't see how we can allow him to stay open. I just don't see any legal recourse here.

MR. OULD-SFIYA: Please give me at least a week and I'll be able to do it, because if I close, I won't be able to open again. I'll be out of business completely. I will lose my staff, I will lose everything. All I need is just --

MR. SCALI: Is this the only issue that's going on with you? Are there other issues that are happening?

MR. OULD-SFIYA: Nothing at all. I

never had an issue at all. It's just the guy didn't even return my calls. Believe it or not, I've been trying for the last week or so to just get him to answer my phone calls.

MR. SCALI: I think we just take it under advisement right now, Commissioners, until we hear some of the others that are here. If you could just take a seat in the back and then we'll go through the list until we hear the others.

MS. LINT: Werner's is not here. I spoke with Mr. Bennett this afternoon. He said he had a conflict and couldn't be here and that we would have his binder tomorrow. I indicated that we should have had it three weeks ago.

MR. SCALI: All right. Next on the list?

MS. LINT: Borders.

MR. SCALI: Borders? Not here.

MS. LINT: Aiyara.

MR. SCALI: Aiyara?

MR. HAAS: Are these all for the same issue?

MR. SCALI: Yes.

MS. LINT: Market in the Square, we did get a binder from them but their address with us and the City is 45 Brattle and the binder said 60 Church.

MR. SCALI: It's the same. So he's all right.

MS. LINT: Aji Gourmet.

MR. SCALI: Aji? I saw him at the counter or something. Didn't he come? Oh, you weren't here last week; that's right. He did come to the counter and talk Cara. I'm not sure what that issue is though. He had the very same issue with the address being wrong, because it is under the main address of the building and not his actual address. He's trying to work that out.

MS. LINT: But we don't have it.

MR. SCALI: He actually has the binder. He showed me the binder.

Anybody else? That's it for restaurants?

MS. LINT: That's it for restaurants.

MR. SCALI: Entertainment?

MS. LINT: That's all of them.

MR. SCALI: That's everybody?

MS. LINT: Entertainment -- Sorry,  
Well Space.

MR. SCALI: Well Space? Not here.  
Who else?

MS. LINT: That's it for  
entertainment.

MR. SCALI: Used Car Dealers?

MS. LINT: Cambridge Auto.

MR. SCALI: Cambridge Auto? Not here  
I guess. Jitneys?

MS. LINT: Back Bay Coach.

MR. SCALI: Back Bay Coach? Disposal  
companies?

MS. LINT: No. CV, Corporate Cafe.

MR. SCALI: Corporate Cafe? Not here.

MS. LINT: That's it.

MR. SCALI: On those that are not here  
and have not responded to Ms. Armstrong, I guess  
the motion would be then to cancel the licenses for

2009. Discussion?

MR. HAAS: They've all been properly notified; right?

MS. LINT: Oh, yes, many times.

MR. HAAS: What would be the mechanism if they produce a binder between now and the 29th?

MS. LINT: There are two different things: the CV, and Auto and Jitney, and Entertainment didn't pay.

MR. HAAS: Didn't pay for their licenses at all?

MS. LINT: Yes.

MR. HAAS: I guess the question is, what if they make themselves whole between now and the 29th, what happens?

MS. LINT: That's up to you.

MR. SCALI: We could then make a motion to reinstate them, if you wish, or have them reapply.

MR. HAAS: But we have to wait until the 29th?

MR. SCALI: You could do that, if you

wish. Take the matter under advisement?

MR. HAAS: Wouldn't that do the same thing?

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: What mechanism do we have to notify them between now and the 29th?

MR. SCALI: Mr. Hedley is here and he's ready to hand-deliver letters tomorrow morning.

MR. TURNER: Hand-deliver letters?

MR. SCALI: Yes.

MR. HAAS: I move we take up the motion.

MR. SCALI: Motion on those that have not appeared to cancel the licenses. Moved. Seconded?

MR. HAAS: Aye.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

On those that have appeared, Pacific Street Cafe; Werner's, who did contact us, we'll have the binder tomorrow. Do you wish to take action on Werner's at this point?

MR. HAAS: I would offer that if he doesn't produce a binder tomorrow, then his license should be suspended.

MR. SCALI: All right. Motion?

MR. HAAS: Motion.

MR. SCALI: Moved. Seconded?

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I would offer Pacific Street Cafe that same leniency that if we're going to grant Werner's some extension, I would grant Pacific Street Cafe some extension, some leniency to produce the paperwork.

MR. SCALI: How much time do you wish to give him?

MR. TURNER: End of business day,  
Friday.

MR. SCALI: By Friday, sir?

MR. OULD-SFIYA: I will do the best I  
can. Thank you so much.

MR. SCALI: We haven't voted it yet.  
It's just a suggestion.

MR. OULD-SFIYA: I would like more  
time but it's --

MR. SCALI: We're talking about the  
safety of employees.

MR. OULD-SFIYA: Right, they're my  
employees too. I totally understand. I pay my  
mortgage out of that business too, so it's more  
than --

MR. SCALI: I will make the motion  
then that we extend time to 12:00 noon on Friday.  
We close at 12:00 noon on Friday, so 12:00 noon  
this Friday. If not, the license will be closed at  
that point in time, 12:00 noon on Friday.

MR. OULD-SFIYA: Thank you.

MR. SCALI: Moved.

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

MS. LINT: Disciplinary matter: Alcohol establishments that failed to attend one of the License Commission's mandatory renewal meetings held on October 30, November 5, and November 6. Hi-Rise Pizza and Portugalia are the only two that we haven't heard.

MR. SCALI: Those that weren't able to come last time. Portugalia? Come on up. Have a seat. Just tell us your name for the record.

MS. VALENTE: Maria Valente.

MR. SCALI: Tell us why you didn't come to our mandatory meeting.

MS. VALENTE: I got the times mixed up on the last meeting. I went at 1:00 instead of 10:00, and no one was there.

MR. SCALI: You usually come to these meetings. You always come to the meetings.

MS. VALENTE: I do. In 30 years, I don't think I've ever missed any of it, but I'm just confused. A lot of stuff going on.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

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

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We'll see you next year.

MS. VALENTE: I'll be there.

MR. SCALI: Just call ahead if you  
can't come.

MS. VALENTE: Okay, thank you.

MS. LINT: Hi-Rise.

MR. SCALI: Hi-Rise, come on up.

MR. NAVERATIL: No pizza though.

MR. SCALI: No pizza?

MR. NAVERATIL: It's not Hi-Rise  
Pizza.

MS. LINT: Oh, yeah.

MR. NAVERATIL: Alan Naveratil.

MS. LINT: I'm not sure why I said

that.

MR. SCALI: Oh, she said Hi-Rise  
Pizza?

MS. LINT: Yes.

MR. SCALI: So tell us why you didn't  
come to our mandatory meeting.

MR. NAVERATIL: I really don't have  
that good an excuse. It must be early onset  
senility.

MR. SCALI: You're not that old.

MR. NAVERATIL: I put it on my  
calendar and when I got into work on Friday -- I  
usually have Wednesdays and Thursdays off -- so all  
the meetings were on my days off. When I got into  
work on Friday I was like, "ah."

MR. SCALI: Did you get our letters in  
the mail?

MR. NAVERATIL: Yes. I signed up for  
Wednesday, the 5th.

MR. SCALI: So you did get it and you  
signed up, and then just forgot.

MR. NAVERATIL: And then just forgot.

MR. SCALI: I think we've been asking for e-mail addresses too, hoping that will make it easier than opening up letters, if you just get an e-mail. That might be helpful.

MR. NAVERATIL: I responded to the letter.

MS. LINT: He did respond to the letter.

MR. NAVERATIL: I just plain forgot. I'm sorry.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

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

MR. HAAS: Motion.

MR. SCALI: Seconded?

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: That's your free pass for the year. See you next year.

MS. LINT: Disciplinary matter:

Continued from August 11, 2008, Jaswinder, Incorporated d/b/a Cafe of India, holder of an All Alcoholic Beverages as a Restaurant license at 52A-52B Brattle Street; Manpriya, Incorporated d/b/a Doma, All Alcoholic Beverages as a Package Store license at 56 JFK Street; Libby's Market, Incorporated d/b/a as Libby's Liquor Market, All Alcoholic Beverages as a Package Store license at 575 Massachusetts Avenue, for holding two Package Store licenses(Section 15) and one Restaurant license(Section 12) in the same Municipality. This is a violation of Massachusetts General Laws, Chapter 138, 17.

MR. GOLDBERG: Attorney William Goldberg representing Jaswinder, Inc.

MR. SINGH: Jaswinder Pabla.

MR. SCALI: Where are we at?

MR. GOLDBERG: I anticipate that there will be documentation signed and ready to be filed by next week. I have most of the documentation prepared. There has been some delay because of

change of officers, and we finally resolved that issue. We're waiting just for -- I have to file an amendment with the Secretary of State's office, and a change of officers of the corporation.

Most of the other detail, except for a 973 has been prepared and ready to go. So I anticipate that all the papers will be signed, prepared, and ready for presentation by next Wednesday.

MR. SCALI: So that would place it on the hearing for February 27.

MS. LINT: The second hearing?

MR. SCALI: Are you planning on making the second hearing in February; is that what it is?

MR. GOLDBERG: Yes.

MS. LINT: It's the 24th.

MR. SCALI: I know that Mrs. Lint called the ABCC to talk about this whole issue of transparency, and making sure that the person you're transferring to is actually going to be the owner and all that. Are you going to be very confident that this is going to be a very

transparent application?

MR. GOLDBERG: I believe so. I have been a director of the corporation on other filings with the City. I'm going to maintain that position and whatever role I can be to maintain the separation, which is the key here, I will do so.

I take that responsibility because I know the seriousness and the delay that has been occasioned because we could not get a complete package. I indicated who that was going to be. It is a relative. It's the wife of the founder of the restaurant. I've had conversations with her. She's a very bright person, and I think she understands the situation, and doesn't want this restaurant, which has been in Harvard Square for so many years, to flounder, and she wants it to keep going. And you'll have a chance to see her when we come in, in the next round.

MR. SCALI: I don't want to pass judgment on an application that is not before us at this point in time. I guess the issue is do we give you that much more time to file that

application. I know that you've been trying to do this for a number of months; it's almost a year.

MR. GOLDBERG: I know that Ms. Lint spoke with Mr. Kelly, Council. I had already done that. I know the term "transparent" is the key word here.

MR. SCALI: That's the word he used.

MS. LINT: One of them.

MR. GOLDBERG: Well, he used it with me as well. When all the documents are prepared, just to be on the cautious side, I'll run it by him again. He indicated to me that so long as there is separation of the Pablas from the corporation, Jaswinder, Inc. that he saw no problem with it. He used the term "transparent"; however, I never actually understood that complete definition of the word "transparent," but I'll know soon enough.

MR. SCALI: Questions, Commissioners?

MR. HAAS: Can you just explain the arrangement again? It's my understanding that somebody is going to take over ownership of the restaurant. Is there going to be a change in

officers?

MR. GOLDBERG: There is a petition before the License Commission now that had to be returned because of the non-separation of the Pablas, the brothers, within the restaurant.

Some time ago, we sold stock to a Rashpal Singh. That's what triggered the problem when it came before the ABCC. I want to be able to reactivate that so that one of the Pablas, which is Amri Pabla will be totally separated. Part of that initial application, Jaswinder got some of the shares of his brother. So now we have to get his shares to somebody else.

MR. HAAS: Mr. Singh will manage the restaurant?

MR. GOLDBERG: No, no, no. There is another Singh. His name is Rashpal Singh who will be the manager.

MR. HAAS: For the restaurant?

MR. GOLDBERG: Yes. He is working there now. He is a citizen and he can be a manager.

MR. HAAS: So who's getting the controlling stocks of the restaurant?

MR. GOLDBERG: There's 25 shares in the name of Mohinder Singh; there's 25 shares in the name of Jagdi Singh; there will be 35 shares in the name of Ms. Kowa; and then there will be 15 shares in the name of Rashpal Singh. That's the hundred shares.

MR. SCALI: And the person that you had to eliminate was Mr. Pabla?

MR. GOLDBERG: Exactly.

MR. HAAS: And the relationship is?

MR. GOLDBERG: There is a relationship, yes.

MR. HAAS: No. The controlling relationship, is that still his mother?

MR. GOLDBERG: Yes.

MR. SCALI: And you propose to transfer the shares of stock to whose wife is it?

MR. GOLDBERG: Babir Singh, who was the father and has previously died.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. SCALI: Motion to continue this matter to February 24 when the application will be heard at that point in time. Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Thank you very much.

MS. LINT: Application: Ace Brand, Incorporated d/b/a Bambaci, Gary Strack, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 2465-2475 Massachusetts Avenue has applied to transfer said license to Bourbon Coffee North America, Inc. d/b/a Bourbon Coffee, Mathew Hodges, Manager. Proposed hours of operation are 7:00 a.m. to 10:00 p.m., Sunday through Wednesday and 7:00 a.m. to 11:00 p.m., Thursday through Saturday. Applicant has also applied to pledge said license and pledge stock or shares to George Katis. Applicant is also applying for an Entertainment license to include an audio tape machine/CD playing music below, at, or above conversation level.

MR. SCALI: Good evening.

MR. RAFFERTY: Good evening Mr. Chairman, Commissioner and Deputy Chief. For the record, my name is James Rafferty appearing on behalf of the Applicant, Bourbon Coffee of North America, Inc. Seated to my left is the proposed manager, Mathew Hodges, and to Mr. Hodges' left is

one of the principals, Arthur Karuletwa.

MR. KARULETWA: K-A-R-U-L-E-T-W-A.

MR. SCALI: This is a momentous occasion, I guess.

MR. RAFFERTY: Historic in many ways. You might recall that the Commission was gracious enough to allow for an extension back in November on the Bambaci license, a vision that never made it to reality, regrettably. As a result, the licensee has structured a transaction to sell the license to this operation.

This is a location that has had a license premises for well over a decade. The home of the Marino Restaurant, a site and a venue built and constructed by Mr. Marino, and operated for many years at that location.

The concept here is for a cafe, but by every demonstrable measure it is a less intensive use I would suggest, than has been the case historically. The transfer application is seeking a reduction in hours, the opening time; a reduction in the capacity; and also represents a reduction in

the overall license premises area.

The concept itself is rather unique and Mr. Karulewa can walk you through some of the really special attributes of it. This is a cafe called "Bourbon Coffee." I've been educated about the word "Bourbon." I associated it with Jack Daniels, but in fact, it's a coffee.

MR. SCALI: That was my first thought, too.

MR. RAFFERTY: I thought, oh, Bourbon coffee, you have something put in your coffee to make it taste a little better. In fact, that is not the case. The Bourbon is a coffee bean and Mr. Karulewa is a native of Rwanda, and this is a cafe that really will be about showcasing Rwanda, Rwanda coffee trade.

The menu is being designed to be a cafe style menu. Jody Adams, a well-known restaurateur here in the city is consulting with the licensee around the menu. There are apparently two Bourbon Coffees in operation, both of which are in a Rwanda. So this would be the first one in

North America.

Mr. Karulewa actually lives in the City of Cambridge and was attracted to the location primarily because of his high regard for Cambridge, and his belief that the concept that he is proposing can succeed here on a variety of levels. The demand is there, the location will lend itself nicely to his concept, which would be a sit-down cafe. It would also have a retail component where he would sell roasted coffee.

If you know the space, you might recall that as you first come in, as you enter the premises there had been a deli area off to the left there and that would accommodate this operation's retail sales. The dining room would be on the first-floor, but the license premises currently also has capacity in the lower level; a function room that opened some years after the initial opening of the restaurant. This operator does not intend to conduct a public business at that location.

So on the license premises description

that is only listed as storage and a prep area. It's for that reason that the capacity being sought in terms of the operational capacity is 141, which represents a reduction of about 71 seats, which we would request remained banked with the license, but simply not utilized at this time.

MR. SCALI: What's the number you're banking?

MR. RAFFERTY: The difference between the 144 that they're proposing in the application, and I think the licensee here is 211, 220.

Mr. Katis is here, he might --

MR. KATIS: I believe 210.

MR. SCALI: So 210.

MR. RAFFERTY: The difference between 210 and 144 has got to be somewhere around 50, 60.

MR. HAAS: 56.

MR. RAFFERTY: See that.

MR. SCALI: The Commissioner is on the ball.

MR. RAFFERTY: I knew that, but I --

MR. SCALI: No, 66. So banking 66?

MR. RAFFERTY: Correct.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Just for clarification, the basement has the function room only? There's no other dining down there; correct?

MR. RAFFERTY: That's right, in that room. And in this floor plan they're not looking to utilize it. It's also a 1:00 a.m. license, and this operation would not remain open that late. The hours of operation would be until 10:00, Sunday through Wednesday.

MR. HODGES: It's 10:00, Monday through Saturday -- Monday through Friday, and 11:00 on Saturday.

MR. SCALI: Sunday through Wednesday, you applied until 10:00 p.m., and then you applied for 11:00 p.m., Thursday through Saturday?

MR. RAFFERTY: That's correct.

MR. SCALI: Is that what you want?

MR. RAFFERTY: I think that's what they want, but they -- I would say that's what you

want, would be my suggestion.

MR. SCALI: Mr. Rafferty has been around a long time. He's trying to get you that extra hour.

MR. RAFFERTY: If you chose not to use it, you might want to come in and modify it, but in my experience, given the demands upon the Commission and having to come back, you might want to start with that and then operationally --

MR. SCALI: You'll get what you want.

MR. RAFFERTY: We'll go with what's on the application. As you know, the nature of the cafe, if you look at the menu, is very much a -- it will be open, unlike most restaurants, it will have a day long presence: morning, lunch, and dinner.

It's very much a place where people are going to be encouraged to linger, remain. Frankly, not a place that would have anticipated a very heavy use of alcohol. The Entertainment license is quite benign, background music. A different style of restaurant from its predecessor, but nonetheless, a way to complement the food and

use the alcohol in a way that's very responsible, and frankly, will broaden the appeal, because despite all the other noble aspects of this, it is a business that needs to pay its rent, pay its employees, and hopefully succeed.

It's for that reason that this is seen as a valuable asset that would contribute to the overall economic success of the business.

MR. SCALI: What kind of cooking are you going to be doing on the premises, because one of the big issues many years ago was the smoke and the grilling?

MR. RAFFERTY: Thank you for the opportunity to raise that issue. Part of the renovation of the premises will include the removal of the wood burning stove that's there today. That carried with it, you might recall, a condition in the prior license around scrubbers and ventilation issues. That's going to become a moot issue because that wood burning stove, I'm informed by the operator and by the landlord, that wood burning stove is being removed and the issues associated

with that are likewise obviously going to be no longer.

MR. SCALI: Are they removing the stack, too, the whole scrubbing -- there's a whole system that was quite expensive that was put in. Are you removing all of that too?

MR. KARULETWA: Yes. It's part of the breakdown of whatever is coming out of there. So that should be coming out.

MR. SCALI: Tell us a little bit about your menu and your experience. I know this is your first venture in the United States, but tell us a little bit about your experience.

MR. KARULETWA: The venture is interesting to say the least because what we created in Rwanda in terms of cafe experience was directed really to expose and also alleviate the socioeconomic understanding of, and the plight of what this commodity does in this country, and what it has the potential to do to let people out of poverty, if well articulated, if well presented, and if well put this experience that we have.

So the menu will definitely be a vast amount of African origin coffees. It will be prominently Rwanda coffee because the company originates from there. It will allow us to highlight the essence and purity of our coffees. We'll also put that together with almost similar to a tapas menu with small bites that are good enough for lunch and dinner, but not heavy cooking and heavy -- you know, sitting down for a steak. And continue to allow people to get an understanding of the experience and atmosphere of the store that highlights what perception they think of Rwanda or the origin of Africa is, given a lounge and mood that matches the excellence of the coffee.

MR. RAFFERTY: I know you value our outreach. We did meet with the North Cambridge Stabilization Committee and there was an account of our meeting on the front page of the Cambridge Chronicle recently. A Richard Cleary, a member there is quoted as saying, "this is the obvious thing for this space." I don't know if you were there, but we did have a productive meeting, a full

exchange of information, and that was some time ago with representatives of the Neighborhood Association.

MR. SCALI: There were no conditions that they asked for, or issues? Did you receive any communication for Mr. Cleary or Mr. Brandon?

MS. LINT: I did not. I did receive an e-mail in support of from Charles Teague, as well as Laurie Costa and John Fuller.

MR. RAFFERTY: We did share with the Committee the conditions that had been attached to the Bambaci license by the Commission.

MR. SCALI: We're starting from scratch here again.

MR. RAFFERTY: Right.

MR. SCALI: I guess we don't need to talk about all the issues but some of the things maybe had been alleviated by your concept, per se. Two things that probably may not be alleviated are the issue of trash removal and parking are always the biggest concerns there. I see Mr. Tevan in the back of the room so I hope you went over and

knocked on Mr. Tevan's door and talked to him about the issues there in the parking lot. So tell me how you plan on --

MR. KARULETWA: I had an extensive conversation with the community members, and I am looking forward to speaking with Mr. Tevan. I apologize for not having a chance to in this time. The extensive conversation dealt with parking, trash, delivery, and so on and so forth.

Like you said, it is a start from scratch concept and we intend to do everything we can to participate with Mr. Tevan and the community members. Our entire staff who will also be playing a huge role in every effort to control the parking.

MR. SCALI: How are you going to do that? The issue there is you're sharing parking with Mr. Tevan and Norton's.

MR. RAFFERTY: I think to be accurate Mr. Chairman, that is not an accurate statement. We don't share any parking. The landlord is here today, and we have a parking lot that we are leasing as part of this. There may be some

easements and shared access, but there is no shared parking.

MR. SCALI: Okay.

MR. RAFFERTY: The Commission heard testimony at the prior transfer hearing a few years ago that restaurant patrons were parking in parking spaces that they didn't belong in, those that belong to the abutting liquor store. To alleviate that there were conditions around signage attached to that license. We had said that those conditions remained acceptable to us.

The other conditions by the neighbors involved no pick up in the rear of the restaurant before 7:00 a.m. or 9:00 a.m. on weekends, and we told the neighbors that that was a perfectly acceptable condition; that we would be happy to abide by that.

MR. SCALI: No pick up before what?

MR. RAFFERTY: I'm citing now the October 27, 2006 decision letter from the Commission concerning the prior license, and in fact, the current license. It says, "Trash is not

to be picked up in the rear of the restaurant before 7:00 a.m. weekdays, or 9:00 a.m. weekends."

Another condition --

MR. SCALI: That's the noise ordinance requirement anyway.

MR. RAFFERTY: It was a condition of the license that we willingly indicated that we would abide by. I'm not offering any further commentary beyond the fact that you saw fit to include it in your decision in '06, and we're perfectly willing to abide by it in this application.

There's also a Condition No. 6 in that decision that said, "Deliveries are not to be made in the rear of the restaurant before 7:00 a.m. weekdays, or 9:00 a.m. on weekends." And we similarly expressed a complete willingness to accept that condition in this use as well.

MR. SCALI: How are we going to police the spaces out in the parking lot? Are you going to have somebody out there making sure?

MR. KARULETWA: No.

MR. RAFFERTY: No. We're going to direct our patrons to park in our spaces, and we're going to anticipate that the abutting store owner's patrons don't use our spaces. We're not going to allow, we're going to make sure our customers don't park in his spaces. I don't know that there is anything beyond the fact that these are abutting businesses that have an abutting parking lot. The space has been empty for two years. I'm sure there hasn't been any difficulty in the last two years with regard to spaces.

MR. SCALI: I guess not.

MR. RAFFERTY: I don't know whether parking habits have developed with the abutting business in the two years that the space has been empty that may need to be modified, but I would say we're anticipating a fruitful business relationship. It's been a dark location for two years. Even the residential abutters expressed a desire to see activity return to that location.

MR. SCALI: So the signs will remain you're saying, labeling your spaces versus their

spaces?

MR. RAFFERTY: Yeah, but we've talked about that with the landlord. I think the landlord understands the benefit of having a clear delineation as to what goes with the restaurant and what goes with the abutting business.

MR. SCALI: Comments, Commissioners?

MR. HAAS: No comments.

MR. TURNER: No comments.

MR. SCALI: Anybody from the public want to be heard in this matter? Please come forward. Tell us your name.

MR. TEVAN: My name is Matt Tevan with Norton Beverage Company.

They elected not to speak with me prior to this. I wasn't made privy to the North Cambridge Stabilization meeting. I was under the impression, or I was hoping -- I hope they become a very successful business and I have a nice neighbor. But once again, there are issues that have to be ironed out.

As far as the 71 seats they'd like to

put in the bank, it's my understanding that Roger from the Inspection Services Department has contacted the License Commission indicating that a number of those seats were given conditionally, I don't know, maybe eight or nine years ago. He only had like 150 seats. He built that room in the basement prior to getting permission to expanding the number of seats. He was given those extra seats --

MR. RAFFERTY: I'm sorry.

MR. TEVAN: -- predicated -- I'm talking, thank you.

MR. RAFFERTY: Who's the "he" in this testimony?

MR. TEVAN: Marino's Restaurant, okay? How's that sound?

MR. RAFFERTY: Thank you.

MR. SCALI: Mr. Tevan, just speak to us. It's easier that way.

MR. TEVAN: All right. Thank you.

MR. SCALI: He's alleging whatever it is.

MR. RAFFERTY: I'm just trying to understand who the "he" is. I fully understand.

MR. TEVAN: There was one owner prior to the transfer of the license a couple of years ago.

MR. SCALI: Are you talking about the previous owner?

MR. TEVAN: The previous owner. When the license was initially issued, it was for around 150 seats. They went back and were granted additional seating based upon securing satellite offsite parking. He had the Marino Center; he bought the liquor store across the street; he had relationships with other people. All of those sites have been developed. There is no satellite offsite parking that exists anymore.

It is my understanding that the Inspectional Services Department has notified your office indicating that those seats were conditional, and it would revert back to the original license. So I don't know how you can put seating in the bank.

MR. SCALI: From what Mrs. Lint had explained to me through Ranjit is that the original capacity of 150 is the one that he would sign off now due to the parking in the area, the parking that's provided there now.

So therefore, they cannot use any additional amount of capacity above the 150. They're applying for 144. So they do have an additional 66 seats attached to their license that they cannot use. They have the capacity attached to their license but they cannot use those seats.

MR. TEVAN: The 150?

MR. SCALI: They cannot use above 150.

MR. TEVAN: I don't know how you can put in the bank something that they don't have the right for to begin with.

MR. SCALI: They can't use them. They can use them if they should sell the license to a different location, the capacity could be larger, or if they obtained parking, they could then add the basement on at a later date. So they're asking that they hold them so they don't lose them in case

they do comply with those conditions in the future.

MR. TEVAN: Unless somebody takes down a couple of buildings, there isn't going to be any additional offsite parking in the neighborhood.

MR. SCALI: That's to be seen in the future. It may or may not happen. We don't know. You're right, they can't use them and they have to come back.

MR. TEVAN: As I said, in addition to that, the parking lot -- and as I said, we've been through this many times before -- they do not have enough room to enter and exit to the back of that parking lot without coming onto our property.

I don't mind sharing the property with them coming in, or the four spaces on the side, but when these licenses were originally issued all the traffic from their restaurant was supposed enter in and exit out onto Washburn Avenue. It was a condition of the license. It should be in there in writing someplace.

MR. SCALI: Enter from where? They can't come in from Mass. Avenue?

MR. TEVAN: They can certainly enter from Mass. Avenue, but anybody that goes into the back of the restaurant was supposed to exit and take a left onto Washburn Avenue. It was never enforced. It created chaos in the parking lot.

MR. SCALI: So they can't come out at Mass. Avenue?

MR. TEVAN: They can take a left exiting onto Washburn Avenue onto Mass. Avenue next to the Valvoline Oil. At the time it was Russ' Gas Station. That was always a condition of the relationship. It was never enforced.

And signage did not work for 17 years. We spent half our time out in the parking lot because people don't respect -- and I'm not saying that the restaurant didn't attempt to put signage up, but signage did not work. I can deal with unfortunately having to tell his patrons that they can't park there.

And in respect to his mentioning we don't know if my customers are utilizing that. Well, you know what, if they were -- my customers

are in for two minutes. This gentleman just indicated that it's going to be a nice casual atmosphere where they're not encouraging people to get in and out of their seats. To me that means that there's a bunch of people potentially that are parking cars that are in no hurry to go anywhere, which creates another problem.

MR. SCALI: I think we heard this argument many many years ago, too, and Marino's was there for many many years, and the situation continues.

What would you suggest as a solution to the problem?

MR. TEVAN: What I had suggested two years ago which fell upon deaf ears, was that to enforce the traffic that enters in to exit onto Washburn was to put some type of a gate up there. So that when the traffic enters in they can utilize the back, and when they exit they would be forced to go out onto Washburn Avenue and take a left.

As it presently exists right now, there's a number of people that come down Washburn

which is only one-way. You can come all the way down from Somerville all the way; you can only go halfway up from Washburn until you get to Somerville. Every day, in particular in the morning with people trying to avoid traffic they come down Washburn Avenue, they take the left through the parking lot, and they cut through the back and they go on Goldstar Road to avoid the traffic lights at Cameron Avenue. We're not talking one or two cars, we're talking 50 or 60.

MR. SCALI: Wouldn't that block your customers too? Wouldn't that prevent your customers from going out that way too?

MR. TEVAN: My customers don't have to go out that way. I have access for them to get in and out, plenty of access right on Mass. Avenue.

MR. SCALI: Would that block the easement?

MR. TEVAN: No. Right where his building ends there's a neighbor who lives out back and there a fence there. I'm proposing that they put something up there to prevent the people from

once they enter from re-entering into the parking lot. That's how it was supposed to have worked. It didn't. Signs don't work. I lived through it for 17 years.

Like I said, I want to be a good neighbor. I want more business in North Cambridge. They have chased more business away and put up condos that are half vacant, and that's not a plus for the community. Residual business for any business is encouraged. Like I said, I hope that some of their patrons will shop with us and vice versa. I don't wish to go through another 18 years of what I've already had to endure, and that's all I ask for.

MR. SCALI: Thank you very much.  
Anybody else?

MR. KATIS: I'm George Katis, owner of the property next to Matty's.

I guess first off, there is a common drive in and out of the property from Mass. Avenue, and Matty, Mr. Tevan, he wants his customers to come in and off of Mass. Avenue but he doesn't want

our customers coming in off of Mass. Ave. There is room there and we have a site plan that shows that.

In terms of the signage, I don't think I've ever seen any signage with regard to Marino's parking. There is no signage right now. Signage is not a cure-all, but it does help the situation. And it's got to be on both sides. Our tenant has to have better signage and Matty's signage is old. Maybe we just freshen it up.

Even on the doors, you know, like hey, don't park in the liquor store's parking spots. The same thing with Matty's people, although they're only in there for a couple of minutes. Over the course of the last couple of years, I've seen them park on our spots. I mean, it's been a non-issue because the place has been vacant. I would hope that that would change.

In terms of the gate, and I think we brought this up last time, the gate creates problems. Number one is deliveries. Number two, I think is fire department access. I don't think they want to be limited with which direction to

come in if there was an incident at the location or in the houses behind the location.

I think that's really about it. I think there can be a solution there. I think signage does help.

MR. SCALI: Thank you. Anybody else. No double dips right now. Anything else you want us to know, Mr. Rafferty?

MR. RAFFERTY: No, thank you. I think the application is well thought out. I think this would be a welcome addition to that stretch of Mass Ave. The issue, these are two abutting property owners, they're two business operators. There's easements, there's cross easement.

The patrons of this establishment have no right to park in property that is not under their lease or control. Similarly, the same restriction applies next-door.

I don't know that there is an issue that would warrant further mediation at this point by the License Commission. If a situation would develop, and there wasn't an adequate level of

cooperation, I would suggest that would be shortsighted on the both parties' interest.

I know Mr. Hodges and Mr. Karulewa are very focused on the fact that they're going to be the new kid on the block. They want to be successful. They want to have a cooperative relationship with this abutter and other business owners in the area. I think to try to micromanage a parking lot at this point would be a mistake for the Commission.

I think the parking exists, and the uses here are such that I don't anticipate that you would encounter anything consistent with what has been recounted by the historical. It would appear that there were some abuses in the past, but the volumes of that business and the hours of operation were very different. This is not a type of use -- this would very much I would suggest be compatible with this abutting use.

MR. SCALI: Is Mr. Hodges going to be the manager?

MR. RAFFERTY: He's the manager,

right.

MR. SCALI: Tell us your experience. I didn't ask you any questions. I'm sorry.

MR. HODGES: My experience is limited in the restaurant business but my role is more administrative to launch the business here. I've worked with Mr. Karulewa for the past five years in Rwanda and then come with him into the North American markets.

MR. RAFFERTY: A former North Cambridge resident, lives in Arlington now.

MR. HODGES: That's right. I lived in that neighborhood for a long time.

MR. SCALI: Have you had a liquor license in your name before?

MR. HODGES: I've never had a liquor license in my name, no.

MR. SCALI: Background checks?

MS. LINT: Yes.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

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: We vote on January 29 at 10:00 a.m.

MR. RAFFERTY: Thank you.

MR. SCALI: Mr. Rafferty, one other question. Is funding for this coming -- the financing is coming from a bank source?

MR. RAFFERTY: No. The pledge is through the landlord. The landlord is funding the acquisition of the license and the pledge reflects that.

MR. SCALI: So no bank loans involved?

MR. RAFFERTY: No, not for this use.

MR. SCALI: Not for the liquor license?

MR. RAFFERTY: Right, correct.

MR. SCALI: And the lease is through

Mr. Katis? In this case, leasing the property.

MR. RAFFERTY: Well, his entity. I think it's called Stone River Properties or something like that.

MR. SCALI: So they're not purchasing the building?

MR. RAFFERTY: No, no. They're not purchasing the building.

MR. SCALI: Thank you.

MS. LINT: Application: Le Cordon Bleu College of Culinary Arts, Inc., a Private Two Year College, d/b/a Technique, Steven King, Manager, has applied for a new Wine and Malt Beverages as a Restaurant license at 215 First Street. Hours of operation would be from 11:00 a.m. to 8:00 p.m., Monday through Friday.

MR. SCALI: Good evening.

MR. EVANS: Good evening.

MR. SCALI: Tell us who you are for the record, please.

MR. KING: Steve King, I'm the president of the college.

MR. EVANS: I'm Thomas Evans.

MR. SCALI: This is for a new Beer and Wine license. Tell us the concept.

MR. EVANS: Let me give you just a brief overview and then Steve -- Mr. King knows more about this than I do. The brief picture is Le Cordon Bleu is a culinary school that opened on April 7, 2008 in the Athenian Building at 215 First Street. The school is up and running, it's got

students in there.

Part of their training at the end of the courses they're taking -- it's a one-year program with an externship after that. Part of their training is to operate a restaurant, and in each of the Cordon Bleu's -- there are 14 of them around the country; there are some overseas. In every school, there is a restaurant that actually operates and is open to the public, some have liquor licenses. It's a way of training the students in both the cooking and the operations in the back end, as it were, of the restaurant, and they also participate in serving.

The space is brand-new built out and everything is ready to go except that we need the CV license and then we are applying for a Beer and Wine license.

MR. SCALI: It's a culinary school?

MR. EVANS: Yes.

MR. SCALI: And the students will then be serving there whatever they're making as part of the menu?

MR. EVANS: Yes.

MR. SCALI: How will you provide the alcohol; through a distributor who would come in? Who's responsible for the alcohol service?

MR. KING: We would hire a bartender. The students don't -- we're only looking for beer and wine, and we're only doing that -- we're going to open in the evening from 5:00 to 7:30, that's the game plan, so we're not anticipating a lot from it.

MR. SCALI: That's it, just dinner?

MR. KING: We'd serve it at lunch time too if someone wanted a glass of wine.

MR. SCALI: With lunch and dinner?

MR. KING: Yes.

MR. SCALI: What are the hours going to be?

MR. KING: Lunch will be 11:30 to 1:30, and dinner would be from 5:00 to 7:30, unless it appears as though that's not going to work. We're going into it kind of blind.

MR. EVANS: The application, just so

it's clear, is from 11:00 a.m. to 8:00 p.m.

MR. SCALI: And Monday through Friday only?

MR. EVANS: Yes.

MR. KING: And we would be closed in the afternoon.

MR. SCALI: What was in the space before you came? Is the racquetball club still there?

MR. KING: Yes, it is. The space that we are in right now, I'm not sure. A lot of the building is still vacant, it's still being built out in the area. I know it used to be the old Athenian Printing Press. It was built back in 1895.

MR. SCALI: Right. I know that the racquetball club used to have a Beer and Wine license, then they gave it up. For their space, they had a little cafe there, but that was many years ago.

You said you have 14 locations around the country?

MR. KING: There are 14 Le Cordon Bleu's throughout the United states, correct.

MR. SCALI: Where do you have Beer and Wine licenses?

MR. KING: In all of them.

MR. SCALI: Are they in your name?

MR. KING: No.

MR. SCALI: Are you the owner and the manager?

MR. KING: I am not the owner. I wish I was. I am the president of the school. The company is owned by Career Education Corporation, which is a publicly traded company out of Chicago.

MR. EVANS: Mr. King does have an extensive background in the culinary world.

MR. SCALI: Background checks?

MS. LINT: Yes.

MR. SCALI: Questions?

MR. HAAS: Have you managed a liquor license before?

MR. KING: I have.

MR. HAAS: With the school?

MR. KING: No. It was with Marriott Hotels. I was with the Memphis Marriott and their liquor license was in my name.

MR. SCALI: Questions?

MR. TURNER: How is the beer and wine going to be stored on the property? Do you have special provisions for that?

MR. KING: Yes. There is a restaurant manager's -- it's actually a restaurant instructor's office -- and within that office is another secured office, and that's where all the beer and wine will be stored.

MR. SCALI: Did you attempt to buy a license in the city at all?

MR. EVANS: No.

MR. KING: No.

MR. SCALI: If we do grant you a new license, it is a no value, nontransferable license. The license fees are double what it would be if you purchased a license, because basically you're like renting or leasing a license. Is that a restriction at all to your operation, the terms of

the fee per year?

MR. KING: No.

MS. LINT: Mr. Chair, there are no available Wine and Malt licenses.

MR. KING: Our biggest priority is getting the CV so we can get operating. The way our curriculum works is the restaurant is scheduled to open on February 16. It's kind of complicated when I first explain. Like if Tom and I first started, we would start in a certain block, and then you move down the block.

Everyone at the Cordon Bleu starts at the same place and then they move on. We started out with only two classes, then we had four, then six, then eight. When we get to this point where the restaurant is on February 16, if that were not to happen, then we would really cause a problem. We'd cause a problem for everybody because there would be a block. Everyone would be backed up, so to speak.

So this is part of the curriculum, and once the students finish in the restaurant part,

they go on to an externship, off property, a three-month externship and then they graduate with an Associate of Applied Science degree.

MR. TURNER: Where this is a school of culinary arts, a college, and this is a training academy for these students, are these discounted meals by any chance? How does that work?

MR. KING: The prices will be very reasonable. Tom asked me that question on the way over here. The menu will be fairly upscale and the prices would be about 20 percent less than what you'd find in like a Cheesecake Factory.

Every three weeks the waitstaff changes and these are folks that really want to be culinary students. They don't want to be waitstaff. So everyone always says, oh, I bet the service is going to be great; it's not. It's like almost on a Friday night after the third week, your entire staff walked out, and you had until Monday to get a whole new staff in. That's what's going to happen.

MR. EVANS: Steve's not the marketing

manager.

MR. KING: The food is fantastic. I think we have one school where the restaurant actually makes money, the one out in Pasadena. It's in an area where it's so crowded. Most of the restaurants don't make a lot of money.

MR. SCALI: It's more training for the students.

MR. KING: It's a training facility, right.

MR. SCALI: Does the menu change too, with the students?

MR. KING: It will change, yes. We'll have a base menu and then we'll have a lot of specials of the day. That's how we'll do it.

MR. SCALI: You're planning on opening on February 16, you said?

MR. KING: Yes.

MR. SCALI: I'm not sure you'll have your liquor license by then.

MR. EVANS: That's not as critical. The liquor is really in combination to help attract

business. It's not so much with the training program. The critical issue for their curriculum for this year is just to have the CV by then.

MR. KING: At one point, it was suggested that we have a full liquor license and I was against that, because we don't teach mixology. So I thought why do that? Why go down that road and deal with that headache when it's not even part of the curriculum?

MR. SCALI: Questions?

MR. HAAS: No.

MR. SCALI: Motion to approve.

MR. HAAS: Motion.

MR. TURNER: I second it.

MR. SCALI: That would be a no value, nontransferable license. Is moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: All right.

So if you for some reason don't have approval from the ABCC by February 16, you will be

able to open with your Common Victualer license only, as long as you have all your building, fire, and health department sign-offs. So I'm not sure it will go through by February 16. It depends how long the ABCC takes with their license approvals.

MR. KING: For the liquor license?

MR. SCALI: Right, for the liquor license. You can't have any alcohol on the premises until the ABCC approves your license. So you could open with the food only and the CV license before that.

MR. EVANS: Very good. Thank you very much.

MR. SCALI: Good luck.

MR. KING: Thank you.

MS. LINT: Application: Unlimited Motors, Incorporated, Raymond Graham, manager, has applied for a Used Car Dealer license, Class 2 (office only, no cars on premises) at 124 Mount Auburn Street.

MR. SCALI: Good evening. Tell us who you are for the record.

MR. GRAHAM: Raymond Graham, President, Unlimited Motors, Inc.

MR. SCALI: Are you moving from one location to another? Is that what this is?

MR. GRAHAM: That's it, and that actually should have been corrected. It's not 124, it's One Mifflin Place.

MS. LINT: It's what?

MR. GRAHAM: It's One Mifflin Place across the street. I originally applied for 124 and the company that has a lease space up there told me they were moving across the street to One Mifflin Place.

MR. SCALI: You've got to start all over again then.

MR. GRAHAM: I did. Is it Chris in the office?

MR. SCALI: Yeah.

MR. GRAHAM: He's the one who made the error.

MR. SCALI: But we advertised it as 124 Mount Auburn Street.

MR. GRAHAM: I told him that.

MR. SCALI: We have to start over.

MS. LINT: I have nothing.

MR. GRAHAM: I think it was in the application.

MR. SCALI: I know the Deputy Chief went down there to 124 Mount Auburn and there's a sign.

MR. GRAHAM: It's the same company. Like if I really wanted to, I could stay at 124 until April, but I didn't want to go through the whole process to move to 124 and then go to One Mifflin Place, because of the abutters issue.

MR. HAAS: Where are you moving from?

MR. GRAHAM: From 114.

MR. HAAS: 114 Mount Auburn?

MR. GRAHAM: Mount Auburn, yeah. So I originally put in the application to move to 124, and I re-did the application process again, did the whole thing over for One Mifflin Place. But then when I got the advertisement in the Chronicle it said 124, I immediately went into the office.

MR. SCALI: Chris didn't mention it to any of us.

MR. GRAHAM: I told him that and he said he would speak to you guys and if he had to do an amendment or something in the paper, or something like that --

MR. SCALI: It can't be amended. If it's a different address, you have to start all over again.

I think we have a bigger issue. The issue really is, is that we have a freeze now on Used Car Dealer licenses that are office only. We haven't been granting any of those applications because of the fact that what most of them want to do is just get a license to go to the auctions, and

they're not really a business that's in place and operating in the City of Cambridge. There really is no benefit to anybody in Cambridge by you doing that.

How is this going to benefit the residents of Cambridge, and what is your plan for doing business?

MR. GRAHAM: Originally, I was really just going to be renewing the license for this year, but because the owners -- I forget the name of who owns 114 Mount Auburn -- they just evicted everyone because they were planning on doing some high-rise or seven-story building. So we actually had to just find a new location.

MR. SCALI: So basically you're starting over again. If it's a new location, you're starting over again really. That's how an application works. How long have you been at 114?

MR. GRAHAM: I want to say since late '05.

MR. SCALI: Are you adding someone onto your application?

MR. GRAHAM: No.

MS. LINT: There's Joshua Miller.

MR. GRAHAM: Josh has been on from the beginning. Well, at the very beginning, I think in '06 when we incorporated, that's when we added on the Articles.

MR. SCALI: He's in the Articles of Organization?

MR. GRAHAM: Yes.

MR. SCALI: Is he in there still now?

MR. GRAHAM: Uh-huh, nothing ever changed. We went through the whole hearing process to add him on it, back then I'm saying.

MR. SCALI: But Mr. Miller is still part of you corporation?

MR. GRAHAM: Right.

MR. SCALI: So that means he's still a partner with you; right?

MR. GRAHAM: He's an officer; I'm the owner.

MR. SCALI: We've got a problem with Mr. Miller's background, I know that.

MR. GRAHAM: We went through that also from back then.

MR. SCALI: It's not a public record.

MR. GRAHAM: In order to change from just the d/b/a Unlimited Motors to Unlimited Motors, Inc., I had to go through the whole process back then.

MR. SCALI: Right.

MR. GRAHAM: So it was granted that he was able to be on the license then. And then there was a -- what do you call it -- the trial period if there were any issues. Because his issues were like 10 years ago. He wrote a letter and everything, explaining everything, and came in and explained everything. Then there was a trial period. If there wasn't any issues within six months, then you actually are able to keep the license and whatever. And we've never had any issues since we were granted the license, so I didn't even know why it had to -- it has to be reevaluated again, you're saying?

MR. SCALI: I'm trying to jog my

memory from when I was here back then.

So in 2005, you were given a six-month probationary license with a review in six months; a CORI check must be done before the six-month review in December of 2005.

MR. GRAHAM: There should be a letter in the file.

MS. LINT: Yes.

MR. SCALI: You're saying nothing has changed, but you have to go to One Mifflin Place now?

MR. GRAHAM: Right, that's all.

MS. LINT: I don't have the abutter notifications.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. GRAHAM: You don't have the green slips, you mean?

MS. LINT: Yes.

MR. GRAHAM: I never got any back, but I do have the signed notarized --

MR. TURNER: So 124 Mount Auburn

Street is no longer on the table?

MR. GRAHAM: Correct.

MR. TURNER: My question then is who is Unlimited Motors, Inc. at 124 Mount Auburn Street? If you go in and look at the building directory, there's a sign for Unlimited Motors. When I go upstairs to the office I spoke to a secretary there, or a receptionist there, and I guess there's a virtual office that you get your mail.

MR. GRAHAM: They do everything. They don't just get the mail. We have the office space there.

MR. TURNER: So are you operating Unlimited Motors at 124 Mount Auburn Street, a virtual office, no physical office, just a virtual office?

MR. GRAHAM: It was supposed to be a virtual office somewhat at the 124. When we first decided to sign up for it that's what they offered us. Then they said we're moving out of here anyway; you can have an actual office at One

Mifflin Place. Because the virtual office wasn't -- you know, they offer virtual offices. I forget how many offices there are on that floor.

But I guess they have a problem with the lease, and Harvard buying out their lease for 124, so that's why they're moving to One Mifflin Place. They're not totally moving out of there. Some people if they want to stay behind, they can stay until April. I didn't want to go through the whole process to go to 124, and then have to move again, do the whole process again to One Mifflin Place. I think that's where the confusion lies. If you see on file there should be two different applications: one for 124, and one for --

MR. SCALI: We don't have the One Mifflin Place one. We've got to re-advertise that, if that's the case.

MR. TURNER: Mr. Chair, I would assume it's important to know that this is not renew application but a change of location for an existing license. We have this already for 114?

MR. SCALI: Yes, under 114 Mount

Auburn Street. The letter that I see here from 2005 has to do with you, Mr. Graham, not with Mr. Miller.

MR. GRAHAM: It has to do with me?

MR. SCALI: It describes issues you had in 2005.

MR. GRAHAM: No.

MS. SCALI: There's not a letter describing Mr. Miller's issues.

MR. GRAHAM: That should be the only letter on file. I didn't have any issues. Actually, as a matter of fact, the only issue I had was something was on my record that was from maybe 17 or 18 that I had to actually put in there that was open but was actually closed, or something like that.

MR. SCALI: That's describing your issues, but it doesn't describe Mr. Miller's issues.

MS. LINT: Wait, I'm sorry.

MR. GRAHAM: I don't even remember writing a letter, actually. I remember helping with his.

MR. SCALI: I think it jogs my memory now. Why don't we do this: we have to start over with One Mifflin Place anyway, so nothing is going to happen tonight. Why don't you speak with Mr. O'Neil upstairs about re-advertising for One Mifflin Place, and in the meantime, we'll take a look at the issues that go back to 2005.

Is there anything that is recent on those?

MS. LINT: No.

MR. SCALI: Let's do that then, reapply for One Mifflin Place and then we'll put you on the agenda for that advertisement.

MR. GRAHAM: For what date, you said?

MR. SCALI: I think the next one is February 24.

MR. GRAHAM: There's nothing on the 10th?

MR. SCALI: The 10th is already -- the advertisements are already done and it's already full.

MS. LINT: Very full.

MR. SCALI: So the 24th.

MR. GRAHAM: One question: if this wasn't an error on my part, do we have to pay the 175 again. We've actually paid it twice already.

MR. SCALI: I'll waive the hearing fee for you. Motion to waive the hearing fee. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: All right.

MR. GRAHAM: So I don't have to do any application process?

MR. SCALI: You need to make sure that Chris upstairs has everything he needs to advertise for One Mifflin Place.

MR. GRAHAM: As a matter of fact, I even verified with him because some people say 119 Mount Auburn, some people might say One Mifflin Place. I verified with the postal service that if anything says 119 on it, it gets returned to sender. I mean, I went through all of that.

MR. SCALI: Just make sure he has everything he needs to clarify that. Just call him tomorrow and find out.

MR. TURNER: Mr. Chair, on this particular application my understanding is that the Applicant wishes to withdraw as he is going to reapply for a new address.

MR. SCALI: Correct.

MR. HAAS: Is there an issue with Mr. Miller still, or no?

MR. SCALI: We looked at the same issues in 2005 and we gave them a probationary license in 2005 with those same issues. I just didn't realize it at the time. Actually, I didn't, the previous Commission did.

MR. GRAHAM: And I believe you did the CORI on him now, which there were no issues even like the --

MR. SCALI: Nothing new from then, you're right.

MR. GRAHAM: I'll remove him if I have to -- no, I'm just kidding.

MR. SCALI: It's the same as it was in 2005. You're absolutely right. Thank you very much.

MS. LINT: Application: Oakdale/Richdale Ave., LLC has applied for a Garage and Gasoline license for 23 cars and 230 gallons of gasoline in tanks of cars only at 113 Richdale Avenue.

MR. SCALI: Good evening.

MR. ELANSKY: Good evening.

MR. SCALI: Tell us who you are.

MR. ELANSKY: My name is Matt Elansky. I'm an employee of Oaktree Development.

MR. SCALI: What is your position?

MR. ELANSKY: I'm one of the architects with the company.

MR. SCALI: Where is the owner?

MR. ELANSKY: The actual owner of the company?

MR. SCALI: Uh-huh.

MR. ELANSKY: I was asked to represent us.

MR. TURNER: Couldn't be bothered.

MR. SCALI: Well, I have a real problem with that to be honest with you. Because this garage has been open how long?

MR. ELANSKY: It's not a garage. It's a multifamily housing building. It's 23 units of housing above garage parking.

MR. SCALI: That's a garage.

MR. ELANSKY: Okay.

MR. SCALI: It's housing with a garage underneath.

MR. ELANSKY: My understanding is that it was a permit that was supposed to have been pulled by the contractor.

MR. SCALI: Contractors aren't responsible for that.

MR. ELANSKY: I don't know.

MR. SCALI: That's why I want the owner here. So where is he?

MR. ELANSKY: I was asked to represent the company. As far as I understood, they submitted the application and I was just representing. I don't know. If you want, I can show you basically what --

MR. SCALI: No. Honestly I would almost order them to shut down, because how long

has it been open? How long has it been operating?

MR. ELANSKY: Since I think August or September of last year.

MR. SCALI: Of 2008 or 2007?

MR. ELANSKY: Of 2007.

MR. SCALI: That's almost a year-and-a-half. I believe Mrs. Lint has been trying to reach the owner for that long, at least.

MS. LINT: For a year-and-a-half.

MR. ELANSKY: I was unaware.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I inspected this location today. I do want to pass along that nobody was in the management office at the building at the property.

MR. ELANSKY: We don't have a management office at the building.

MR. TURNER: The exit door leading from the garage to the left of the rollup door, that deadbolt lock is a violation of code. That can't be there. That has to be changed to panic

hardware.

MR. ELANSKY: I'll make a note.

MR. TURNER: So they're going to have to get that corrected. Other than that everything else looked acceptable, but I did notice that one issue today.

MR. SCALI: What is the owner's name?

MR. ELANSKY: I don't know who specifically. I can give you the names of the partners of the company or a CFO.

MR. SCALI: I don't want any names. I'm just going to send a message back through you to them that unless they appear here, the garage will be shut down. It should have been shut down last year.

MR. ELANSKY: Okay.

MR. SCALI: It's operating illegally.

MR. ELANSKY: Next week or the 29th?

MR. SCALI: We meet on January 29 at 10:00 a.m.

MR. ELANSKY: 10:00 a.m.?

MR. SCALI: 10:00 a.m., right here in

this room, January 29.

MR. TURNER: Motion to take the matter under advisement?

MR. SCALI: No, motion to continue.

MR. TURNER: Until the 29th.

MR. SCALI: Moved. Seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

MR. ELANSKY: Mr. Turner, for that dead bolt, what did you say it needed to be changed to?

MR. TURNER: Panic hardware.

MS. LINT: In fact, Mr. Chair, the Applicant was actually the contractor.

MR. SCALI: The contractor can't apply. It has to be the owner of the property, whoever is owning that property.

MS. LINT: It's in the name of the owner, Oakdale/Richdale, but he was the one who actually submitted the application on their behalf.

MR. SCALI: Well, he can't sign for the owner.

So if you would pass on that to the owner; tell him that if he does not appear here at 10:00 a.m. on the 29th that Mr. Hedley will be down there with a letter shutting down the garage. I'm sure there'll be a few residents that won't be happy with that. Thank you.

MR. ELANSKY: Thanks.

MS. LINT: Application: Mark's Food, Inc. d/b/a Marco's Pizza and Grill, Mark Krasnyansky, Manager, has applied for a Common Victualer license at 2445 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total occupancy of 16 people. The hours of operation would be 10:00 a.m. to 9:00 p.m., Monday through Wednesday, and 10:00 a.m. to 10:00 p.m., Thursday through Saturday. Said applicant has also applied for an Entertainment license to include a TV and radio.

MR. SCALI: Good evening.

MR. KRASNYANSKY: Hi, how are you?

MR. SCALI: Tell us your name for the record.

MR. KRASNYANSKY: Mark Krasnyansky.

MR. SCALI: This is already opened; right? Is it your dad that runs it?

MR. KRASNYANSKY: My father owned it for many many years, and he passed away last year.

MR. SCALI: I'm sorry to hear that.

MR. KRASNYANSKY: Thank you.

MR. SCALI: So you're taking over the operation?

MR. KRASNYANSKY: Yes, sir.

MR. SCALI: Is anything changing?

MR. KRASNYANSKY: Nothing is changing. The only thing that is changing is I would like to put a TV in the restaurant in the pizza place.

MR. SCALI: So it's a corporation, Mark's Food Inc. Who's in the corporation?

MR. KRASNYANSKY: Myself.

MR. SCALI: Just you?

MR. KRASNYANSKY: Just me.

MR. SCALI: So just food; no alcohol?

MR. KRASNYANSKY: No.

MR. SCALI: Same hours?

MR. KRASNYANSKY: Same hours.

MR. SCALI: Same capacity, 16?

MR. KRASNYANSKY: Yeah. I only have 13 seats, but I have the availability for 16.

MR. SCALI: Does the plan show 13 or

16? What happens is if you apply for 16, our task force goes out every Wednesday or Thursday night and they count and see how many you have. If you don't have 16, there'll be a discrepancy in the application.

MR. KRASNYANSKY: I would have to say that I do want 16, and the only reason that there's 13 is through over the years the chairs got dingy and they may have either broke or have been thrown out. So I would like to put in --

MR. SCALI: Buy three more chairs.

MR. KRASNYANSKY: I would like to put in new tables and chairs.

MS. LINT: I don't have a floor plan.

MR. TURNER: I can verify that Mr. Chair. I inspected the establishment today. There were tables of four with only three chairs there.

MR. SCALI: So just get three more chairs.

MR. KRASNYANSKY: Yes.

MR. SCALI: Any other questions?

MR. HAAS: No questions.

MR. SCALI: Motion to approve?

MR. HAAS: Motion.

MR. TURNER: Second it.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MR. KRASNYANSKY: Thank you very much.

MR. SCALI: Good luck. I hope you do  
well.

MS. LINT: The last matter I should actually have announced as the Alpha Tau Omega Fraternity. It's being continued indefinitely. They lost their charter.

MR. SCALI: They lost their Parent Charter?

MS. LINT: Yes.

MR. SCALI: So they will have to reapply?

MS. LINT: Yes.

MR. SCALI: I know that the Health Department came in today while you were out, and she said that Building and Health were down there and they are pretty much done with everything down there needed for Building and Health. They just have like a couple more things.

MS. LINT: That's what I had heard.

MR. TURNER: Fire signed off. They inspected it on the 15th and we signed off on it.

MR. SCALI: So they're ready to go but now there's no charter.

MR. TURNER: For them to sign off.

MR. SCALI: All right. So that's continued indefinitely.

MR. SCALI: Ratifications?

MS. LINT: Medallion 190, 253A, and  
256. All the paperwork was in order.

MR. SCALI: These are all refinances.  
Motion to accept?

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: No other matters.

MR. SCALI: Any other matters,  
questions, Commissioners? No. Motion to adjourn.

MR. HAAS: Moved.

MR. SCALI: Moved, second.

All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was  
concluded.)

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 26th day of January, 2009.

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