

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael Gardner, Commissioner
Robert Haas, Police Commissioner
Gerard E. Mahoney, Deputy Fire Chief

STAFF: Elizabeth Y. Lint, Executive Officer

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

DATE: Tuesday, December 20, 2011

TIME: 6:10 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Before we get started,
if anyone has a cell phone on, we'd appreciate it
if you'd turned it off.

This is the License Commission General
Hearing. It's Tuesday, December 20th, 2011 at
6:10 p.m.

We're in the Michael J. Lombardi
Municipal Building, 831 Mass Ave, Basement
Conference Room.

Before you are the Commissioners,
Chairman Michael Gardner, Chief -- sorry --
Deputy Fire Chief Gerard Mahoney and Commissioner
Robert Haas.

APPLICATION: CHURCH STREET ENTERPRISES, LLC

ELIZABETH LINT: The first matter is the
Application: Church Street Enterprises, LLC

doing business as Dunkin' Donuts, David Carvalho, manager, has applied for a common victualer license to be exercised at 61 Church Street.

Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with an occupancy of 25 (8 seats with 17 standing). The hours of operation will be 5:00 a.m. to 12:00 a.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good evening. Nice to see you.

If you would be so kind as to state and spell your names for the record.

JAMES RAFFERTY: Good evening, Mr. Chairman, members of the Commission.

For the record, James Rafferty, R-A-F-F-E-R-T-Y. I'm an attorney with the law firm of Adams & Rafferty located at 130 Bishop Allen Drive in Cambridge.

Seated to my left is David Carvalho,
C-A-R-V-A-L-H-O. Mr. Carvalho is a principal
with the Church Street Enterprises, LLC.

COMMISSIONER MICHAEL GARDNER: Just tell
us a little about the application.

JAMES RAFFERTY: Sure. This is an
application for a common victualer license for
the location at 61 Church Street. It's held a
common victualer license for more than 40 years.

Perhaps most recently known as Lee's
Diner. The space is exceptionally narrow, less
than ten feet wide, just a few doors in from the
corner of Church and Brattle Street on the west
side of the street. The same side -- the
opposite side -- the same side as the parking
lot.

I know the Commission has great
familiarity with the Church Street area, and this
location, as I said, has a -- has had a food use

for decades.

This particular location, given its size, is not the particularly large. The seating here is proposed is only eight. You can see in the full plan, it really is an opportunity to serve area patrons. It's subject to the city's fast food ordinance.

There was a hearing held a few months ago by the Zoning Board where they granted a fast food Special Permit while the criteria there was a demonstration that the use would rely upon walk-in trade. There was an acknowledgment that the pedestrian traffic, the surrounding office area and office uses and commercial uses would be using this would find this convenient.

The applicant is well-known to the Commission. The Carvalho family is the holder of several common victualer licenses.

They operate Dunkin' Donuts all over the

City of Cambridge: At One Broadway in Kendall Square, at 1616 Mass. Ave in Central Square and they also have two other operations in Harvard Square at 65 JFK Street, also known as the Eliot Street Cafe located in the garage at the corner of Eliot Street and JFK Street and at One Bow Street where they also operate a Baskin Robbins right next to St. Paul's Church.

They have a long relationship with the city and are aware of the issues associated and the responsibilities that go along with these licenses.

Given the size, the delivery expectation is quite low. Mr. Carvalho informs me that the product is prepared off premises in a commissary in Watertown. A single delivery by a van occurs at the opening hour of the premises and twice a week there is a dairy delivery, milk and cream is brought by a vendor to the location.

But beyond that, that's the extent of the delivery. It occurs generally before the commercial activity on Church Street gets underway.

COMMISSIONER MICHAEL GARDNER: Trash or rubbish disposal and litter control?

JAMES RAFFERTY: As they do in their other locations, they rely upon a private carrier, they'll store the trash inside. They work with the landlord. The landlord is present this evening, Mr. Framan (phonetic), he has a variety of uses in the building, commercial uses that generate various amounts of trash, but in this case, I believe the removal occurs at the curb since there's no other access to the building.

COMMISSIONER MICHAEL GARDNER: How many times a week?

DAVID CARVALHO: Depends on volume.

Probably three.

COMMISSIONER MICHAEL GARDNER: Stored inside then before that?

DAVID CARVALHO: Correct. There's also extra sort've behind the building as well.

COMMISSIONER MICHAEL GARDNER: Covered?

DAVID CARVALHO: Correct.

COMMISSIONER MICHAEL GARDNER: And any particular issues about litter or control of products being dropped by people who leave the premises?

DAVID CARVALHO: We conduct what we call a travel path where we look every 20 minutes in the interior as well as the exterior of our space to make sure that there's no excessive littering.

COMMISSIONER MICHAEL GARDNER: From your experience, are there ways in which you think this is the same or different from the other Dunkin' Donuts franchises you operate?

DAVID CARVALHO: Primarily the same.
Naturally the square footage of the space is
smaller, so just the same, but on a lesser
volume.

POLICE COMMISSIONER ROBERT HAAS: This is
one of your smaller locations?

DAVID CARVALHO: Correct.

COMMISSIONER MICHAEL GARDNER: Questions?

COMMISSIONER ROBERT HAAS: No other
question.

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

Please come forward, identify yourself by
stating your name and spelling it and also your
affiliation.

DENISE JILLSON: Good evening. Denise,
D-E-N-I-S-E, Jillson, J-I-L-L-S-O-N.

I'm the executive director of the Harvard

Business Association and here to speak in favor of this petition.

David and his family have been members of the association for several years. Wonderful community partners, incredibly responsive.

And, in fact, just this past weekend donated over 10,000 jelly doughnuts to everyone at the party that we had last Saturday afternoon. Just wonderful community partners and exceptional members. We are absolutely in favor of this petition.

Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard?

Anything else you haven't covered that you would like to put on the record, Mr. Rafferty?

JAMES RAFFERTY: No, thank you,

Mr. Chairman.

COMMISSIONER MICHAEL GARDNER: Pleasure
of the Commission?

ELIZABETH LINT: Mr. Chair, I have a
letter of support from Councillor Toomey who says
the applicant, David Carvalho, has a history of
being an outstanding business operator within the
city and beyond and he supports the application.

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion
to approve?

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
issuance of the common victualer license for 61
Church Street, all those in favor signify by
saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

Good luck with your new enterprise.

DAVID CARVALHO: Thank you very much.

JAMES RAFFERTY: Thank you.

APPLICATION: PF CHANG'S CHINA BISTRO, INC.

ELIZABETH LINT: If we go slightly out of order at this point, Application: PF Chang's China Bistro, Inc., Abigail Champion, manager, holder of an all alcoholic beverages as a restaurant license at 100 Cambridgeside Place has applied for a change of manager from Abigail Champion to Stephen Dray.

COMMISSIONER MICHAEL GARDNER: I

understand the reason we're going out of order is because we have someone here from one of sister boards who has a conflict and needs to get there and we're trying to accommodate them?

ANDREW UPTON: Yes, Mr. Chairman. The City of Somerville has its Licensing Board hearing tonight and I am the chairman and I apologize for disrupting the schedule.

COMMISSIONER MICHAEL GARDNER: If you would please be so kind as to identify yourself by stating and spelling your name for the record and affiliation.

ANDREW UPTON: Andrew Upton representing PF Chang's China Bistro, Inc., with the law firm of DiNicola, Seligson & Upton, U-P-T-O-N.

With me, is the proposed manager, Stephen Dray, D-R-A-Y.

COMMISSIONER MICHAEL GARDNER: Just tell us a little but about what the change is to the extent that it has already effected or when it's planned to happen.

ANDREW UPTON: The change has already occurred. Mr. Dray was a secondary manager for

several months, and the manager from this location has been transferred to the Park Plaza location and Mr. Dray, through his experience and performance, has been promoted to manager.

COMMISSIONER MICHAEL GARDNER: How long have you been performing, in essence, as the general manager?

STEPHEN DRAY: About two months.

COMMISSIONER MICHAEL GARDNER: Any issues, problems, surprises in that time?

STEPHEN DRAY: A few surprises, but nothing detrimental.

COMMISSIONER MICHAEL GARDNER: Could you just briefly go over your experience, including at this location and --

STEPHEN DRAY: I have been in the restaurant, food and beverage industry since I was 18 years old. So we're going on about ten years now. And I worked with PF Chang's for

five.

I'm TIPS certified, 21 Proof certified.

I take alcohol awareness and responsibilities by all my employees very seriously.

COMMISSIONER MICHAEL GARDNER: Questions from the Commissioners?

POLICE COMMISSIONER ROBERT HAAS: So you said a few surprises, what were they?

STEPHEN DRAY: Just more employee-related than anything. People quitting or -- just funny stuff. Nothing alcohol-related.

POLICE COMMISSIONER ROBERT HAAS: No operational issues?

STEPHEN DRAY: No operational issues.

POLICE COMMISSIONER ROBERT HAAS: Have you ever held a common victualer license before?

STEPHEN DRAY: No, not in my name.

This is my first general manager's position.

COMMISSIONER MICHAEL GARDNER: Anything else?

DEPUTY FIRE CHIEF GERARD MAHONEY: I have nothing.

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

Seeing none, pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: Make a motion to approve the application.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded to approve the application for the change in manager, all those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: None

opposed.

Good luck in the position.

STEPHEN DRAY: I really appreciate it,
Mr. Chairman.

ELIZABETH LINT: 21 Proof training?

STEPHEN DRAY: I have it. TIPS and 21
Proof.

ELIZABETH LINT: I'm sorry, I missed
that.

STEPHEN DRAY: I do have a certificate if
you'd like it.

ELIZABETH LINT: We also just have a
minor housekeeping issue. There's an additional
\$100 owed for the filing fee and \$10 for the
quorum.

STEPHEN DRAY: We'll get that to you
tomorrow morning.

COMMISSIONER MICHAEL GARDNER: We wish

you good luck.

APPLICATION: DIAMONDS CAMBRIDGE GROUP, INC.

ELIZABETH LINT: Application: Diamonds Cambridge Group, Incorporated, doing business as Pizza Bar, John Diamantopoulos, manager, has applied for a new wine and malt beverages as a restaurant license at 1238 Cambridge Street. Said license, if granted, would allow food and wine and malt beverages to be sold and consumed on said premises. Operating hours will be from 10:00 a.m. to 11:00 p.m. seven days per week with a seating capacity of 20.

COMMISSIONER MICHAEL GARDNER: If you could state your names for the record and spell them for the stenographer.

ANDREW UPTON: Good evening again, Mr. Chairman, members of the Commission. For the record, Andrew Upton, U-P-T-O-N, from DiNicola,

Seligson & Upton. With me are Kosta and John Diamantopoulos, D-I-A-M-A-N-T-O-P-O-U-L-O-S, for both.

COMMISSIONER MICHAEL GARDNER: Tell us about the plans.

ANDREW UPTON: The All Star Pizza Bar is a project of Kosta and John Diamantopoulos and they're here with me tonight to answer any questions.

As you know, Inman Square is an established dining and nightlife destination. The applicant believes that the opening of a comfortable locally-owned establishment that will serve classic pizza as well as more creative variations will be a needed addition to the neighborhood.

The ability to enjoy a glass of wine or beer with a meal will enhance the dining experience at this exciting new venture.

They feel there's a clear need for a restaurant of this type that falls somewhere between casual and fine dining.

They've established this model at the All Star Sandwich Bar, which is diagonally across the street, which has been a popular destination for several years.

At the All Star Sandwich Bar, just as they have planned for the All Star Pizza Bar, beer and wine is an accompaniment to sit-down dining. There's no bar. There's no dancing. There's no cocktails.

The public need is also demonstrated by the overwhelming public support for this project.

We have letters of support on file from Councillor Chung, from Councillor Toomey and we have a commitment from Councillor Reeves to issue a letter of support, but I believe it may not have arrived yet.

We also have submitted over a dozen additional letters of support from business and industry groups, including the Inman Square Business Association, the Work Force Youth Program, How to Heros, the restaurants and Business Alliance, school Committee Member McGovern, the owner of Frank's Steakhouse is on the board of the Chamber of Commerce, the manager of the Cambridge Auto Center right nearby and several others.

Beyond the required abutter notification that we have taken care of, the applicant has also reached out to the tenants living directly above the restaurant.

It was another pizza place until just recently, and we were concerned that the people living above deserved some additional outreach because it's going to affect them most directly, and Kosta has gone door to door and met with Kate

and Lauren of Apartment 2R and Kozakiewicz,
K-O-Z-A-K-I-E-W-I-C-Z, of Apartment 2L, Brian
Morcraft (phonetic) of Apartment 3R, Zack Mazaca
of Apartment 3L and the owners of Savvy Hair
Design on the retail level, all of whom said
they're in support. He has yet to find anyone in
the building who is in opposition.

We will also submit a petition that has
over 500 signatures in support. We've reached
out to the Wellington-Harrington, the Area 4 and
the Mid-Cambridge Neighborhood Associations and
have received no opposition of any kind.

The character and fitness of these
operations have been demonstrated by their
excellent stewardship of the All Star Sandwich
Shop since 2008. Their backgrounds in business
and in restaurants give them the experience to
make this venture successful in the neighborhood
as well for themselves.

They have been serving beer and wine at the All Star Sandwich Bar in this exact neighborhood for almost four years without any incident of any kind.

They have both completed a 21 Proof Program, and the Serve Safe Program as well.

JOHN DIAMANTOPOULOS: And TIPS as well.

ANDREW UPTON: And TIPS as well.

The Diamantopoulos brothers are hands-on operators. Kosta has a degree in business and John has a culinary degree. They work as a team and together spend more than 90 hours a week on site. John will be the manager of record on the new license and he brings experience, supervising food and alcohol service at the previous restaurant.

Kosta would like to give a brief description about the menu and the concept and some of the history, if that's all right, and

we'd be glad to answer questions before, during or after.

KOSTA DIAMANTOPOULOS: Philosophically we would like to extend the exact same atmosphere that you find at the Sandwich Bar across the street at the Pizza Bar, and what that is, is it's an area that's conducive of both warmth and comfort, and we do that by asking our staff to be -- to involve themselves with the customer experience, but not bordering intrusive, but not being intrusive.

So, what we're trying to do is we're trying to create this atmosphere that brings, you know, forth friendliness and warmth, and we hope that by adding beer, the perfect compliment to any pizza, you know, some say pepperoni, some might say sausage, but it's true with beer, that beer will actually help in fulfilling that recipe.

We hope that we bring forward some of the notoriety that we've gotten at the Sandwich Bar, whether it be or Ochocinco or the Boston Bruins and we're currently trying to get Bobby Valentine to come over and relinquish wraps for good and acknowledge that sandwiches are better. But that's a tough one. We're working on that.

But we're hoping to bring some more notoriety to the area through some of the fortunate press that we got.

COMMISSIONER MICHAEL GARDNER: Did the All Star Sandwich start with a beer and wine license, or did you get it after you were in operation for awhile?

KOSTA DIAMANTOPOULOS: We purchased the restaurant in May of 2008 from Chris Lessinger who had a beer and wine license so it was a transfer when we took over.

COMMISSIONER MICHAEL GARDNER: I guess

one of the questions I have is, we have a lot of pizza operations in the city, and I'm not sure how we go about distinguishing the ones that get a beer and wine license and the ones who don't apart from those who ask.

And so I would be interested in understanding from any of you -- for what's discontinuing about this that should allow us to grant a beer and wine in what I believe Mr. Upton is a capped area, is that correct?

ANDREW UPTON: I believe so.

COMMISSIONER MICHAEL GARDNER: You have to speak because she can't get your head nod.

ANDREW UPTON: Yes.

KOSTA DIAMANTOPOULOS: Have you been to All Star Sandwich Bar yet?

Have any of you come to the All Star Sandwich Bar? You have.

JOHN DIAMANTOPOULOS: I'll have to get

you in there sometime soon.

COMMISSIONER MICHAEL GARDNER: I bring my lunch.

KOSTA DIAMANTOPOULOS: At the All Star Sandwich Bar the experience is something that a lot of restaurants, whether by choice or just inability, don't offer, and what that experience is, is we take ordinary items that are sandwiches and we try to make them extraordinary through the use of culinary techniques that Johnny brings forward, or through the use of atmospheric elements, whether it be music or lights or just the interaction of the servers.

That same atmospheric element is going to carry over. Culinarily what we hope to do is, we hope to take, you know, concoctions that haven't been seen before on pizzas, whether that be, you know, roasted duck, buffalo duckling feet or deconstructed chili rellenos, you know, things of

that nature.

So we're taking food that you would normally see on entrees and transforming them into a pizza form.

Our style of pizza is going to be a thick crust, brick oven and our menu is going to be extremely limited to just pizza and salads, and we want to limit that menu so that it allows us to focus all our efforts where they belong, on the food and the service.

COMMISSIONER MICHAEL GARDNER: What's the additional value of wine to you as opposed to just beer?

KOSTA DIAMANTOPOULOS: Well, the beer and wine -- we make a sangria at the sandwich bar that our customers have come to enjoy over the years, and we hope to make something similar across the street.

COMMISSIONER MICHAEL GARDNER: Thank you.

Plans for trash disposal?

KOSTA DIAMANTOPOULOS: Just standard dumpsters in the back. We use Casella to pick them up three to four times a week.

COMMISSIONER MICHAEL GARDNER: Who was in there before and how long has it been closed, if you know?

KOSTA DIAMANTOPOULOS: Aaron's Pizza was the name, and it's been closed for about eight months or so.

DEPUTY FIRE CHIEF GERARD MAHONEY: So you're going right on the corner of Prospect?

KOSTA DIAMANTOPOULOS: Right across the street, yes. It's a total renovation. Even the studs are getting replaced.

COMMISSIONER MICHAEL GARDNER: Anything in particular that is challenging about that operation or that location for an operation like that?

KOSTA DIAMANTOPOULOS: We grew up in a pizza restaurant. Our parents owned one for 35 years. So, it's second nature to us. Plus, it's something we look really forward to. It's a great challenge, and we enjoy doing what we do, there's the 90-hours-plus a week that we spend in the restaurant.

COMMISSIONER MICHAEL GARDNER: How will you divide your time between the two places?

KOSTA DIAMANTOPOULOS: We'll be at both as much as humanly possibly. You know, we'll take turns in different places or we'll run across the street. We're anticipating being there as much as possible in the beginning.

COMMISSIONER MICHAEL GARDNER: Will you have a different on-site manager?

KOSTA DIAMANTOPOULOS: Initially Johnny will be the manager of the Pizza Bar, and I'll remain as the manager of the Sandwich Bar.

COMMISSIONER MICHAEL GARDNER: You're the manager of record for the Sandwich Bar?

KOSTA DIAMANTOPOULOS: That's correct.

COMMISSIONER MICHAEL GARDNER: So this would be your first time as a manager, the holder of a license?

JOHN DIAMANTOPOULOS: Yes.

COMMISSIONER MICHAEL GARDNER: Just tell us a little bit about your experience.

JOHN DIAMANTOPOULOS: I've gone to culinary school, I have been working restaurants my whole life. I've held a couple of higher positions, a sous chef position in restaurants, and I have been in this atmosphere for four years at All Star Sandwich Bar.

POLICE COMMISSIONER ROBERT HAAS: How many years did you say?

JOHN DIAMANTOPOULOS: Four years.

POLICE COMMISSIONER ROBERT HAAS: Four.

COMMISSIONER MICHAEL GARDNER: Since you opened in 2008?

JOHN DIAMANTOPOULOS: Yes.

DEPUTY FIRE CHIEF GERARD MAHONEY: Do you have any experience with alcohol service outside the Sandwich Bar?

JOHN DIAMANTOPOULOS: No, but I did get my 21 Proof and I did all that stuff.

DEPUTY FIRE CHIEF GERARD MAHONEY: And you have run the Sandwich Bar for what, about three years now?

KOSTA DIAMANTOPOULOS: Almost four.

JOHN DIAMANTOPOULOS: Almost four, yeah.

COMMISSIONER MICHAEL GARDNER: Any other questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: No.

COMMISSIONER MICHAEL GARDNER: Anything we haven't asked you that you think it's important for us to know?

ANDREW UPTON: Well, just to expand a little bit on the overall concept, you are correct there are many opportunities to get sandwiches and many opportunities to get pizza in Cambridge, but I think we can rightly say that there are not many opportunities to go to a place like the All Star Sandwich Shop with its unique combination of food and atmosphere, and well, every chef/owner thinks their place is special, I think the revenues, the reputation, the fact that they have followers on Twitter, the fact that celebrities go there speaks to the commitment and the uniqueness of this operation, and the following that it has developed, and the fact that 500 customers in the last three weeks said they want this style to be applied to pizza.

There are many pizza places, just like there are many sandwiches places, but I venture to say there will not be many pizza places like

this.

Thank you.

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

Seeing none -- this would be a no-value license, I take it?

ANDREW UPTON: Yes.

COMMISSIONER MICHAEL GARDNER: What is the status of the All Star Sandwich license, is that for value, no value?

KOSTA DIAMANTOPOULOS: No value.

COMMISSIONER MICHAEL GARDNER: And I believe Mr. Upton described this a little bit differently than what's in our paperwork, it will be called the All Star Pizza Bar or --

KOSTA DIAMANTOPOULOS: Well, we're referring to as the All -- it's going to be called the Pizza Bar, but just as far as it's

easier for us, it rolls off of our tongue a little easier to say All Star Pizza Bar.

COMMISSIONER MICHAEL GARDNER: Has the petition been delivered yet? You have those documents?

ELIZABETH LINT: The petition's right here.

I thought you purchased the license from Chris.

KOSTA DIAMANTOPOULOS: It was transferred. There was no value on it. If I remember, we had --

ELIZABETH LINT: It was transferable.

POLICE COMMISSIONER ROBERT HAAS: It was transferable?

ELIZABETH LINT: Some of the old ones were transferable, but not -- no value, but were transferable. I don't know how that happened.

KOSTA DIAMANTOPOULOS: I remember having

to go back and change that.

COMMISSIONER MICHAEL GARDNER: So we have a decision hearing scheduled for January the 3rd at 10:00 a.m., do we not?

ELIZABETH LINT: We do.

COMMISSIONER MICHAEL GARDNER: We do. I guess in terms of the -- we'll hear from the other Commissioners, but in terms of just granting a beer and wine license, I would be more comfortable in having the opportunity to review the file more and to take the matter up on January 3rd.

Does that present any particular hardships to you?

ANDREW UPTON: No. We're currently in the build-out. They're going to do the utilities and close in in the next few weeks.

KOSTA DIAMANTOPOULOS: We have to get you to the Sandwich Bar to see what we're talking

about.

COMMISSIONER MICHAEL GARDNER: Well, I probably won't do that, but...

Pleasure of the Commissioners?

POLICE COMMISSIONER ROBERT HAAS: Sir, have you investigated whether there was any wine and beer licenses available prior to asking for a no-value nontransferable license?

KOSTA DIAMANTOPOULOS: I personally haven't. Is it something we have reviewed?

ANDREW UPTON: I believe we did. I am the presenting attorney for this. Their corporate counsel did the paperwork and the initial stuff, so I'm not exactly familiar with what process they underwent before this.

COMMISSIONER MICHAEL GARDNER: Well, it sounds very interesting. I think the decision to grant an alcohol and -- or a beer and wine license is one which should not necessarily be

made hastily.

Pleasure of the Commissioners?

ANDREW UPTON: Of course.

POLICE COMMISSIONER ROBERT HAAS: I made
a motion to defer the matter until the
January 3rd decision meeting.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Seconded.

COMMISSIONER MICHAEL GARDNER: The motion
having been made and seconded to defer this
matter to the January 3rd decision meeting which
is scheduled for 10:00 on the 3rd, all those in
favor signify by saying "aye."

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Deputy?

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

I'm sorry.

COMMISSIONER MICHAEL GARDNER: All in

favor?

None opposed, so, we'll defer the matter to then.

Wish you well with your plans.

KOSTA DIAMANTOPOULOS: Thank you very much.

ANDREW UPTON: Thank you very much.

COMMISSIONER MICHAEL GARDNER: Just for the interest of any members of the public who care there was an originally scheduled decision hearing for December the 29th, that's next Thursday, at 10:00 a.m., but vacation plans being what they are, and our agenda not being that crowded for decisions, we have, in fact, moved that to January the 3rd.

APPLICATION: PHI BETA EPSILON CORPORATION

ELIZABETH LINT: Application: Phi Beta Epsilon Corporation, Eugene Lim, Resident

Manager, holder of a lodging house license at 400 Memorial Drive has applied for a change of resident manager from Eugene Lim to Matthew Angle.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you could again state your names and spell them for the record.

STEVEN CARHART: Certainly. Good evening. My name is Steven Carhart, Steven with a V, last name is Carhart, C-A-R-H-A-R-T. I'm the president of Phi Beta Epsilon Corporation, which is the association of 400 alumni of Phi Beta Epsilon, which owns the fraternity house.

MATTHEW ANGLE: My name is Matthew Angle, M-A-T-T-H-E-W A-N-G-L-E, and I'm applying for the resident manager.

COMMISSIONER MICHAEL GARDNER: Tell us a little about the history of the operation. I

have taken a look at the file, it goes back quite a ways.

STEVEN CARHART: Yes. We have been a fraternity in Cambridge at MIT in our present location since 1916.

The fraternity itself dates back to 1890. We have been in continuous operation during this period, and we're before you with the new resident manager as our current manager, Mr. Lim, is completing his studies at MIT and will be moving on for employment.

We've selected Mr. Angle after interviewing many candidates, and we found him to be a mature person with an excellent academic record who can be helpful to our students while providing supervision.

He was interviewed and approved by the MIT Dean's Office as part of the normal process for changing resident managers.

COMMISSIONER MICHAEL GARDNER: And because I'm relatively unfamiliar with these kinds of operations, can you tell us the general duties of a resident manager? Is this typically an older undergraduate or graduate student? Just give me some more background.

STEVEN CARHART: Yes. Typically, a graduate student or someone who will be the person of official contact and provide an additional level of supervision beyond the undergraduate operations, and who have, of course, their own officers and internal organization, and this person is coordinated with MIT.

MIT has a normal policy of having a resident advisor as MIT calls them in each independent living group. So this is all within the normal context of MIT's procedures, and they have requirements and review this in parallel

with our organization.

COMMISSIONER MICHAEL GARDNER: So does MIT think of this as a resident advisor and we think of it as a resident manager or are we talking about two different --

STEVEN CARHART: The nomenclature is the resident advisor at MIT --

COMMISSIONER MICHAEL GARDNER: But same person.

STEVEN CARHART: Same person, and that position entails being the responsible person on site.

Now, in addition there is the Phi Beta Epsilon Corporation which typically meets monthly, and we have alumni supervisors who are available on call in the area.

COMMISSIONER MICHAEL GARDNER: Mr. Angle, have you lived in this residence now for some time, or are you very familiar with it or you

coming in cold?

MATTHEW ANGLE: I moved in beginning of September.

COMMISSIONER MICHAEL GARDNER: Have you been functioning as the manager since the beginning of September?

MATTHEW ANGLE: Yes, sir.

COMMISSIONER MICHAEL GARDNER: In the file it looked like there were some problems a couple years ago, but some letters about some concerns that the Commission may have had about operations at the facility. I didn't spend much time looking at it.

But I just wonder sort've what the recent history has been from your point of view, sir, with respect to how things have been going, whether there have been any problems internally in the residence or with MIT or with the Cambridge Police or others and...?

STEVEN CARHART: Well, I mean, as a matter of record, there was concerns about our initiation practices, which we agreed to a reform procedure with MIT. That has been approved and settled, and there are no current issues.

And I would add that there have not been issues of any kind relevant to the lodging license or with the police or anything of that nature.

COMMISSIONER MICHAEL GARDNER: All right, thank you.

Anything else you think we should know?

STEVEN CARHART: Well, we found Mr. Angle to be find a fine addition to our group, and we're very pleased to have him and we hope you will be comfortable with him as well.

POLICE COMMISSIONER ROBERT HAAS: How many residents are living there at the house?

STEVEN CARHART: It is 33 or 35.

MATTHEW ANGLE: Yes. There are 30.

POLICE COMMISSIONER ROBERT HAAS: Are they all graduate students or a combination of graduate and undergraduate?

STEVEN CARHART: Combination.

POLICE COMMISSIONER ROBERT HAAS: Combination, okay.

How does one go about having a party or what is -- hosting a party at the house, what is the process to go through?

STEVEN CARHART: Well, at the moment we're under social probation, so we're not hosting parties at the fraternity house.

Under other circumstances, we would be registered with the Dean's Office at MIT and follow normal interfraternity conference procedures.

POLICE COMMISSIONER ROBERT HAAS: What is the access to the roof of the building? Do you

have access to the roof?

STEVEN CARHART: Yes.

POLICE COMMISSIONER ROBERT HAAS: Any
functions on the roof at all?

STEVEN CARHART: No.

COMMISSIONER MICHAEL GARDNER: How is
access controlled?

MATTHEW ANGLE: To the roof or to the
building?

COMMISSIONER MICHAEL GARDNER: To the
roof.

MATTHEW ANGLE: There's a door at the
stop of the stairwell.

COMMISSIONER MICHAEL GARDNER: Locked?
Anybody can go up or is it controlled by you or
designated people?

MATTHEW ANGLE: If you were to gain
access to the house, you could gain access to the
roof.

COMMISSIONER MICHAEL GARDNER: Uh-huh.

DEPUTY FIRE CHIEF GERARD MAHONEY: Could you explain a little bit about the social probation that's currently in effect?

STEVEN CARHART: Well, that's part of the agreement that we made with MIT to reform our initiation procedures. Basically there are no parties or large gatherings at the house.

DEPUTY FIRE CHIEF GERARD MAHONEY: Is it expected to last a certain period of time or indefinitely or what?

STEVEN CARHART: It's anticipated to last for two more years.

DEPUTY FIRE CHIEF GERARD MAHONEY: Okay.

COMMISSIONER MICHAEL GARDNER: Anything else?

POLICE COMMISSIONER ROBERT HAAS: Are you allowing consumption of alcohol on the property.

MATTHEW ANGLE: For those of age.

POLICE COMMISSIONER ROBERT HAAS: For the
what?

MATTHEW ANGLE: For those of age.

POLICE COMMISSIONER ROBERT HAAS: Of age,
okay.

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

REBECCA SUSI: I would like to address
the Board, please.

COMMISSIONER MICHAEL GARDNER: Please
come forward and state and spell your name for
the record.

MARLENA MARTINEZ LOVE: Good evening,
everyone.

My name is Marlana, M-A-R-L-E-N-A,
Martinez, M-A-R-T-I-N-E-Z, last name Love,
L-O-V-E.

I have the privilege of serving MIT as

the assistant dean of fraternities, sororities and independent living groups.

I would just like to speak on behalf of Mr. Angle's candidacy. It has been great to work with him for the last couple of years, has served all expectations on behalf of our resident advisors and has gone through the appropriate training.

I do have for the Board of a copy of our updated manual, including the position description, those training materials to submit on their behalf.

COMMISSIONER MICHAEL GARDNER: Thank you.

Anyone else who would like to be heard?

So I'm not sure I understand the training you've gotten over the last couple of years, Mr. Angle.

MATTHEW ANGLE: Okay. Last couple of -- I have been at MIT for the better part of a decade, involved with the fraternity system over

that period of time.

And most recently have gone through residential advisor training through the MIT at the FSILG office.

COMMISSIONER MICHAEL GARDNER: Did you find it useful or helpful to you?

MATTHEW ANGLE: Yes.

COMMISSIONER MICHAEL GARDNER: It just wasn't what you already knew and common sense.

MATTHEW ANGLE: No, it was -- a lot of it involved familiarization with different services available to students on campus that I haven't dealt with in the past.

COMMISSIONER MICHAEL GARDNER: Pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: I make a motion to approve the application for change of manager.

DEPUTY FIRE CHIEF GERARD MAHONEY:

Second.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
change in manager to Mr. Matthew Angle.

All those in favor signify by saying
"aye."

ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

Good luck in continuing the job you have
had for the last couple months.

MATTHEW ANGLE: Thank you, sir.

STEVEN CARHART: Thank you very much.

COMMISSIONER MICHAEL GARDNER: Thank you
for your time.

APPLICATION: ST. ANTHONY ASSOCIATION OF BOSTON,
INC.

ELIZABETH LINT: Application:

St. Anthony Association of Boston, Inc. doing
business as Number Six House MIT Fraternity,
Marcus Dahlem, Resident Manager, holder of a
lodging house license at 428 Memorial Drive has
applied for a change of resident manager from
Marcus Dahlem to Bernard El-Khoury.

COMMISSIONER MICHAEL GARDNER: Good
evening. Again, state and spell your names for
the record and the stenographer.

ADRIANA CICCONE: I'm Adriana Ciccone,
A-D-R-I-A-N-A C-I-C-C-O-N-E.

BERNARD EL-KHOURY: I'm Bernard
El-Khoury, B-E-R-N-A-R-D E-L-dash-K-H-O-U-R-Y.

COMMISSIONER MICHAEL GARDNER: And your
role, Ms. Ciccone?

ADRIANA CICCONE: I am the president of
the St. Anthony Association of Boston.

COMMISSIONER MICHAEL GARDNER: Tell us

about the application.

ADRIANA CICCONE: Bernard's application?

COMMISSIONER MICHAEL GARDNER: Uh-huh.

ADRIANA CICCONE: He is our resident manager, similar to the previous gentleman that you heard, in the No. 6 house at 428 Memorial Drive. He has been with us since September.

(Directed to Bernard El-Khoury) Correct?

BERNARD EL-KHOURY: Since summer actually.

ADRIANA CICCONE: Since summer.

And we're happy to have him.

COMMISSIONER MICHAEL GARDNER: Tell us a little bit about No. 6 house.

ADRIANA CICCONE: The No. 6 Club is an independent living group on at MIT's campus. We have been living at 428 Memorial Drive for the past almost 100 years. And we're a literary society, so we are interested in whatever that

means in terms of actively having conversations, readings, the arts, trying to supplement student's experience at MIT. It's a residential house.

COMMISSIONER MICHAEL GARDNER: How many residents typically?

ADRIANA CICCONE: Roughly 40. I think right now our maximum capacity is 48. I think we're at 40 or 42.

COMMISSIONER MICHAEL GARDNER: And if you would, sir, could you describe your experience both with the house and any positions you've had prior to now and what your responsibilities have been since this summer?

BERNARD EL-KHOURY: So prior positions, I have been a student so far. So, I did my undergraduate studies in Paris in France, and now at MIT I'm a master student. It's my second year here. I'm a research assistant. So this is from

my prior experience.

I've also had some internship job experiences. As for my role so far, my experience as a resident manager, it has been a good experience so far with -- in the sense that there was no extreme situations where I had to deal with emergent cases -- emergency cases.

So what I mostly did is interacting with the students, being available when they need help, and during the finals week, I tried to do some stress prevention activities.

For example, yesterday, I brought massagers to the house to ease the tension for the finals because this is the time when there's reason to worry about -- for undergraduate safety or health.

And other than that I have been mainly coordinating with the FSILG office at MIT to send messages or...

COMMISSIONER MICHAEL GARDNER: You were hearing during the previous hearing that we just had about another house at MIT, were you present in the room?

BERNARD EL-KHOURY: Yes.

COMMISSIONER MICHAEL GARDNER: Have you attended the same training as Mr. Angle?

BERNARD EL-KHOURY: There are many trainings. I missed the training that happened this summer since I was away, but I have done other trainings. So I do not really know what I missed exactly.

COMMISSIONER MICHAEL GARDNER: You didn't go through it with him. You don't know what he went through. I understand that.

BERNARD EL-KHOURY: Exactly.

COMMISSIONER MICHAEL GARDNER: And how long have you have -- is this your first time living at the house, or were you there last --

you have only been at MIT for two years?

BERNARD EL-KHOURY: Yes. So it's my first time, yes.

This is a requirement actually since you need -- you need to be not from the house in order to apply for the position at MIT, or else you might have biases or relationships with certain students over other ones.

COMMISSIONER MICHAEL GARDNER: So you come in new --

BERNARD EL-KHOURY: Yes.

COMMISSIONER MICHAEL GARDNER: -- to the site?

BERNARD EL-KHOURY: Yes.

COMMISSIONER MICHAEL GARDNER: I wonder if you could describe the screening process to select your manager or advisor?

ADRIANA CICCONE: Sure. Well, MIT goes through -- and Marlena -- I have been through

this a couple times when I was an undergrad. I don't anticipate that it has changed at all.

From an undergraduate perspective or actually from an MIT perspective, the candidate will apply, they get screened through the FSILG office, which is the office that deals with fraternities, sororities and independent living groups. The candidates that are deemed appropriate or successful candidates are then sent out to the houses that need a new RA because the previous RA or resident manager has graduated or moved on in some form.

The undergraduate leadership will review all of the applications, pick out candidates they think would be a good fit in terms of personality for the house, they have them over, they discuss, they meet, then a candidate is identified and selected, and then the training happens for them from the MIT side.

COMMISSIONER MICHAEL GARDNER: Thank you.

Questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: Could you just explain a little bit about what the St. Anthony Association is?

ADRIANA CICCONE: The St. Anthony Association of Boston is the owner of the property, we are essentially the support structure for the undergraduate organization. So we are the alumni liaison to MIT for the house. We own the property. We do all of the capital repairs, maintenance. We are support to the undergraduates in terms of culture or history, we support the undergraduate officers and we interact with our national organization.

DEPUTY FIRE CHIEF GERARD MAHONEY: Okay.

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

(Audience member indicating.)

COMMISSIONER MICHAEL GARDNER: Please.

MARLENA MARTINEZ LOVE: Sure. Marlena Martinez Love, again fully supporting the candidacy of Mr. El-Khoury.

COMMISSIONER MICHAEL GARDNER: And could you tell us about the differences in training that he has or will receive compared to what Mr. Angle's received.

MARLENA MARTINEZ LOVE: Absolutely. Bernard was able to attend the session that we held with the majority of the new resident advisors, so he met one on one with a staff member in my office to go through all of the curriculum. So has the same content, but just didn't have the same in-person experience.

COMMISSIONER MICHAEL GARDNER: You're satisfied that the experience is sufficient?

MARLENA MARTINEZ LOVE: Absolutely.

COMMISSIONER MICHAEL GARDNER: Anyone
else who would like to be heard?

Pleasure of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion
to approve the change for resident manager.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
change of resident manager to Mr. El-Khoury, all
those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So good luck in the job you have been
doing apparently since the summer and we wish you
well continuing going forward.

ADRIANA CICCONE: Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you

very much.

MARLENA MARTINEZ LOVE: Thank you.

APPLICATION: HONG LIU

ELIZABETH LINT: Application: Hong Liu
doing business as Scholar's House, Yu Xi Ma,
Resident Manager, has applied for a lodging house
license at 2240 Massachusetts Avenue for 15 rooms
and 15 occupants.

COMMISSIONER MICHAEL GARDNER: Good
evening.

We would like you, if you could, to
please state and spell your names for the record
and affiliations?

SEAN HOPE: Good evening, Mr. Chair,
members of the Commission, for the record,
Attorney Sean Hope, Hope Legal Offices in
Cambridge.

To my left this is Mrs. Hong Liu.

HONG LIU: H-O-N-G and Liu, L-I-U.

SEAN HOPE: Mrs. Liu is the owner and proprietor of a series of bed and breakfasts on the North Mass Ave corridor. She is the owner and manager at Bed and Breakfast Inn and also a lodging -- excuse me -- a bed and breakfast house at 2210 Massachusetts Avenue, and she recently was approved for a bed and breakfast there.

So this is an application for a third, although this is going to be a lodging house at 2240 Mass. Ave. The property is located in the Business A2 Zone and so lodging is a permitted use there.

This was formerly a dormitory residence for the western Jesuits and it had a series of, I believe, three occupants.

This is adjacent to the Archdiocese of St. John's on Mass Ave, and this application is for 15 rooms and the total of 15 occupants.

Per zoning there was a requirement for one parking space for every four rooms. So we have a total of four parking spaces. There's no parking actually on this lot, and it was approved by Zoning to use accessory parking at her location at 2210 Mass Ave. And we received zoning approval for that. That was part of the initial signoff that it was required that we had to actually register the parking at 2210 Mass Ave because it's commercial parking, so the parking requirement is satisfied.

Mrs. Liu has been a successful and safe operator in the North Mass Ave community.

I have a letter from Councillor Leland Chung, as well additional letters of support that came in just recently. You have that as well.

Mrs. Liu's family is currently residing in the property. There will be an on-premises manager who will be there to serve similar

function as the previous applicants there.

She has her full family in attendance.
She runs very much a family-operated businesses
along North Mass Ave and also in other parts of
Cambridge.

And this is an application to further
offer lodging services in the Cambridge area.

COMMISSIONER MICHAEL GARDNER: So did I
understand it right that currently you operate
two bed and breakfasts and this would be the
third residential or the third lodging facility,
now a lodging house with the largest of the
three, or are there other businesses?

SEAN HOPE: Yes, there are other
businesses. This is just in the North Mass Ave
corridor. These are all within blocks of each
other, 300 or 400 yards of each other, but you
also have other establishments?

HONG LIU: Yeah, in Harvard, 1673

Cambridge Street.

COMMISSIONER MICHAEL GARDNER: And is that also a bed and breakfast?

HONG LIU: Yes.

COMMISSIONER MICHAEL GARDNER: Will this be your first time operating a lodging house?

HONG LIU: Yes, this will be a lodging house.

COMMISSIONER MICHAEL GARDNER: And what do you understand to be the differences, both in terms of the experience for the occupants and also the differences for a manager or owner and in particular any different challenges to a lodging house operation?

SEAN HOPE: We did talk about this because effectively she's offering rooms for -- this is for extended stay occupancy, as opposed to a bed and breakfast, where someone would stay a night. This is going to be specifically

advertised for extended stay.

Also, there's not going to be -- there is a central kitchen which is allowed, but there's not going to be cooking facilities in individual rooms. So there will be a general cooking facility that's open to the public or for the occupants of the lodging house.

The difference, as it's defined under the License Commission is really about the length of stay. And it's controlled under the Chapter 186, but allowing for up to a month or a week, but you're assuming how long an average?

HONG LIU: Mostly a monthly basis.

COMMISSIONER MICHAEL GARDNER: Would this typically be month to month so somebody might stay a year or more?

HONG LIU: Yes, yes, both.

COMMISSIONER MICHAEL GARDNER: And given what you anticipate for fees or costs, could you

give us some sense about the demographic or the population that you hope to serve with this lodging house?

HONG LIU: Yes. Basically for graduate students coming here for three months or a semester, which is six months, and mostly landlords they rent for a year for a lease, so these would provide a service fitting the need and the gap. And a rental and fees-wise is really a little bit more than monthly, say, if you shared room for \$600 when they charge you \$700 or \$800 because we also want to provide, say, a high speed internet and sometimes it's furnished because if you come here from Europe for three months, it doesn't make sense, you buy your linens and comforters, and we want to give -- we have the daily and sometimes we have the extra used one that we want to provide, a kind of complimentary just for them to have a

good short-term stay.

COMMISSIONER MICHAEL GARDNER: So will your primary source of referrals be the universities in the area?

HONG LIU: Yes.

COMMISSIONER MICHAEL GARDNER: These are all single occupancy rooms, right?

HONG LIU: Right.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: I have nothing.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Nothing.

COMMISSIONER MICHAEL GARDNER: Anything else you think we should know?

Do you have anything, Ms. Lint?

ELIZABETH LINT: Yes. In addition to the letter of support from Councillor Chung, I also

have a letter in support from Councillor Kelley which was circulated to all of you earlier today. He's also in support.

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

I see a few people here.

Why don't you come up and state and spell your name for the record.

ANITA SPIETH: My name is Anita Spieth, S-P-I-E-T-H. I live at 9 Hascal Street, which is in the neighborhood. I just want to express my concern about the short-term nature of tenants and how that might affect the neighborhood. It's a pretty quiet neighborhood, and I have to say, I am very impressed with sort've of the clientele and the volume at the applicant's bed and breakfast. I have never noticed any disturbance at all there. But this is something a bit

different and there's a little cause of concern for me.

So, I just want to express my concern about how these short-term tenants might be different from someone on holiday.

COMMISSIONER MICHAEL GARDNER: Thank you very much.

Any other members of the public who would like to be heard?

DENISE JILLSON: Good evening, Denise Jillson. My address is 2203 Mass Ave and I'm a neighbor of Hong Liu across the street. I have known her for probably close to 25 years. She's a fabulous neighbor. She runs a wonderful business and, you know, I just keep kidding her about creating an empire in North Cambridge, but she's really -- she does a wonderful job and we have never had any problems.

And, in fact, you know, just can't

support her enough because, you know, she just -- there's a quiet sort of loveliness about all of her big beautiful homes on Mass Ave and we really appreciate all her hard work.

So thank you.

COMMISSIONER MICHAEL GARDNER: Thank you.

I wonder with respect to the concern about short-term tenants and concerns about disruption or a change in the neighborhood, if you could talk a little bit about what you see as the challenges that face you there and what steps you anticipate taking to make sure that the neighbors don't face disruption or surprise.

HONG LIU: Yes. I'm very much aware of the neighbors' concern, and that's my concern too because we want to operate a safe and good lodging house.

Number one, it has to be owner-occupied, so my sister and brother-in-law, they live there,

and number two, we always have to scrutinize the guests or tenants. They have to be sound mind, sound body. And we have to let everyone who stays there has that quality.

And then, thirdly, we don't have a large, say, function room where they can hold a wild party. And basically, we are there 24 hours. If someone smokes, it's not allowed to smoke. We will go there right away.

If someone noisy, we will go there right away.

So my family members and my employees and it's -- just because right next to 2218, 2210, it's 24 hours coverage. So this one is 24 hours coverage. So it will be basically a residential.

COMMISSIONER MICHAEL GARDNER: Thank you.

Pleasure of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Make a motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: I
second that motion.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
application for a 15-room lodging house, at this
address on Mass Ave, all those in favor signify
by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

Deputy?

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

I'm sorry.

COMMISSIONER MICHAEL GARDNER: None
opposed, so the application is approved.

We wish you well with this new venture.

HONG LIU: Thank you.

SEAN HOPE: Thank you.

APPLICATION: MOKSA, LLC

ELIZABETH LINT: Application: Moska, LLC
doing business as Moska, Taslim Chowdhury,
manager, holder of an all alcoholic beverages as
a restaurant license (2:00 a.m. closing) at 450
Massachusetts Avenue has an applied to pledge
said license to Paige-Gateman, LLC.

COMMISSIONER MICHAEL GARDNER: Mr. Hope,
could you please again identify yourself for the
record?

SEAN HOPE: Evening, Mr. Chair and
members of the Commission.

For the record, Attorney Sean Hope,
S-E-A-N H-O-P-E, Hope Legal Law Offices. I'm
here with --

SOLMON CHOWDHURY: Solmon Chowdhury,
S-O-L-M-O-N, Chowdhury, C-H-O-W-D-H-U-R-Y, owner
of Moksa, LLC.

COMMISSIONER MICHAEL GARDNER: Could you

tell us a little about the premises and what it is you're proposing to do this evening and why?

SEAN HOPE: About a year ago Mr. Chowdhury, and I represented him, and he came and we applied for a CV, and also a transfer of an all alcohol license at the premises on Mass Ave. We received approval.

At that time, we actually submitted it to the ABCC and although it took a couple more months partially because of the licensee, we received approval in about October.

So it was a longer than normal, but once we did receive approval, Mr. Chowdhury began doing renovations, and actually the renovations are scheduled to be completed in late January, earlier February.

Part of this was MIT owns the building and owns that full strip, and right along Mass Ave where the Central Square Theater is or where

the CCTV is, and so part of the delay in the liquor license being approved has caused some financial hardship to Mr. Chowdhury.

He has funded primarily most of the construction through personal funds. It was always intended eventually that we would go and apply for a pledge on this all alcohol license.

Obviously the delay in the approval caused a delay in being before you here today.

So this is a private lender based on a pledge. Part of the license would require the pledge to continue construction as well as other enterprises. This is a restaurant that's part of what we like to call revitalization of that part of Central Square.

Mr. Chowdhury, he's the proprietor of Om Restaurant in Harvard Square. So he has run a business there for --

(Directed to Mr. Chowdhury) How long?

SOLMON CHOWDHURY: Six years.

SEAN HOPE: So that includes obviously a restaurant as well as entertainment, and I'll let Mr. Chowdhury talk about the unique facts of this restaurant, but it's going to be an addition to a restaurant, it's going to be a lounge and an entertainment facility.

SOLMON CHOWDHURY: So the restaurant, the space is about 8500 square foot. All the licenses are approved back in January, early January.

So we have three different room. We have a bar, we have a dining room and then we have a function room in the back which we're going to use for private dining and some entertainment also.

We have a great chef. Patricia Yeo, well-known all over the country.

We're hoping to be open by late January.

COMMISSIONER MICHAEL GARDNER: So this is
a for value license --

SOLMON CHOWDHURY: Yes.

COMMISSIONER MICHAEL GARDNER: -- that
you purchased.

SOLMON CHOWDHURY: Yes. Purchased it
from 99 Restaurant a couple years ago.

COMMISSIONER MICHAEL GARDNER: And
because I've not actually done one of these
before that I remember, could you talk a little
about the implications of the pledge and what
happens, or your understanding of what happens
should you be unable to meet the obligations of
the loan?

SEAN HOPE: There's a pledge, also the
pledge is secured by a promissory note, which is
part of the application, and it has to be
approved here and also approved by the ABCC, and
similar to any kind of security interests,

obviously, you can foreclose, or you can act on the promissory notes.

The license remains the licensee, so even though a pledge holder they couldn't obtain -- they couldn't obtain the actual liquor license without coming before a board, every liquor license has a home. So this is really security interests for a loan similar to a mortgage on a house.

But in this case, because it's alcohol and because it's controlled at the city and state level, and if Mr. Chowdhury was to default on the promissory note, he would have to go through the process of essentially foreclosing on that dollar amount.

If he couldn't do that, the lease would still be instated, but the operation of a restaurant without a liquor license would be pretty hard to do, unlike the no-value license

which comes back to the city, these remains the licensees, and if there was a financial hardship and he had defaults oftentimes, too, to pay off the obligation, they will list the license for sale and someone else could come and pay off the promissory note and then have -- transfer the liquor license.

But even that transfer would still have to be approved by the board, it would have to have home, they would have to have a location to have it in as well as the licensee approved by the ABCC. So.

It's all these actions would have to be fully approved by the ABCC and Cambridge Licensing.

COMMISSIONER MICHAEL GARDNER: I have a vague memory of the original application and Commissioner Haas asking if there was set up if Om would continue in operation. And my memory

was that the answer to that was, yes. However, then later that evening, there was on an unrelated application, it sounded like perhaps the answer was really no. And I just could've misinterpreted that. As I say, it was a long time ago.

But I just wondered if you could talk to us about the current status of Om, both financially and operationally and your expectations for it in the future?

SOLMON CHOWDHURY: Absolutely. I mean, I still have a 15-year lease left at Om and I have no intention of -- I -- actually to go back, I have a very difficult landlord who thinks because he owns the space, he can just sell it to anybody. So he has been trying to do that for the last three years, and I have been successfully fighting him, and as long as my lease is there and I have 15 years left, I will

continue doing that.

I have a great restaurant there, which was ranked top restaurant in the country and top 25 restaurant in the world. And there's no way I'm giving that up.

Moksa this will be another restaurant that I own. I own other restaurants in Boston, so it's just basically adding another location to my existing restaurant.

So, to answer your question, there's no way I'm giving up Om, or selling Om, or moving out Om no matter how much he tries.

SEAN HOPE: And I would just add that there are some matters that are part of ongoing litigation, but I would caution you not to go into that.

COMMISSIONER MICHAEL GARDNER: All right.

Any other questions?

POLICE COMMISSIONER ROBERT HAAS: Why was

there a delay at the ABCC? Any particular reason?

SEAN HOPE: Partly, you know, it was transactional. You know, there's a DOR hold, so the transferee has to be approved partially.

I would say from our end, you know, bureaucracy, when you're calling the ABCC that sometimes they take longer than others.

I don't know if the summertime is a particularly intensive time, but there was a period of time where we just didn't hear back from them, and then there was also a request on us for further documentation of assets and resolutions.

And so, it was partially both ways, but, I mean, there was a period of time where we just were not being able to get in touch with the investigator and then the approval came through in October.

So they normally don't take that long.

Initially, too, as well, MIT, because they were new landlords, they had an interest in the all alcohol license. So there was a disclosure by the landlord and MIT, as a larger institution, is not used to disclosing the background checks of its president.

So there was some restructuring that they needed to do as landlords what they're consistently doing in their leases now, but, initially, there was a whole issue of the president, who has nothing do with this transaction. So now they've created MIT Real Estate Trust, and they separated, so that the Board of Directors and other people don't have to disclose -- the idea about financial and liquor license can go all the way up in the chain depending on who actually is the landlord and how title is held.

COMMISSIONER MICHAEL GARDNER: So were you the trial balloon for that, or the canary in the coal mine?

SEAN HOPE: We were, but to the benefit of the future licensees that come, I think, all of -- but, you know, Harvard has dealt with the same thing. They have just done it at a different time. MIT having that part of the Central Square is now becoming a restaurant landlord.

COMMISSIONER MICHAEL GARDNER: Well, I remember the great enthusiasm about the potential opening of this restaurant.

I guess I'm a little worried as to whether or not financially it's going to be pulled off.

Can you assure us that you're going to make it here?

SOLMON CHOWDHURY: Of course, yeah. We

-- I mean, our construction is very close to being finished. We just -- first week of January all the furnitures and finished products comes in and we're looking forward to opening it.

We still have the same type of attention we've been getting, write ups, pretty much every week, on different newspapers and magazines and online.

We have actually finished -- our chef actually finished two different TV shows that's also going to air starting in February, so it has drawn a lot of attention to the restaurant.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: So there's no specific concerns by ABCC regarding the applicant, it was just a larger issue that was taking place?

SEAN HOPE: Yes, exactly.

COMMISSIONER MICHAEL GARDNER: The DOR holds, were they on the applicant?

SEAN HOPE: No.

SOLMON CHOWDHURY: On the seller of the liquor license, which is 99 Restaurant.

SEAN HOPE: Part of the other confusion was 99, the location actually doesn't exist anymore, so there was meals tax and employee payroll tax, these things when you don't have a physical structure, which is now gone, so it took weeks for them to figure that out why they had filed for that, and we had to get an affidavit from corporate of 99 Restaurant out of Tennessee. It was a series of events that did not work in our favor.

COMMISSIONER MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

DEPUTY FIRE CHIEF GERARD MAHONEY: I have

nothing.

ELIZABETH LINT: I have some housekeeping issue on the note. It refers to the liquor and -- the entertainment license and the liquor license.

The entertainment license is separate from the liquor license and it can't be used as a security.

COMMISSIONER MICHAEL GARDNER: That needs to be amended to strike the entertainment reference?

ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: Any there members of the public who would like to be heard on this matter?

Seeing none, pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: Make a motion.

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion

to accept.

COMMISSIONER MICHAEL GARDNER: Is there a second for that motion?

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded to approve the pledge of the license subject to meeting technical reconstruction of documents, all those in favor signify by saying "aye."

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: None opposed.

So the pledge -- authorization for the pledge is approved.

Again, we wish you well in being able to move this along and reopen.

SOLMON CHOWDHURY: Thank you. I

appreciate it.

COMMISSIONER MICHAEL GARDNER: Thank you
very much.

APPLICATION: PRESIDENT AND FELLOWS OF HARVARD
COLLEGE

ELIZABETH LINT: Application: President
and Fellows of Harvard College doing business as
Cambridge Queen's Head Pub, Kim Smith, holder of
an all alcoholic beverages as an educational
institute at 45 Quincy Street has applied for a
change of manager from Kim Smith to Craig
Goldschmidt.

COMMISSIONER MICHAEL GARDNER: Good
evening, again, if all of you could please state
and spell your names for the record and yours
affiliations.

DAVID FRIEDRICH: David Friedrich,
D-A-V-I-D F-R-I-E-D-R-I-C-H, Assistant Dean of

Harvard College for Student Life.

CRAIG GOLDSCHMIDT: Craig Goldschmidt,
C-R-A-I-G G-O-L-D-S-C-H-M-I-D-T. I'm the
general manager of the Cambridge Queen's Head.

KIM SMITH: Kim Smith, K-I-M S-M-I-T-H.
I am an area general manager for Harvard
University Dining Services.

COMMISSIONER MICHAEL GARDNER: So,
Mr. Goldschmidt, could you tell us how long you
have been doing the job that you're now applying
for our approval for?

CRAIG GOLDSCHMIDT: Sure. I have been
doing it since October 13th of this year.

COMMISSIONER MICHAEL GARDNER: Tell us
about your background, training and experience.

CRAIG GOLDSCHMIDT: Overall or just at
Harvard?

COMMISSIONER MICHAEL GARDNER: Anything
that's relevant to your having this role?

CRAIG GOLDSCHMIDT: I have been working in the industry since high school, first as just pizza shops and food service, and then I have been managing restaurants for almost eight years now. I have been managing college pubs, specifically for most of that time, college pubs or sports bars. I have been vital in opening up two restaurants and helped with an expansion of a third.

I have had staffs larger than 150 at a time. The current staff here is about 75 active.

I have been actively involved at universities before serving at the University of Massachusetts and all sorts of student governance and student executive boards.

I have worked at Boston University for two semester as the manager/supervisor up there on campus pub, and I now find myself ready to take over the license here.

I am TIPS certified and mostly TIPS Trainer certified, I'm Serve Safe certified. I have also been a bar code professional for, I want to say, since 2004.

COMMISSIONER MICHAEL GARDNER: I'm sorry. I didn't hear the term.

CRAIG GOLDSCHMIDT: It's bar code professional. It's some sort of safe serve exam for proper alcohol service. I have also completed my 21 Proof training through the City of Cambridge and Mr. Frank Connelly.

COMMISSIONER MICHAEL GARDNER: How long have you worked at Harvard?

CRAIG GOLDSCHMIDT: Since October 13th.

COMMISSIONER MICHAEL GARDNER: So you were hired into Harvard --

CRAIG GOLDSCHMIDT: Yes.

COMMISSIONER MICHAEL GARDNER: -- from the prior experiences?

CRAIG GOLDSCHMIDT: Yes.

COMMISSIONER MICHAEL GARDNER: Can you describe what the Queen's Head Pub is for those of us who don't know anything about it?

CRAIG GOLDSCHMIDT: The on campus, student-operated pub for Harvard College, which is specifically designed to serve our undergraduate population.

I report to both Harvard University Dining Services because we serve food, but I also report to the Office of Student Life because we do all sorts of student programming.

COMMISSIONER MICHAEL GARDNER: Are student pubs or college pubs now a common experience in the university life?

CRAIG GOLDSCHMIDT: They're popping up more and more. Some universities have had them for years. The Cambridge Queens Head came about by design four or five years ago.

COMMISSIONER MICHAEL GARDNER: Okay. And what do you do about underage service and how do you control all that?

CRAIG GOLDSCHMIDT: We have been open now for, like I said, four or five years where there hasn't been an incident.

That being said, I walked into a working model of how to prevent underage drinking. It starts when our guests enter our establishment, they're automatically asked for not only a proper state issued ID, but also their Harvard ID, which has a birth date on there that can validate what is on the other ID.

People are braceleted as they enter. If they're 21, they need that bracelet to be served by the bartender on duty.

COMMISSIONER MICHAEL GARDNER: Is this only available to students? Can guests come too or what?

CRAIG GOLDSCHMIDT: Yep. It's open to the Harvard Community, which includes undergraduate and graduate students, postdoctorates as well as faculty and staff.

So, if you can show your Harvard ID, you're welcome to join us.

We do have a policy that if guests would like to be accompanied, they have to be in attendance with one member of the Harvard community.

So, it's at a one-to-one ratio if you're entering our establishment you need to be with someone who is part of the community.

POLICE COMMISSIONER ROBERT HAAS: You can't bring your parents with you if you have two?

CRAIG GOLDSCHMIDT: You can bring your parents.

COMMISSIONER MICHAEL GARDNER: Other

questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: I have none.

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

POLICE COMMISSIONER ROBERT HAAS: So why is the change of manager, I'm just curious?

KIM SMITH: It's twofold. After Scott Snyder had left, we were in the process of hiring Craig. And we needed to change the license out of Scott's name.

So, as an employee of Harvard and working for Dining Services, we currently partly manage the facility. It made sense to put it into my name.

Also, I have just recently received also a promotion, which moves me into a different direction, so when we had Craig come onboard, it made sense that Craig take the license over.

COMMISSIONER MICHAEL GARDNER: Sounded like you got a promotion from what you said.

KIM SMITH: Yeah.

COMMISSIONER MICHAEL GARDNER:
Congratulations.

KIM SMITH: Thank you.

COMMISSIONER MICHAEL GARDNER:
Mr. Goldschmidt, is this your first time as being a manager of record or have you been a manager of record elsewhere?

CRAIG GOLDSCHMIDT: I never held the license in my name.

COMMISSIONER MICHAEL GARDNER: Dean, anything else to add?

DAVID FREDRICH: I think it has been covered. Thank you.

COMMISSIONER MICHAEL GARDNER: Any there comments from members of the general public?

ELIZABETH LINT: Again, housekeeping we

didn't proof of citizenship with the application,
so we need that.

DAVID FRIEDRICH: I'll get it to you
tomorrow.

COMMISSIONER MICHAEL GARDNER: Pleasure
of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion
to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
change of manager from Kim Smith to Craig
Goldschmidt, all those in favor signify by saying
"aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So glad we could get the paperwork

straightened out and wish you well in your new position there.

And, Ms. Smith, wish you well.

KIM SMITH: Thank you.

COMMISSIONER MICHAEL GARDNER: Thank you.

CRAIG GOLDSCHMIDT: Thank you so much.

KIM SMITH: Have a good evening. Happy holidays.

APPLICATION: C-CUPS CUPCAKES & MORE, LLC

ELIZABETH LINT: Application: C-Cups Cupcakes & More, LLC, Amy Upham, manager, has applied for a hawkers/peddlers license to operate a food truck in Kendall Square on private property owned by Kendall Square Corporation.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you could be so kind as to state and spell your name for the record and also your

relationship to this application?

AMY UPHAM: Amy, A-M-Y, Upham, U-P-H-A-M.

I'm the owner of the truck.

COMMISSIONER MICHAEL GARDNER: Tell us about your business plan and model, what we can expect you to be selling, where the truck will be located and how frequently it will move, hours of operations.

AMY UPHAM: It's only going to be there when the skating rink is open. It's at 650 Kendall Square, and I'm just selling cupcakes and coffee, tea and other backed goods.

COMMISSIONER MICHAEL GARDNER: Cupcakes, coffee, tea, hot chocolate and other baked goods?

AMY UPHAM: Hot chocolate, yes.

COMMISSIONER MICHAEL GARDNER: It's designed essentially to serve the patrons of the skating club?

AMY UPHAM: Right, right.

COMMISSIONER MICHAEL GARDNER: What does that mean with respect to any changes of location? Will you be permanently --

AMY UPHAM: I'm permanently at the same place. I just park right at 650 Kendall area. I'm not moving around anywhere.

COMMISSIONER MICHAEL GARDNER: If you know, what's the closest restaurant to where you will be parked?

AMY UPHAM: There's a Red Bones in a little shack right in that little square, too.

DEPUTY FIRE CHIEF GERARD MAHONEY: Will you only be there in the winter months?

AMY UPHAM: For now, I'm just going to be there in the winter.

DEPUTY FIRE CHIEF GERARD MAHONEY: Are they staying open for the winter, Red Bones?

AMY UPHAM: Yep. Wednesday through Sunday they're going to be open.

DEPUTY FIRE CHIEF GERARD MAHONEY:

Wednesday through Sunday?

AMY UPHAM: Right.

DEPUTY FIRE CHIEF GERARD MAHONEY: Your
hours will be...?

AMY UPHAM: I can go in basically when I
went when the rink is open. I'll probably go in
for sure Friday night, Saturday, Sunday and then
maybe one day during the week. It's just up to
me.

DEPUTY FIRE CHIEF GERARD MAHONEY: Do you
operate other vehicles in the city?

AMY UPHAM: No. Just that, that's the
only vehicle I have.

POLICE COMMISSIONER ROBERT HAAS: Do you
operate another business under this name?

AMY UPHAM: No. It's just I have a like
a bakery or commissary in Raynham. I just bought
the business in August and that's where --

POLICE COMMISSIONER ROBERT HAAS: The one in Raynham.

AMY UPHAM: Yeah. Where the bakery actually is, but it's not a storefront, it's just a place to bake.

POLICE COMMISSIONER ROBERT HAAS: Where do you normally sell your product?

AMY UPHAM: Farmer's Markets.

POLICE COMMISSIONER ROBERT HAAS: Okay.

AMY UPHAM: I do some corporate events.

COMMISSIONER MICHAEL GARDNER: You have everything worked out with the corporation with respect to your right to be there?

AMY UPHAM: Right, I got permission. They gave me a right of way and all the insurance they asked for I did. I have a letter, I think, submitted from them that says that I can be there.

DEPUTY FIRE CHIEF GERARD MAHONEY: You

have other employees or will you be the...?

AMY UPHAM: It's just me.

DEPUTY FIRE CHIEF GERARD MAHONEY: Just
you?

AMY UPHAM: Uh-huh.

COMMISSIONER MICHAEL GARDNER: So,
Ms. Lint, would you remind us what our
regulations state about where trucks such as this
can work from?

ELIZABETH LINT: They can work at such a
location. They can't be within 300 feet of a
brick and mortar establishment. Red Bones Shack
is not a licensed establishment, it's a shack and
they don't have tables and chairs, there's no
seating, it's strictly kind've like a
takeout-type of -- so we don't even license it,
so I don't think that would be a conflict of the
rules and regs.

COMMISSIONER MICHAEL GARDNER: I did not

know that he we don't license shacks.

ELIZABETH LINT: Well, we would license it if it had seating.

COMMISSIONER MICHAEL GARDNER: But pure takeout, we don't.

ELIZABETH LINT: Pure takeout we do not.

DEPUTY FIRE CHIEF GERARD MAHONEY: Isn't there another middle eastern restaurant? I forget the name of it.

AMY UPHAM: I don't know. I have only been in a couple times. I'm not sure.

DEPUTY FIRE CHIEF GERARD MAHONEY: Across the way there. I forget the address and I forget the name of the restaurant.

What did you say, 300 feet?

ELIZABETH LINT: Uh-huh.

DEPUTY FIRE CHIEF GERARD MAHONEY: You're going into 650 West Kendall, correct?

AMY UPHAM: Yep. It's a little one-way

street right next to the place where people rent their skates. It's in between the place where people rent their skates and Red Bones actually.

DEPUTY FIRE CHIEF GERARD MAHONEY: It should be fine.

COMMISSIONER MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

DEPUTY FIRE CHIEF GERARD MAHONEY: I have nothing.

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

Seeing none, pleasure of the Commission?

POLICE COMMISSIONER ROBERT HAAS: Make a motion to approve the application.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded to approve the application, I think before we take a vote, just because we do have this regulation about the 300 feet, I think it behooves you to check --

AMY UPHAM: Okay.

COMMISSIONER MICHAEL GARDNER: -- to make sure that, not Red Bones, but if there's any other restaurants in the area to please --

AMY UPHAM: I think Grant, the manager of the property -- it's all private property -- made sure I wasn't having any conflict with anyone that was selling. I'm not selling anything to anyone else who selling in the area because he wants to make sure anyone that's leasing from them I'm not interfering with their businesses.

COMMISSIONER MICHAEL GARDNER: We see one letter of concern about the competition between your sort of business and the brick-and-mortar

restaurants.

But we have a motion, it has been made
and seconded.

POLICE COMMISSIONER ROBERT HAAS: Make it
contingent about clarifying the establishment?

DEPUTY FIRE CHIEF GERARD MAHONEY:
Contingent upon the clarification of the
proximity.

COMMISSIONER MICHAEL GARDNER: Well, I
think the safest thing would be to make sure our
vote is that that it's contingent on its meeting
those requirements.

AMY UPHAM: Okay. Do I need to get a
letter from --

COMMISSIONER MICHAEL GARDNER: I don't
know.

POLICE COMMISSIONER ROBERT HAAS: Would
it be more appropriate to have one of our
investigators go down and verify?

ELIZABETH LINT: I can just look it up in the system.

POLICE COMMISSIONER ROBERT HAAS: Okay.

AMY UPHAM: What is the process after that? Do I get some notice from you or...?

ELIZABETH LINT: You will receive notice from my office.

AMY UPHAM: I will, okay.

COMMISSIONER MICHAEL GARDNER: All those in favor, signify by saying "aye."

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

We wish you well with your new venture.

AMY UPHAM: Thank you.

APPLICATION: DIMAS, INC.

ELIZABETH LINT: Dimas, Inc. d/b/a

Dolphin Seafood, Peter Giannacopoulos, manager, holder of an all alcoholic beverages as a restaurant license at 1105 Mass Ave has applied for an entertainment license to include karaoke and trivia.

COMMISSIONER MICHAEL GARDNER: Good evening.

Again, if you could state and spell your names for the record and also your affiliations with this application?

PETER GIANNACOPOULOS: Good evening, Mr. Chairman. My name is Peter Giannacopoulos, G-I-A-N-N-A-C-O-P-O-U-L-O-S. My son is John Giannacopoulos; same spelling.

Mr. Chairman, we're hoping that, you know, we can get permission to have a little bit of entertainment at our restaurant, namely, maybe one night a week karaoke and down the line we think trivia.

Basically we're hoping that we can stretch our hours and add a little business.

We have been in business for 36 years in that location. I also own another location in Natick which we have function halls and we do have --

COMMISSIONER MICHAEL GARDNER: I'm sorry. You have what?

MR. GIANNACOPOULOS: Function halls, so there we have full entertainment, whether it be a band or you know -- so, we do have experience in entertainment licenses and, of course, we do have experience in liquor licenses and so forth and so on. Been around for 36 years. Never had a problem, so we hope to continue being in business.

COMMISSIONER MICHAEL GARDNER: My understanding is that you have been doing some karaoke prior to the application?

PETER GIANNACOPOULOS: We have a one-day license. We obtained a day license.

COMMISSIONER MICHAEL GARDNER: Could you just describe a little bit of sort've how it works, what the entertainment is like, noise levels? I just would like to know more about what it means to have karaoke entertainment.

PETER GIANNACOPOULOS: Basically, you know, when, like on a Friday and Saturday night, we like -- once we kinda -- business winds down, the restaurant business, although we're open for customers, food service, food, this gentleman will -- encourages the customers to sing. It's not booming. It's not loud in a wide sense. It's just some people try to see how good of a singer they are, and kill a couple hours and again spec have some business and that's it pretty much.

COMMISSIONER MICHAEL GARDNER: Your hours

of operation now are what?

PETER GIANNACOPOULOS: We usually on weekdays we close at 10:00, but then on Friday and Saturday -- Friday we have karaoke, so 12:00 to 12:30 we're done. We have a 1:00 license.

COMMISSIONER MICHAEL GARDNER: Questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: I don't have any.

POLICE COMMISSIONER ROBERT HAAS: So you mentioned something about expansion of your hours. Are you planning to push it back to 1:00, to stay open to 1:00, or are you changing -- or are you thinking about changing your hours altogether?

PETER GIANNACOPOULOS: Well, if we have the karaoke in the evening, then we will stay a couple more hours.

POLICE COMMISSIONER ROBERT HAAS: Until 1:00.

PETER GIANNACOPOULOS: No. By 1:00 everybody is out.

POLICE COMMISSIONER ROBERT HAAS: By what?

GIANNACOPOULOS: By 1:00 everybody's done.

POLICE COMMISSIONER ROBERT HAAS: Right now you close prior to 1:00, though, right, typically?

PETER GIANNACOPOULOS: Yeah, we do.

POLICE COMMISSIONER ROBERT HAAS: And you're approved hours are 1:00 on the weekends, right?

PETER GIANNACOPOULOS: Yeah, our license is 1:00 for, I guess, seven days.

COMMISSIONER MICHAEL GARDNER: All seven days?

PETER GIANNACOPOULOS: All seven days, yes.

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

Yes. Please come forward and state your name and spell it and identify yourself for the record.

DENISE JILLSON: Good evening. Denise Jillson, D-E-N-I-S-E J-I-L-L-S-O-N. I'm the executive director for the Harvard Business Association. I'm here to speak in favor of this application. The Dolphin has been a member of the Harvard Business Association for many years. And this property at 1105 Mass Ave is a difficult property. It's difficult in its design, and it's not really on the street. It's sort've up. You have to walk up the stairs to get them in or down the stairs to get to the other members, and it's just a conundrum because it's an ugly building, probably one of the ugliest buildings in

Cambridge. And it's --

DEPUTY FIRE CHIEF GERARD MAHONEY: Let us know how you really feel.

DENISE JILLSON: We struggled with how to get foot traffic down there, how to get more business down there.

As you know, from your applications, we have a lot of turnover, particularly downstairs, and, you know, we work with the Dolphin, with Zoie's, with Cafe Sushi, just trying to offer different promotions. It's always a problem. So to the extent that -- you know, we have encouraged the building to put some lights, put some flowers, you know, maybe some seats outside. All kinds of things.

The difficulty that they have I think is that -- the condominium owners upstairs, it's residential, and they really don't want anything more than what they have already.

So, you know, to help businesses --
they're trying many different things to encourage
foot traffic, to encourage additional business.

So, to the extent that we can do this and
do it properly, and these guys have been in
business a long time, I don't think there have
been any particular issues and they're great
members and they really do try hard. We welcome
the opportunity to encourage this and see if it
works.

And so, you know, I would love to get
more foot traffic and maybe with Hotel Veritas
there right next door and encouraging maybe the
hotel guests to come and participate, and with
the new building that's going up in the corner,
maybe there will be more foot traffic so business
will be better.

So it's a plan. We would encourage it
and support it and I thank you for listening.

COMMISSIONER MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard?

POLICE COMMISSIONER ROBERT HAAS: Have there been any complaints with condo owners when you did ran the event at all?

PETER GIANNACOPOULOS: No.

ELIZABETH LINT: I have not received any complaints.

COMMISSIONER MICHAEL GARDNER: Pleasure of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded to approve an entertainment licenses for karaoke and trivia. And just for clarification that really means you can't just -- it's limited to this and that means

you can't bring in like a band or a DJ?

ELIZABETH LINT: That's correct.

COMMISSIONER MICHAEL GARDNER: You understand those restrictions, no self help here about expanding into other areas?

PETER GIANNACOPOULOS: Yes.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

We wish you well with your karaoke and trivia.

PETER GIANNACOPOULOS: Thank you.

ELIZABETH LINT: I have to apologize. If anyone is here for the matter of Pugliese's transfer to Lizzy's, that has been continued.

APPLICATION: FAWAZ ABU-RUBAYAH

Application: Fawaz Abu-Rubayah doing business as Bab al-Amaud Caffé has applied for a common victualer license to be exercised at 148-150 Western Avenue. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 24 inside and 18 on a seasonal outdoor patio on private property. The hours of operation will be 8:00 a.m. to 10:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Good evening.

Again, we'd ask you to state and spell your name for the record and identify your relationship to this application.

FAWAZ ABU-RUBAHAY: Fawaz, F-A-W-A-Z, last name A-B-U-hyphen-R-U-B-A-H-A-Y.

COMMISSIONER MICHAEL GARDNER: Tell us

about your plan, sir.

FAWAZ ABU-RUBAHAY: I live in Western Avenue in 2003, I buy the building there and I live upstairs. I have the store. I rent that two or three times. Nobody happy there for business. Everybody they left and the last one is Radio Taxi. He stay three years and he's not happy and he left too.

I bought the store for -- for two years, nobody rent it. Everybody call me to open the business for coffee or something like that. After I tried to open for myself, for my wife, who live upstairs, you know, she want to be close to the kids down there, you know.

COMMISSIONER MICHAEL GARDNER: And tell us about your experience in anything like this kind of business in the past.

FAWAZ ABU-RUBAHAY: Yeah, I have cafe at 245 Massachusetts Avenue for 13 years. I have

Holistic Caffee in North Cambridge before for seven years. I'm in Cambridge for almost 20 years in food business.

COMMISSIONER MICHAEL GARDNER: Are those businesses now closed?

FAWAZ ABU-RUBAHAY: No, we have still have 245 Mass Ave.

COMMISSIONER MICHAEL GARDNER: Describe what that operation is.

FAWAZ ABU-RUBAHAY: Middle eastern food, I do breakfast, American breakfast for all day, seven days a week, and we need more income for mortgage, for my kids, my wife she want to be in that store next to the house.

COMMISSIONER MICHAEL GARDNER: So it -- it's envisioned that your focus would remain at 245 Massachusetts Avenue and your wife would be primarily responsible for this location?

FAWAZ ABU-RUBAHAY: I work with her, too.

COMMISSIONER MICHAEL GARDNER: Together?

FAWAZ ABU-RUBAHAY: Yes, sir.

COMMISSIONER MICHAEL GARDNER: Any issues
at 245 Mass Ave?

ELIZABETH LINT: No.

COMMISSIONER MICHAEL GARDNER: Just
describe a little bit about what the menu would
be like the kind of foods you would be offering.

FAWAZ ABU-RUBAHAY: It would be more for
like roll-up stuff and coffee, dessert, tea for
outside summertime. Nice neighborhood to have a
coffee shop there. At the corner is closed for
two years, it's dark and the corner is hard. I
have a problem with my neighbor for a year and a
half. He don't need a food business there. The
zoning approve me to open a cafe there. We go to
see zoning, they approve us to open for the
business.

POLICE COMMISSIONER ROBERT HAAS: So you

mentioned earlier on, the business you had there before hasn't been happy with the establishment or the location, can you explain why and what the issues are? You said you had a couple of businesses in there and they haven't been happy with being there. I'm just trying to figure out what the problems were.

FAWAZ ABU-RUBAHAY: With 148 Western Avenue?

POLICE COMMISSIONER ROBERT HAAS: Yes.

FAWAZ ABU-RUBAHAY: Yeah. We would open business, like many order, they open for business, they don't do good there. This neighborhood, I think, is good for a food business.

POLICE COMMISSIONER ROBERT HAAS: Okay.

COMMISSIONER MICHAEL GARDNER: So the kinds of businesses that have been there haven't been really generating the kind of volume of

business that would allow them to stay, is
that...?

FAWAZ ABU-RUBAHAY: Yes, sir.

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

And your total experience time in terms
of running cafes?

FAWAZ ABU-RUBAHAY: 19 years.

COMMISSIONER MICHAEL GARDNER: In the
city?

FAWAZ ABU-RUBAHAY: City of Cambridge.

COMMISSIONER MICHAEL GARDNER: Pleasure
of the Commission?

POLICE COMMISSIONER ROBERT HAAS: Make a
notion to approve the application.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Second.

COMMISSIONER MICHAEL GARDNER: Motion

having been made and seconded to approve the application for a common victualer license at 148-150 Western Avenue, all those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed, so the motion carries.

FAWAZ ABU-RUBAHAY: Thank you very much.

COMMISSIONER MICHAEL GARDNER: We wish you well. Sounds like you have had some challenges and wish you well in overcoming it.

FAWAZ ABU-RUBAHAY: Thank you.

APPLICATION: ANDRE BALATKA

ELIZABETH LINT: Application: Andre Balatka doing business as Copacabana has applied for a common victualer license to be exercised at 2378 Massachusetts Avenue. Said license, if

granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 20. The hours of operation will be 11:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 9:00 p.m. on Sundays.

COMMISSIONER MICHAEL GARDNER: Have a seat and state and spell your name for the record.

ANDRE BALATKA: Good evening.

Andre Balatka, A-N-D-R-E, Balatka,
B-A-L-A-T-K-A.

COMMISSIONER MICHAEL GARDNER: And could you describe what your plans are and then also talk a little about your experience?

ANDRE BALATKA: Yes. Well, I was negotiating the restaurant, I would like to continue in the operations in the capacity. Similar menu, but I would like to improve with

some Brazilian plates. I'm from Brazil. Some Brazilian flavors on pizza basically the same hours in the same capacity.

The experience I have, I have three years of experience in the restaurant business in Brazil and eight years over here.

I have some managing experience from Brazil that I owned a convenience store over there. Over here, I just work more -- mostly as a cook and manager.

COMMISSIONER MICHAEL GARDNER: So did I understand that you brought an existing business?

ANDRE BALATKA: Yes.

COMMISSIONER MICHAEL GARDNER: You intend to keep the operation largely the same with the expansion of the menu to include more Brazil offerings?

ANDRE BALATKA: Exactly.

COMMISSIONER MICHAEL GARDNER: And just a

little bit more detail about your experience in
-- I don't know if it has been in Cambridge or
generally in the United States -- with respect to
food management or food operation?

ANDRE BALATKA: Yes. I work not in
Cambridge, but I worked in Dorchester at Betts
Trattoria Restaurant and in Pizza Italia and I
worked in Canton, also in a restaurant as a cook,
as a manager in Pizza Italia. And two years as a
driver, too, so I basically had experience in
all --

COMMISSIONER MICHAEL GARDNER: You have
done all the operations?

ANDRE BALATKA: Yes.

COMMISSIONER MICHAEL GARDNER: And will
you be picking up the same kinds of trash pickup
delivery operations as existed in the place now?

ANDRE BALATKA: Yes.

COMMISSIONER MICHAEL GARDNER: Are you

operating now, or is the business closed, or are the old owners still operating? What's the status presently?

ANDRE BALATKA: I'm operating by now.

COMMISSIONER MICHAEL GARDNER: How long have you been operating?

ANDRE BALATKA: Three weeks now. I'm planning on having two employees with me full-time, one part-time.

COMMISSIONER MICHAEL GARDNER:
Commissioners?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

DEPUTY FIRE CHIEF GERARD MAHONEY: What was in that location prior to you?

ANDRE BALATKA: Prior owners, Joe Trambossi (phonetic) he had a restaurant called Garden of Eating. It's right on the left side of a Chinese restaurant, just after the Greek corner

restaurant.

COMMISSIONER MICHAEL GARDNER: Any there members of the public who would like to be heard on this matter?

Ms. Lint, could you describe a little bit sort've how it happens that it comes to this? Do you get notice of a sale of the business or a new application, or the old owners noticed they're leaving, just have some more understanding about --

ELIZABETH LINT: All of the above. Sometimes we get notice. Sometimes we don't. Sometimes we discover that somebody else has taken over and we tell them they need to apply. Sometimes they come in with an application and they say they're already there so they can operate on the old CV with the permission from the existing store owner or restaurant owner. So it can be any...

POLICE COMMISSIONER ROBERT HAAS: What is the situation here?

ELIZABETH LINT: I don't know.

POLICE COMMISSIONER ROBERT HAAS: Don't know.

ELIZABETH LINT: No. I don't know.

COMMISSIONER MICHAEL GARDNER: How is it that you came to apply?

ELIZABETH LINT: I got it. He's operating under the current owner's license.

FAWAZ ABU-RUBAHAY: They instruct me upstairs that if I could submit a letter from current owner, they allow me to.

COMMISSIONER MICHAEL GARDNER: Okay. All right. Thank you for helping educate me how this works. I appreciate it.

Any other questions.

POLICE COMMISSIONER ROBERT HAAS: No.

DEPUTY FIRE CHIEF GERARD MAHONEY: No.

COMMISSIONER MICHAEL GARDNER: Okay. Any members of the public who would like to be heard on this matter or did I ask already?

ELIZABETH LINT: You asked already.

COMMISSIONER MICHAEL GARDNER: I did ask already, I'm sorry.

Well, this is your final chance. All right.

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion having been made and seconded to approve the application for the common victualer license for Copacabana, all those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

We wish you well in this new venture.

Thank you very much.

APPLICATION: PANERA, LLC

ELIZABETH LINT: Application: Panera, LLC doing business as Panera Bread, Andy Sklar, manager, has applied for a common victualer license to be exercised at 1280 Massachusetts Avenue. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 151 (135 inside and 16 on a seasonal outdoor patio). The hours of operation will be 6:00 a.m. to 9:00 p.m. seven days per week.

COMMISSIONER MICHAEL GARDNER: Again, sir, if you could say and spell your name for the record.

CHRISTOPHER HOGAN: My name is Christopher Hogan, C-H-R-I-S-T-O-P-H-E-R H-O-G-A-N. And I will be the general manager of the property.

COMMISSIONER MICHAEL GARDNER: Can you tell us what's been happening at the property to date or the status of what is there?

CHRISTOPHER HOGAN: Very, very early stages. I don't have many details. It's in the very, very early stages. I know that they had to go back and do some edits with the architects and so forth because when they started to do some demolition, they found some things that were a little different than what originally were there so they have done some edits back to the architect and have gone back, but I believe everything is moving forward. There's a general contractor on site now everyday as we begin the process.

COMMISSIONER MICHAEL GARDNER: If you know, what was in the space previously?

CHRISTOPHER HOGAN: I don't.

AUDIENCE MEMBER: I think it was the old Bob Slate Stationery Store.

COMMISSIONER MICHAEL GARDNER: We have a notice from a knowledgeable member of the audience that it's the old Bob Slate Stationery Store.

And tell us about Panera Bread.

CHRISTOPHER HOGAN: Well, I would like to think everybody knows about Panera Bread.

COMMISSIONER MICHAEL GARDNER: I don't get out much.

CHRISTOPHER HOGAN: For those that don't, we're a bakery cafe. Bakery first and foremost. All of our cafes bake fresh bread and pastries every night.

In all our cafes, we serve soup,

sandwiches, salads, panis, Foresta drinks, smoothies, and as I said, pastries and so forth.

COMMISSIONER MICHAEL GARDNER: Tell us about your experience either with Panera or otherwise which helps qualify you to do this.

CHRISTOPHER HOGAN: My experience with Panera is roughly two and a half months. I just came onboard. Prior to that, I've spent about 20, almost 25 years in the restaurant business, 15 years with Chili's Grill & Bar from a manager to an area director.

I have worked in the food processing business over in South Boston with Cambridge Packing Company. And I did some consulting with a place called the Meat House in Brookline getting them opened and established before joining Panera Bread.

COMMISSIONER MICHAEL GARDNER: And so this is a brand-new use for this space?

CHRISTOPHER HOGAN: Yes.

COMMISSIONER MICHAEL GARDNER: Could you tell us a little about deliveries and trash pickup, general sanitation, how this space -- what is good how this space works in those areas and what the challenges of the space might be?

CHRISTOPHER HOGAN: Deliveries will most likely take place overnight as there are people in the cafe, there's people in there 24 hours a day, so there are bakers working overnight and because of having to get fresh dough, and so forth, delivered into the property, it comes everyday. In the city cafes we typically do that overnight.

Trash, I believe there's trash on site. There's a dumpster out in the back, shared for the building. And we'll have a dumpster in there as well.

COMMISSIONER MICHAEL GARDNER: So, will

it be -- I'm sorry.

DEPUTY FIRE CHIEF GERARD MAHONEY: I was gonna ask, the current location, I believe the only other one in the city is in the Porter Square Shopping Center, is that handled in a similar fashion?

CHRISTOPHER HOGAN: Yes.

DEPUTY FIRE CHIEF GERARD MAHONEY: Deliveries are made --

CHRISTOPHER HOGAN: Yeah. There's Porter Square and in Boston, there's one on Boylston Street, Huntington, Landmark Building over by Fenway Park.

DEPUTY FIRE CHIEF GERARD MAHONEY: I'm quite familiar with the chain.

CHRISTOPHER HOGAN: To answer your question, yes.

COMMISSIONER MICHAEL GARDNER: Are deliveries on the street? Will the deliveries be

from Mass Ave or do you have rear access?

CHRISTOPHER HOGAN: I believe there's rear access.

DEPUTY FIRE CHIEF GERARD MAHONEY: There's an alley.

CHRISTOPHER HOGAN: I believe there's an alley there. Because I think the dumpsters are at the end of an alley.

POLICE COMMISSIONER ROBERT HAAS: I don't think you can fit a truck back there.

DEPUTY FIRE CHIEF GERARD MAHONEY: I think you can get a truck big enough to take a dumpster, though, I'm pretty sure.

CHRISTOPHER HOGAN: Our deliveries are also really very quick, in my past experience, where everything is brought in with a hand truck. Everything we have comes from our -- we call it FDF, the fresh dough facility, so everything comes in in these big transports that they just

roll right off, roll right in and take the empty ones and away it goes. It's very quick.

COMMISSIONER MICHAEL GARDNER: Would you give us some general comments about the location both specifically in the Harvard Square area and tell us what you see as the challenges and opportunities of opening a business such as this in a space like that?

CHRISTOPHER HOGAN: Well, the sort've city urban locations are newer to Panera Bread, so we're learning as we go, as we learned in Boylston Street, where I spent the last several weeks at, it's a very, very busy location, there's no parking associated with it other than city parking and parking garages. So it's very busy.

So from a logistical standpoint of how the cafe is laid out and how things move through, that's been a bit of challenge to try and meet

all of our internal goals of, you know, how quickly we can take an order and produce an order and get somebody sitting down. So this particular cafe's going to be designed a little bit differently inside from the flow of food, which hopefully will allow us to be able to produce our product just the same quality, just as quick to meet our goals inside.

The biggest challenge you have that we're finding in other locations is people who want to just hang out. We have free Wi-Fi. We have free refills on coffee. So, a lot of college students, and so forth, come in with their computers and sit down and away they go, and they can sit there all day.

So that's been our biggest challenge there, and we foresee that as being a bit of a challenge every year with Harvard being so close.

But we're working on ways to help

expedite moving people along. We have signage that goes up that asks them to please be considerate of others and try to stay within a two-hour limit, and then during our peak lunchtimes, you're only -- your Wi-Fi connection will automatically disconnect after 45 minutes. And you can't go back on until 2:00, your IP address will be kinda flagged.

COMMISSIONER MICHAEL GARDNER: We'll probably get some complaints.

CHRISTOPHER HOGAN: But the public does know that. It is stated that when they sign onto the Wi-Fi, it is stated that you're going to be limited during those periods.

COMMISSIONER MICHAEL GARDNER: And what about modes of transportation for your customers and I take it that there's no particular parking around there, you're expecting foot traffic, T, garage parking?

CHRISTOPHER HOGAN: Correct.

COMMISSIONER MICHAEL GARDNER: Anything else we haven't talked about that you think it's important for us to know?

CHRISTOPHER HOGAN: I don't believe so. We're excited to come to Cambridge.

DEPUTY FIRE CHIEF GERARD MAHONEY: Target date? You got the build-out to be completed.

CHRISTOPHER HOGAN: It will probably be end of February, beginning of March, just depending on construction.

DEPUTY FIRE CHIEF GERARD MAHONEY: Now, there was some issues with the build-out at Porter Square, do you anticipate similar issues with this build-out vis-à-vis union/nonunion labor?

CHRISTOPHER HOGAN: I have -- I actually know the construction company. I dealt with the construction company, Cornerstone Building. I've

dealt with them in the past. They're very, very solid and reliable construction company. They have built some Paneras in the past, they've done the build-outs on them in the past and are very familiar with what we're trying to do.

DEPUTY FIRE CHIEF GERARD MAHONEY: Did they do Porter Square?

CHRISTOPHER HOGAN: They did not do Porter Square. They did Brookline and I believe they did Boylston Street.

COMMISSIONER MICHAEL GARDNER: Where on Boylston Street is the location?

CHRISTOPHER HOGAN: 500. Right next to John Hancock building.

COMMISSIONER MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

COMMISSIONER MICHAEL GARDNER: Any there

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

DENISE JILLSON: Can't resist.

COMMISSIONER MICHAEL GARDNER: Please come forward and state and spell your name for the record.

DENISE JILLSON: Thank you. Good Evening. Denise Jillson.

So this is my first time meeting Mr. Hogan. They're not members of the Harvard Square Business Association. But I think it's important to know that for probably four years, Panera has been actively looking for space in Harvard Square, and it's a little bit different because usually they have stand-alones, you know stand-alone buildings with parking and I think they probably realized in order to have an urban store, it needed -- their concept needed to change.

And what they were really looking for is what they have in the old Bob Slate, which is a lot of storefront window space.

And just in terms of the public, we've had just a lot of excitement around the possibility of Panera Bread coming to Harvard. As if we don't have enough food options, there's only 125 eateries, but nonetheless, people love Panera.

POLICE COMMISSIONER ROBERT HAAS: I thought they were a chain.

DENISE JILLSON: No. We welcome all business, including nationals and internationals.

So, anyway, certainly you hope that one day Panera might be a member, but even if they're not, the public is certainly excited about this, and as such, we're happy to support their application and know that they will be good neighbors and they have really good food.

CHRISTOPHER HOGAN: One difference in this one is we will have table service at this cafe.

DENISE JILLSON: And apparently an outside patio.

CHRISTOPHER HOGAN: There will be -- what is it -- 16 seats.

COMMISSIONER MICHAEL GARDNER: On the sidewalk or just private railings?

CHRISTOPHER HOGAN: Right against the building, yeah.

ELIZABETH LINT: My only issue would be is that we do not have sidewalk construction as of yet and that would be necessary.

CHRISTOPHER HOGAN: We will follow up with that.

DEPUTY FIRE CHIEF GERARD MAHONEY: You said you will have table service?

CHRISTOPHER HOGAN: Yes. Essentially you

would go in -- if you're familiar with Panera.

DEPUTY FIRE CHIEF GERARD MAHONEY: I
certainly am.

CHRISTOPHER HOGAN: You come in and place
your order and you get your drink and you get
your buzzer, you will go fill your drink up and
then you go sit -- find your table and sit down.
The table will actually activate the pager
system, which will tell the food runners in the
back where you are.

DEPUTY FIRE CHIEF GERARD MAHONEY:
Really?

CHRISTOPHER HOGAN: And then they'll
bring your food to you and bring it right to your
table.

DEPUTY FIRE CHIEF GERARD MAHONEY: That's
pretty cool.

CHRISTOPHER HOGAN: We hope.

DEPUTY FIRE CHIEF GERARD MAHONEY: I

don't mind saying that's pretty cool.

COMMISSIONER MICHAEL GARDNER: So the police commissioner stole my thunder about chains. I was going to ask you if you had any reflections or thoughts on Harvard Square and its evolution.

We have heard recently some comments about the discouraging or negative attribution to franchise brands coming into the square. Just have any, as a long-time observer of the square, if you have any thoughts about how the square's evolving and where this fits in that?

DENISE JILLSON: 80 percent of our business is a locally owned independents and we keep track of that, I keep a survey, and any time there's any movement, for instance, you know, 1280 Mass Avenue, Bob Slater goes and Panera comes in. We're constantly watching the percentages. And 15 percent are nationals. Five

percent of the businesses are regionals like regionals could be -- regionals for the Boston area like the local or JP Licks or regional like Eastern Mountain Sports because they are regional to New England, but they're not outside and we watch that.

And, you know, again, our mission is to promote commerce, and commerce comes in many different ways.

We welcome banks and we welcome, you know, national chains. And we also realize what makes Harvard Square unique is the number of locally owned independents.

So, when you have somebody like Dolphins coming in, that's clearly a family-owned restaurant, we advocate strongly for them.

But also think about David Carvalho who is a guy from East Cambridge, you know, it might be Dunkin' Donuts, but you're talking about a

local family that grew up here around the block, members of the community.

So, you know, are we going to advocate for them? Of course we are, because you're not advocating for a national chain, you're advocating for your neighbor.

You know, it comes in many forms. And, again, if there's, you know, a lot of interest in Panera because it's a great product and people are excited about it, and, again, even though they're not members, we're happy to advocate on their behalf because it's good for the square.

COMMISSIONER MICHAEL GARDNER: Thank you for that.

DENISE JILLSON: You're welcome.

COMMISSIONER MICHAEL GARDNER: Is the ownership arrangement here central or franchised operations --

CHRISTOPHER HOGAN: It's --

COMMISSIONER MICHAEL GARDNER: -- this one in particular?

CHRISTOPHER HOGAN: Our local office is in Needham and actually the CEO of Panera Bread lives in Brookline. The better part of the leadership team for Panera Bread lives in New England and they've recognized the New England Boston Market as being a really prime growth market for us.

COMMISSIONER MICHAEL GARDNER: So are the stores franchised or are they --

CHRISTOPHER HOGAN: There are franchised -- some franchised stores. This particular one is a corporate store as well the other ones in Boston and Porter Square.

DEPUTY FIRE CHIEF GERARD MAHONEY: How about Everett, is that corporate or a franchise?

CHRISTOPHER HOGAN: That's a franchise.

COMMISSIONER MICHAEL GARDNER: The

materials we have in front of us identifies Andy Sklar as the manager. That's not you.

CHRISTOPHER HOGAN: Andy Sklar, he's the district manager.

COMMISSIONER MICHAEL GARDNER: That's someone you will be reporting to?

CHRISTOPHER HOGAN: Yes. This was all created prior to my joining them.

COMMISSIONER MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard?

Pleasure of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Make a motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion to approve the application for Panera Bread for a common victualer license having been made and seconded, all those in favor signify by saying

"aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

So we wish you well.

CHRISTOPHER HOGAN: Thank you very much.

COMMISSIONER MICHAEL GARDNER: Welcome to
Harvard Square.

APPLICATION: ARAMARK SERVICES, INC.

ELIZABETH LINT: Application: Aramark
Services, Inc., doing business as Aramark at
Millennium, Gurumustuk Khalsa, manager, has
applied for a common victualer license to be
exercised at 35 Landsdowne, said license, if
granted, would allow food and nonalcoholic
beverages to be sold, served and consumed on said
premises with a seating capacity of 205. The

hours of operation will be 6:00 a.m. to 6:00 p.m. seven days a week.

COMMISSIONER MICHAEL GARDNER: Good evening. Sorry for the delay.

If you could each state and spell your names for the record.

KEVIN McHUGH: My name is Kevin McHugh, M-C-H-U-G-H.

I'm the district manager for Aramark Business Services and I have --

GURUMUSTUK KHALSA: My name is Gurmustuk, G-U-R-U-M-U-S-T-U-K, last name Khalsa, K-H-A-L-S-A.

I'm the general manager for Aramark at Millennium.

TIMOTHY CONNELLY: My name is Timothy Connelly, C-O-N-N-E-L-L-Y.

I'm the director of operations for Aramark at Biogen Idec, B-I-O-G-E-N-space-I-D-E-C

in Kendall Square.

COMMISSIONER MICHAEL GARDNER: So please tell us about your plans.

KEVIN MCHUGH: So we're a contractor service.

So we're our goal here is to provide on site cafeteria and catering operations at Millennium at 35 Lansdowne and our business is competitive bid. So Millennium won that bid and we were awarded the services.

Current supplier with actually exit the property this Friday the 23rd, and the client -- Millennium's goal is to have us be able to hopefully open that cafeteria and have service on January 3rd. There's a renovation going on which some of the clients are doing, and we're expecting our signoffs, I guess, for that construction -- I think some were done today -- over the next two days. The Board was gracious

enough to get us in here this evening, which we appreciate in an attempt to be able to complete the common victualer as well as the Board of Health license. So we can provide --

You're probably familiar with the business, it's a private on site, food only, Monday through Friday, 7:00 a.m. to 4:30.

COMMISSIONER MICHAEL GARDNER: So I am actually not very familiar. Are the primary customers employees?

KEVIN MCHUGH: Strictly. So the cafeteria services the outlay is really all behind secured doors so we'll service only employees of Millennium.

DEPUTY FIRE CHIEF GERARD MAHONEY: Not open to the public?

KEVIN MCHUGH: Exactly.

COMMISSIONER MICHAEL GARDNER: There's no walk-in trade?

KEVIN MCHUGH: Not at all.

COMMISSIONER MICHAEL GARDNER: Describe a little about the food and the ways in which at least you believe it might change from the current vendor, any part of the operation.

KEVIN MCHUGH: Yep, yep. I mean it's a full service cafe, very high-end food. We got a full kitchen in the back. There's been no renovation to that, though, it's in great shape. The serving and seating area has been all renovated.

So we'll do a full order in the morning, you can come in and you can walk up and make your own breakfast on the grill. Fruit and salad, fruit and yogurt bar, we do Starbuck's, fresh food, coffee, side coffee bar is built in the seating area. Go into lunchtime and you'll walk in and we actually do a cooking light station, daily home entre, we're going to have a pizza

station, full grill, may do a deli, and a fairly large salad bar.

Millennium is all about organic, it's all high-end, hormone free, cage free, eggs, that level of food service on the site.

And then we do catering and that can range from anything in any of their office -- any of their meeting rooms from simple office break coffee, continental, muffins and that sort of thing to we will do board of directors there, we'll do 75 people, five-course plated dinners so it's fairly extensive.

COMMISSIONER MICHAEL GARDNER: What in Aramark Services' experience most closely matches what the work here will be?

KEVIN MCHUGH: Good question. That's why I brought Tim. Tim is the food service provider, very similar circumstances, very similar demographics at Biogen Idec at 14 Cambridge

Center. There are 2200 people and about five buildings there. And we'll have about 1200 people that will service at Millennium, in five buildings actually, it's a campus-type environment with a very similar spectrum from the simple coffee to the extensive and the fairly customized.

So we've operated at Biogen Idec for seven years in a similar environment. That's why I thought it was important to at least bring my Cambridge team so you have some track record here.

DEPUTY FIRE CHIEF GERARD MAHONEY: How long is the contract for at Millennium?

KEVIN MCHUGH: The contract is for three years with two one-year options and it was, I believe, signed this morning.

DEPUTY FIRE CHIEF GERARD MAHONEY: Do you know how long the previous vendor was there?

KEVIN MCHUGH: It was -- it would be four years in April.

COMMISSIONER MICHAEL GARDNER: And will you be the general manager on responsible, ma'am?

GURUMUSTUK KHALSA: Yes.

COMMISSIONER MICHAEL GARDNER: Could you describe some of your experience in this type of operation?

GURUMUSTUK KHALSA: I went to UMass Amherst and got my degree in hospitality management, and I have been with Aramark now for ten years running similar operations across the State of Massachusetts. I'm fully certified, yeah, and I've been in the business dining for the last ten years, so I pretty much seen every aspect of this business.

COMMISSIONER MICHAEL GARDNER: And have you been a general manager before?

GURUMUSTUK KHALSA: No, I have not.

COMMISSIONER MICHAEL GARDNER: Highest level of responsibility prior to this?

GURUMUSTUK KHALSA: I managed the food services at Sunlife Financial in Wellesley which is about the same sales volume, about 2 million dollars top line sales volume, again, four buildings. They operated three convenience stores, the main cafe and the full catering program, so very similar in managed volumes.

COMMISSIONER MICHAEL GARDNER: Is that right up on Route 9?

GURUMUSTUK KHALSA: Right. Route 9 yep, yep.

COMMISSIONER MICHAEL GARDNER: Questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: How many employees do you expect to have on site?

GURUMUSTUK KHALSA: We're budgeting around 15 right now, give or take, depending on what the operation calls for.

COMMISSIONER MICHAEL GARDNER: Anything else?

DEPUTY FIRE CHIEF GERARD MAHONEY: I have nothing further.

COMMISSIONER MICHAEL GARDNER: Are there any members of the public who would like to be heard?

Anything else we haven't asked you that you think would be helpful for us to know?

KEVIN MCHUGH: No. I do have an updated floor plan and seating chart, if I can give that to you, and I did do just a recap of the menu and the initial menu.

ELIZABETH LINT: Thank you.

COMMISSIONER MICHAEL GARDNER: Pleasure of the Commission?

DEPUTY FIRE CHIEF GERARD MAHONEY: Motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: Motion
having been made and seconded to approve the
application for the common victualer license, all
those in favor signify by saying "aye."

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

None opposed.

We wish you well and hope you will be
able to make your deadline of January the 3rd.

Good luck.

GURUMUSTUK KHALSA: Thank you very much.

KEVIN MCHUGH: Thank you for seeing us.

APPLICATION: CAMBRIDGE RADIO DISPATCH, INC.

ELIZABETH LINT: Application: Cambridge
Radio Dispatch, Inc., doing business as Brattle
Transportation Services has applied for a
limo/livery license at 76 Hampshire Street for
three vehicles, two Ford Ecowagons and one

Chevrolet Suburban.

COMMISSIONER MICHAEL GARDNER: Good evening.

If you could be so kind, sir, as to state and spell your name for the record and describe the business you're in and what your plans are here.

GEORGE FIORENZA: Sure. George Fiorenza, F-I-O-R-E-N-Z-A.

I am the owner of Ambassador, Brattle & Yellow Cab in Cambridge.

Currently we provide shuttle service to a company in Brighton where we shuttle employees from the T stations to and from the site, the work site three times a day, 7:00 to 10:00 in the morning, 4:00 to 6:00 p.m. at night. It's based out of Brighton, but I currently park the vans in my -- in the building I own in Cambridge.

I'm seeing that a request of companies in

Cambridge for the same type of work. Currently, I can't bid for it because I'm not licensed for this type of business in this city.

So now I'm coming to you to apply for that license so I can provide that kind of service here.

COMMISSIONER MICHAEL GARDNER: So you now park your vans in Cambridge?

GEORGE FIORENZA: In the lot that I own, yes.

COMMISSIONER MICHAEL GARDNER: But all of the work is Boston to Boston?

GEORGE FIORENZA: Brighton to Kenmore, yeah, it's basically --

COMMISSIONER MICHAEL GARDNER: From places in the Boston area to Brighton and back to T stops.

GEORGE FIORENZA: Exactly. And from time to time they have employees that need to be

shuttled from multiple sites which we provide.

So that's all in set times, it's not sporadic, it's not like they call us on demand like a taxicab. This is all prearranged with times. So it's basically like a bus service.

DEPUTY FIRE CHIEF GERARD MAHONEY: Or a shuttle service.

GEORGE FIORENZA: That's exactly what we're doing. And now, I'm getting companies that I provide taxi service for looking for this type of shuttle service where they have sites outside of Cambridge, for example, Pfizer, they have sites in Andover that they need employees shuttled from Cambridge to Andover and back and it's not just a one, two person, it's more eight, nine, ten, 11 people at set times.

COMMISSIONER MICHAEL GARDNER: So some of our experience with livery services has been people hoping to have a business where they can

buy the rearranged appointments, do trips to Logan, or a package delivery is that part of your business plan?

GEORGE FIORENZA: No. I own a cab company and I can't afford to take business away from the guys that I have. So, if it's going to the airport, you call my cab line to pick you up. If it's multiple people that cannot use cabs for, then we use the shuttles for.

Package delivery has nothing to do with the taxis or the livery license that I use. And any packages that we do right now is to provide stat pickups for the Harbor Hospitals where you have blood drawn, we pick it up and bring it to the lab. So that has nothing to do with this.

This is strictly for picking up multiple people to either go from job sites or to events that they just can't utilize a cab for.

COMMISSIONER MICHAEL GARDNER: Are any --

are these vans you already own and these are the only ones you own or are these the only ones --

GEORGE FIORENZA: These are the only ones I own. I don't outsource any work. If I see that I'm going to require more, then I'll have to apply for an increase to my license, but as of right now --

COMMISSIONER MICHAEL GARDNER: Are these advance currently fully engaged in the Boston business?

GEORGE FIORENZA: Yes, in Brighton.

DEPUTY FIRE CHIEF GERARD MAHONEY: How big are they? How many passengers?

GEORGE FIORENZA: Two, 14-passenger vans and then one is Suburban that we use as a backup in the event that some of the shuttles are --

DEPUTY FIRE CHIEF GERARD MAHONEY: Seven people.

GEORGE FIORENZA: About six, maybe seven.

That's stretching it, but...

And we use the Suburban as a backup in the afternoon runs because -- just because you might have ten people in the morning doesn't mean you might not have more in the afternoon. We have this as a reserve to pick up just in case.

COMMISSIONER MICHAEL GARDNER: Uh-huh.

DEPUTY FIRE CHIEF GERARD MAHONEY: Are the vans labeled at all?

GEORGE FIORENZA: Specifically for that one shuttle --

DEPUTY FIRE CHIEF GERARD MAHONEY: Big sign on the dash.

GEORGE FIORENZA: We put vinyl signs on the actual doors so they're identified, they know who they're picking up.

Once they're done with the run, they basically park in the garage in the back.

If we're gonna utilize them for other

work in the Cambridge, then we're gonna put something white over the door so it doesn't interfere it with what we're gonna do.

COMMISSIONER MICHAEL GARDNER: Are any of the vans handicapped accessible including wheelchair capacity?

GEORGE FIORENZA: No. If we have handicap work, I personally have four handicap vans in the City of Cambridge. I used to manage the ACT Program which was for exclusively the handicap work.

So if a handicap job comes in, I have the ability to utilize my handicap cabs.

COMMISSIONER MICHAEL GARDNER: I guess I'm not sure how that cross-fertilization would work here. So part of the livery service you would be supplementing that with one of your cabs?

GEORGE FIORENZA: If it requires a

handicap job, yes.

The shuttle service isn't gonna be created to handle just one or two people. It's multiple people going to one site.

So if someone calls me and they have four people that are handicapped, I have the resources to use the cabs I have that are handicap accessible. If I can't do that, then I will recommend a T Ride or something else that has handicap accessibility.

COMMISSIONER MICHAEL GARDNER: Are you, by any chance, aware of the comments we received from Michael Muehe?

GEORGE FIORENZA: Yes, I am.

COMMISSIONER MICHAEL GARDNER: You just want to comment on that in general?

GEORGE FIORENZA: I heard the comment. Michael Muehe knows who am I. I've worked with Michael in the past five years with the ACT

Program.

So if I had these resources to implement a shuttle with handicap, I would do it, but that's not what my intention here is to do.

Michael will tell you when I bought the handicap vans, I bought the latest and greatest of vans, I didn't buy a Dodge and convert it. I mean, I tried to comply with whatever handicap requirements are for that type of transportation, and I feel what I'm going for here there's no demand for it yet. If I saw there was such a demand, and I thought I could afford to do it, I would definitely invest in a vehicle that has handicap accessibility, but I'm just not getting that type of work.

I was going to express that to Michael because I thought he would be here tonight, but...

COMMISSIONER MICHAEL GARDNER: Is it fair

to say that this is -- that you're applying for this in the idea of a hope of being able to expand in the future, but it's -- there isn't any actual concrete business now or --

GEORGE FIORENZA: There is. I have been getting requests for proposals and I haven't bid because I don't have the license. So and more -- one of the reasons I see companies doing this because a lot of employees don't want to drive. They want to conserve energy and gas and that's why we bid on that work in Brighton, because I can apply there without having a livery license from that city.

And the City of Cambridge you need it, so...

COMMISSIONER MICHAEL GARDNER: I see. So you don't have a livery license in Boston?

GEORGE FIORENZA: No, we don't have to. I'm only doing that one location. I'm not going

out and advertising private car service or shuttle service. Where in Cambridge, I will be applying to more than one company. I feel I need to get the license because that specific van could be picking at One Kendall at 10:00 and I might have another shuttle at 12:00 at 101 Vinny (phonetic) and so, I feel there's a need to identify that the work is going to be all over the City of Cambridge.

It doesn't mean I'm going to take away from my core business of the cab service. I mean, I have been in this business for 15 years. I bought my father-in-law out in 2007. I changed the business from calling and paper to automated. I automated the entire taxi service as Elizabeth can now confirm. I'm the only one that has done that here.

The hybrid program to the cabs, I got involved in, my cab company. So I'm always

trying to innovate. I'm not trying to take away from anybody. So when I see there's a need for enhancing transportation, that's what I'm trying to do. So if companies didn't need the shuttle service for employees to get to and from work, you wouldn't see me here today.

COMMISSIONER MICHAEL GARDNER: Further questions?

DEPUTY FIRE CHIEF GERARD MAHONEY: If you don't mind sharing, who is the company you provide service for in Brighton?

GEORGE FIORENZA: NB Guest Street Associates. They own the Brighton Landing complex where you have WEEI, New Balance, the WGBH, that monstrosity that we see over the highway. That's what I provide shuttle for.

And that was by pure accident. We picked up one of the directors in a cab at Harvard Square going to Brighton, and he loved the fact

that we're a hybrid car and he wanted to know if we wanted to bid for some shuttle work.

COMMISSIONER MICHAEL GARDNER: So I guess the only thing that concerns me is Michael's letter and the opportunity to perhaps confer more with him.

Is there any particular hardship for you if we postpone a decision on this matter until January -- our January 3rd decision hearing which is scheduled for 10:00 a.m.?

GEORGE FIORENZA: I actually have several bids that are due on the 31st and my concern is if I don't get this license soon, I'll lose the bid and I'm back to square one.

COMMISSIONER MICHAEL GARDNER: Right.

ELIZABETH LINT: If I could address some of Michael's concerns. He says "Purchase or lease of new nonreal vehicles by private entities." These are already owned. They're not

new. It's not that's going out to buy new ones. He has them. If he came here and had not purchased them and this was a situation where he was looking into it, then he would be required to get an accessible van.

DEPUTY FIRE CHIEF GERARD MAHONEY: If I could ask a question?

COMMISSIONER MICHAEL GARDNER: Yes, please.

DEPUTY FIRE CHIEF GERARD MAHONEY: You read his comments?

GEORGE FIORENZA: Yes.

DEPUTY FIRE CHIEF GERARD MAHONEY: You feel that as of today that you comply with his concerns?

GEORGE FIORENZA: Yeah, because I have the resources. If I didn't own Ambassador Cab then I couldn't. I have Ambassador Cab, so if there's a job that requires handicap

transportation, nine times out of ten, it's always one person. I never had calls of multiple people. Usually when those come in, it's always when the T Rides picks those up. We never do it. So if that comes in, I'm not going to refuse it. I'll tell them I have a van that can pick them up.

POLICE COMMISSIONER ROBERT HAAS:

Hypothetically, you have a request to transport a number of folks, one happens to be handicap, would you treat that one person the same as you treat the other ones in terms of the cost of the transportation?

GEORGE FIORENZA: Yes. Sure.

POLICE COMMISSIONER ROBERT HAAS: It

wouldn't be as a regular fare that you would normally charge -- that a taxicab would treat that as limo even though you're using a cab for that purpose?

GEORGE FIORENZA: Exactly, because it will be a set time. It's not like they're calling on demand. If they call on command they're always calling the cab line.

But if I have a client that calls and says I have 12 people, one them is a handicap person, can you suffice? I'll say yes. I have access to handicap accessible vans, then we'll use that. There will be no meter. It will be part of our already regulated price.

POLICE COMMISSIONER ROBERT HAAS: It's allowable to use a cab?

ELIZABETH LINT: They're licensed as a both.

GEORGE FIORENZA: Handicap vans are licensed to do both.

ELIZABETH LINT: All of the cabs are licensed as a livery?

POLICE COMMISSIONER ROBERT HAAS: I guess

the second question I'd ask is if you do, in fact, let's say this business takes off after you're now in the position where you're going to buy new vehicles will you then buy vehicles that are handicap accessible at that point and replace these vehicles?

GEORGE FIORENZA: If the revenue is there, the demand is there, sure.

POLICE COMMISSIONER ROBERT HAAS: I'm assuming you're going to buy new vehicles in response to business?

GEORGE FIORENZA: Yeah. I mean, you know, the demand has to be there. To get a handicap accessible van that has 14 people, you're almost buying like a bus type of thing, so I don't think they even have that.

ELIZABETH LINT: I don't think they even have them. In fact, we had a demonstration at one of the subcommittee meetings last month, the

MV1 which is like the Cadillac of handicap accessible vehicles, but that it's a very large van, but it will only fit that one person unless you purchase a jump seat that goes behind the driver's seat and then you can fit two people, but that's all.

GEORGE FIORENZA: When you look at the ADA route requirements, you have to have so much spacing for every handicap accessible person.

So, to say to get a 14-passenger van with a handicap accessibility, it's impossible. If you look at the T, the buses that they have that have handicap accessibility, there has to be enough ample space.

If we're talking about me doing that, I can't do that. That's why I had the ability of my handicap vans if the need is there.

POLICE COMMISSIONER ROBERT HAAS: So I guess my question to Ms. Lint would be we can

condition the license that stipulates the fact if there's a request for handicap accessibility that this would be part and parcel to that service.

ELIZABETH LINT: Absolutely. He would be required to because otherwise it would be discriminating against that person.

GEORGE FIORENZA: I'm not going to refuse a fare.

ELIZABETH LINT: It's your business.

GEORGE FIORENZA: If someone calls and, like I said, if they have eight people and one is handicap, I'll let them -- I will say, "Look, I do have handicap accessible vans, we'll include it already in the set price. It's not additional. There's no loading charge or unloading charge, it's just part of the regular price."

DEPUTY FIRE CHIEF GERARD MAHONEY: If the Chair is acceptable, I would make a motion that

the application be approved as submitted with the condition that Commissioner Haas mentioned relative to the certainty that handicap passengers are afforded the same transportation rights, et cetera, as non-handicap passengers which is a matter of law, correct?

ELIZABETH LINT: Uh-huh.

GEORGE FIORENZA: Right. You can't discriminate, which our record shows we don't.

COMMISSIONER MICHAEL GARDNER: Well, I'm prepared to second the motion, I think, based upon your representations here this evening that I believe yourself to be compliant and that operationally you have the capacity to address this service need should it arise.

I think that ideally we would have had more information from Michael before us tonight, but that doesn't go to you, it goes to me and us. And cognizant of your timetable, I'm prepared,

given your record in the city, to support the application. I think that I also feel we probably need a more extensive dialogue conversation with Mr. Muehe about the general requirements because when Commissioner Haas was asking you a question about replacement vans, and you were saying yes, in fact, I think that the question and the answer were a little different. He was asking if you got to replace one of these vans is your understanding that the requirements, as Michael seems to cite, require handicap accessibility, I understood your answer to be "Well, if the demand is there, sure," but those are not exactly locked together. We need clarification of that.

GEORGE FIORENZA: If they come that way, of course, I would.

ELIZABETH LINT: I don't think they do.

GEORGE FIORENZA: But they don't. The

problem is 14-passenger vans will never be made that way.

DEPUTY FIRE CHIEF GERARD MAHONEY: You have to get something like The Ride has, which it only accommodates two or three people.

GEORGE FIORENZA: Three, if that. Even though the rule is there, you would have to get a T bus basically.

COMMISSIONER MICHAEL GARDNER: I think we need a conversation with Michael, but that's separate from you.

GEORGE FIORENZA: I will gladly be there, if you want, Mr. Chairman, not a problem.

COMMISSIONER MICHAEL GARDNER: So, I've seconded the motion.

So motion having been made and seconded, all those favor of approving the application as with the restriction that Deputy Chief and the Commissioner outlined, I would say with the

understanding that we would need further discussions with Mr. Muehe going forward, all those in favor please signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

So none opposed. All three yes, and the motion carries.

We wish you well with this and look for to additional dialogue as required.

GEORGE FIORENZA: Thank you.

COMMISSIONER MICHAEL GARDNER: So during your colloquy, I said I had another issue to raise with the Commission and Commissioner Haas, his recording labeled it "New Business."

And my question really is, now that the Commissioner Haas this new-found capacity with his iPad, will he be sharing his notes with his fellow Commissioners, or does he think that is

somehow going to be some violation of something since they're your private notes?

As I said it, I guess we're not going to get your notes, are we?

POLICE COMMISSIONER ROBERT HAAS: As long as I don't get myself in trouble.

ELIZABETH LINT: I may start doing that, too.

POLICE COMMISSIONER ROBERT HAAS: That was your new business?

COMMISSIONER MICHAEL GARDNER: Yeah, that was the new business.

So are there any other business before us, Ms. Lint?

ELIZABETH LINT: Nothing.

COMMISSIONER MICHAEL GARDNER: No ratifications for us to address?

ELIZABETH LINT: None.

COMMISSIONER MICHAEL GARDNER: As we said

at a meeting earlier this morning, we're trying to arrange for possible executive session with the Law Department to discuss the matter of the third-party contracting issue.

I have not been successful in determining whether or not the Law Department is available on the 3rd.

ELIZABETH LINT: I wanted to mention on the 10th at 10:00 in the morning the Commissioner and I are not available because at 10:30 we have the senior policy group on homelessness.

COMMISSIONER MICHAEL GARDNER: Okay. Have you made the adjustment? You put it on the for the 3rd, you haven't taken it off for the 10th yet. You have taken it off for the 29th of December?

ELIZABETH LINT: Yes.

COMMISSIONER MICHAEL GARDNER: Still on for the 3rd and 10th and you'll take it off for

the 10th?

ELIZABETH LINT: I didn't schedule anything for the 10th because --

COMMISSIONER MICHAEL GARDNER: Oh, the 10th has not been posted? I'm not talking about scheduling --

ELIZABETH LINT: The 10th's hearing is at night.

COMMISSIONER MICHAEL GARDNER: That's right. The 10th we talked about today and nothing has happened with the 10th?

ELIZABETH LINT: No.

COMMISSIONER MICHAEL GARDNER: Gotcha. I forgot the bidding war.

Motion to adjourn.

DEPUTY FIRE CHIEF GERARD MAHONEY: So moved.

POLICE COMMISSIONER ROBERT HAAS: A wishing of happy holidays is always in order.

DEPUTY FIRE CHIEF GERARD MAHONEY: So
moved.

POLICE COMMISSIONER ROBERT HAAS: Second.

COMMISSIONER MICHAEL GARDNER: A motion
to adjourn with the wishing of happy holidays
having been made and seconded, all those in favor
signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

DEPUTY FIRE CHIEF GERARD MAHONEY: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

We're adjourned at 8:35.

ATTACH TO THE LICENCE COMMISSION HEARING OF

12-20-11

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of the Poles and Conduit Meeting of 11/1/2011, note any change or correction and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet

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I have read the foregoing transcript of the License Commission Hearing of 11/1/2011, and except for any corrections or changes noted above, I hereby subscribe that the transcript is an accurate record.

CERTIFICATE

Commonwealth of Massachusetts
Suffolk, ss.

I, Jill M. Kourafas, a Notary Public in
and for the Commonwealth of Massachusetts, do
hereby certify:

This transcript of the Licensing
Commission Meeting of 12/20/2011 is a true and
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 28th day of December 2011.

Jill Kourafas
Notary Public
Certified Shorthand Reporter
License No. 149308

My Commission expires:
February 2, 2017

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