

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

ACTING CHAIR ARTHUR GOLDBERG

POLICE SUPERINTENDENT CHRISTOPHER BURKE

FIRE CHIEF GERARD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, November 24, 2015

TIME: 6:06 p.m.

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P R O C E E D I N G S

November 24, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started.

ACTING CHAIR ARTHUR GOLDBERG: I would like to announce that the meeting is being recorded by audio means.

EXECUTIVE DIRECTOR ELIZABETH LINT: If anyone has a phone on, we would appreciate it if you turned it off or put it on silent.

The back door is to remain open at all times.

This is the License Commission General Hearing Tuesday, November 24, 2015, at 6:09 p.m. We are in the Michael J. Lombardi Building at 831 Massachusetts Avenue, Basement Conference Room.

Before you are the Commissioners Chair Arthur Goldberg, Chief Gerald Reardon and

Superintendent Christopher Burke.

**APPLICATION:  
CHURCH STREET MARKET, LLC**

The first matter is the Application Church Street Market, LLC, Daniel Lauture, Manager, at 60 Church Street is applying to transfer the seven-day Wine & Malt Beverages Package Store License held by Venus International, Incorporated, doing business as 7-Eleven, Habte Ayalew, Manager, at 36-40 JFK Street.

Applicant is also applying for a Change of Location, Pledge of License and a Common Victualer License at 60 Church Street for 20 inside seats and operating hours of 24 hours per day.

ATTY ANTHONY GALLUCCIO: Thank you. Good evening. My name is Attorney Anthony Galluccio. I'm a partner with Galluccio and Watson.

G-A-L-L-U-C-C-I-O.

Good evening, Mr. Chair, and honorable members. Just as a matter of housekeeping, if I could provide the notices that were sent out to abutters for tonight's hearing.

We have not received any communications in connection with the notices.

As was stated, this is a transfer of a seven-day wine and malt package store license originally at the old, what would be known as the 7-Eleven location. Transfer would be to what is now Market in the Square on the corner of Church Street.

We have with us tonight the manager. He's also applying for a common victualer's license for the said premises. We're asking for approval of both of those licenses tonight.

The current business would be operated in a similar fashion, obviously, run by Mr. Lauture

with the exception of, if the Board so approves, the sale of beer and wine. And we've provided a floor plan just to indicate where the point of sale would be for beer and wine at the location.

ACTING CHAIR ARTHUR GOLDBERG: Again, is there a pledge of license?

ATTY ANTHONY GALLUCCIO: There is.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY ANTHONY GALLUCCIO: We have John Digiovanni who is here representing that entity as well.

ACTING CHAIR ARTHUR GOLDBERG: You are looking for approval of that as well?

ATTY ANTHONY GALLUCCIO: Correct.

ACTING CHAIR ARTHUR GOLDBERG: Okay.  
Questions?

ATTY ANTHONY GALLUCCIO: If the Board would like to hear from the manager, just maybe to give us some of how the premises will be

operated in relation to the beer and wine sale which would be a new -- which would be an addition to the current services.

ACTING CHAIR ARTHUR GOLDBERG: That would be helpful.

DANNY LAUTURE: The present day operations would continue. My name is Danny Lauture, L-A-U-T-U-R-E.

Currently I am managing the facility, and with the application that we're putting in, we're looking to continue the operation as it is operating today, but we would like to apply for a package beer and wine license, which would be in a designated area of the store that will be able to be locked after hours.

We would operate selling beer and wine, hopefully, if we do get this application approved during the hours that are acceptable by the city which would be Monday through Saturday.

I believe it is 8:00 to 10:00 and Sunday from 12:00 to 10:00.

ACTING CHAIR ARTHUR GOLDBERG: So those are the hours you're looking for the package store?

DANNY LAUTURE: For package. I'm not sure -- I'm looking for maximum hours.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would be 11:00.

ACTING CHAIR ARTHUR GOLDBERG: Seven days a week, did you say?

DANNY LAUTURE: Yes. We are a 24-hour.

EXECUTIVE DIRECTOR ELIZABETH LINT: It can be to 11:00 seven days a week, but Sunday can only start at 10:00.

DANNY LAUTURE: Oh, it starts at 10:00?

ACTING CHAIR ARTHUR GOLDBERG: That's what you're looking for?

DANNY LAUTURE: Yes, sir. And we are a

24-hour a day operation.

ACTING CHAIR ARTHUR GOLDBERG: For the CV part you're saying?

DANNY LAUTURE: That's correct. We would continue to operate under the guidelines that we're operating today.

ACTING CHAIR ARTHUR GOLDBERG: Is there currently a restaurant at this location?

DANNY LAUTURE: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Is that what you're saying?

DANNY LAUTURE: It's a market. It's a high-end grosser/deli. So we sell hot food, sushi as well as prepared foods.

ATTY ANTHONY GALLUCCIO: If I could, just to describe, I don't know if you remember the old Sage's Market on the corner, so it's that location which was primarily a grocery store.

The new entity, as you come in, has

prepared foods sort of in the front portion of the premises, and then it goes into the back along Church Street. There's sort of a deli counter all along that back right wall where sandwiches and foods are prepared, and then the grocery items are along the walls and in the middle.

ACTING CHAIR ARTHUR GOLDBERG: So there are kitchen facilities for food preparation?

DANNY LAUTURE: Yes, sir.

ACTING CHAIR ARTHUR GOLDBERG:  
Refrigerators? Stove?

DANNY LAUTURE: Yes, sir.

ACTING CHAIR ARTHUR GOLDBERG: Sink?

DANNY LAUTURE: Yes.

ATTY ANTHONY GALLUCCIO: My understanding is that the storage -- the retail storage for beer and wine would be where right now sort've household items and other shelving occurs,

so that area would be carved out of that back area.

ACTING CHAIR ARTHUR GOLDBERG: And so there will be hours when the store is open, but the beer and wine can't be sold?

DANNY LAUTURE: That's correct.

ACTING CHAIR ARTHUR GOLDBERG: Will there be some sort've a gate or separation somehow?

DANNY LAUTURE: If you look at the drawing there's a -- it's actually a door, a barn door, to the left side of the picture that would slide close.

ACTING CHAIR ARTHUR GOLDBERG: That's a door, you say, that slides?

DANNY LAUTURE: Yes.

FIRE CHIEF GERALD REARDON: That has glass inserts on the door?

DANNY LAUTURE: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Questions?

SUPERINTENDENT CHRISTOPHER BURKE: Yeah, could you talk about how that door would be secured, what that's going to look like?

DANNY LAUTURE: It would be a lock-and-bolt door that only the manager would have access to.

SUPERINTENDENT CHRISTOPHER BURKE: And that would secure -- would this space be open up top?

DANNY LAUTURE: It's actually -- it's going to be storage.

SUPERINTENDENT CHRISTOPHER BURKE: Okay.

ACTING CHAIR ARTHUR GOLDBERG: Could you talk about your experience as a restaurant operator?

DANNY LAUTURE: Yes. So I have an extensive background in restauranteur.

I have been in the business for about 15

years in New York City at four locations there that I'm an investor/partner in.

I have dedicated my time to this establishment now in Boston for probably the past 14 months.

So we have pour licenses in New York. I'm not the licensee and I'm not the holder, but we do have a pour licenses in New York City.

ACTING CHAIR ARTHUR GOLDBERG: What is the name of the restaurant in Massachusetts that you said?

DANNY LAUTURE: This is Market in the Square.

ACTING CHAIR ARTHUR GOLDBERG: Just this one?

DANNY LAUTURE: Yeah.

ACTING CHAIR ARTHUR GOLDBERG: You said Boston.

DANNY LAUTURE: Excuse me.

ATTY ANTHONY GALLUCCIO: We're in Cambridge.

CHIEF GERALD REARDON: They're across the river if you'd like to try them out.

ACTING CHAIR ARTHUR GOLDBERG: Are there any members of the public who would like to be heard on this matter?

None.

Anything from the Executive --

CHIEF GERALD REARDON: So, basically, the layout, other than rearranging what you're using for stock space now, the rest of the layout stays pretty much similar to what it is?

DANNY LAUTURE: It would remain the same. We just try to fill the space now with stock, but it's actually perfect for this use.

CHIEF GERALD REARDON: So you need to get your people trained in 21 Proof and so forth --

DANNY LAUTURE: Yes.

CHIEF GERALD REARDON: -- before this happens.

I guess what we probably should just talk about the -- any of the other stores in Harvard Square at 9:00, or is it just the Central Square ones we had?

EXECUTIVE DIRECTOR ELIZABETH LINT: Just Central.

CHIEF GERALD REARDON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And Inman.

CHIEF GERALD REARDON: Okay. With regard to early use?

EXECUTIVE DIRECTOR ELIZABETH LINT: The current licensee has 8:00 a.m.

CHIEF GERALD REARDON: Okay.

ACTING CHAIR ARTHUR GOLDBERG: Anything else from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

The background check was satisfactory. The pledge documents are fine and we have signoffs.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Any further discussion or do we have a motion?

CHIEF GERALD REARDON: I'll make a motion to approve.

SUPERINTENDENT CHRISTOPHER BURKE: I'll second that motion.

CHIEF GERALD REARDON: For the hours and times stated with the restrictions on Sunday and the completion of 21 Proof for the personnel handling the alcohol sales.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So this is for the CV license to approve that --

CHIEF GERALD REARDON: And the package.

ACTING CHAIR ARTHUR GOLDBERG: -- and the package store and the pledge of license and change of location?

CHIEF GERALD REARDON: Correct.

SUPERINTENDENT CHRISTOPHER BURKE: And I will second that motion.

ACTING CHAIR ARTHUR GOLDBERG: Okay. All in favor?

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ACTING CHAIR ARTHUR GOLDBERG: You're approved.

ATTY ANTHONY GALLUCCIO: Thank you very much.

DANNY LAUTURE: Thank you very much.

ATTY ANTHONY GALLUCCIO: Happy Thanksgiving.

**APPLICATION (CONTINUED):  
ETHOS BUSINESS PARTNERS, INC.  
D/B/A LE'S SUSHI BAR AND RESTAURANT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from November 10, 2015.

Ethos Business Partners, Inc., doing business as Le's Sushi Bar and Restaurant, Huong Le, Manager, has applied for a Common Victualer License to be exercised at 425 Cambridge 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 24. The hours of operation will be 9:00 a.m. to 9:00 p.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Good evening.

KHANH MENDELOWITZ: Good evening.

ACTING CHAIR ARTHUR GOLDBERG: Did we have an issue with the abutter notifications?

EXECUTIVE DIRECTOR ELIZABETH LINT: We may. I received a phone call from one of the abutters that they just received the notification yesterday.

I would like to know when you sent them out.

KHANH MENDELOWITZ: My name is Khanh Mendelowitz. I'm talking on behalf of Huong Le because she's my neighbor.

THE REPORTER: You have to spell your full name for me.

KHANH MENDELOWITZ: Sure. My name is Khanh, K-H-A-N-H. My last name is Mendelowitz, M-E-N-D-E-L-O-W-I-T-Z.

And I am talking on behalf of Huong Le, who is the owner of the restaurant, H-U-O-N-G, last name Lee, L-E-E.

In order to answer that question actually we're sorry because I gave all the letter with the name to the manager of the restaurant, and she was busy with the building of it, the construction, so that is why she sent it out on Thursday. I ask if she can do it. So that's why

it come late.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's not sufficient time.

ACTING CHAIR ARTHUR GOLDBERG: Yeah, I think what we -- I mean, we can discuss what action we should take, but that's a very late notification to be going out to the abutters in case anyone wanted to come in and be heard at this hearing.

KHANH MENDELOWITZ: We apologize for that because this is the first time.

She just come from Vietnam to America, and she tried to apply for the restaurant and try to do the business here as well as to get the EB5 to run the business and everything come at once.

And then the person that help her is the manager, and who is also Vietnamese, so that's why everything just like delay and, yeah, I

cannot use that as an excuse, but, hopefully, we have a chance to talk about restaurant tonight.

ACTING CHAIR ARTHUR GOLDBERG: Well, we can talk about what we want to do.

If we continue this, we don't meet again now until December 15.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think we want to add anything to that agenda.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Well, then it's not until January.

KHANH MENDELOWITZ: Actually, that's okay. January is no problem. She wonder if we can have the early day.

CHIEF GERALD REARDON: Have the what?

KHANH MENDELOWITZ: She want earlier than January.

EXECUTIVE DIRECTOR ELIZABETH LINT: When

is she planning on opening assuming this is okay?

KHANH MENDELOWITZ: January she try to open.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a decision hearing before --

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what I'm looking for. We do.

Let me go in here because it's not showing up in there.

We have December 3rd.

ACTING CHAIR ARTHUR GOLDBERG: That's next week.

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

ACTING CHAIR ARTHUR GOLDBERG: In terms of the notifications, the new notifications would have to be sent out.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ACTING CHAIR ARTHUR GOLDBERG: And we

usually want, what, at least a week?

EXECUTIVE DIRECTOR ELIZABETH LINT: At least a week.

ACTING CHAIR ARTHUR GOLDBERG: So there really isn't time.

CHIEF GERALD REARDON: Plus we don't really take testimony at decision hearings.

ACTING CHAIR ARTHUR GOLDBERG: Right, right. We could put it on for the 15th. It's just a very long agenda as it is.

EXECUTIVE DIRECTOR ELIZABETH LINT: That it is.

FIRE CHIEF GERALD REARDON: Do you want to hear some of the facts of it and we'll bring it up again?

EXECUTIVE DIRECTOR ELIZABETH LINT: You would have to do it all over again because we already know there's one person who has a concern.

ACTING CHAIR ARTHUR GOLDBERG: All right.

Well, I would move to -- so you would prefer not the January date you're saying?

KHANH MENDELOWITZ: She prefer not the January date, but I think earlier January is okay because we still get time to explaining.

ACTING CHAIR ARTHUR GOLDBERG: The date of the January meeting is which date?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm having trouble finding it.

ACTING CHAIR ARTHUR GOLDBERG: Is it the 7th maybe?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's a Thursday.

ACTING CHAIR ARTHUR GOLDBERG: I have it as the 5th. So January 5th would be okay?

KHANH MENDELOWITZ: That's right.

ACTING CHAIR ARTHUR GOLDBERG: That is okay?

KHANH MENDELOWITZ: Yes.

ACTING CHAIR ARTHUR GOLDBERG: All right.  
We'll continue the motion -- motion to continue  
this matter.

CHIEF GERALD REARDON: Motion to continue  
to the January date.

ACTING CHAIR ARTHUR GOLDBERG: You would  
have to send out new notifications --

KHANH MENDELOWITZ: Yes.

ACTING CHAIR ARTHUR GOLDBERG: -- to  
abutters well in advance of that meeting.

KHANH MENDELOWITZ: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
would recommend that you do it on Monday.

KHANH MENDELOWITZ: Yes, Monday, I'm  
gonna come and ask Chris about that because he  
gave us the list of the abutters.

Thank you very much.

ACTING CHAIR ARTHUR GOLDBERG: Is there a

second?

SUPERINTENDENT CHRISTOPHER BURKE: I  
second that motion to continue.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHIEF GERALD REARDON: Okay.

KHANH MENDELOWITZ: Thank you. Have a  
good night.

**APPLICATION:  
LIN EMPIRE, INC. D/B/A HOUSE OF CHANG**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Lin Empire, Incorporated, doing  
business as House of Chang, Jason Lin, Manager,  
has applied for a Common Victualer license at 282  
Concord Avenue.

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 50 and proposed operating hours from 11:30 a.m. until 10:30 p.m. seven days per week.

ATTY MEI HEUI HU: Good evening. My name is Mei Heui Hu, M-E-I, H-U-E-I, last name H-U.

Sitting next to me is Jason Lin, he's the applicant, the president of the applicant corporation, Lin Empire, Inc. We're here to ask the Board to approve our application for a transfer of common victualer license.

Currently, the premises is operated --

ACTING CHAIR ARTHUR GOLDBERG: I'm sorry. Did you say a transfer of a common victualer --

ATTY MEI HUEI HU: I suppose it's not a transfer. We're applying for a common victualer license for Lin Empire, Inc.

We're taking over a premises now, is also

has a Chinese restaurant in operation and we're keeping the same model. There's no change of the menu, no change of operating hours and no change in seating capacity either.

In fact, the current restaurant owner, Chang -- Mr. Chang on Concord Avenue is good friends. They all know each other. The Chin family and my client's family are all in restaurant business for quite a long time. I just heard from my client 20 years in this area.

So sort've changing hand from one family to the other family.

ACTING CHAIR ARTHUR GOLDBERG: Mr. Lin, could you talk a little about your experience in the restaurant business?

JASON LIN: Well, the future or --

ACTING CHAIR ARTHUR GOLDBERG: No, the past.

JASON LIN: The past?

ACTING CHAIR ARTHUR GOLDBERG: Yes.

JASON LIN: I just keep everything, whatever, the other entity, whatever, she is, like, doing now because she got a good, you know, she manages a good business space, that's why I bought the business from them and whatever.

I like this location, you know, and then whatever she's -- just like a gift, you know, something, whatever, because she's old right now.

ACTING CHAIR ARTHUR GOLDBERG: Have you been a restaurant manager before?

JASON LIN: Oh, yeah, but my father always the owner. I'm not. Right now --

CHIEF GERALD REARDON: Your experience working in the restaurants, tell us some of the places where you worked.

JASON LIN: You know, the one near the Blue Line is the Chop Chow House.

ACTING CHAIR ARTHUR GOLDBERG: Chef  
Chow's?

JASON LIN: You know, right? My father  
have another restaurant in Malden, but this is  
like 20 years before when I was little kid, and  
like Fortune restaurant, my father owned like two  
restaurants before.

ACTING CHAIR ARTHUR GOLDBERG: You worked  
in those restaurants?

JASON LIN: Yeah, yeah, yeah.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

CHIEF GERALD REARDON: How many years  
would you say you worked in the business?

JASON LIN: For my father?

CHIEF GERALD REARDON: Yes.

JASON LIN: Like three years, I think.  
Three years. But I'm not always, you know, not  
always there.

CHIEF GERALD REARDON: No, no, I

understand, but you worked there for several years?

JASON LIN: For -- sometimes for the family, I almost be there every couple days. Whenever they need the help, you know, what I mean? But my father supposed to come here today, but I have the little boys at the house and he take care of my boys right now.

ACTING CHAIR ARTHUR GOLDBERG: And you're not applying for an alcoholic beverage license?

JASON LIN: Not right now.

Probably until later on, but then, you know, we just want to do for the business first because, you know, the owner that -- my friend, she probably got surgery next month and then the uncle is, whatever, is kinda, like, sick. So they cannot -- it's out of control the restaurant is why. Yeah.

ATTY MEI HUEI HU: It's almost like a favor for the existing owner. They need a break because there's some health issue of one of the members in the family.

My client would like to be able to apply for a beer and wine license in the future, but my understanding is that the current alcohol license held by the current owner is not transferable.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's correct.

ATTY MEI HUEI HU: We would -- will my client be able to apply for one for that location in the future?

ACTING CHAIR ARTHUR GOLDBERG: To apply, sure, for a new one.

ATTY MEI HUEI HU: For a new one.

CHIEF GERALD REARDON: Similar to what you're doing with the CV license, it's not

transferable, and there was a non-value license, so there was no financial gain with the license that's listed at this property.

ACTING CHAIR ARTHUR GOLDBERG: Is there any member of the public here to speak on this matter?

None.

Any further discussion? Questions?

So do we have a motion?

CHIEF GERALD REARDON: Do we need backgrounds? All good?

EXECUTIVE DIRECTOR ELIZABETH LINT: Don't need a background on a CV. It's the same hours. It's fairly turnkey. Same menu.

CHIEF GERALD REARDON: I make a motion to approve Empire, Inc. d/b/a House of Chang, Jason Lin, manager to transfer -- excuse me -- a new common victualer license.

ACTING CHAIR ARTHUR GOLDBERG: Is there a

second?

SUPERINTENDENT CHRISTOPHER BURKE: I  
second that motion.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

CHIEF GERALD REARDON: Aye.

Good luck.

ATTY MEI HEUI HU: Thank you very much.

SUPERINTENDENT CHRISTOPHER BURKE: Good  
luck.

ATTY MEI HUEI HU: Have a good  
Thanksgiving.

ACTING CHAIR ARTHUR GOLDBERG: You, too.

**DISCIPLINARY:  
CLOVER FAST FOOD, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Disciplinary: Clover Fast Food, Inc., Ayr Muir,

Manager, holder of a Wine & Malt Beverages  
Restaurant License at 302 Elm Street due to a  
report from Cambridge Public Works alleging  
discharge of wash waters onto the street and  
sidewalk.

And they're not here.

ACTING CHAIR ARTHUR GOLDBERG: Is someone  
here from the Department of Public Works?

Could you come forward, please?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Notice was sent to Mr. Muir on November 12.

ACTING CHAIR ARTHUR GOLDBERG: Notice of  
tonight's meeting?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Hello.

WENDY ROBINSON: Hello. My name is Wendy  
Robinson, W-E-N-D-Y R-O-B-I-N-S-O-N. I've been  
with Public Works for 15 years.

ACTING CHAIR ARTHUR GOLDBERG: Welcome.

Could you tell us about your investigation of this matter?

WENDY ROBINSON: The restaurant Clover has a lot of food trucks, and many of them park in this garage sort of connected to the building.

And it seems like they, from time to time, they wash out the trucks, and I don't know if there's a floor drain inside the building, but as a result, we see the water running down the street into one of our catch basins.

ACTING CHAIR ARTHUR GOLDBERG: Is this at 302 Elm Street?

WENDY ROBINSON: Yes, it is.

ACTING CHAIR ARTHUR GOLDBERG: And could you tell us, do you have the date that you saw this and what you observed?

WENDY ROBINSON: I have several dates going back to August -- one day in August, this past summer. And I have the date of April 4,

2015 and then I have a picture from July 24, 2013. Those are just a few dates that I have taken pictures. But I have observed it and my other staff at DPW have observed this on other dates.

CHIEF GERALD REARDON: Do we already have copies of those?

WENDY ROBINSON: You're welcome to all of these pictures.

CHIEF GERALD REARDON: As long as we have a copy in the record, that's fine.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have them.

WENDY ROBINSON: Okay.

CHIEF GERALD REARDON: Do you know whether or not the people doing the truck washing were warned or told about the issue?

WENDY ROBINSON: I've sent them two letters, one in 2013, and the second one in 2015.

CHIEF GERALD REARDON: When you observed any of this, did you verbally mention anything to them?

WENDY ROBINSON: Yes, I did.

CHIEF GERALD REARDON: And did they --

WENDY ROBINSON: At one point in time, Mr. Muir said he would put in a drain within a year, but the business was kind've slow at the time. I don't have a record of that conversation. It was a verbal conversation.

CHIEF GERALD REARDON: Mr. Muir, himself, was the recipient of your -- at least the verbal one plus the written warnings?

WENDY ROBINSON: Yes.

CHIEF GERALD REARDON: How many trucks do you think they have? They have several trucks.

WENDY ROBINSON: I have no idea.

CHIEF GERALD REARDON: How many have you seen on the scene when you were there in terms of

one or two?

WENDY ROBINSON: Probably four is the most I have seen at one time.

ACTING CHAIR ARTHUR GOLDBERG: What was the date of the latest letter you said you sent this year?

WENDY ROBINSON: The latest date is September 3, 2015.

ACTING CHAIR ARTHUR GOLDBERG: Did you observe this happening after you sent that letter?

WENDY ROBINSON: Yes, I did.

ACTING CHAIR ARTHUR GOLDBERG: You still have, okay.

And are you aware, is this a violation --

WENDY ROBINSON: Essentially it is.

ACTING CHAIR ARTHUR GOLDBERG: -- of the law in some way of ordinance or regulation?

WENDY ROBINSON: We have a regulation

that the City of Cambridge, Department of Public Works, waste water, storm water, drainage use regulations, and it has several articles and sections. And one of the -- Section 5, Paragraph 3 of Article, I'm not sure what -- Article 4, Section 5 -- Article 4, Section C lists permitable discharges to the street, and they're water line flushing, landscape irrigation, et cetera. There's nowhere in that list that it says washing of trucks and equipment.

EPA permits watering of individual resident car washes, but these are commercial trucks, they're not residential cars, and those are the only permitted discharges that can go into the street.

ACTING CHAIR ARTHUR GOLDBERG: Has the DPW taken enforcement action by issuing fines?

WENDY ROBINSON: We haven't issued a fine, no. We have just sent letters trying to

get their compliance.

CHIEF GERALD REARDON: It's your testimony that Mr. Muir, himself, was there, and he's been made aware, at least verbally by you and other people, that this was not an acceptable practice?

WENDY ROBINSON: That's correct.

CHIEF GERALD REARDON: He indicated he was going to take some sort of action to alleviate the --

WENDY ROBINSON: Try to take some action within a year. That was in 2013.

ACTING CHAIR ARTHUR GOLDBERG: Are you requesting that this Commission take any particular action?

WENDY ROBINSON: I would like Mr. Muir and his employees to stop. That's the action that we're mostly interested in.

I don't know what authority or power you

have short of holding up a license.

We're more interested in compliance than anything else.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Discussion? Further questions.

CHIEF GERALD REARDON: I guess it comes out of his availability of the food truck license that we issue.

ACTING CHAIR ARTHUR GOLDBERG: Is this -- we also issue restaurant licenses.

So is this location, 302 Elm Street, is there a Clover restaurant there, or is this location only for the trucks?

WENDY ROBINSON: That location is where the garage entrance is.

The actual restaurant location is 1075 Cambridge Street.

CHIEF GERALD REARDON: But is this the rear of that?

WENDY ROBINSON: That's the rear of that building.

CHIEF GERALD REARDON: Is it -- do we know if it's part of their property?

WENDY ROBINSON: It's part of their property and part of business.

ACTING CHAIR ARTHUR GOLDBERG: So 302 Elm Street is the rear of 1075 Mass Ave.

WENDY ROBINSON: Cambridge Street.

ACTING CHAIR ARTHUR GOLDBERG: 1075 Cambridge Street. Which has a Clover restaurant on it?

WENDY ROBINSON: That's correct.

ACTING CHAIR ARTHUR GOLDBERG: These trucks being washed are food trucks?

WENDY ROBINSON: I believe they are.

ACTING CHAIR ARTHUR GOLDBERG: Clover food trucks. We license the trucks as well as the restaurant at that location?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't believe we licensed four trucks in the city. I think we only license two.

CHIEF GERALD REARDON: But it could be that they have a license to be operating in Boston and coming back here. Just we don't license them for use in Cambridge. They could still have more trucks than what we permit for use in Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: All right. So we license the restaurant at 1075 Cambridge Street, and we might license the food -- we're not sure if we've issued licenses for the food truck.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sure we have. But I'm also sure it's not four. I'm 99 percent certain it's two.

ACTING CHAIR ARTHUR GOLDBERG: So we have at -- we have the food truck license and we have

the restaurant license at that location that we could take action against.

I don't know if people have an inclination. My inclination, at least for discussion, would be to issue a warning letter at this time saying that if this truck washing continues in violation of local law, that we -- he may be subject to action taken against his license up to suspension, revocation. So we could do something like that.

CHIEF GERALD REARDON: I would second that.

ACTING CHAIR ARTHUR GOLDBERG: Do you agree?

SUPERINTENDENT CHRISTOPHER BURKE: I agree.

ACTING CHAIR ARTHUR GOLDBERG: Okay. So, I guess, we can make that in the form of a motion.

Is that acceptable?

WENDY ROBINSON: That's acceptable.

ACTING CHAIR ARTHUR GOLDBERG: So the motion would be --

CHIEF GERALD REARDON: And also indicate that they failed to show for the disciplinary hearing tonight that he was so notified about.

ACTING CHAIR ARTHUR GOLDBERG: Right, right. Okay.

So the motion would be that a warning letter on behalf of Cambridge License Commission issue to Mr. Muir and mentioning that he did not appear at tonight's disciplinary hearing and that the License Commission is warning him that further violations may result in the License Commission taking action against his license for his restaurant at 1075 Cambridge Street as well as his food truck licenses.

CHIEF GERALD REARDON: That are licensed in Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: That are licensed in Cambridge, right.

I guess we could leave it at that, and then if you do any follow-up inspections and see that there are further violations after we have issued this letter, we will hold a further disciplinary hearing where we could take action against his licenses. Anyway, that's kind of a longwinded motion.

CHIEF GERALD REARDON: I second it.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

Thank you.

WENDY ROBINSON: Thank you very much.

ACTING CHAIR ARTHUR GOLDBERG: Any further matters? Minutes?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, I don't know that you all had the chance to read the minutes I forwarded yesterday.

ACTING CHAIR ARTHUR GOLDBERG: The November 10, no, I haven't.

EXECUTIVE DIRECTOR ELIZABETH LINT: Wait a minute. October 20th -- no, that was Gerry Mahoney.

October 6 you two were here and Commissioner Haas was here as well.

ACTING CHAIR ARTHUR GOLDBERG: I know I reviewed those.

I make a motion to approve the October 6 minutes.

CHIEF GERALD REARDON: Yes, I'll do that.

ACTING CHAIR ARTHUR GOLDBERG: Okay. All in favor?

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

CHIEF GERALD REARDON: I'll make a motion  
to adjourn.

SUPERINTENDENT CHRISTOPHER BURKE: Second  
that motion.

ACTING CHAIR ARTHUR GOLDBERG: All in  
favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

(Meeting adjourned.)

## ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public 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.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of November 2015.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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