

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: May 20, 2014

TIME: 6:00 p.m.

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P R O C E E D I N G SMay 20, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, we would appreciate it if you would turn it off. The rear door is to remain open at all times.

This is the License Commission General Hearing. It is Thursday, May 20, 2014 at 6:00 p.m.

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

Before you are the Commissioners: Chair Andrea Jackson, Police Commissioner Robert Haas and Fire Chief Gerald Reardon.

Just want to announce at the beginning of the meeting that the Chair has to leave for a prior engagement at 6:45 but the hearings will

continue.

And if anyone is here for the application of the Noodle Project, that will be taken at the end of the agenda.

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APPLICATION: 02 YOGA STUDIOS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: 02 Yoga Studios, Cambridge, LLC,
Mimi Loureiro, holder of a common victualer
license at 1001 Massachusetts Avenue has applied
to amend their hours of operation from 7 a.m. to
2 p.m. seven days per week to 8 a.m. to 4 p.m.
Monday through Wednesday, 8 a.m. to 9 p.m.
Thursday and Friday, and 8 a.m. to 6 p.m.
Saturday and Sunday.

CHAIR ANDREA JACKSON: Good evening.

Could you please state your name for the
record spelling your last name, and if you could
speak up, please.

KAREN CAIAZZO: Karen Caiazzo. Last name is spelled C-A-I-A-Z-Z-O.

CHAIR ANDREA JACKSON: And your relationship to the applicant?

KAREN CAIAZZO: I'm the manager of 02 Yoga. Mimi is the owner.

CHAIR ANDREA JACKSON: You are looking to change your hours?

KAREN CAIAZZO: Yes.

CHAIR ANDREA JACKSON: The hours stated by Ms. Lint, would those be correct?

KAREN CAIAZZO: Those are correct.

CHAIR ANDREA JACKSON: So are you just expanding it?

KAREN CAIAZZO: Yep.

CHAIR ANDREA JACKSON: Instead of 8 to 4, it was 8 to 6 in some days?

KAREN CAIAZZO: We were 7 to 2 originally, and we wanted to expand to have some

dinner hours during the week, so, yeah. We have been growing so ...

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: I make a motion that we approve the change in hours.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

KAREN CAIAZZO: Fabulous.

CHAIR ANDREA JACKSON: Thank you.

REVOCATION: BERTUCCI'S RESTAURANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Revocation: Bertucci's Restaurant Group d/b/a Bertucci's Brick Oven Ristorante, Diane LaMonica, Manager, holder of a wine and malt beverages restaurant license at 21 Brattle Street due to M.G.L. Chapter 138, Section 77. The licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

CHAIR ANDREA JACKSON: Good evening.

ATTY JOE DEVLIN: Good evening.

CHAIR ANDREA JACKSON: State your name for the record spelling your last name and if you can speak up over our loud air system.

ATTY. JOE DEVLIN: I'm Joe Devlin, D-E-V-L-I-N. I'm an attorney from the Demarcus Law Offices in Lynn, Massachusetts. I represent

Bertucci's Restaurant Corp., and with me is John Testa, T-E-S-T-A, who is the area director for Bertucci's, which includes the location in Cambridge.

CHAIR ANDREA JACKSON: And we're here this evening as a result of this was on a prior agenda in which we received a request, I think it was initially to hold the license as inactive status.

We had several questions at that time but no one from Bertucci's was at the hearing. As such, we placed it on the agenda this evening for a revocation of the license.

Do you want to address that?

ATTY JOE DEVLIN: Yes. We submitted a reconsideration in the form of a letter for our request for inactive status.

Both the company and myself want to apologize that we weren't here on the 22nd. I

stated the reasons in the letter, but it was miscommunication, and we were waiting for the license administrator at Bertucci's to calendar the date for us.

I actually really think the problem is the long-term vice president of Human Resources who oversaw this for the entire time I have been representing Bertucci's, but for a long time since beyond that, left the company around March 12. And then Sandra Wooden (phonetic), who is the compliance person at Bertucci's, got moved to another department. She still is handling it. She was beside herself. She wanted to come here tonight. She is a veteran, a National Guardsman. She's one of the few people I let calendar on my calendar, including people in my office. And she just couldn't make it because she has a child. It is not within her job description either. But she was very, very apologetic, as am I.

CHAIR ANDREA JACKSON: That's fine.

Let me ask you this: Bertucci's closed in August of 2013, why was there such a lapse in time in terms of when the restaurant closed and then requesting to hold the license in inactive status?

ATTY JOE DEVLIN: Lack of knowledge.

Originally, right away, Sandra did send an email to Chris O'Neil saying that they had closed. And sometime there later, I think in October, they received a notice saying, you know, you are closed, you have to let us know what is going on by November 8, I believe.

And they sent in an email to Ms. Lint and said we were in the middle of a sale and transfer should be forthcoming shortly.

They have had four offers on this location. Three of them have been accepted. One of them is extremely recent, being last

night. We forewent one of the offers. It is a Korean buyer, who is in Korea right now, and I talked to his counsel yesterday afternoon, and the P&S is agreed to. We just don't have a signed one. So we decided to go with a secondary offer for \$125,000. Another experienced licensing counsel, Matt Fogelman, he's probably been before you, Matthew and I have not communicated, but he has my P&S and he said to me his client -- we have not communicated on the phone. He sent me an email saying, My client has it and is reviewing it. My client has a signed lease. Which is what my client wanted to find out from him to see what could be eliminated as far as problems.

There's a seven-day requirement to negotiate, sign the P&S, and the offer, and then a 14-day requirement to file the application. Matt's aware of it and he's capable of complying

with that. So there's a short time limit on this new offer.

CHAIR ANDREA JACKSON: So the original offer that we were aware of, Ms. Lint, was the one that the buyer was being represented by Andrew Upton?

EXECUTIVE DIRECTOR MS. LINT: Yes.

CHAIR ANDREA JACKSON: That one is now off the table?

ATTY JOE DEVLIN: As of yesterday. I called Andrew to get an update and he told me he had spoken to you.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

ATTY JOE DEVLIN: You know just to get an update on when it might be. He just said, I can't tell you. The guy's back in Korea, and it is ready to be signed and he's not responding to me.

So we sent him a notice and said that your client is out of contract. We are going with this other offer for -- it is a d/b/a that going to be called Guyu Taku (phonetic). I think it was some sort of Malaysian or Asian cuisine.

CHAIR ANDREA JACKSON: What is your expected time frame?

ATTY JOE DEVLIN: I hope to get the P&S signed within the seven days and then get the application filed within the 14 days. It will go from the offer onto the P&S agreement.

I do lots of those. How many of those have ever hit that target? You know, normally we put in 21 to 28 days to file the application. 14 days is a little tight. But do I expect certainly within -- the filing within the next 30 days? Yes.

CHAIR ANDREA JACKSON: Okay.

My concern is that the license is tied up

with the property, so to speak, that's located
at --

ATTY JOE DEVLIN: 21 Brattle Street.

CHAIR ANDREA JACKSON: Thank you. Right.
And there's a new tenant in that space who is now
unable to get a license because the Bertucci's
license is still tied to that spot.

So my concern is, the longer that we play
this out, the longer they will have to wait as
well.

ATTY JOE DEVLIN: If I may?

I think Bertucci's and the Commission's
goals are aligned here. They want to go the
fastest route, as do you, to get this license
transferred and back in use.

I think this represents we couldn't be
any closer to having an application ready to be
filed.

Once that application is filed, there can

be at even on the same hearing date, heard afterwards, an application for that location as long as the ABCC is notified one has to be adjudicated first.

I have been involved in many that way.

Actually, I have been involved in that with Bertucci's. And other clients. So the ABCC does recognize that and will do it that way so you don't have two licenses at the same location.

Look, the current tenant has made an offer on this, it was below what the broker thought was market and below the three offers that have been made on this license. Bertucci's was here for a restructuring within the last year, and I think Tom Demarcus came to that, but it was a debit restructuring.

You know, they are not fast casual. Most of their things are made on the premises and that

carries more expense and the downturn hit them harder. This is an important asset for them.

So understanding all of that, and understanding the new tenant's position, I hope the Commission will give us more time.

I would be happy to come back for a status hearing at the very next hearing. I would be concerned -- you know, I do a lot of this, any suggestion that the next one is a revocation, I actually thought Mr. Lee because of the revocation was kind've playing a wait and see.

I have since -- he sent me an email last night at 11:00 from Korea. It's been confirmed that's why he's not responding. He's in Korea. But it does have a tendency to chill the market when revocation is attached to it. But it is what it is.

POLICE COMMISSIONER ROBERT HAAS: You will have a much better idea by June 11 where you

are in this process?

ATTY JOE DEVLIN: Yes. And if we sign the P&S in the next seven days, I'll let Ms. Lint know.

Again, I have every confidence this license -- the attorney for the new buyer knows what he's doing.

CHAIR ANDREA JACKSON: Are there members of the public that wish to be heard on this matter?

Good evening.

ATTY KEVIN CRANE: Good evening, Madam Chair and Members of the Commission.

My name is Kevin Crane, I'm an attorney, and I represent Chazumba, LLC d/b/a Felipe's Taqueria, who is the present tenant on the premises.

As you know, I was the one that brought this to the attention of the Board the end of

February when I wrote to them regarding the lack of even applying to have it recognized as an inactive license.

And I was surprised, this has been going on since August of last year reflecting, in my book, a somewhat cavalier attitude of Bertucci's towards the License Commission.

As the Chair explained, the problem is that my client can't even get a fair shot at applying for a new license if they weren't able to buy the Bertucci's license, which if they have a buyer, that's fine, but we have been hearing about this phantom buyer since last October.

It would be great if they did have a purchase and sale agreement and sold the license and it was transferred to a different premises and then my client would have a fair shot at trying for a new license according to the rules and regulations of the Commission.

I would also point out that, you know, Bertucci's signed a renewal application under the pains and penalties of perjury that they were operating the premises. And, again, I think this reflects upon an attitude towards the License Commission as to whether they have to play by the rules or not.

The renewal affidavit does provide for an explanation if you are not operating the premises and there was no such submission or explanation when the renewal application was submitted.

And like I say, I think it would be fine if they went ahead and sold the license to someone else and transferred it off the premises.

It is just too bad it has taken this long to get them to the table.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

Do you have any questions?

FIRE CHIEF GERALD REARDON: I do not.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: From your client's standpoint, I want to make sure I understand this correctly, you are not entirely opposed to giving them an opportunity to sell the license, or is it your view, that action be taken on the license immediately?

ATTY KEVIN CRANE: We are not opposed to them selling the license.

ATTY JOE DEVLIN: With respect to counsel, which might not be privy to this, we have submitted signed offers and deposit checks that we have received over the course of this. And the Commission was aware, at least through email, that the license had closed and we were actively marketing it. But it is accurate we didn't send in a letter requesting inactive

status for some time, but that was more of an oversight, not out of any purposeful intent.

CHAIR ANDREA JACKSON: Thank you.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: I'm going to make a motion we continue this matter until our June 11 hearing at which time we can expect you to come in and provide us with an update, if not before that.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

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APPLICATION: CANTABRIDGEAN HOSPITALITY,
INC. D/B/A PROSPECT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cantabridgean Hospitality,
Inc., d/b/a Prospect, Marc Shulman, manager,
holder of an all alcoholic beverages restaurant
license and entertainment license at 675
Massachusetts Avenue has applied to amend the
existing entertainment license to include dancing
by patrons, reading of poetry or other works,
dancing, exhibition, audio machine playing music
below, at, or above conversation level and six
TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY. JAMES RAFFERTY: Good evening,
Madam Chair. For the record, James Rafferty, 675
Massachusetts Avenue representing the licensee.

To my left is Attorney Jonathan Cacciola
C-A-C-C-I-O-L-A.

Mr. Cacciola is now working at our office and this is his first appearance before the Licensing Commission and he's joined with me this evening.

CHAIR ANDREA JACKSON: Welcome.

Does this mean we won't get to see you as much, counsel?

ATTY. JAMES RAFFERTY: No, no. I hope that doesn't prove to be the outcome.

This is a slightly unusual matter. The Commission will recall this is the license that was formerly held by All Asia, and approximately a year ago, I believe almost a year ago, May 13, we filed a transfer of location and change of directors and such to -- from A.W. Chin, Inc. (phonetic), to the new corporate entity in this new location on Prospect Street.

At the time we filed the application for the transfer, we also included an application for

an entertainment license, but unbeknownst to us, apparently the advertisement did not contain a reference to the entertainment application.

But if you have had an opportunity to review the transcript of that hearing, you will see that a significant portion of that hearing was actually devoted to the issues of entertainment where the manager was describing the change in musical genre that he anticipated occurring from the All Asia rock-and-roll to a more jazz adult-oriented entertainment.

As I said, it was unbeknownst certainly to us, this applicant, and I suspect to the Commission at that time, that there was this defect in the notice, and it was only as a result of a recent communication from Ms. Lint. So what we did is, we took the original entertainment application that was filed last year and simply refiled it and we're here tonight to ask the

Commission to approve the entertainment as discussed at the last hearing and set forth in our application.

CHAIR ANDREA JACKSON: So, Ms. Lint, do you recall from the minutes, was the entertainment piece discussed?

EXECUTIVE DIRECTOR ELIZABETH LINT: It was discussed at great length.

ATTY. JAMES RAFFERTY: I have the highlighted sections of the transcript.

The first comment is from myself and then a few pages in, the manager, then goes in to describe the change of -- your predecessor was very thorough in his inquires around things of this nature, so we talked about entertainment, types of entertainment, demographics, who is likely to be there.

CHAIR ANDREA JACKSON: I remember reading this.

FIRE CHIEF GERALD REARDON: Counselor, is this the location that you enter from Prospect Street on that building?

ATTY. JAMES RAFFERTY: Yes.

FIRE CHIEF GERALD REARDON: This is a new build-out?

ATTY. JAMES RAFFERTY: This is a new build-out. They just told us this week they are beginning construction. We did have a delay.

The license was probably approved by the ABCC, the transfer in February, and they received a building permit in March. And there was a little back and forth with the contractor, but the client informed us today they expect construction will commence in a week. They are hoping for a fall opening.

EXECUTIVE DIRECTOR ELIZABETH LINT: You have some outstanding excise tax bills for Mr. Shulman.

ATTY. JAMES RAFFERTY: From the --

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cantabridgean Hospitality.

ATTY. JAMES RAFFERTY: They haven't done business yet, but --

EXECUTIVE DIRECTOR ELIZABETH LINT: What can I tell you.

ATTY. JAMES RAFFERTY: \$10? Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: There's more than that. But not a lot.

ATTY. JAMES RAFFERTY: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: 10, 20.

ATTY. JAMES RAFFERTY: I'm not aware they have any assets, but we'll take that up at the Assessor's Office and I wouldn't be surprised if their record weren't perfectly on target.

CHAIR ANDREA JACKSON: Any questions?

Any members of the public that wish to be

heard on this matter?

Seeing none, since this has been discussed apparently at great length, and it was just an oversight, I make a motion that we approve the entertainment license for Cantabridgean Hospitality doing business as Prospect.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: All set.

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APPLICATION: WASABI AT PORTER, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Wasabi at Porter, LLC, Xi Li, manager, has applied for a new wine and malt

beverages as a restaurant license at 2088 Massachusetts Avenue. Applicant is seeking operating hours of 8 a.m. to 1 a.m. Monday through Saturday and 12 p.m. to 1 a.m. on Sunday. The proposed seating capacity of 38 inside and 11 non-alcohol outdoor seasonal patio seats.

CHAIR ANDREA JACKSON: Good evening.

ATTY LAUREN BOICE: Good evening. My name is Lauren Boice, B-O-I-C-E.

Counsel for Wasabi at Porter, LLC. And this is my client Xi Li, X-I. Last name L-I.

XI LI: X-I. Last name L-I.

CHAIR ANDREA JACKSON: Tell us about the plan, please.

ATTY LAUREN BOICE: The plan is to start a small business. This is not a chain. So if there was any confusion about Wasabi at Porter, LLC, it is a stand-alone business, and this is being run by my client as the manager.

He will be on the premises probably more than he's living in his home in Quincy, and he's starting this business in order to provide for his family. He was moved here from New York in order to be with his family while his daughter goes to college and wants to start a restaurant.

The location he's chosen is where Annapurna was before, and all he's looking for from the Commission is to get the same beer and wine license that Annapurna enjoyed but was not transferrable from Annapurna, and to get sidewalk usage, which they had, but he's looking for less sidewalk usage than they did. And I believe we also applied for an entertainment license, but I don't believe that's on the agenda.

I do have the application, a copy of it, if you would like.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, I have it.

CHAIR ANDREA JACKSON: How was it advertised?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm looking.

CHAIR ANDREA JACKSON: While Ms. Lint is looking, let me ask you a couple questions.

Has your client operated a restaurant before?

XI LI: Yes, I operated several kinds. First time is in --

CHAIR ANDREA JACKSON: Speak up, please.

XI LI: First time in Connecticut. Second time is Manhattan, New York. And third time is New Jersey.

CHAIR ANDREA JACKSON: What types are restaurants were those?

XI LI: All Japanese.

ATTY LAUREN BOICE: And my client has experience with alcohol service from his previous

restaurant experience, which he can address to the Commission as well.

CHAIR ANDREA JACKSON: Yes. Tell me about your experience with alcohol as well.

XI LI: First was in Connecticut for a couple years. I serve full liquor license.

CHAIR ANDREA JACKSON: Was the liquor license in your name?

XI LI: My partner name. I'm the manager.

FIRE CHIEF GERALD REARDON: You were the manager of record, though, for the license?

ATTY LAUREN BOICE: I don't believe so. What he's saying is, he was the manager of the restaurant so he was responsible with his partner who was the manager of record. And that's why I'm here, to clarify that answer.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have a copy of the ad?

ATTY LAUREN BOICE: I do have a copy of the ad. (Forwarding).

EXECUTIVE DIRECTOR ELIZABETH LINT: We didn't advertise the entertainment.

CHAIR ANDREA JACKSON: So we can't address that this evening?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, two TVs can be done actually. Below level, can be done.

CHAIR ANDREA JACKSON: So we're good. Very good. Thank you.

POLICE COMMISSIONER ROBERT HAAS: As you recount your restaurants, can you tell me how -- what the status of those restaurants are and why you separated business with those restaurants? The one in Connecticut, how long was that operating for?

XI LI: Connecticut was a couple years. Like two or three years.

POLICE COMMISSIONER ROBERT HAAS: Then what happened to it?

XI LI: Because my wife, we both own a house in New York, so we sold to the partner.

POLICE COMMISSIONER ROBERT HAAS: Okay.

XI LI: My brother-in-law.

POLICE COMMISSIONER ROBERT HAAS: Then the one in Manhattan?

XI LI: After September 11, the business going down, so I moved to Connecticut -- moved to New Jersey.

POLICE COMMISSIONER ROBERT HAAS: How long did you operate the restaurant in Manhattan?

XI LI: Manhattan, six months.

POLICE COMMISSIONER ROBERT HAAS: And then it closed?

XI LI: I sold the business.

POLICE COMMISSIONER ROBERT HAAS: You sold it?

XI LI: Yes. I moved to New Jersey.

POLICE COMMISSIONER ROBERT HAAS: Okay.

XI LI: I was there six years.

POLICE COMMISSIONER ROBERT HAAS: You had that restaurant for six years?

XI LI: Yes.

POLICE COMMISSIONER ROBERT HAAS: What is the status of that restaurant?

XI LI: I sold that. I go to here because my kid's education. She be in Boston.

POLICE COMMISSIONER ROBERT HAAS: Okay, each of those restaurants you served alcohol?

XI LI: Only Connecticut.

POLICE COMMISSIONER ROBERT HAAS: Only Connecticut?

XI LI: Yes.

POLICE COMMISSIONER ROBERT HAAS: You never held a license in your name then, a liquor license in your name?

XI LI: No.

FIRE CHIEF GERALD REARDON: So the restaurant in New Jersey was relatively successful for six years?

XI LI: Yes. Good. It's very good.

CHAIR ANDREA JACKSON: Who will be working with you in the restaurant? Are you going to manage it on your own?

XI LI: My wife and my friend.

CHAIR ANDREA JACKSON: Your wife and a friend?

XI LI: Yeah, and I have friend.

FIRE CHIEF GERALD REARDON: 38 seats inside, that's what was approved previously?

ATTY LAUREN BOICE: If I may address that? It is a few seats less than Annapurna had because it they had to take out seats to put in the sushi bar counter, so they lost square footage because of work space.

CHAIR ANDREA JACKSON: You recognize that Cambridge is a little unique that in order to serve wine or malt or any alcohol you have to have 21 Proof training.

ATTY LAUREN BOICE: He has already contacted Mr. Green in order to get on for the training on that program.

XI LI: Yes.

FIRE CHIEF GERALD REARDON: So your plan is probably just to do minor cleaning and painting, not major renovation at this location?

XI LI: Not major. Just sushi bar and clean and painting some stuff.

FIRE CHIEF GERALD REARDON: I'm trying to remember, do they have a fryolator or hood system at Annapurna, deep fry?

XI LI: Deep fry?

FIRE CHIEF GERALD REARDON: Yeah, a fryolator, did they have one at that location?

XI LI: No, not yet.

CHAIR ANDREA JACKSON: And how will deliveries be made? In the front? In the rear?

ATTY LAUREN BOICE: My understanding of the configuration of the building, and I believe this is in at least one of the applications here, there's a back door at the side.

FIRE CHIEF GERALD REARDON: On Walden Street?

ATTY LAUREN BOICE: Exactly. And the deliveries will be made through that door to the kitchen.

FIRE CHIEF GERALD REARDON: Do you have a sample menu available?

ATTY LAUREN BOICE: I do. (Forwarding).

FIRE CHIEF GERALD REARDON: It's going to be a full-service restaurant in terms of --

ATTY LAUREN BOICE: Yes.

CHAIR ANDREA JACKSON: When is the

expected opening date?

XI LI: We try to do June 1st.

ATTY LAUREN BOICE: That may be ambitious.

XI LI: July 1. I'm sorry.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know if we would hear back from the ABCC that soon. We might but you don't know.

ATTY LAUREN BOICE: I think it is more realistic thinking August 1 being a viable date. My client might be suggesting that he should be done with his construction by July 1 and he may be able to open the restaurant without a liquor license and begin serving the community.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: Have you tried to buy a license?

XI LI: Too much.

POLICE COMMISSIONER ROBERT HAAS: The criteria for a license, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's proof of need, lack of harm, overwhelming neighborhood support, and a showing that you have exhausted all possibilities of purchasing a license.

ATTY LAUREN BOICE: My client attempted to purchase a license. The ones he was able to find that weren't attached to restaurants, where you had to buy the license and then take the restaurant business itself, were approximately \$80,000, which would be cost prohibitive for him given that he's only operating a 1,000 square foot restaurant. He can't afford that kind of overhead expense. That's what it comes down to. And that's why we are only looking for what Annapurna had in the other location.

POLICE COMMISSIONER ROBERT HAAS: And the

other three criteria?

ATTY LAUREN BOICE: I believe there was need. He needs --

POLICE COMMISSIONER ROBERT HAAS: Not his need.

EXECUTIVE DIRECTOR ELIZABETH LINT: Not his need.

POLICE COMMISSIONER ROBERT HAAS: The community.

ATTY LAUREN BOICE: I misunderstood. Again, this is what Annapurna had, so it was obviously a need in the community at some point in time, so we're only looking, like I said, for what Annapurna had.

And as far as support of the community, we have reached out to the Porter Square -- I'm going to mess this up, the two letters in that acronym, and the City Council we'll be meeting with them.

I believe a couple of the neighbors, who are adjacent to the back of the restaurant are here this evening, and at least one has expressed desire to have this restaurant open and be available.

POLICE COMMISSIONER ROBERT HAAS: I was debating whether or not that's going to be overwhelming support.

ATTY LAUREN BOICE: Again, we're only looking for what Annapurna had. And this is -- if the criteria are to be read that each one must be met in an exhaustive way, then I'm not sure that's possible.

I mean, what they are looking for is just to have a business, to do business, to contribute to the community, to occupy a place that is otherwise not having a viable restaurant in it and provide for his family. And he can't do that without a beer and wine license in order to make

the kind of restaurant more up-scale Japanese sushi restaurant that he's planned with his business plan.

POLICE COMMISSIONER ROBERT HAAS: I want to -- I'm trying to figure out how we can satisfy those requirements based on what you are representing.

I'm not disputing the fact that there was a restaurant there before, but things change. Cuisine changes. Neighbors change. The fact there was a restaurant there before that had a beer and wine license doesn't mean it is transferrable an.

ATTY LAUREN BOICE: I totally understand that Annapurna's license was not transferrable, which is why we are here today to get a new one.

POLICE COMMISSIONER ROBERT HAAS: Right.

ATTY LAUREN BOICE: I don't know how else

to show support from the community.

POLICE COMMISSIONER ROBERT HAAS: A lot times what applicants will do is they actually get petitions from the area, and then have the neighbors sign off on it and demonstrate they are a supporter of the concept and idea.

It does a couple things. 1, it allows your client to introduce himself to the neighborhood and garner that kind of support. And 2, it demonstrates to us that the neighborhood doesn't see the harm by virtue of the fact that they are in support of it. That's the second criteria. It is almost linked together.

So it would seem to me that if you get the neighborhood to be supportive of the concept, I think we can easily get across the obstacle of whether there's lack of harm.

ATTY LAUREN BOICE: Can we look at the

fact that the people who are going to be here speaking for or against the restaurant are indicative of the community and the absence of them --

POLICE COMMISSIONER ROBERT HAAS: I don't know if we can have a few people speak on behalf of an entire neighborhood. They can voice their opinions.

ATTY LAUREN BOICE: The neighborhood is predominately business, except for the abutters to the condo behind there. And those are the only residential neighbors in the area. So trying to get support from the business neighbors would be, I think, difficult because they might see it as an unnecessary competition in the area.

POLICE COMMISSIONER ROBERT HAAS: What a lot of applicants will do, though, is they will stand in front of the location and ask

passerbyers to see if they would sign a petition, and again, it would be an indication to your client whether or not -- it does two things: 1, it advertises the fact he's coming there, and secondly, he can show that people that at least frequent the area would be supportive of the concept.

There's a number of ways to get to that point. I just think that we do have the criteria and it has to be satisfied some way, and I think --

FIRE CHIEF GERALD REARDON: Is Annapurna still open?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR ANDREA JACKSON: Do you have any additional questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: I would like to take some public testimony.

Are there any members of the public that wish to be heard on this matter?

Please come forward.

Good evening. Please state your name for the record.

CATHERINE FUNG: Catherine Fung, F-U-N-G. C-A-T-H-E-R-I-N-E.

CHAIR ANDREA JACKSON: And why are you here this evening?

CATHERINE FUNG: I live on 5 Walden Street, which is the building in the back, and I am voicing my support for the license.

I have been living there four years, and so I saw Annapurna, they were occupying it, and then it changed to Third Eye or something.

CHAIR ANDREA JACKSON: Uh-huh.

CATHERINE FUNG: And I noticed that business was always kind've scant for both of those businesses.

And so I would be happy if this business were to succeed, so, yes, I'm voicing my support. And because I'm also a member of the board of trustees of the building, I want to make sure the concerns of maybe some of the residents be heard, not so much to voice opposition, but to open up discussions about particular issues of noise and this is extended hours to 1 a.m., and I think that's --

ATTY LAUREN BOICE (Speaking to Mr. Li):

You need to say it out loud.

XI LI: We are not open to 1 a.m.

CATHERINE FUNG: You are not going to?

CHAIR ANDREA JACKSON: You're not going to what?

XI LI: We are not going to open until 1 a.m.

CHAIR ANDREA JACKSON: So what are the proposed hours?

ATTY LAUREN BOICE: This is news to me.

My client was -- you are applying for a 1 a.m. license. If you chose to change your business hours, then we can come back before the Commission and change the hours.

POLICE COMMISSIONER ROBERT HAAS: Before we even grant the license, if he's not intending to operate during those hours, you have to make sure he posts the hours he will operate.

ATTY LAUREN BOICE: I understand.

XI LI: So --

ATTY LAUREN BOICE: I believe my client is actually intending to at least operate the restaurant through 1 a.m. I think perhaps what the issue there was about liquor service, which might not necessary be until 1:00.

CHAIR ANDREA JACKSON: I can take additional public testimony if you would like to confer with your client.

ATTY LAUREN BOICE: Thank you very much.

CHAIR ANDREA JACKSON: You are all set unless you have anything else to offer or add.

CATHERINE FUNG: My question was based on the question of the hours because it is a residential neighborhood, we have families, and we're right on Mass. Ave, so there might be concern about noise or foot traffic coming through. Especially since it is going to be open with 1 a.m. with the liquor license, there might be a different demographic of folks coming through. That might impact the atmosphere of that particular neighborhood.

And so that's mostly what I wanted to have a discussion about.

But, of course, that would depend whether or not those hours are indeed --

POLICE COMMISSIONER ROBERT HAAS: How did you get acquainted with the applicant?

CATHERINE FUNG: I got a letter in the mail.

POLICE COMMISSIONER ROBERT HAAS: Did all residents in your building get a letter in the mail?

CATHERINE FUNG: I don't know if everybody did. I know the trustees did.

CHAIR ANDREA JACKSON: Thank you very much.

Please come forward.

NANCY WARECK: Hi.

CHAIR ANDREA JACKSON: Good evening.

NANCY WARECK: Nancy Wareck, W-A-R-E-C-K. Google that, please.

5 Walden. I, too, received a certified letter, as we did all. My concern, the first I heard --

CHAIR ANDREA JACKSON: Please address me.

NANCY WARECK: The first I heard of

entertainment, that concerns me, there would be raised levels. It is already a noisy corner.

Prior to this hearing, Brian and his attorney and I spoke. My issues with Annapurna were this: We have a rat problem in that area. We treat our unit, our building, by EHS. There has been a rat sighted in the crook of that building and one of the tenants asked we treat the building flanking Mass. Ave, which EHS refused to do.

We now have a bait trap in our front yard because I found a burrow hole and a trap was put in front. I'm not saying this tenant did this but I'm saying this is a result of a lot of things going on.

Annapurna, I don't think it was formally, but uninformally, told me they would dispose of the refuse twice a week and it was never done and it stank up the yard.

This gentleman agreed to remove the waste at least twice a week and not have that repeat and agreed to work with the rodent problem. It is a city problem. We have them. And, again, we treat our property.

So my fears have been assuaged on that issue. There was a preexisting restaurant. Another one wants to come in. I don't object to that if the restaurant would, in fact, work with we, the public, in helping to ameliorate the problems that we have. And this gentleman promised me he would.

And the nonsmoking also, we are a nonsmoking building, and Brian assured me none of his workers would smoke near our backyard.

Thank you.

CHAIR ANDREA JACKSON: Thank you very much.

NANCY WARECK: You are very welcome.

CHAIR ANDREA JACKSON: Are there any other members of the public that wish to be heard on this matter?

Do you have additional questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No.

ATTY LAUREN BOICE: Let me address the hour issues.

I have spoken with my client and he's intending to operate his business until 11 p.m. and I believe then we'll follow what Annapurna had just by looking at what their previous operation and approvals had been, but my client said he plans to close his business at 11:00. So that alleviate any noise issue in the evening will be addressed by the fact that they will be closed.

CHAIR ANDREA JACKSON: Did you hear that, their hours of operation are going to be 11 p.m.

not 1 a.m.?

CATHERINE FUNG: Thank you.

FIRE CHIEF GERALD REARDON: That's for weekends as well as weekdays?

XI LI: Weekdays maybe 10:00.

ATTY LAUREN BOICE: Weekdays 11:00.

NANCY WARECK: There's something I forgot to mention.

CHAIR ANDREA JACKSON: If you could re-identify yourself for the record and speak up.

NANCY WARECK: Nancy Warwick, 5 Walden Street. Annapurna was graffitied, we, therefore, we graffitied. Brian has assured me he will work with us. It was during a state of graffiting, but we got lumped in and got graffitied.

CHAIR ANDREA JACKSON: Okay. Thank you.

NANCY WARECK: Thanks.

CHAIR ANDREA JACKSON: What is the pleasure of the board?

EXECUTIVE DIRECTOR ELIZABETH LINT: We have (*indicating*) --

CHAIR ANDREA JACKSON: Keep going. Before I make a motion, talk.

POLICE COMMISSIONER ROBERT HAAS: I'm not satisfied that you have been able to satisfy all the criteria for a new wine and malt license.

It sounds like you have had some contact with the neighbors/residents.

You may need to do a little more, from my perspective, showing that you have overwhelming support from the surrounding neighborhood and possibly people that may be passing by.

And I think if you can do that, then you can cross the threshold with respect to doing any harm, and I think if you can produce that, I think that would be helpful to me anyway on deciding on this application.

CHAIR ANDREA JACKSON: Ms. Lint, you

received a letter?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a letter from Mr. Muehe, Commission for Persons with Disabilities that the ramp in front of the building is in excess of the 8.3 percent that's the maximum allowable slope under State and Federal accessibility standards. And there's no automatic door opener.

So I can give you this and you can get in touch with him. He would be very happy to work with you.

ATTY LAUREN BOICE: Thank you.

CHAIR ANDREA JACKSON: So I'm thinking I would like to make a motion to continue this to our Decision Hearing to give the applicant time to address the concerns raised and I believe our Decision Hearing is scheduled for May 29 at 10 a.m.

We typically don't take additional new

testimony during that time unless the Board has specific questions.

Is there a second on that motion?

FIRE CHIEF GERALD REARDON: Second.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I may just interject for one moment, in this situation where you are asking the applicant to bring forth more support, that may require some testimony.

CHAIR ANDREA JACKSON: Yes. From them?

POLICE COMMISSIONER ROBERT HAAS: That's what I was going to say when the seconded was made. With the exception I would like to see more evidence supporting your application for a new license, okay?

So I think, I'm indulging the Chair, I think she would be more than happy to see that evidence as well.

CHAIR ANDREA JACKSON: Absolutely.

So there's been a motion made and
seconded.

All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you.

We'll see you May 29.

ATTY LAUREN BOICE: Thank you very much.

(Chair Andrea Jackson leaves hearing
room.)

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APPLICATION: THE NOODLE PROJECT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: The Noodle Project, LLC, Jeremiah
Tracy, manager, has applied for a common
victualer license to be exercised at 35 JFK
Street. Said license if granted would allow food
and non-alcoholic beverages to be sold, served,
and consumed on said premises with a seating

capacity of 30. The proposed hours of operation are 11 a.m. to 11 p.m. seven days per week.

ATTY ANTHONY GALLUCCIO: Thank you, Executive Director Lint. My name is Anthony Galluccio, G-A-L-L-U-C-C-I-O. I'm a partner with Galluccio & Watson at 1498 Cambridge Street and I'm joined by Jeremiah Tracy.

JEREMIAH TRACY: Jerry Tracy, T-R-A-C-Y, for the project at 35 JFK Street, Cambridge.

ATTY ANTHONY GALLUCCIO: Honorable Members of the Commission, first of all, I wanted to say thank you for continuing our matter for a couple meetings.

The owners and manager had a concept change for the restaurant so we thought it was best to make sure that the Commission was up to speed with our latest thinking.

As a matter of housekeeping, if I can present the notification to abutters of which I

have had no direct contact by way of concern or communication.

I would like to present, if I could, for the record a new d/b/a, the Noodle Project, LLC will still be the license holder. We submit a new d/b/a tonight. The business name will be Break-Fast, so if I could just present that for the record, and I also have menus for the Members of the Commission as well.

Just briefly, again, there was a submission and advertisement for the Noodle Project for hours of operation from 11 to 11.

The owners and manager made a decision to shift concepts. I called this sort of an Ode to Leo's. It is more of a breakfast concept, which we think is in needed. After further investigation, it was found there was some other noodle concepts nearby and there was a need for something in The Square, and speaking to the

Harvard Square Business Association, to have some kind of a breakfast option directly in The Square and so we shifted gears.

I would note that the requested hours at this time are 7 a.m. to 7 p.m. on Friday and Saturday. Sunday to Thursday, 7 a.m. to 4 p.m.

So it is a shift back to those earlier hours.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can you repeat that? 7 a.m. to 7 p.m.?

ATTY ANTHONY GALLUCCIO: Sunday to Thursday. I did it backwards.

And Friday and Saturday 7 to 7.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's the same.

FIRE CHIEF GERALD REARDON: 7 to 7 all week?

ATTY ANTHONY GALLUCCIO: 7 to 4.

POLICE COMMISSIONER ROBERT HAAS: 7 to 7

weekdays?

ATTY ANTHONY GALLUCCIO: And Sunday through Thursday 7 a.m. to 4 p.m. I'm sorry. It is more commensurate with what was going on previously.

I did urge that the client to come as close to what we knew the hours would be and these are hard hours, which I know the Commission likes.

I would note Leo's Place did have a 7 a.m., so we think we are okay in that respect. It is a shift from our original concept.

I would like to introduce, if I could, Jerry Tracy, who is going to open up the restaurant and manage the restaurant and he's joining me tonight.

I do have copies of his resume as well for you, if you would like those.

I should note for the record, the floor

plan, seating, all stays the same. There's no changes at all. Just some clean-up work and business will convene.

FIRE CHIEF GERALD REARDON: What's the anticipated opening if you get approval?

JEREMIAH TRACY: The end of June. Literally a coat of paint and moving equipment in.

ATTY ANTHONY GALLUCCIO: This was a concept that we felt it was important to get this particular location up and running quickly and get into a service position for The Square immediately.

I know the manager had strong feelings about this concept, and the client made a shift, so we're pretty happy with this.

We may come back and ask for some extended hours but we think this is the right starting point for us.

EXECUTIVE DIRECTOR ELIZABETH LINT: In this situation as well, there's a letter from Mr. Muehe in regard to the ramp, there's a slight issue with it.

I would be happy to give this to you and you can work with him to.

ATTY ANTHONY GALLUCCIO: Absolutely.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know, are you in contact now with the people at Leo's Place because I have an outstanding tax bill?

ATTY ANTHONY GALLUCCIO: For Leo's Place?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ATTY ANTHONY GALLUCCIO: I'll pass that along to the client.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank you.

ATTY ANTHONY GALLUCCIO: There wasn't great communication for their exit, I know that,

but I'll pass this along to the client and make an appointment with Mr. Muehe first thing tomorrow morning. It appears that speaking to an automatic door opener should be fine. That issue certainly would be easier and we'll make sure that any reasonable remediable issues will be addressed right away and we'll work with Mr. Muehe.

POLICE COMMISSIONER ROBERT HAAS: When did the business close that you are replacing? How long was it closed?

JEREMIAH TRACY: I want to say it was December of 2013.

POLICE COMMISSIONER ROBERT HAAS: December?

JEREMIAH TRACY: Of 2013.

FIRE CHIEF GERALD REARDON: Is the plan to use the existing equipment?

JEREMIAH TRACY: Leo's removed their

kitchen equipment and we have our own kitchen equipment going in. The hood is existing and remains.

FIRE CHIEF GERALD REARDON: It doesn't look that you have a fryolator?

JEREMIAH TRACY: We will have a single-well double-basket fryolator.

FIRE CHIEF GERALD REARDON: You are well aware of the requirements?

JEREMIAH TRACY: Yes.

FIRE CHIEF GERALD REARDON: The fact that you are putting new ones in will bring it up to speed.

ATTY ANTHONY GALLUCCIO: I'll keep the Commission updated with respect to the work with Mr. Muehe.

EXECUTIVE DIRECTOR ELIZABETH LINT: You could just forward that information to me and I'll include it in the record.

ATTY ANTHONY GALLUCCIO: I will.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

EXECUTIVE DIRECTOR ELIZABETH LINT: Members of the public?

FIRE CHIEF GERALD REARDON: Any members of the public that wish to be heard on this matter, Noodle Project, 35 JFK Street?

Seeing none, I make a motion to approve the application for the Noodle Project, Jeremiah Tracy, 35 JFK Street, CV only, food and nonalcoholic beverages on the premises, seating of 30 for the hours as stated.

POLICE COMMISSIONER ROBERT HAAS: The modified hours.

FIRE CHIEF GERALD REARDON: The modified hours stated by counsel. With the understanding

that you are going to work with Mr. Muehe of the Disability Commission to provide and remediate anything that's a reasonable accommodation.

POLICE COMMISSIONER ROBERT HAAS: I'll second the motion.

FIRE CHIEF GERALD REARDON: Seconded.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

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APPLICATION: EF EKTA SCHOOLS, INC.

1 EDUCATION STREET

8 EDUCATION STREET

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: EF EKTA School, Incorporated has applied for garage license at 1 Education Street for 132 vehicles and 1320 gallons of gasoline in tanks of autos only. Applicant is also applying

for additional flammables storage and 3 gallons of class 1 and 1675 gallons of class 2.

Second application: EFEKTA Schools, Inc., has applied for a garage license at 8 Education Street for 126 vehicles and 1260 gallons of gasoline in the tanks of autos only. Applicant is also applying for additional familiar.

FIRE CHIEF GERALD REARDON: Good evening.

Everyone state and spell your name for the record and your relationship to the applicant.

RICH MCKINNON: Rich McKinnon,
M-C-K-I-N-N-O-N.

ATTY EMMA YASHAR: I'm Emma Yashar,
Y-A-S-H-A-R. I'm an attorney for the applicant.

SHAWNA SULLIVAN: Shawna Sullivan,
S-U-L-L-I-V-A-N. And I am the Director of Public Affairs at EFEKTA Education First.

FIRE CHIEF GERALD REARDON: So this is for garaging gasoline for the two buildings at No. 1 and No. 8 Education Street?

RICH MCKINNON: That's correct, Chief.

FIRE CHIEF GERALD REARDON: The amount of fuel is based upon ten gallons per cars for the 1320. And I assume the other three gallons of class 1 is gasoline for associated equipment to be kept in safety cans and a locker approved?

RICH MCKINNON: Yes.

FIRE CHIEF GERALD REARDON: And the balance of the gallons is for the generator, I assume?

RICH MCKINNON: That's correct.

FIRE CHIEF GERALD REARDON: Is the generated located at grade level or on the roof?

NORBERT LORSCHIEDER: Norbert,
N-O-R-B-E-R-T. And last name is
L-O-R-S-C-H-E-I-D-E-R.

I'm the Director of Facilities for 1 Education and then 8 Education in the future.

FIRE CHIEF GERALD REARDON: So just explain what is at grade level?

NORBERT LORSCHIEDER: One is at grade level. And one on the roof on 8 Education. And the tank for that is at the corner, at the bottom.

FIRE CHIEF GERALD REARDON: So you have a 60-gallon day tank for the roof top units?

GARY HEWITT: Gary Hewitt, H-E-W-I-T-T. I'm with Skanska USA Building. I'm the licensed builder at 8 Education Street.

FIRE CHIEF GERALD REARDON: Both the tanks are doubled-hulled?

GARY HEWITT: Yes.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

FIRE CHIEF GERALD REARDON: Any members of the public wish to be heard on this?

Seeing none, I make a motion to approve the application for the G&G license for both 1 Education Street and 8 Education Street for the amounts listed in the application.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

RICH MCKINNON: Thank you both very much. Appreciate it.

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APPLICATION: THELONIOUS MONKFISH, LTD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Thelonious Monkfish, Limited, Jamme Chantler, manager, holder of a wine and malt

beverages restaurant at license at 524
Massachusetts Avenue has applied for an
alteration of a premise to include a seasonal
outdoor patio on public sidewalk for 20 seats.

ATTY. WILLIAM GOLDBERG: William
Goldberg, 620 Massachusetts Avenue, Cambridge and
to my right, tell her your name.

JAMME CHANTLER: Jamme, J-A-M-M-E,
Chantler, C-H-A-N-T-L-E-R. 524 Massachusetts
Avenue.

FIRE CHIEF GERALD REARDON: Counsel, or
one of you, would you like to summarize the
request for tonight?

ATTY WILLIAM GOLDBERG: Yes. I just
wanted to give some receipts. This is an
establishment of Thelonious Monkfish on
Massachusetts Avenue, which is operating, the
owner, and manager of the business.

At that time of the purchase of this

restaurant, there was no liquor license in place. After the purchase of the license, Mr. Chantler made an application to the City for a malt and wine beverage license.

Subsequently he's been serving liquor and there's been no incidents at the restaurant. But in keeping with the nature of what the City is trying to do in the Central Square area to have it to look like a carnival where people sit outside, et cetera, Mr. Chantler, to complement his restaurant, has put up a place for outside seating and he seeks to have the approval of 20 seats for the outside patio.

FIRE CHIEF GERALD REARDON: Is the intention to have alcohol service at these 20 seats?

ATTY WILLIAM GOLDBERG: Yes.

JAMME CHANTLER: I just wanted to make sure you knew we were approved for the outside

patio, I think, about two years ago. We just would like to add the beer and wine service outside.

FIRE CHIEF GERALD REARDON: So you're presently operating 20 seats on the public sidewalk is approved but without alcohol service?

JAMME CHANTLER: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, okay, it looks a little different here.

FIRE CHIEF GERALD REARDON: So since you are going to be doing alcohol -- there are barriers to separate you from the public and to prevent unintentional use of alcohol by others other than the intended parties to which you would be serving, correct?

ATTY WILLIAM GOLDBERG: Yes. There's one item, Miss Secretary, with regard to the affidavit, that Mr. Chantler brought them to my office, the affidavit and notice, I didn't take

that with me, the papers. So I think it would be appropriate if I changed my name to Thelonious Goldberg. I got it back in the office and I'll bring it.

EXECUTIVE DIRECTOR ELIZABETH LINT: I know where to find you. I am sure I will have that tomorrow.

FIRE CHIEF GERALD REARDON: Ms. Lint, is this property still approved by Public Works? They don't need to do anything for this because --

EXECUTIVE DIRECTOR ELIZABETH LINT: I see Bill Dwyer's name on one the documents.

Has he been out to survey and make sure that your fencing is sufficient? Or is that fencing what you have been using all along?

JAMME CHANTLER: We actually just added the fencing.

FIRE CHIEF GERALD REARDON: Has Public

Works seen it since the fencing?

JAMME CHANTLER: They have not seen the fencing.

EXECUTIVE DIRECTOR ELIZABETH LINT: They need to see it.

JAMME CHANTLER: I think we were approved for it when we first --

EXECUTIVE DIRECTOR ELIZABETH LINT: Had alcohol?

JAMME CHANTLER: No. When we applied for the outside patio, they approved it then. We didn't do it because we didn't have alcohol, and I always thought whatever, and now that we would like to have it, I had it built.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would ask that the applicant just confirm with Bill Dwyer. And the other name went out of my head.

POLICE COMMISSIONER ROBERT HAAS: Best.

EXECUTIVE DIRECTOR ELIZABETH LINT: Vin Best at Public Works. And just confirm that the fencing is okay.

FIRE CHIEF GERALD REARDON: That the fence you added is still in conformance with the area they carved out for you.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then let me know.

POLICE COMMISSIONER ROBERT HAAS: You want to wait until the decision meeting?

EXECUTIVE DIRECTOR ELIZABETH LINT: It looks like it is fine. It is just enclosing it.

FIRE CHIEF GERALD REARDON: All the paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it is.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on the application for Thelonious Monkfish?

Seeing none, I make a motion to approve subject to the verification of Public Works that we -- that the fence required for the alcohol service and the 20 seats meets with their standard.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

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APPLICATION: VIVACE VINO, INC. D/B/A

CENTRAL BOTTLE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Vivace Vino, Inc., d/b/a Central Bottle, Maureen Rubino, manager, holder of a wine and malt beverages package store license at 196 Massachusetts Avenue has applied for a change of

manager to Elizabeth Vilardi, a change of corporate officers/directors, and a transfer of stock.

ELIZABETH VILARDI: I'm Elizabeth Vilardi, V, as in Victor, I-L-A-R-D-I. And this is my husband. Nick Vappia.

NICK VAPPPIA: Nick Vappia, V-A-P-P-I-A.

FIRE CHIEF GERALD REARDON: Give us a quick synopsis.

ELIZABETH VILARDI: Our former business partner, Maureen, together she and her husband and myself we opened Central Bottle up four and a half years ago and we are business partners and Maureen and Dave have essentially decided to retire and we'll purchase their shares and buy their half. We need to change managers, corporate officers, and stock.

FIRE CHIEF GERALD REARDON: So previously Maureen Rubino was listed as manager and it's

going to change to you?

ELIZABETH VILARDI: Yes, exactly.

And I had missing paper work.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

ELIZABETH VILARDI: We filled it out wrong, and we put in manager of record currently, which is wrong moving forward, and then this is our commitment letter.

FIRE CHIEF GERALD REARDON: So other than the partner changes and so forth, hours of operations, footprint, everything is exactly the same?

ELIZABETH VILARDI: You got it.

FIRE CHIEF GERALD REARDON: Paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.
How is he?

NICK VAPPPIA: Our partner broke his leg in two places twice above the ankle and twice

above the knee playing hockey. He's in rough shape.

EXECUTIVE DIRECTOR ELIZABETH LINT: I was asking how he was.

POLICE COMMISSIONER ROBERT HAAS: Is that why he's retiring?

ELIZABETH VILARDI: No. He's an architect. He does something else entirely.

FIRE CHIEF GERALD REARDON: He should stay close to the ground.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on Central Bottle Vivace Vino?

Seeing none, I make a motion to approve the change of manager and shareholders for the package store being operated at 196 Massachusetts

Avenue.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: Having a
second, all in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

ELIZABETH VILARDI: Thank you.

- - -

APPLICATION: BAJA TACO COMPANY D/B/A

BAJA TACO TRUCK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Baja Taco Company doing business as
Baja Taco Truck, Bryan Peugh, manager, has
applied for a vendor/peddler license to operate a
mobile food truck on private property at 32-34-36
Cambridgepark Drive. Applicant would be
permitted to operate Monday through Friday from
11 a.m. to 2 p.m.

Taco Truck is a no show.

FIRE CHIEF GERALD REARDON: Okay.

- - -

APPLICATION: CUPCAKE CITY, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Cupcake City, LLC, John Cataldo, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 32-34-36 Cambridgepark Drive. Applicant would be permitted to operate Monday through Friday from 11 a.m. to 2 p.m.

FIRE CHIEF GERALD REARDON: Good evening.

JOHN CATALDO: John Cataldo, C-A-T-A-L-D-O, manager for Cupcake City. We are a mobile food truck. We have two stores. One in Reading and Newton. And we have a truck which has been operating with a temporary permit on every other Wednesday for the past month or so. We'll be operating not every week but every other

Wednesday now through October.

FIRE CHIEF GERALD REARDON: You have been operating temporarily at Cambridgepark?

JOHN CATALDO: Same spot. There's three trucks there. We're the last one in the line.

It will save me coming back and forth every week to get a new permit and dodging the meter maid.

FIRE CHIEF GERALD REARDON: So you are going to operate every day?

JOHN CATALDO: Every other Wednesday.

FIRE CHIEF GERALD REARDON: Every other Wednesday?

JOHN CATALDO: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: This gives him the option that if they want another day or they want to be there another day, that ...

POLICE COMMISSIONER ROBERT HAAS: Do you

plan on expanding your business over time?

JOHN CATALDO: Well, I'm already in Malden, Watertown. I just got permits in Waltham. We're in a bunch of different towns. We do a bunch of different days.

POLICE COMMISSIONER ROBERT HAAS: Same truck?

JOHN CATALDO: Same truck. Different spots. We'll be on the Esplanade for the 4th of July. Your side of the river. We have been there the past couple years by the Ames loop.

FIRE CHIEF GERALD REARDON: Is there propane on this truck?

JOHN CATALDO: Not at all. The generator is fed with the gasoline tank that was inspected by Cambridge Fire a few weeks ago.

FIRE CHIEF GERALD REARDON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: The cupcakes are really good.

FIRE CHIEF GERALD REARDON: Any
questions?

POLICE COMMISSIONER ROBERT HAAS: No
questions.

FIRE CHIEF GERALD REARDON: Anyone from
the public wish to be heard on Cupcake City LLC?

Seeing none, I make a motion to
approve --

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: -- the
application.

The motion made and seconded, all in
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

- - -

APPLICATION: PARIS RESTAURANT GROUP,

INC. D/B/A PARIS CREPERIE

EXECUTIVE DIRECTOR ELIZABETH LINT: Paris Restaurant Group, Inc., d/b/a Paris Creperie, Jennifer Ruenes, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 32-34-36 Cambridgepark Drive. Applicant would be permitted to operate Monday through Friday from 11 a.m. to 2 p.m.

JENNIFER RUENES: Good evening. My name is Jennifer Ruenes, R-U-E-N-E-S. And I'm the manager of the Paris Restaurant Creperie Food Truck. We have a restaurant in Brookline. It has been running ten years and now we opened a food truck about two and a half years ago. We have been vending at Cambridgepark Drive for the past four months. Had just temporary permits for each one. We would like to get the annual.

FIRE CHIEF GERALD REARDON: How is business?

JENNIFER RUENES: Good. It is great in Cambridge. We like the spot. We are vending there every Friday. We have the whole week.

FIRE CHIEF GERALD REARDON: So has your truck been inspected by Cambridge already?

JENNIFER RUENES: Yes. We do have propane. It has been inspected by the Fire Department and got that approved as well as the Health Department.

POLICE COMMISSIONER ROBERT HAAS: So every Friday you said?

JENNIFER RUENES: Every Friday.

POLICE COMMISSIONER ROBERT HAAS: Is that the only place you are operating a mobile truck?

JENNIFER RUENES: No. We are in Boston locations throughout the week.

FIRE CHIEF GERALD REARDON: Anyone wish to be heard on Paris Restaurant Group?

Seeing none make a motion to approve

Paris Restaurant Group, d/b/a Paris Creperie for
a 32-34-36 Cambridgepark Drive Monday through
Friday.

POLICE COMMISSIONER ROBERT HAAS: Second.

FIRE CHIEF GERALD REARDON: Motion been
seconded. All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

POLICE COMMISSIONER ROBERT HAAS: Any
other business?

EXECUTIVE DIRECTOR ELIZABETH LINT: I
don't know. Any other business? I have none.

POLICE COMMISSIONER ROBERT HAAS: Make a
motion adjourn.

FIRE CHIEF GERALD REARDON: Seconded.
All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(The meeting was adjourned.)

CERTIFICATE

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, Certified Shorthand Reporter, in and for the Commonwealth of Massachusetts, do hereby certify that the hearing herein before set forth is a true and accurate record of the proceedings with the exception that some statements may not appear due to heavy accents, unclear speaking, rapid and overlapping speaking, those speaking too softly or incoherently, not identifying themselves and proper names/places will be spelled phonetically if not spelled while on the record.

This record may not to be quoted from, or used in any formal proceeding, as this is not sworn testimony, administered by a notary public, and such record is strictly the inhouse minutes prepared for the Cambridge Licensing Board and is solely under the control and direction of the Cambridge Licensing Board.

Jill Kourafas
Certified Shorthand Reporter - License No. 14903

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