

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Acting Chairman
Robert C. Haas, Police Commissioner

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Tuesday, January 25, 2011

6:00 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: It's License

Commission general hearing, Tuesday evening
January 25, 2011, at six o'clock p.m. We're
in the Michael J. Lombardi Municipal
Building, 831 Mass. Ave. basement conference
room. Before you are the Commissioners,
Michael Gardner and Commissioner Robert Haas.

First matter is Disciplinary: Panja
Sasirat 2008, Incorporated doing business as
Conga, Sasirat Wyckoff, manager, holder of an
all alcoholic beverages as a restaurant
license at 104 Mount Auburn Street due to a
police report received by the License
Commission regarding an alleged over-capacity
issue on December 3, 2010.

CONSTANTINE GRAPSAS: Good evening.

MICHAEL GARDNER: Good evening. It
would be helpful if you would both state your
names for the record.

PANJA LYMSWAN: Hi, my name is Panja

1 Lymswan. I'm the manager of the place.

2 CONSTANTINE GRAPSAS: And I'm
3 Constantine Grapsas head of security at
4 Conga's now.

5 MICHAEL GARDNER: And we have a
6 representative from the police department
7 here on this?

8 SERGEANT DAVID BROWN: I'm Sergeant
9 David Brown, Cambridge Police.

10 ROBERT C. HAAS: Sergeant, why don't
11 you sit there.

12 SERGEANT DAVID BROWN: Yes, sir.

13 MICHAEL GARDNER: I think for us to
14 properly understand it we'd like to hear from
15 the Sergeant first.

16 SERGEANT DAVID BROWN: Certainly.

17 The incident happened on December 3rd
18 at roughly ten minutes to one in the morning.
19 I was the patrol sergeant in the Harvard
20 Square area. We reported to the radio
21 broadcast from another officer stating that

1 there was a fight in the area of Winthrop and
2 Eliot Street where the Conga bar is. I was
3 the first one there. I was there within a
4 minute, and I saw several patrons from the
5 Conga Bar that were leaving the area in a
6 hurried fashion; some female patrons and male
7 patrons. So I determined at that point there
8 was nothing further to discuss as it
9 pertained to any fight or any altercation.
10 No one came forward with an injury or a
11 report of a crime. So I then focussed my
12 attention on the bar itself, and I made an
13 observation inside of the bar that the
14 capacity was, in my opinion, exceeding a safe
15 capacity.

16 It was at that point that I requested
17 to speak with the manager, the gentleman to
18 my right. He presented himself as the
19 manager and the owner of the establishment.
20 And I asked him basically why there was so
21 many people there. How many people were in

1 the establishment? I think I asked him
2 exactly what his allowed capacity was. And
3 he stated his allowed capacity was 115
4 persons. I asked him to speak -- I asked to
5 speak to one of his bouncers that may have
6 been keeping count of the persons going in
7 and out. And I spoke with one of his
8 bouncers, one of his employees, Mr. Adamis
9 (phonetic), who showed me a counter that he
10 had been utilizing that night that tallied
11 135 persons that entered the bar. My
12 estimation was a little higher than that,
13 maybe 150 to 200. So then I continued to ask
14 Mr. Lymswan what his -- again, what his
15 allowed capacity was? And he again indicated
16 he had 115 allowed. I went inside of the bar
17 at a certain point and saw a license from the
18 City of Cambridge indicating that 103 persons
19 allowed inside the bar, specifically 93
20 seated and 10 standing.

21 The bar that evening was set up not as

1 an eating establishment but more of a dance
2 club. So there was no seating in the middle
3 of the restaurant area. It was only the
4 fixed positions along the walls which were
5 the, I guess you'd call them the booths
6 against the wall. So it was definitely not
7 enough to accommodate 93 persons in those
8 booths.

9 So the license allowed 103 persons. I
10 asked Mr. Lymswan why he thought there would
11 be 115 allowed? And he stated that he had
12 pursued a license through the city to allow
13 115 persons in the bar, but it was not
14 present because it was being mailed to him.
15 I asked him again more specifically why the
16 clicker said 135 persons were inside, when
17 even the updated license was going to allow
18 115 people? He didn't have an answer. He
19 shrugged his shoulders. I was also concerned
20 with the amount of security or the lack
21 thereof that evening. I spoke with one

1 security person, Mr. Adamis. I asked him why
2 he hadn't called 9-1-1 if there was an
3 altercations involving his patrons? And he
4 said he was so overwhelmed with the fight
5 itself he didn't have the opportunity to call
6 9-1-1. We never got a 9-1-1 call from
7 anybody in the bar that night. It was from
8 Officer Brookes at a different location on
9 Eliot Street. He had no affiliation that
10 night as security or detail for that
11 establishment that night at the Conga.

12 I was able to locate a second security
13 person, I believe it's Lewis Ozuna
14 (phonetic). And he was overwhelmed with
15 having to deal with the people coming in and
16 out of the bar. Not so much the altercation
17 itself, but basically the rest of the
18 security for the establishment.

19 I notified the Cambridge Fire
20 Department. They responded. A captain
21 Jennus (phonetic) from the Cambridge Fire

1 Department. I believe he made his own notes
2 and/or reports of the incident. And he
3 explained to Mr. Lymswan the inherent danger
4 of the whole situation, and I left and filed
5 my report.

6 MICHAEL GARDNER: Were you in a
7 position to determine from either the calls
8 or your inquiries where the altercation
9 started and where it primarily took place?

10 SERGEANT DAVID BROWN: According to
11 Mr. Adamis, the altercation itself stemmed
12 from inside of the bar. He couldn't pinpoint
13 whether there was actual physical contact
14 inside the bar. But the patrons began
15 arguing inside of the bar. So, I don't know
16 if there were any assaults inside the bar or
17 not. He couldn't articulate that.

18 MICHAEL GARDNER: And the source for
19 your response was a 9-1-1 call from
20 externally or from --

21 SERGEANT DAVID BROWN: It was from

1 no one. There was no 9-1-1 call placed.

2 MICHAEL GARDNER: This was from a
3 police response, own observance -- someone
4 else?

5 SERGEANT DAVID BROWN: Yes. A
6 police officer at Om Restaurant observed the
7 altercation happening outside of the
8 restaurant and broadcast it was the only
9 notification we had.

10 MICHAEL GARDNER: Do you have any
11 more for the Sergeant?

12 ROBERT C. HAAS: So, Sergeant Brown,
13 you indicated you made an estimate of about
14 150 people. Can you describe how you came to
15 that estimate just in terms of visually what
16 it looked like when you got there?

17 SERGEANT DAVID BROWN: Well, the
18 establishment itself was basically wall to
19 wall people in this -- what I mean by that
20 is, it's not that you couldn't walk through,
21 but you couldn't see any clear path for

1 anybody to have egress or entrance or exit to
2 the establishment. And through my years of
3 service, I can estimate pretty accurately an
4 amount of people. I've seen large amounts of
5 people in excess of 200.

6 ROBERT C. HAAS: Did you take any
7 action before leaving to remedy the
8 overcrowding situation?

9 SERGEANT DAVID BROWN: Oh, yes, it
10 was closed. The bar was closed and everybody
11 was asked to leave.

12 ROBERT C. HAAS: Okay.

13 Was it regular time to close or was it
14 closed prematurely?

15 SERGEANT DAVID BROWN: I closed it.
16 It was closed prematurely.

17 ROBERT C. HAAS: Did the fire
18 department take any other action beside just
19 sending the captain out to make the
20 observations?

21 SERGEANT DAVID BROWN: No, it was

1 the captain and his assistant. I'm not sure
2 who it was. But the action on their part,
3 after that I don't know.

4 ROBERT C. HAAS: Okay.

5 You said all the tables in the middle
6 of the establishment were removed, right?

7 SERGEANT DAVID BROWN: All were
8 removed. It was a dance floor.

9 MICHAEL GARDNER: Were you able to
10 observe if there was a band or if there was
11 recorded music?

12 SERGEANT DAVID BROWN: There was
13 recorded music. There was a D.J., again,
14 against the wall, the far left wall.

15 MICHAEL GARDNER: December 3rd was a
16 Friday I think?

17 CONSTANTINE GRAPSAS: Friday
18 morning, a.m.

19 MICHAEL GARDNER: Okay.

20 CONSTANTINE GRAPSAS: So Thursday's
21 business, correct.

1 MICHAEL GARDNER: So Thursday night.

2 CONSTANTINE GRAPSAS: That's

3 correct.

4 MICHAEL GARDNER: And what was the
5 license, Mrs. Lint?

6 ELIZABETH LINT: What, for --

7 MICHAEL GARDNER: For how long for
8 closing time?

9 ELIZABETH LINT: One a.m. Yes, two
10 a.m. on Thursday.

11 MICHAEL GARDNER: Well, we'd like to
12 hear your perspective, what happened.

13 PANJA LYMSWAN: Yes. On the June of
14 last year a hearing for on my place and the
15 people can dance on that day. And then that
16 day they allow me to get something and the
17 people can dance on that day so I have the
18 license. She can prove that I have the
19 license. And then that day people fighting
20 in my place. But what happened is the two
21 friend, female fight about a boyfriend. So

1 after they fighting and they walk out, and
2 they fight outside of my place. But when
3 they fighting, and at that time the police
4 had come right there, and they break up and
5 they walk away to the other street. So we
6 never have time to do anything to call
7 anybody, because at that time it happened,
8 and he just right there in the front of the
9 street. And he told me why I'm not calling.
10 Because at that time that happened, and the
11 police is right there, you know.

12 MICHAEL GARDNER: What was the
13 maximum number of people who were in the
14 premises that evening?

15 PANJA LYMSWAN: Well, myself, I
16 would say about 100 something, not like 200
17 like he think. Because after that day I
18 tried to count how it look, how my place
19 look. But what happened is the clicker is
20 saying 135, but we didn't show him about the
21 clicker out, only clicker in.

1 MICHAEL GARDNER: How do you keep
2 track of the people who leave?

3 PANJA LYMSWAN: Sometimes people
4 come out and they're smoking, so we -- like
5 now, I hired Mr. Costa (sic), and he can
6 explain how it gonna be done.

7 After that day, we tried to correct the
8 problems so it no problem no more. So I hire
9 him to make sure that is not like, you know,
10 that day. Because that's the clicker guy I
11 fire him, because if he cannot do it, I mean,
12 it's a bad idea to hire him. So I hire
13 Mr. Costa and he can explain to you how it
14 done.

15 MICHAEL GARDNER: Okay. But before
16 we get to the present, let's talk about
17 December the 3rd some more.

18 PANJA LYMSWAN: Okay.

19 MICHAEL GARDNER: You said -- when I
20 asked you what the crowd was that evening,
21 you said it was a hundred something?

1 PANJA LYMSWAN: Yeah.

2 MICHAEL GARDNER: That's not very
3 specific.

4 PANJA LYMSWAN: What happened is I
5 let sergeant go inside there and he counting
6 and he counting twice, and couldn't figure it
7 out how many people. So the only thing I can
8 do is to tell my people to shut the operation
9 off. So we turn the light off. Everybody
10 left. By the time the firefighter come in,
11 he couldn't know, you know, what was going on
12 and we couldn't know how many. But the only
13 thing the problem is, I did cut my operation
14 off. Even I have a two o'clock license, but
15 I cannot open because I don't want to have
16 any problem. So we turn off -- we turn the
17 light on and everybody left.

18 MICHAEL GARDNER: Well, you said
19 that the sergeant couldn't -- you let the
20 sergeant in to count and he had a hard time
21 figuring it out.

1 PANJA LYMSWAN: Yeah.

2 MICHAEL GARDNER: Isn't it your
3 responsibility to know how many people are in
4 there at any time?

5 PANJA LYMSWAN: Well, most of the
6 time I always ask my bouncer how many people
7 and how clicking. But at that time he was
8 worried about people fighting on the street,
9 so, you know, he would run with the people
10 trying to separate them and sergeant come in
11 and, you know.

12 MICHAEL GARDNER: Well, before the
13 fight started he had a count, before the
14 fight started, right?

15 PANJA LYMSWAN: Before the fight
16 start?

17 MICHAEL GARDNER: Yes.

18 PANJA LYMSWAN: He counting? Okay.

19 MICHAEL GARDNER: Yes. I mean, I
20 don't know. What was his count? Was he
21 saying 135 was an accurate count or are you

1 questioning 135?

2 PANJA LYMSWAN: Well, at that time I
3 got -- I have no idea that, you know, that he
4 show sergeant about 135. But I probably have
5 to take the people out. But only my problem
6 is I correct the problem is to close my
7 restaurant down and turn on the lights.

8 MICHAEL GARDNER: So are you telling
9 us that it was you who voluntarily shut down
10 as opposed to the sergeant's ordering you to
11 shut down?

12 PANJA LYMSWAN: He never say any
13 shut down. I'm the one do it.

14 MICHAEL GARDNER: When you say --
15 you said the license hadn't been posted for
16 the 115 because it was in the mail?

17 PANJA LYMSWAN: Oh. The day after
18 that day I come to the city and ask the new
19 license, the one I supposed to have. And
20 they say they in the process to mail it to
21 me. So, I don't have that.

1 MICHAEL GARDNER: As a matter of
2 fact, you hadn't paid for the new license
3 yet, had you?

4 PANJA LYMSWAN: No, usually end of
5 the year you have to pay before they mail it
6 out.

7 MICHAEL GARDNER: Could we --

8 ELIZABETH LINT: If I may.

9 MICHAEL GARDNER: -- why don't we
10 hear from Mrs. Lint about the status of the
11 license.

12 ELIZABETH LINT: I think he's
13 confused with what we do with the renewals
14 with what we do when there's an application
15 for an amendment to a floor plan. When we do
16 renewals, we take payment and then we send
17 out licenses if they're not prepared.

18 In this particular situation he had a
19 hearing in August. He was sent a letter
20 telling him to come and pay the new license
21 fee and to pick up his license and his new

1 capacity signs. He never did that. So on
2 this particular occasion, because he hadn't
3 paid what was owed for the new license, he
4 should have stuck to his old floor plan. He
5 never should have been using the new
6 alternate floor plan that was approved in
7 August because he never got the license for
8 that.

9 MICHAEL GARDNER: Thank you.

10 Do you remember getting a letter that
11 said come in and pay for the license and you
12 can have the new posting?

13 PANJA LYMSWAN: I did talk to
14 Mr. Chris and he told me that I supposed to
15 go in and pick it up. So when I call him up
16 and I say oh, maybe I should go pick up at
17 the end of the year so to pay and to get the
18 new license.

19 MICHAEL GARDNER: So, are you
20 telling us that you got bad information from
21 an employee of the License Commission? That

1 he told you you didn't have to come in until
2 the end of the year?

3 PANJA LYMSWAN: At that time that
4 that happened is December 3rd, right?

5 MICHAEL GARDNER: Right.

6 PANJA LYMSWAN: So the 4th of
7 December, I come down and I try to get the
8 license, but I could not get --

9 MICHAEL GARDNER: Right, but I'm
10 more interested in what happened in August,
11 September, October, November.

12 PANJA LYMSWAN: On the hearing? And
13 after that we have to wait for ABC to
14 approving. So by the time that ABC
15 approving, I see, you know, how to process
16 it. So I got no idea.

17 ELIZABETH LINT: We sent a letter to
18 Jim Rafferty on August 9th telling him that
19 we had final approval from the ABCC and to
20 come in and pay the 1135 for the amended
21 entertainment license, 750 for outdoor patio

1 seating, and then he could pick up his
2 licenses. And he never did.

3 PANJA LYMSWAN: But I didn't pay --

4 MICHAEL GARDNER: So, is
5 Mr. Rafferty your counsel for the change in
6 the seating plan and the expansion of the
7 license?

8 PANJA LYMSWAN: Yes, sir.

9 MICHAEL GARDNER: After the July --
10 June or July hearing?

11 PANJA LYMSWAN: August.

12 ELIZABETH LINT: Well, the ABCC
13 approval came through in August. So the
14 actual hearing was filed on March 29th. Then
15 it was sent out in May -- no, it was sent out
16 right after that. It was advertised in the
17 April 8th Chronicle. Then we had the hearing
18 May 21st, it was sent to the ABCC, and then
19 August we got the approval.

20 MICHAEL GARDNER: So after the ABCC
21 approved, did you have a conversation with

1 Mr. Rafferty about what you needed to do in
2 order to perfect the license with the city?

3 PANJA LYMSWAN: I have no idea at
4 all what the process is, but he never called
5 me to pick it up or anything. But right now
6 is after that happened on the 3rd of
7 December, so I come down and I pay the
8 license and I tried to pick it up, but he
9 said I can't pick it up until they mail it.

10 MICHAEL GARDNER: How did you
11 operate after you got the ABCC approval in
12 August? Did you have patio seating and did
13 you have a dance floor in the late summer and
14 during the fall?

15 PANJA LYMSWAN: The patio is on the
16 summertime, yes. I did the patio.

17 MICHAEL GARDNER: And did you have a
18 dance floor after August?

19 PANJA LYMSWAN: After August I have
20 a dance floor, yes.

21 MICHAEL GARDNER: Do you understand

1 you're not supposed to do that until you pay
2 the fees that are required to the city and
3 get the license to post that shows the proper
4 seating capacity?

5 PANJA LYMSWAN: Nobody explain me.

6 MICHAEL GARDNER: You don't know
7 that?

8 PANJA LYMSWAN: Nobody explain to me
9 anything about that.

10 MICHAEL GARDNER: Including
11 Mr. Rafferty didn't tell you how to perfect
12 the license?

13 PANJA LYMSWAN: I didn't see
14 Mr. Rafferty at all. I tried to call him too
15 many times, but he never answer the phone.

16 MICHAEL GARDNER: But I guess as the
17 manager of the facility, we expect it to be
18 your responsibility to know what you're
19 supposed to do in order to legally operate
20 the premises, would you agree with that?

21 PANJA LYMSWAN: Yes, sir.

1 MICHAEL GARDNER: So, it sounds like
2 from sometime in August through September
3 through October through November, until this
4 incident on December the 3rd you were
5 operating outside the bounds of the license
6 you had paid for and the license issued to
7 the city if I understand it.

8 Would that be correct, Mrs. Lint?

9 ELIZABETH LINT: Yes. And he is
10 correct. He did come in the day after, paid
11 what was owed and then paid his renewal fee.
12 And then was told by Chris that licenses were
13 not ready and it would be mailed to him
14 because that is our renewal process.

15 ROBERT C. HAAS: So this is December
16 4th he came in, right?

17 ELIZABETH LINT: Right.

18 ROBERT C. HAAS: December 4th?

19 ELIZABETH LINT: So it's two
20 separate things.

21 ROBERT C. HAAS: Yes.

1 MICHAEL GARDNER: You know, I think
2 when we approve managers to operate licensed
3 premises, we are approving them based upon
4 their experience in operating such premises.
5 And it's a concern that a sort of fundamental
6 thing like if you change your floor plan and
7 you change your seating capacity, you have to
8 pay for that and you have to get the permit
9 issued or the placard posted before you can
10 operate -- before you can operate under the
11 changed conditions. That sounds like a
12 pretty fundamental thing we would expect the
13 manager of a licensed premise to know. And I
14 mean, the fact that you were represented by
15 counsel sort of -- I would think even all the
16 more so.

17 So, are you telling us that after the
18 incident on December 3rd you realized you did
19 not have the proper security and procedures
20 for keeping count of the occupancy of the
21 premises and you made changes after that?

1 PANJA LYMSWAN: I find a person who
2 counting and who do security and I hired him
3 to help me out so I didn't have any problem
4 after that.

5 ROBERT C. HAAS: So why did you fire
6 him?

7 PANJA LYMSWAN: Well, he -- I don't
8 think he got good experience at all. And I
9 don't like the way he, you know, argue with
10 the sergeant. Because every time he talk to
11 him, he argue with him, you know. He
12 supposed to follow the rules and everything.
13 So, you know, that day I couldn't stop that
14 guy to argue.

15 Right? He argue with you?

16 SERGEANT DAVID BROWN: Yes, he was
17 less than pleasant.

18 PANJA LYMSWAN: He always argue and
19 argue. That make him mad, too, I think.

20 But on that day, after that day I hired
21 him and he helped me and, you know, he

1 professional how to do the security.

2 MICHAEL GARDNER: Well, let us hear
3 about the changes you've made then.

4 CONSTANTINE GRAPSAS: May I?

5 MICHAEL GARDNER: Sure.

6 CONSTANTINE GRAPSAS: How are you,
7 good evening. My name is Constantine
8 Grapsas. I've been hired by Panja as head of
9 security after his incident that he had on
10 the date that we're discussing. For the
11 record, I am -- I have been manager of record
12 for a couple of different liquor
13 establishments in Boston. Also am currently
14 a manager of record in Boston for a facility
15 that fits -- that has the capacity of 796
16 patrons on four different levels, with all
17 different capacities on every level. I
18 understand the importance of overcrowding and
19 security. Because security is always my
20 pet-peeve, they control the environment.
21 They control everything as far as safety is

1 concerned.

2 I received a phone call from Panja I'd
3 say, I don't know, before the middle of
4 December telling me what had happened. I had
5 been by the establishment a couple of times,
6 and I personally was not -- you know, after
7 going in and seeing his procedures and who
8 was handling what was going on, the first
9 question I asked him is did you get rid of
10 the gentlemen that were working that night.
11 Of course I asked him a bunch of questions
12 that I would like to bring up to the Board
13 real quick. So I have basically since then,
14 in a nutshell, I have hired a few individuals
15 that work for me throughout Boston to also
16 monitor what's going on at Conga's. People
17 with a lot of experience and people that I
18 personally really depend on to get the job
19 done.

20 So, one of the things I have done is
21 I've increased the number of personnel that's

1 in there on given nights of course, you know,
2 depending on the business. A doorman is a
3 doorman. I want to make sure he has an
4 in-clicker and he has an out-clicker. So, if
5 somebody goes to smoke, they're not
6 physically in the building, they're counted
7 out. If somebody leaves, they're counted
8 out. So throughout the duration of the
9 evening, let's say hypothetically, you know,
10 sergeant walks in and says how many people
11 are in here? The doorman should have two
12 clickers and he can hypothetically say I had
13 300 people come through, but I've had 200
14 people leave, in and out. So it's a very
15 clear picture.

16 MICHAEL GARDNER: A running total?

17 CONSTANTINE GRAPSAS: A running
18 total which is the way it should always be.
19 You can't just have an in-clicker.

20 Now, for the record I was not there the
21 night of this incident. However, I did

1 briefly speak with Mr. Adamis and just a
2 couple of things that he said to me.

3 MICHAEL GARDNER: And just remind us
4 who Mr. Adamis is again?

5 CONSTANTINE GRAPSAS: Mr. Adamis was
6 the doorman the night of, correct? He was
7 the gentleman that the sergeant spoke with.

8 SERGEANT DAVID BROWN: He was one of
9 the gentlemen I spoke to first.

10 CONSTANTINE GRAPSAS: Yes.

11 Was he the gentleman with the clickers
12 or no? Or that told you there was 135
13 people?

14 SERGEANT DAVID BROWN: He was the
15 one who told me there was 135. The clicker
16 was being held by the other gentleman I
17 believe.

18 CONSTANTINE GRAPSAS: And may I just
19 ask a couple of questions so I'm kind of
20 clear on what's going on?

21 Did anybody present an out-clicker to

1 you or no?

2 SERGEANT DAVID BROWN: One clicker.

3 CONSTANTINE GRAPSAS: One clicker.

4 Did you ask him for an out-clicker?

5 SERGEANT DAVID BROWN: No.

6 CONSTANTINE GRAPSAS: Okay. Which I
7 don't know if he did have an out-clicker or
8 not.

9 You know, with my team there, I mean
10 throughout the years -- because I've been a
11 manager of record since February of 1998 on
12 the theatre district and currently next to
13 the opera house in Boston. Of course, we
14 have protocols. You know, what do we do in
15 case of an emergency? Who makes the 9-1-1
16 call for the police or ambulance? Who
17 attends to the problem? Who informs the
18 manager to make the call? The capacity, how
19 everything's handled. The screening at the
20 door to identify if somebody is too
21 intoxicated to come in. It is nighttime and

1 we're all familiar with who's walking the
2 streets. So, there's a lot of security
3 measures that have been implemented since.
4 Regarding the license and everything, I know
5 there's a language barrier. And I moved to
6 Cambridge from Greece. I knew yes and no.
7 So I'm not saying that in a bad way, but I've
8 taken notes in regards to the processing and
9 so I will follow up with Panja as well as to
10 do the right thing.

11 I would like to know, and correct me if
12 I'm wrong, that he did voluntarily close the
13 club without you telling him turn the lights
14 on; is that correct?

15 SERGEANT DAVID BROWN: No. I told
16 him it's time to close the establishment. He
17 was compliant. He was extremely compliant.
18 I would not say he wasn't compliant, but he
19 was -- he did not have a choice. He was told
20 to do so and he was very compliant.

21 CONSTANTINE GRAPSAS: Okay.

1 And -- well you answered me about the
2 licenses, because I had some questions about
3 the -- on the capacity issue there.

4 And that's really all I can say. All
5 the other notes were answered by the license
6 discussion. But I am there. If I'm not
7 there, I have a few very good people that are
8 there when I'm not there that I personally
9 trust. And it's a whole different operation
10 when it comes to security and crowd control
11 now. I guess Adamis and the other guy that
12 was there didn't even know how to line up
13 people. It was just like a slew of people
14 around the egress, around the door. Where
15 now if you walk by or if you drive by, you'll
16 see a line right up against the side, a
17 formed line, and everything's clear. And I
18 have people that are posted. And I also have
19 somebody that's always roaming throughout the
20 crowd.

21 So to Panja's credit, at least he's

1 trying to be proactive for whatever that's
2 worth to the Board, but....

3 MICHAEL GARDNER: So the number of
4 security staff plus door person that would be
5 there on a night that you expect a near
6 capacity crowd would be how many?

7 CONSTANTINE GRAPSAS: Would be two
8 or three.

9 MICHAEL GARDNER: Two security plus
10 door?

11 CONSTANTINE GRAPSAS: A near
12 capacity crowd. Say for 100 -- 100 to 105,
13 whatever it is. 103 right now, correct?
14 What is it now?

15 ELIZABETH LINT: It's actually 111.

16 CONSTANTINE GRAPSAS: It's 111 as he
17 can currently operate or --

18 ELIZABETH LINT: Yes.

19 CONSTANTINE GRAPSAS: And then it's
20 going to 115?

21 ELIZABETH LINT: No. It's 111. It

1 went from 103 to 111.

2 CONSTANTINE GRAPSAS: So, you know,
3 for 100 people, depending on the night,
4 depending on the type of party, the energy
5 within that type of party, I could have two
6 or three inside, plus a doorman.

7 MICHAEL GARDNER: I guess if you're
8 manager of record for such a large
9 establishment in Boston --

10 CONSTANTINE GRAPSAS: I have 18 on a
11 night.

12 MICHAEL GARDNER: Well, I guess I
13 kind of think you'd be there a lot more often
14 than you'd be here?

15 CONSTANTINE GRAPSAS: Where?

16 MICHAEL GARDNER: You'd be there in
17 Boston more often than you would be here.

18 CONSTANTINE GRAPSAS: Yeah, but I,
19 you know, I swing by a lot at opening. We're
20 not open every night in Boston. But a lot of
21 times I'll swing by at the opening, or I'll

1 come back at like 1:15, 1:20. Again, my
2 staff in Boston's over 52 personnel. So --
3 but I have a lot of faith in the people that
4 are in charge over here now or else I
5 wouldn't blink twice. I -- I'm not -- I
6 don't like coming to these hearings.

7 MICHAEL GARDNER: Prior disciplinary
8 issues?

9 ELIZABETH LINT: No.

10 MICHAEL GARDNER: Police department
11 know of any problems since December the 3rd?

12 SERGEANT DAVID BROWN: No. And I've
13 been by a few times. I haven't observed any
14 -- I haven't even observed any altercations
15 out front much less any violations inside.

16 MICHAEL GARDNER: I guess, sir, one
17 of the things I'm most concerned about is as
18 the manager, whether you thought your number
19 was 103 or 111 or 115, if the sergeant thinks
20 there's as many as 150, conceivably 200
21 people in there, I'm assuming you don't need

1 a clicker or a really good security staff for
2 yourself to look and see there are too many
3 people in here. Did you have any impressions
4 that evening about the size of the crowd and
5 whether you were exceeding what you thought
6 your license was?

7 PANJA LYMSWAN: The only problem I
8 have is I hired the security guy and I trust
9 him. I thought they knew how to do it. So
10 when that thing happened, I really scary
11 about, you know, I'm going to break the
12 rules.

13 MICHAEL GARDNER: Yes, but you were
14 there, though, right?

15 PANJA LYMSWAN: Yes, I was there.

16 MICHAEL GARDNER: And in the end
17 you're responsible to make sure you don't go
18 over capacity, right?

19 PANJA LYMSWAN: Yes.

20 MICHAEL GARDNER: My question to you
21 is: You didn't notice that evening that you

1 were likely over capacity, you yourself?

2 PANJA LYMSWAN: When the police --
3 when he was there, when he's saying about it
4 and I said oh, maybe I probably overcrowd.
5 That's what I thought. So the only thing I
6 worry about is to follow what he saying, you
7 know.

8 MICHAEL GARDNER: Ideally we want
9 you to understand that without the police
10 telling you.

11 PANJA LYMSWAN: Yes, sir.

12 ROBERT C. HAAS: So I guess my
13 question for you is given the description of
14 the premises, I mean, I'm really wondering if
15 the capacity level is set correctly. I mean
16 I understand you did a formula for it. But
17 depending on the activity and stuff like
18 that, you know, and your point the energy
19 level, you know, you could have a high energy
20 crowd and that's different than having just
21 people standing around, milling around

1 talking to each other in terms of their
2 capacity and stuff like that. So, what's the
3 average -- on a peak night what's the average
4 number of people coming into the
5 establishment?

6 CONSTANTINE GRAPSAS: To Conga's?

7 ROBERT C. HAAS: Yes.

8 CONSTANTINE GRAPSAS: It really
9 depends on many, you know, the weather. You
10 know, it depends upon I mean, you know --

11 ROBERT C. HAAS: In your experience
12 how many people on a peak night?

13 CONSTANTINE GRAPSAS: Most of the
14 nights that I go by there is 40 to 60 people
15 to be honest with you.

16 ROBERT C. HAAS: So he hasn't
17 reached that capacity that he's describing on
18 December 3rd?

19 CONSTANTINE GRAPSAS: No, I've seen
20 it up to, you know, 100 people, 105 people
21 since I've --

1 MICHAEL GARDNER: I thought I
2 understood that sometimes there would be
3 lines outside?

4 CONSTANTINE GRAPSAS: Yes.

5 MICHAEL GARDNER: Doesn't that mean
6 there are people waiting to get in?

7 CONSTANTINE GRAPSAS: There is. But
8 once it reaches -- since I've been there,
9 once it reaches capacity, there will be a
10 line outside. And if they wish to stay in
11 the freezing cold until people leave, then we
12 can do that. But I don't count the amount of
13 people in the line. Which isn't that big.
14 It's -- the biggest I've seen is 10, 20
15 people.

16 MICHAEL GARDNER: But that would
17 indicate most likely you're at capacity?

18 CONSTANTINE GRAPSAS: Well,
19 sometimes. In all fairness, you know, you
20 get 20, 30 people that come at once. And so
21 until they get ID'd and properly processed,

1 you know, I always tell the doorman take that
2 extra second. Assess if the person is
3 intoxicated or under the influence of
4 anything. Make sure they're straight. You
5 know, let's not take any risks. It's all
6 about risks.

7 But he has changed the configuration
8 from a restaurant setting with tables and the
9 huge booths. He's removed a lot of that. So
10 when you asked me about the capacity, it
11 might be set incorrectly. Based on that
12 space, according to all the places that I've
13 been, I personally think 115.

14 ELIZABETH LINT: 11.

15 CONSTANTINE GRAPSAS: 11, I'm sorry.
16 I'm confused on that right now. Because the
17 license is not there, right?

18 ELIZABETH LINT: It is there. It
19 should be there now.

20 CONSTANTINE GRAPSAS: Is under. If
21 people are standing, if there's not tables,

1 if there's less furniture.

2 ROBERT C. HAAS: So, have you
3 submitted a new plan, floor plan with respect
4 to the configurations? You have a current
5 floor plan now?

6 ELIZABETH LINT: Yes.

7 ROBERT C. HAAS: For the 111 people?

8 ELIZABETH LINT: You heard that.

9 ROBERT C. HAAS: It was March, I
10 don't remember that far back. It was a long
11 time ago.

12 ELIZABETH LINT: I don't remember
13 yesterday.

14 CONSTANTINE GRAPSAS: But the, you
15 know, the 111 is extremely comfortable inside
16 I would say. I'm just saying based on space.
17 I know, you know, in square footage, a room
18 that's a little bigger that is allowed 220,
19 but that -- you guys make those formulations,
20 I don't.

21 ELIZABETH LINT: Zoning.

1 CONSTANTINE GRAPSAS: Zoning, yes.

2 ROBERT C. HAAS: Okay. I don't have
3 any more questions.

4 MICHAEL GARDNER: Defer this to the
5 decision hearing or are you ready to make a
6 recommendation?

7 ROBERT C. HAAS: Well, I'm satisfied
8 that there's been some corrections made. I'm
9 taking into account the fact that there's
10 never been a prior history and there hasn't
11 been any problems since then. So I'm taking
12 all those things into consideration. But I
13 really have some major issues with the fact
14 that you had to be aware of the fact that the
15 place was too crowded and it was creating a
16 hazard. And to tell me you thought maybe it
17 was too many, that's not good enough for me.
18 You know, sergeant's describing a situation
19 whether you took a head count or not, in his
20 estimation it was dangerous. All right? The
21 fact that your employee, granted he's not

1 working for you any longer, tells you it was
2 too much for him to handle, he couldn't call
3 the police. I have a problem with that as
4 well. So, it sounds like you've taken some
5 steps to rectify those situations. But I
6 think you had potentially a dangerous and
7 serious situation on your hands. And again,
8 I'll take into consideration the fact that
9 you were compliant with the sergeant's
10 recommendations. I would make a
11 recommendation to place the matter on file.

12 MICHAEL GARDNER: Commissioner Haas
13 is a lot more experienced at this than I am.
14 I am a temporary appointee.

15 ROBERT C. HAAS: Place him on a
16 warning?

17 ELIZABETH LINT: Issue a warning.

18 ROBERT C. HAAS: Yes.

19 MICHAEL GARDNER: So, I might be
20 inclined to be more stringent than that, but
21 if Commissioner Haas wants to amend his

1 recommendation to have a warning placed in
2 the file?

3 ROBERT C. HAAS: I thought placing
4 it on file and a warning were the same thing.

5 ELIZABETH LINT: No, not exactly.

6 ROBERT C. HAAS: So, I'll modify my
7 language to actually issue a warning with
8 respect to the violation. If there are any
9 future violations, they'll be taken into
10 account for any further disciplinary action.

11 MICHAEL GARDNER: All right. I'll
12 take that in the form of a motion.

13 ROBERT C. HAAS: Sure.

14 MICHAEL GARDNER: Okay.

15 ROBERT C. HAAS: You don't want me
16 to restate it, do you?

17 MICHAEL GARDNER: No, I don't.

18 I'll second the motion and we'll call
19 for a vote.

20 All those in favor?

21 (Aye: Gardner and Haas.)

1 MICHAEL GARDNER: I think we have
2 some deep reservations about what happened on
3 December the 3rd. We're pleased you've made
4 the changes, but I think we want to impress
5 upon you, you can hire the appropriate
6 security. In the end the responsibility is
7 yours to make sure you're in compliance with
8 the license and you're operating safely.

9 ROBERT C. HAAS: You understand
10 that, right?

11 PANJA LYMSWAN: Yes, sir. I tried
12 to make my business to working because right
13 now economy is really tough, too.

14 ROBERT C. HAAS: I understand. But
15 you can't afford to have your license revoked
16 or suspended either.

17 PANJA LYMSWAN: Right. I have to
18 make sure that everything I'm --

19 ROBERT C. HAAS: You have a lot at
20 stake now, because if there's another
21 violation, I think you're probably looking at

1 some kind of suspension.

2 MICHAEL GARDNER: I guess the only
3 other cautionary advice is make sure either
4 yourself by consultation with the License
5 Commission directly or through counsel or
6 other representative, you keep compliant with
7 your License Commission obligations to both
8 pay and to post.

9 PANJA LYMSWAN: Yes, sir.

10 MICHAEL GARDNER: Okay. Thank you
11 very much.

12 CONSTANTINE GRAPSAS: Thank you very
13 much.

14 MICHAEL GARDNER: Sergeant, thank
15 you very much.

16 CONSTANTINE GRAPSAS: Thank you,
17 Sergeant.

18 * * * * *

19 ELIZABETH LINT: Application: Uno
20 Restaurants doing business as Uno Chicago
21 Grill, David Fredericks, manager, holder of

1 an all alcoholic beverages as a restaurant
2 license at 22 JFK Street has applied for a
3 change of manager from David Fredericks to
4 Jacquelyn Connelly.

5 MICHAEL GARDNER: Hello, welcome.

6 JACQUELYN CONNELLY: Thank you.

7 MICHAEL GARDNER: State your name
8 for us.

9 JACQUELYN CONNELLY: Jacquelyn
10 Connelly.

11 MICHAEL GARDNER: And tell us about
12 the application.

13 JACQUELYN CONNELLY: I'm taking over
14 the restaurant as the general manager. I was
15 the general manager of two other Uno Chicago
16 Grills before coming into take over the
17 location in Harvard Square. I've already
18 worked in Harvard Square for a year -- about
19 a year ago, so I'm returning to this
20 location. What other information would you
21 need?

1 ROBERT C. HAAS: How long have you
2 served as a general manager total, your total
3 experience?

4 JACQUELYN CONNELLY: With this
5 company? General manager for a year. Prior
6 company four years. In the industry for 15.

7 ROBERT C. HAAS: Okay.

8 JACQUELYN CONNELLY: Management for
9 13.

10 MICHAEL GARDNER: And when you were
11 at Harvard Square before, what capacity was
12 that?

13 JACQUELYN CONNELLY: The assistant
14 general manager to David Fredericks.

15 MICHAEL GARDNER: Is Mr. Fredericks
16 gone from the scene now and you're in fact
17 actually managing the place?

18 JACQUELYN CONNELLY: Yes.

19 MICHAEL GARDNER: For how long?

20 JACQUELYN CONNELLY: I've been
21 managing at the location for about six weeks

1 now.

2 ELIZABETH LINT: No issues.

3 ROBERT C. HAAS: No issues?

4 MICHAEL GARDNER: And --

5 ELIZABETH LINT: 21-Proof training.

6 MICHAEL GARDNER: Yes, the
7 question is, the trainings that we require,
8 have you completed the 21-Proof I take it is
9 what we call it?

10 ELIZABETH LINT: That's our local.

11 MICHAEL GARDNER: Have you done
12 that?

13 JACQUELYN CONNELLY: Yes. I'm
14 alcohol SAFE Serve certified as are our other
15 managers.

16 ROBERT C. HAAS: Did you take the
17 21-Proof training specifically?

18 JACQUELYN CONNELLY: 21-Proof
19 training?

20 MICHAEL GARDNER: Yes. This is
21 specific training for Cambridge.

1 JACQUELYN CONNELLY: No, I have not
2 actually.

3 ROBERT C. HAAS: Okay. So you'll
4 need to.

5 JACQUELYN CONNELLY: Okay.

6 ROBERT C. HAAS: And you'll probably
7 want your staff to do it as well if they
8 haven't.

9 JACQUELYN CONNELLY: Okay.

10 MICHAEL GARDNER: Since you've been
11 there for a while, what would you say are the
12 particular challenges, if any, in managing or
13 operating in this location the way you're
14 setup now?

15 JACQUELYN CONNELLY: In this
16 location, I'm not sure if you're familiar
17 with the location, but we do have the dining
18 room upstairs and the bar and lounge
19 downstairs. So, that itself is the biggest
20 challenge, the separate floors. Making sure
21 that we have two managers on duty at all

1 times, which I've developed shift managers in
2 addition to our regular manager staff so that
3 we can always have that second layer of
4 management in the building. So that's been
5 -- I think is the biggest challenge is the
6 multiple levels.

7 ELIZABETH LINT: We've never had any
8 complaints about Uno's.

9 MICHAEL GARDNER: Other questions?

10 ROBERT C. HAAS: No other questions.

11 So I would make a motion to approve the
12 application for change of management with the
13 condition that at least the general manager,
14 and I would recommend your bar staff, receive
15 21-Proof training.

16 JACQUELYN CONNELLY: Yes, sir.

17 MICHAEL GARDNER: That motion being
18 made, I'll second it and call for the vote.

19 All those in favor?

20 (Aye: Gardner and Haas.)

21 MICHAEL GARDNER: Good luck. Wish

1 you well.

2 JACQUELYN CONNELLY: Great. Thank
3 you. Good night.

4 * * * * *

5 ELIZABETH LINT: Application: New
6 England Frog Pond, LLC doing business as
7 Pinkberry, Michalene Tumbry, manager, has
8 applied for a common victualer license to be
9 exercised at 1380 Massachusetts Avenue. Said
10 license if granted would allow food and
11 non-alcoholic beverages to be sold, served,
12 and consumed on said premises with a seating
13 capacity of 10. The hours of operation will
14 be nine a.m. to eleven p.m. Sunday through
15 Thursday and nine a.m. to twelve a.m. Friday
16 and Saturday.

17 ATTORNEY JOSEPH HANLEY: Attorney
18 Joe Hanley with McDermott, Quilty and Miller
19 for the Applicant, Trip Lonian who's the
20 owner of the regional franchisee and
21 Cambridge resident as well for the Pinkberry

1 concept. Mickey Tumbry who is our proposed
2 manager of record, and the director of
3 operations for the entity.

4 MICHAEL GARDNER: Since we haven't
5 had a chance to review the materials you've
6 just given us, could we hear from you in
7 general as to what the concept of the
8 business is?

9 ATTORNEY JOSEPH HANLEY: Yes. There
10 are some background materials on the concept
11 on the company and that the individuals here,
12 the principals. Pinkberry Frozen Yogurt is a
13 premiere frozen yogurt concept with quite a
14 large following and reputation for a very
15 high quality product. Mr. Lonian who lives
16 in Central Square is the -- as I said, is the
17 owner of the regional franchisee of this
18 concept. This would be the third store
19 location in Massachusetts. The first one in
20 Hingham, and most recently we opened on
21 Newbury Street in the Back Bay. Mickey is

1 the manager of record approved by the Boston
2 Licensing Board for the CV license at the
3 location on Newbury Street. And as you'll
4 see in the materials, she has over ten years
5 food service experience in high quality
6 restaurants mostly in Boston and in the area.
7 And she has worked to develop the food
8 service program that is part of this
9 Pinkberry concept.

10 The location, as you're probably
11 familiar, is 1380 Mass. Ave. right in the
12 heart of Harvard Square, was formerly the
13 Alpha Omega watch store. We're taking a
14 portion of that. Starbucks has probably come
15 before you as well. They're the other
16 portion which we're not affiliated with them,
17 but just to give you some background.
18 There's approximately 10 seats in there which
19 is on the floor plan.

20 ROBERT C. HAAS: So the two
21 establishments take up the entire footprint

1 then?

2 ATTORNEY JOSEPH HANLEY: I'm sorry?

3 ROBERT C. HAAS: The two
4 establishments take up the entire footprint,
5 Starbucks and your --

6 TRIP LONIAN: Yes. We're splitting
7 the first floor, then Starbucks is taking up
8 the entire second floor.

9 ATTORNEY JOSEPH HANLEY: Cambridge
10 Savings, their building is the landmark. We
11 wen -- I'm sorry, 10 seats are on the plan
12 and we're seeking a closing hour of eleven
13 p.m. Sunday through Wednesday and twelve
14 midnight Thursday, Friday and Saturday which
15 suggests consistent with what is allowed with
16 similar uses in Harvard Square. Committed to
17 a very aggressive trash policy, managing
18 deliveries in an efficient way. We are proud
19 to report that we were approved by the Zoning
20 Board here on November 13th. We had retained
21 the support from numerous residents and the

1 Harvard Square Business Association, the
2 Chamber of Commerce, and other local
3 businesses in the area who -- all of whom
4 have been excited about this concept coming
5 to this location. And for Trip it's
6 particularly significant, too, being a
7 Cambridge person and had been looking very
8 hard to find a site in Cambridge. And
9 obviously we're delighted by this location.
10 We think this is a premiere location for foot
11 traffic in the square, and that the product
12 that will be put forth -- that there's a
13 great need for this type of product which is
14 really unique in the frozen yogurt industry.

15 And so if you look at the materials,
16 it's sort of a nutshell of what you have
17 before you. And Mr. Lonian and Ms. Tumbry
18 can answer any questions that you have.

19 ROBERT C. HAAS: So this is a retail
20 establishment. Where would the trash pick up
21 and deliveries be made now at this

1 establishment?

2 TRIP LONIAN: So, either on the
3 street consistent with what they've been
4 doing now. Or there's actually an alley in
5 the back behind the building that the
6 landlord has given us access to. We use the
7 90-pound or 90-gallon I guess trash
8 receptacles, standard plastic ones. Wheel
9 them out, trash goes out everyday.

10 ROBERT C. HAAS: There's a pick up
11 every day?

12 TRIP LONIAN: Every day, yes.

13 ATTORNEY JOSEPH HANLEY: Commercial
14 carrier. There's no cooking. It's a yogurt
15 concept. A lot of the materials are organic
16 fruit and the like that are disposed.

17 TRIP LONIAN: Yeah, most of our
18 trash is paper products. The cups that we
19 serve the product in and the plastic spoons.

20 MICHAEL GARDNER: No other products
21 besides the yogurts that you're selling?

1 TRIP LONIAN: Smoothies, yogurts,
2 fruit. That's it. Water.

3 ATTORNEY JOSEPH HANLEY: Bottled
4 water.

5 TRIP LONIAN: Right, bottled water.

6 MICHAEL GARDNER: Not sodas?

7 TRIP LONIAN: No.

8 MICHAEL GARDNER: So, if you're
9 managing on Newbury Street, how do you split
10 your time to manage here as well?

11 MICHAEL TUMBRY: I'm just the
12 manager of record. I'm the director of
13 operation. I employ two other managers to
14 run the facilities as I am, and a couple
15 times a week for both stores that I'm
16 managing of managers right now.

17 ATTORNEY JOSEPH HANLEY: She'll be
18 responsible for daily operations, all the
19 general managers report to Mickey. Those are
20 her two stores.

21 MICHAEL TUMBRY: Yes.

1 ATTORNEY JOSEPH HANLEY: Newbury
2 Street and in Cambridge.

3 ROBERT C. HAAS: Where was the third
4 location again?

5 ATTORNEY JOSEPH HANLEY: Hingham.

6 TRIP LONIAN: In Hingham. Derby
7 Street Shops in Hingham.

8 ROBERT C. HAAS: How long have you
9 operated the other two stores?

10 TRIP LONIAN: We opened Hingham in
11 August, August 20th of last year.

12 ROBERT C. HAAS: 2010?

13 TRIP LONIAN: 2010, correct.
14 Newbury Street is November 5th of 2010.

15 ROBERT C. HAAS: So these are all
16 recently new operations then?

17 TRIP LONIAN: All new.

18 ROBERT C. HAAS: And this is the
19 first time you've operated this store, this
20 franchise?

21 TRIP LONIAN: Correct.

1 ATTORNEY JOSEPH HANLEY: Mickey was,
2 you'll see the materials, too, in management
3 positions with the Back Bay Restaurant Group
4 at one of their locations, and most recently
5 Bistro du Midi which is a new restaurant on
6 Boylston Street. It was formerly Excelsior.
7 So extensive experience in dealing with
8 issues like deliveries and trash and
9 receiving and management issues and working
10 with the neighborhood. We had full support
11 at our location we proposed in the Back Bay
12 because we worked very closely with the
13 neighborhood association there and the
14 elected officials, as we did here to be
15 sensitive and to integrate measures to make
16 sure that trash and deliveries and time for
17 deliveries and receiving and how things are
18 handled are done appropriately so as to not
19 interfere with the neighborhood.

20 ROBERT C. HAAS: So the only concept
21 drawings are what it's going to look like on

1 the outside?

2 ATTORNEY JOSEPH HANLEY: We
3 submitted floor plans.

4 ROBERT C. HAAS: I saw the floor
5 plans.

6 ATTORNEY JOSEPH HANLEY: Yes. And I
7 think they may be in here as well. The
8 application has test fit drawings.

9 TRIP LONIAN: It's a fairly -- in
10 fact, I should have brought it.

11 ROBERT C. HAAS: The Hingham
12 location and your Newbury. I'm just looking
13 for what the --

14 ATTORNEY JOSEPH HANLEY: Oh, for the
15 other ones?

16 ROBERT C. HAAS: For the Harvard
17 one.

18 TRIP LONIAN: For the Harvard one?
19 Actually, yeah, I thought I put it in here.
20 It's sort of a rendering. But if you look at
21 the page that has the big Harvard Square map,

1 that actually has in the lower left-hand
2 corner has a picture of the space. And
3 believe it or not our signage is actually on
4 there. So it's fairly -- we worked with both
5 our landlords and HSBA to design a signage
6 package that was consistent with the
7 historical nature of the building, and fairly
8 intrusive I think but still communicates our
9 brand.

10 ATTORNEY JOSEPH HANLEY: We obtained
11 the approval, I should mention too, of the
12 Cambridge Historic Commission for that
13 signage. And obviously before we started
14 this process we met with Community
15 Development because they were pretty active
16 in helping to restore the building over the
17 years.

18 MICHAEL GARDNER: When I saw the
19 picture before, I wondered whether you had
20 digitally enhanced it here. But you're
21 saying you've gone ahead and put your signage

1 up?

2 TRIP LONIAN: Oh, no, no, it's a
3 digital version.

4 MICHAEL GARDNER: That's a digital
5 version?

6 ROBERT C. HAAS: I was going to say
7 I drove through Harvard Square. I wondered
8 how you did that.

9 TRIP LONIAN: We left that to the
10 guys. We wanted to provide some idea.

11 ATTORNEY JOSEPH HANLEY: Fairly
12 minimal signage. I mean, there's really the
13 marketing.

14 MICHAEL GARDNER: That's the
15 corporate kind of signature there, this
16 greenish --

17 TRIP LONIAN: The greenish blue
18 trellis.

19 MICHAEL GARDNER: Locus.

20 TRIP LONIAN: Exactly.

21 ATTORNEY JOSEPH HANLEY: And menus

1 in here as well.

2 ELIZABETH LINT: Do you have a
3 façade I could have for the file? We don't
4 have that.

5 TRIP LONIAN: Yeah, do you want to
6 give --

7 ATTORNEY JOSEPH HANLEY: The plans?

8 ELIZABETH LINT: I have the plans
9 but I don't have that.

10 ATTORNEY JOSEPH HANLEY: Of course.

11 ELIZABETH LINT: Just if somebody
12 wants to see what it's going to look like.

13 ATTORNEY JOSEPH HANLEY: Of course.

14 MICHAEL GARDNER: So, it sounds like
15 you've operated restaurants that sound to be
16 more complicated in terms of kinds of foods
17 that are prepared and served?

18 MICHAEL TUMBRY: Absolutely.

19 MICHAEL GARDNER: Can you tell us
20 what the challenges are out of an operation
21 like this from your point of view?

1 MICHAELNE TUMBRY: Oh, challenges.
2 I would like to say that it's just daily
3 operations of customer service. I really
4 think that that's going to be the greatest
5 challenge. You know, I think overtly anyone
6 would think that receiving through the front
7 door or the trash removal would be more so of
8 a problem, when that is probably the easiest
9 part of our day. And that will come before
10 hours, before the heavy traffic that would
11 actually flow into Harvard Square at that
12 portion. The other challenges would be just,
13 you know, daily sanitation. But we have
14 monthly lab reports that are required by the
15 state and we comply. We have all of those
16 that come back clean. So that would be our
17 greatest challenge. But we do have daily
18 sanitation as well as weekly, twice weekly
19 pure sanitation of the Taylor machines.

20 ROBERT C. HAAS: So, what's been
21 your experience with respect to litter

1 outside the store?

2 MICHAELNE TUMBRY: Well, goodness,
3 let's start with Back Bay. Which it's been
4 refrigerated units, non-refrigerated units.
5 You know, constant rotation every 20 minutes
6 and making sure cigarette butts and the like
7 are all disposed of from the surrounding
8 buildings of our property.

9 ROBERT C. HAAS: So who takes care
10 of that, you do or your employees?

11 MICHAELNE TUMBRY: That would be the
12 manager that's on duty that day. But we do
13 have a requirement that every 20 minutes that
14 the perimeter as well as inside of the
15 store --

16 ROBERT C. HAAS: So are you finding
17 trash being left outside the store?

18 MICHAELNE TUMBRY: Not exactly.

19 ROBERT C. HAAS: I just imagined a
20 portion of your customer base is going to be
21 people that are going to be transitories,

1 they're going to come in, purchase and take
2 it out with them, right?

3 MICHAELNE TUMBRY: Absolutely. And
4 I can tell you it hasn't been a problem
5 within our Hingham store or even on Newbury
6 Street at this point.

7 MICHAEL GARDNER: And when will you
8 be ready to open?

9 ATTORNEY JOSEPH HANLEY: That's what
10 they ask me every day.

11 MICHAELNE TUMBRY: We target March
12 the 25th.

13 ROBERT C. HAAS: When?

14 MICHAELNE TUMBRY: End of March.

15 ATTORNEY JOSEPH HANLEY: Our Zoning
16 decision has made its way through the process
17 and it has been in the process of being
18 recorded and the mandatory waiting period,
19 and then we'll be waiting to go at that
20 point. There was no opposition. It was all
21 support. We would assume the permit would be

1 underway and looking for a spring opening.

2 TRIP LONIAN: Yes.

3 MICHAEL GARDNER: Is there any
4 seasonality to the business?

5 TRIP LONIAN: There is some. Not as
6 much as you think. I mean, I think the
7 stereotype when you think of a frozen treat
8 is that, you know, sales go to zero in
9 December, January, February. But actually if
10 you look at the seasonality curve with our
11 performance here versus Los Angeles, what you
12 see it's really about relative temperature.
13 So people that live in an environment that's
14 typically 75 to 80 degrees, and it's 50
15 degrees, their curve looks virtually the same
16 here as our curve here. But we keep waiting
17 to fall off a cliff, but both of our stores
18 have been very steady and very even and right
19 within our performance. It's certainly
20 tighter during December, January, February
21 period, but it's certainly manageable. We

1 don't have any problems there.

2 MICHAEL GARDNER: Other questions,
3 Commissioner?

4 ROBERT C. HAAS: No other questions.

5 So I would make a motion to approve the
6 application.

7 MICHAEL GARDNER: I'll second that.
8 And we'll vote on it. And all those in
9 favor?

10 (Aye: Gardner and Haas.)

11 MICHAEL GARDNER: Good luck. Wish
12 you well.

13 TRIP LONIAN: Thank you.

14 MICHAEL TUMBRY: Thank you very
15 much.

16 * * * * *

17 ELIZABETH LINT: Application:
18 Cambridge Pizzeria, Incorporated, Farouk
19 Salah, manager, has applied for a common
20 victualer license to be exercised at 263
21 Brookline Street. Said license if granted

1 would allow food and non-alcoholic beverages
2 to be sold, served, and consumed on said
3 premises with a seating capacity of 18. The
4 hours of operation would be eleven a.m. to
5 ten p.m., seven days per week.

6 MICHAEL GARDNER: Good evening. If
7 you could just introduce yourselves for the
8 record, please.

9 FAROUK SALAH: Farouk Salah, I'm the
10 manager of the place.

11 MELANIE NGUYN: Melanie Nguyn
12 (phonetic). I'm the owner of Cambridge
13 Pizzeria.

14 MICHAEL GARDNER: And would you
15 describe for us your experience in operating
16 a facility like this in the past?

17 FAROUK SALAH: Okay. Actually, I
18 have two places in South Boston. Since 2002
19 I have -- I operate as the manager at Supreme
20 House of Pizza, 604 East Broadway in South
21 Boston, from May 2002 until December 2006.

1 So after that I bought my own place on 429
2 West Broadway called Westside Kitchen also in
3 South Boston. 429 West Broadway. And from
4 2006 until 2009, until I sold my store August
5 2009. I was also the owner. So I am also a
6 Cambridge resident since 1999. I live right
7 on Lee Street, the next block. So I was
8 looking all over the place to move to
9 Cambridge, but unfortunately I look
10 everywhere I, I couldn't find any place until
11 we, you know, after I sold my place. Looking
12 around, you know, I was going to buy a place
13 on Cambridge Street and it didn't work out,
14 so I was looking -- still looking while I'm
15 working too in Boston kitchen, in downtown
16 Boston. And we found this place and we just
17 -- she just bought it.

18 MELANIE NGUYN: I asked him to be my
19 adviser and also my manager as well.

20 ELIZABETH LINT: That location is
21 currently Stefani's?

1 FAROUK SALAH: Correct. And I know
2 the new menu.

3 ROBERT C. HAAS: You had these
4 printed up already?

5 FAROUK SALAH: I'm sorry?

6 ROBERT C. HAAS: You had these
7 printed up already?

8 FAROUK SALAH: Yeah. Not yet. We
9 still working on it a little bit because it's
10 a lot of mistakes and stuff so far.

11 MELANIE NGUYN: It's not coming out
12 yet.

13 FAROUK SALAH: We are trying, you
14 know, we are still operating, you know,
15 under --

16 ROBERT C. HAAS: Under the former
17 owner?

18 FAROUK SALAH: Former owner so just
19 like, you know.

20 MICHAEL GARDNER: So, are you
21 actually operating now, under Stafani's?

1 FAROUK SALAH: We operating now.

2 MICHAEL GARDNER: How long have you
3 been doing that?

4 FAROUK SALAH: With Stefani's three
5 weeks ago. Almost three weeks. January 1st.
6 That's the previous owner if you want. You
7 already have copy I think from this one. I
8 think Chris, he already --

9 ELIZABETH LINT: Yes.

10 FAROUK SALAH: -- had one.

11 ELIZABETH LINT: Yes.

12 ROBERT C. HAAS: So how different is
13 this concept going to be compared to what it
14 is now, compared to Stefani's?

15 FAROUK SALAH: Actually, everything
16 like, I'd say 95 percent everything is same.

17 MELANIE NGUYN: Everything is same,
18 yes.

19 ROBERT C. HAAS: The same?

20 Are you doing any modification to the
21 building at all, the interior?

1 MELANIE NGUYN: No.

2 FAROUK SALAH: No, we're not doing
3 anything. Since 1980's this place has been
4 operated, you know.

5 ELIZABETH LINT: It's just going to
6 be open less hours. Currently they open at
7 nine and he's opening at eleven.

8 ROBERT C. HAAS: Reducing the hours?

9 FAROUK SALAH: Used to be until
10 eleven. But, you know, because just me and
11 her we said ten it's enough, you know.

12 MELANIE NGUYN: Just start for now.

13 MICHAEL GARDNER: Okay. Well, I
14 think this is right. If this is the license
15 you get, you can't expand the hours without
16 coming back.

17 FAROUK SALAH: No, that's it. We're
18 not going to expand anything.

19 MICHAEL GARDNER: I thought she said
20 this is it for now.

21 FAROUK SALAH: No, eleven hours,

1 that's enough for me.

2 MICHAEL GARDNER: And as the owner,
3 Ma'am, have you owned anything similar to
4 this in the past or is this your first
5 venture into this business?

6 MELANIE NGUYN: This is my first
7 time, yes.

8 MICHAEL GARDNER: And so you're
9 relying on your manager, as you said, to be
10 your advisor here?

11 MELANIE NGUYN: Yes, I've been
12 working for a few restaurant as a waitress.
13 And so I pick up service as a waitress. And
14 so I ask him to my by advisor and manager. I
15 lean on him yes, a lot.

16 MICHAEL GARDNER: Do you expect to
17 be working there as well?

18 MELANIE NGUYN: I'm learning right
19 now. And I am try to get the SAFE
20 certificate for myself, too.

21 ROBERT C. HAAS: Are you planning to

1 apply for a liquor license?

2 FAROUK SALAH: No.

3 MELANIE NGUYN: No.

4 MICHAEL GARDNER: And the previous
5 operation ran until ten p.m. but started at
6 nine in the morning, is that how it worked?

7 ELIZABETH LINT: Yes.

8 MICHAEL GARDNER: Questions?

9 ROBERT C. HAAS: No other questions.

10 So I would make a motion to approve the
11 application.

12 MICHAEL GARDNER: So I'll second it,
13 and we'll vote.

14 All in favor.

15 (Aye: Gardner and Haas.)

16 MICHAEL GARDNER: Okay. Well, good
17 luck. We wish you well.

18 FAROUK SALAH: Thank you so much.

19 MELANIE NGUYN: Thank you so much.

20 MICHAEL GARDNER: You will make sure
21 you take care of all the fees and whatever

1 other paperwork that you've got with the
2 License Commission staff.

3 FAROUK SALAH: Yes, of course.

4 MELANIE NGUYN: Yes.

5 MICHAEL GARDNER: So, we won't be
6 waiting months for you to come in to pay or
7 pick up paperwork.

8 MELANIE NGUYN: Okay. Thank you,
9 thank you very much.

10 * * * * *

11 ELIZABETH LINT: Application: Susan
12 Presti doing business as the Garden of Eat-In
13 Pizzeria, has applied for a common victualer
14 license to be exercised at 2378 Massachusetts
15 Avenue. Said license if granted would allow
16 food and non-alcoholic beverages to be sold,
17 served and consumed on said premises with a
18 seating capacity of 20. The hours of
19 operation will be eleven a.m. to ten p.m. on
20 Monday through Saturday, and twelve p.m. to
21 nine p.m. on Sundays. Applicant is also

1 applying for an entertainment license to
2 include a TV and radio.

3 SUSAN PRESTI: Hi, good evening.

4 JOSEPH PRESTI: My name is Joseph
5 Presti, and my wife Susan Presti.

6 SUSAN PRESTI: I'm Susan Presti the
7 applicant.

8 RICHARD MARINO: And I'm Richard
9 Marino owner of the property abutting at the
10 commercial street at 2378 Mass. Ave.

11 MICHAEL GARDNER: So you want to
12 tell us about your plans?

13 SUSAN PRESTI: Yes.

14 Basically my husband and I have been in
15 the restaurant industry for 20 years.

16 Actually, 20 plus years. Owned a restaurant
17 in Waltham for 20 years. Started out as a
18 small restaurant. I don't know what the
19 capacity was at that point. But some 14
20 years, had a small restaurant, and lost our
21 -- we found out we were going to lose our

1 lease. The space across the street became
2 available, moved over there and tripled our
3 size. And also with that came a full liquor
4 license, entertainment license, live music,
5 DJ's, karaoke, that sort. Did that for about
6 six years. So, after being in the business
7 for 20 plus years there, decided it was time
8 to take a little break while we were on top.
9 Never had any infractions with the police
10 department, the fire department. I was
11 actually used on many occasions as the,
12 quote, poster child because I, you know, any
13 time anyone came in for an inspection, I had
14 my bible I called it, and they would come in
15 and, you know, everything was set in stone.
16 Everything was done. Everything that they
17 were looking for, whether it was the ansul
18 system update or fire extinguisher, all of
19 those things were taken care of. And then we
20 just decided while we were on top to get out,
21 take a little bit of break. We found out his

1 father, my father-in-law was sick with
2 cancer. So we decided to take some time off
3 and take care of him. We're very fortunate
4 he's doing very good right now.

5 ROBERT C. HAAS: Good.

6 SUSAN PRESTI: And just decided now,
7 it's been a couple years, and we want to get
8 back into the restaurant. We knew we wanted
9 to get back small. We didn't want to go into
10 a large place again. We like the small mom
11 and pop. It would be for the most part the
12 two of us.

13 JOSEPH PRESTI: No liquor, because
14 with what that incident was we had plenty of
15 baby-sitting.

16 SUSAN PRESTI: Meaning the first
17 gentleman that was up tonight. We don't want
18 to deal with that anymore. So we're, you
19 know, want to get back into it.

20 ROBERT C. HAAS: So you have no
21 plans of applying for a liquor license at

1 this point?

2 SUSAN PRESTI: No, sir.

3 We liked the location when we were
4 looking into areas to purchase -- to lease a
5 space. We still have a non-compete clause.
6 So that's why we didn't stick with the
7 Waltham area. We're from Newton and we found
8 this particular location at 2378 Mass. Ave.
9 We met with the company that owns the
10 building. We liked them a lot. It worked
11 out really well. It's convenient traveling
12 for us. It's very quick and easy for us to
13 get here. We have three children, so it's
14 also not too far to get to their school as
15 well. We've applied for 20 seats. It was
16 also -- it was already a preexisting
17 restaurant before we got there.

18 ROBERT C. HAAS: So, is it vacant
19 now or is it still operating as a restaurant?

20 SUSAN PRESTI: No, they left I
21 believe it was last summer. We took the

1 space over in December.

2 JOSEPH PRESTI: It was a Good

3 Good --

4 ROBERT C. HAAS: What was it called?

5 ELIZABETH LINT: Good Food Cafe.

6 SUSAN PRESTI: Good Food Cafe.

7 MICHAEL GARDNER: Does that mean

8 there are no Zoning issues?

9 ELIZABETH LINT: No.

10 SUSAN PRESTI: We plan to have sit
11 down, table cloths, real dishes. You know,
12 we already went and purchased some -- there
13 was already some existing dishes, but we went
14 and purchased some more dishes. You know,
15 you have your basic salads, soups.

16 ROBERT C. HAAS: Do you have a copy
17 of your menu?

18 SUSAN PRESTI: I submitted it. I'm
19 sorry that it --

20 ELIZABETH LINT: I'm not seeing it.
21 I don't see a menu.

1 SUSAN PRESTI: I can give you a --
2 everything's not set in stone yet about the
3 pricing and everything, but that's kind of a
4 rough draft. I brought it just in case you
5 needed one.

6 So, again, salads, various salads,
7 dinner salads, soups, appetizers. We'll do
8 meals such as homemade chicken -- chicken --
9 excuse me, chicken cutlet parm, veal parm,
10 eggplant parm, stuff like that. Pasta,
11 salads.

12 JOSEPH PRESTI: Specials.

13 SUSAN PRESTI: We'll have daily
14 specials.

15 MICHAEL GARDNER: And issues like
16 deliveries and trash, tell us how that gets
17 handled?

18 JOSEPH PRESTI: We just have one
19 delivery person.

20 SUSAN PRESTI: Well, for the most
21 part in the beginning we're not going to have

1 delivery right away. We just want to get
2 acclimated to the area and the clientele and
3 the local area and then we'll look into --

4 MICHAEL GARDNER: No. Delivery of
5 supplies.

6 SUSAN PRESTI: Oh, I'm sorry.

7 ROBERT C. HAAS: These are traffic
8 issues.

9 SUSAN PRESTI: I'm sorry.

10 MICHAEL GARDNER: No, I wasn't
11 clear. Sorry.

12 SUSAN PRESTI: There is access on
13 the side street to the left of the
14 establishment, and there's an alley that goes
15 along the side of the building, the back of
16 the building. And the deliveries will be
17 there and there's also -- that's where our
18 back door is. So everything will be through
19 the back of the building, all of the
20 deliveries.

21 I'm also contacting our previous

1 company that we had used for the grease trap
2 remains, and it's a -- to be recycled and so
3 we'll use them again. I am also -- have a
4 company that we're gonna continue with, that
5 we used before, who was excellent at picking
6 up trash. And we used to have trash pick up
7 twice a week. And that was -- we had a
8 restaurant, you know, our capacity was I
9 think 250 people.

10 JOSEPH PRESTI: 260.

11 SUSAN PRESTI: So I mean we'll --

12 ROBERT C. HAAS: You are downsizing
13 quite a bit?

14 JOSEPH PRESTI: Oh, yeah. I want to
15 get back into it again before....

16 SUSAN PRESTI: Any other?

17 MICHAEL GARDNER: What do you
18 anticipate, then, for frequency for trash
19 pick up to start with?

20 SUSAN PRESTI: Well, since we won't
21 have paper plates or anything like that, you

1 know, whatever is on paper will be -- if
2 somebody gets a pizza to go or something that
3 would be to go. So basically our -- the
4 majority of our trash would be empty boxes
5 from -- or empty cans. I'm still checking
6 into the City of Cambridge. I don't know if
7 there's a recycling program that's available
8 to businesses, but I'm going to check into
9 that. And then whatever waste we would have
10 from the dishes when they're cleaned off.

11 MICHAEL GARDNER: So still twice a
12 week you expecting or once a week, what are
13 you thinking?

14 JOSEPH PRESTI: It depends on the
15 size of the dumpster.

16 SUSAN PRESTI: Of the container.

17 JOSEPH PRESTI: I would say once a
18 week definitely. Hopefully it will be busy
19 enough for twice a week. But you start off
20 with once a week. If there's an overflow
21 issue, then obviously it would be twice a

1 week. We had a full bar and we threw a lot
2 of bottles that were broken and there was a
3 lot of trash. It was a pretty good size
4 container. They came twice a week. I don't
5 think I'll have as much trash as I did at the
6 260. 20 seats and 260 is -- but at least
7 once a week to start off with. I hope I'm
8 busy enough for twice a week. If I'm
9 extremely busy, every day if I could, you
10 know. But the key is, I just figured --
11 Mr. Marino?

12 RICHARD MARINO: Yes.

13 JOSEPH PRESTI: He brought up an
14 issue that he's had with Cambridge in that
15 area with other restaurants close by to us.
16 I just figured just might as well talk to him
17 now about the trash. We could just guarantee
18 we're gonna, you know, we'll keep it as clean
19 as possible. Make sure there's no overflows,
20 because it reflects on our business. And if
21 there's rodents, they'll come in. And you

1 don't want that because that's the end.

2 SUSAN PRESTI: Again, we, you know,
3 you could always check with the Board of
4 Health with the City of Waltham. We have --
5 they know us -- they know our name
6 personally. We have an excellent track
7 record with them and making sure that things
8 are kept clean and keeping the outside space
9 clean as well.

10 MICHAEL GARDNER: What was the name
11 and the location?

12 SUSAN PRESTI: Franco's Pizzeria, 27
13 Moody Street in Waltham.

14 JOSEPH PRESTI: And pub.

15 SUSAN PRESTI: And pub. Sorry.

16 JOSEPH PRESTI: It's still in
17 operation.

18 MICHAEL GARDNER: And you have come,
19 sir.

20 RICHARD MARINO: Yes, I have. I am
21 -- I appreciate the opportunity. I own the

1 property at --

2 ROBERT C. HAAS: Could you identify
3 yourself for the record?

4 RICHARD MARINO: I'm sorry. Richard
5 Marino, M-a-r-i-n-o. I own the property at
6 1113 Dudley Street which is a triple decker
7 apartment building which is directly adjacent
8 to the back side of that building. And the
9 delivery access back alleyway is directly
10 adjacent to my property. This is a
11 photograph of the back alleyway with a number
12 of dumpsters and perhaps a grease can
13 collections or something. I don't know.

14 The point of the photograph is to show
15 a representation of trash overflowing from
16 the dumpster and on the ground. And this
17 photograph was taken after a recent Cambridge
18 Inspectional Services crack down at that
19 location where not only the property
20 management, but I as an owner next-door were
21 required to put out rat traps. I have

1 complied. I spent over \$500 with rat
2 inspections and rat trap placements. And I
3 do not have confidence that the management of
4 the property there are going to at any time
5 soon begin managing the dumpsters properly.
6 It's been my experience over the 23 years
7 that I've heard lots of promises. I've heard
8 lots about ticketing, and it has not been
9 effective. So in general, I have nothing
10 against Mr. and Mrs. Presti. In general I
11 oppose any new restaurants in that strip.

12 MICHAEL GARDNER: What have you seen
13 as a change since the other -- am I
14 remembering this right? It's been out of
15 business for six months? Have you seen a
16 difference?

17 RICHARD MARINO: I have not been
18 tracking it that carefully to notice a
19 difference. There are many people -- many
20 different companies that are using those
21 dumpsters. There's only one of several.

1 ROBERT C. HAAS: So this is a number
2 of businesses are in this storefront?

3 SUSAN PRESTI: Correct. There's a
4 place called Joe Sent Me. There is a barber
5 shop. There's a Chinese restaurant. There
6 is an Asian store, a market store.

7 JOSEPH PRESTI: Market.

8 SUSAN PRESTI: There's an Asian
9 restaurant, a tattoo parlor, a florist that
10 is now gone. A cleaners. And then down
11 below there are some offices on the basement
12 level.

13 Well, I can't speak for the other
14 restaurants, I mean, I can only speak for
15 myself when I can say that, you know, I mean,
16 I can make an agreement that I will, I could
17 keep a lock on my dumpster to make sure that
18 if I can't lock it, that there's no overflow.
19 But I can't speak for the other businesses.
20 I can only speak for myself.

21 JOSEPH PRESTI: Excuse me. Can I

1 see the picture?

2 RICHARD MARINO: Yes. I would like
3 to add there's a restaurant across from
4 Dudley Street, a Greek corner restaurant
5 that's also using the dumpsters at this
6 location.

7 JOSEPH PRESTI: The dumpster would
8 be towards the very end, because that's where
9 our door would be. These dumpsters here are
10 closer to the street where the --

11 SUSAN PRESTI: I'm assuming it's
12 either the --

13 JOSEPH PRESTI: So, your house is
14 right down the street?

15 MICHAEL GARDNER: This is -- is that
16 a picture of the alleyway?

17 RICHARD MARINO: That is a picture
18 of the alleyway. Dudley Street is over here
19 (indicating). Mass Ave. is way over here
20 (indicating). And the property I own is
21 behind these fences, wooden fences

1 (indicating).

2 MICHAEL GARDNER: So, will you have
3 your own separate dumpster that won't be
4 shared with anyone else?

5 SUSAN PRESTI: Correct.

6 JOSEPH PRESTI: Right.

7 ROBERT C. HAAS: What was your
8 experience with the prior restaurant? Or
9 just the general condition that's existing in
10 that alleyway?

11 RICH MARINO: I don't have specific
12 experience with that particular restaurant.
13 My general complaint is that it's very
14 frequent, maybe on a weekly basis, the
15 dumpsters are overflowing. There's trash on
16 the ground. It has -- the area -- the
17 alleyway has been cleaned up recently over
18 the last couple of years, mostly because rats
19 appeared where previously there weren't any.
20 But still the fact is that the trash is
21 overflowing and it's on the ground. So I

1 don't believe any amount of rat traps are
2 going to prevent rats who are attracted to
3 access to food.

4 MICHAEL GARDNER: And you're leasing
5 the space; is that correct?

6 SUSAN PRESTI: Correct.

7 MICHAEL GARDNER: And I mean are the
8 company or individuals you're leasing from
9 also owners of the space where Mr. Marino is
10 complaining about, the dumpsters or do you
11 know?

12 SUSAN PRESTI: They own the entire
13 building. The entire block.

14 MICHAEL GARDNER: Have you had
15 conversations with them about general
16 cleanliness of the alleyway since presumably
17 if a dumpster two dumpsters up from you is
18 overflowing, you may run the same rat risk as
19 anybody else?

20 SUSAN PRESTI: Well, quite honestly
21 now I'm concerned about that. Because I

1 don't want any of that coming into my
2 establishment. So I mean on a personal note,
3 I mean, I will have to make sure that I speak
4 up and say something. And I'm sure it's also
5 going to become my fight as well. So, I
6 clearly don't want any of that coming into my
7 establishment. I don't want any of my
8 customers to ever see anything like that.

9 ROBERT C. HAAS: So you said your
10 experience with the landlord's been pretty
11 positive at this point in time?

12 SUSAN PRESTI: Up until this point
13 it's been --

14 JOSEPH PRESTI: Well, the manager.
15 He we haven't seen the landlord. I think he
16 lives in Florida.

17 SUSAN PRESTI: The manager himself
18 is extremely accommodating.

19 ROBERT C. HAAS: I'm guessing he's
20 not aware of this situation or hasn't
21 acknowledged this situation in the alleyway

1 at all?

2 SUSAN PRESTI: Hasn't acknowledged
3 it to us.

4 MICHAEL GARDNER: And how recently
5 has Inspectional Services been out, sir?

6 RICHARD MARINO: To inspect this
7 alley? I don't know.

8 MICHAEL GARDNER: And when were you
9 put under the obligation to get the rat
10 traps, that was in December?

11 RICHARD MARINO: 2009 and 2010.

12 MICHAEL GARDNER: And have you seen
13 an improvement or not?

14 RICHARD MARINO: There's been a
15 general improvement in the maintenance of
16 this area in the alleyway, but not to my
17 satisfaction in that there's still food on
18 ground and rats have access to it. And I'm
19 pretty sure they can make their way into the
20 dumpster at will. They're not locked down.
21 The alleyway is not locked.

1 MICHAEL GARDNER: And how recent is
2 that photo?

3 RICHARD MARINO: This is a few
4 months old. I have several others that I had
5 trouble printing out, but the general
6 condition is similar as this.

7 MICHAEL GARDNER: Okay, that's the
8 photo you took?

9 RICHARD MARINO: Yes, it's a
10 photograph I took.

11 MICHAEL GARDNER: Other restaurants
12 in the area are presumably licensed by the
13 License Commission?

14 ELIZABETH LINT: Yes.

15 MICHAEL GARDNER: And how in any way
16 do we interact with Inspectional Services or
17 on issues where there are concerns about
18 proper trash storage?

19 ELIZABETH LINT: I can check with
20 them as to when the last time they were up
21 there. I can also ask Andrea to go up and

1 check it out. She often will speak with
2 licensees and make suggestions how they can
3 improve conditions. Sometimes it really is
4 the property manager that has more control,
5 so -- but I already made a note to check with
6 Inspectional and I'll have Andrea go up and
7 take a look as well.

8 ROBERT C. HAAS: So she'll be able
9 to report back by February 3rd?

10 ELIZABETH LINT: I hope so.

11 MICHAEL GARDNER: Have you
12 yourselves done any visual inspections of the
13 alleyway with any frequency to have any sense
14 about Mr. Marino's concerns?

15 JOSEPH PRESTI: I spoke to --

16 SUSAN PRESTI: It doesn't look that
17 bad.

18 JOSEPH PRESTI: Yeah, it doesn't
19 look that bad. I mean, it's wintertime so
20 you snow and stuff.

21 SUSAN PRESTI: There's a lot of

1 snow.

2 JOSEPH PRESTI: But I spoke to the
3 sushi place, and he was saying that -- when
4 we were talking about dumpsters, he said it
5 can't overflow because they'll ticket you. I
6 said okay. And, you know, I wasn't going to
7 argue with him. I said okay, I understand
8 overflow. And he says we're trying to keep
9 all the rodents out. That's all I know. And
10 I just figured that was common knowledge.
11 The more food you have outside, the more
12 rodents you attract. I didn't know there was
13 an ongoing problem because we're not really
14 from the area. We just saw the place, it
15 looked attractive, looked like there's
16 potential, and we just rolled with it, you
17 know. This gentleman wanted to talk to us in
18 private. I understand his concerns. And I
19 told him to sit here and make his peace. I
20 mean, I can't, you know -- I mean, like I
21 said, if we end up being slobs, then no one

1 is going to come to us.

2 ROBERT C. HAAS: It sounds to me
3 like you're also relying upon your neighbors
4 to maintain and police that area as well.
5 Otherwise, like you said before, it's going
6 to impact your business.

7 SUSAN PRESTI: Correct.

8 JOSEPH PRESTI: I'll get a big push
9 broom.

10 MICHAEL GARDNER: I guess I'm not
11 sure, if the dumpster's not overflowing and
12 the dumpster is locked, are the dumpsters
13 designed in such a way to in fact be able to
14 keep rodents out or there are still ways in?

15 SUSAN PRESTI: The newer models are
16 pretty much designed to deter them from
17 getting in.

18 JOSEPH PRESTI: They're either that
19 really hard plastic that they can't chew
20 through or metal. And so, it really comes
21 down to the lid. You need to lock them down.

1 SUSAN PRESTI: Right. That's the
2 biggest thing is making sure that they're
3 not --

4 JOSEPH PRESTI: Even if they're not
5 locked, locked, just put a latch on it so it
6 doesn't pop open so they can't get in. And
7 that attracts also flies in the summer. So
8 you really don't want to have that thing open
9 period. Just forget about just the rats.
10 Just anything.

11 MICHAEL GARDNER: And are these your
12 dumpsters or dumpsters supplied by the
13 property manager?

14 SUSAN PRESTI: No, it will be our
15 own company. We won't -- we will do it on
16 our own. I think everyone does it on their
17 own.

18 MICHAEL GARDNER: Okay.

19 RICHARD MARINO: I have a question.
20 Sorry. Does that mean that the property
21 management is not responsible for the

1 dumpster maintenance and use? It's
2 individual store owners?

3 SUSAN PRESTI: We were told for us
4 that we are required to take care of our own
5 dumpster and grease container, correct.

6 ROBERT C. HAAS: So my guess would
7 be that each of those establishments has a
8 contract with a waste disposal company and
9 they're supplying the receptacles for.

10 ELIZABETH LINT: Probably.

11 SUSAN PRESTI: I would assume that,
12 unless they had something previous that, you
13 know, the management's taking care of it.

14 ROBERT C. HAAS: It's up to you.

15 SUSAN PRESTI: Yeah, but for us
16 personally it's up to -- we hire our own
17 company.

18 ROBERT C. HAAS: So your challenge
19 as I see it, you have a number of food
20 establishments in that strip?

21 SUSAN PRESTI: In that strip,

1 correct.

2 ROBERT C. HAAS: So even if you have
3 the cleanest operation, you're really relying
4 upon your neighbors to make sure that they do
5 the same otherwise you're going to have the
6 same situation that Mr. Marino is describing
7 for his property.

8 SUSAN PRESTI: Which is a concern
9 for me.

10 ROBERT C. HAAS: Mr. Chair, I make a
11 recommendation we take the matter under
12 advisement. Allow Andrea Boyer to do an
13 inspection and then see if we can make a
14 determination if there are in fact there are
15 any issues up there before we take any
16 action, and continue the matter until, but --
17 not continue the matter, but under advisement
18 until the decision hearing on February 3rd.

19 I'd encourage you to talk to the
20 general manager or landlord and tell him what
21 your concerns are and see what assurances he

1 can give you to make sure that somehow they
2 can resolve that issue so you're not finding
3 yourself in a situation where you're having
4 an impact by it.

5 SUSAN PRESTI: Okay.

6 MICHAEL GARDNER: And Andrea Boyer
7 for the record or for your information, is a
8 staff member of the License Commission. I'm
9 not sure -- is the title investigator?

10 ELIZABETH LINT: Yes. Chief
11 investigator.

12 MICHAEL GARDNER: Chief
13 investigator. All right.

14 And, Mrs. Lint, you can also make
15 inquiry prior to February 3rd about the
16 Inspectional Services history?

17 ELIZABETH LINT: Yes, I will.

18 MICHAEL GARDNER: So, I'll second
19 the motion to take the matter under
20 advisement to our decision hearing which is
21 ten o'clock on February the 3rd?

1 ELIZABETH LINT: Correct.

2 MICHAEL GARDNER: Also a public
3 hearing?

4 ELIZABETH LINT: Yes. Right here.

5 RICHARD MARINO: Mr. Gardner, I have
6 a question. Is it within the scope of
7 Inspectional Services or the Licensing
8 Committee to require the use of dumpsters
9 that have locks or latches to make sure
10 access is, you know, that rats can't get
11 inside?

12 MICHAEL GARDNER: I am new to this
13 position. I'm temporarily serving in it so I
14 can't give you any historical information
15 about a view of our authority. It does sound
16 reasonable to me.

17 Mrs. Lint, do we have any history with
18 involving ourselves in that?

19 ELIZABETH LINT: We are always
20 concerned with trash. I do not recall any
21 situation where the Commissioners required

1 someone to have a locking dumpster. I think
2 it brings up issues in terms of whether or
3 not companies that they contract with have
4 them available. In that way they would be
5 required to find different companies to
6 service them. There could be all kinds of
7 issues about why they do or don't.

8 MICHAEL GARDNER: I take it the
9 issue is not so much locking as latching, is
10 that --

11 SUSAN PRESTI: Yes.

12 RICHARD MARINO: I don't know. I've
13 never seen locks or latches on the dumpsters
14 that are in this alleyway. Once they reach a
15 capacity, the lid is just popping up as
16 people throw things in.

17 SUSAN PRESTI: But the previous
18 company that we had used -- they do actually
19 have latches available on them.

20 ELIZABETH LINT: I'll make inquiry
21 in that regard as well.

1 MICHAEL GARDNER: Okay. We will
2 explore that issue prior to the February 3rd
3 decision hearing.

4 RICHARD MARINO: Thank you.

5 MICHAEL GARDNER: So all those in
6 favor of the motion to defer to February 3rd?

7 (Aye: Gardner and Haas.)

8 MICHAEL GARDNER: Thank you very
9 much for coming. Good luck.

10 JOSEPH PRESTI: And so we come back,
11 what, February 3rd?

12 ROBERT C. HAAS: You don't need to
13 come back.

14 MICHAEL GARDNER: You don't need to
15 come back.

16 ROBERT C. HAAS: But it would be
17 helpful if you came back to tell us what
18 progress you've made with respect to
19 conversations with the general manager or the
20 landlord. And I think you have some interest
21 in terms of making sure that somebody's going

1 to take some responsibility for the condition
2 of that alleyway.

3 SUSAN PRESTI: Okay. And I don't
4 mean to not be understanding the full scope
5 of all this.

6 MICHAEL GARDNER: Quite all right.

7 SUSAN PRESTI: So this is determined
8 as to whether or not we will get a common
9 victualer license, correct?

10 MICHAEL GARDNER: Right. What
11 happened this evening is we heard some
12 applications for which it did not appear
13 there were additional issues that we needed
14 to explore or have information on.
15 Mr. Marino raised some concerns that we felt
16 rather than vote the application up or down
17 this evening, we wish to have more time to
18 get an investigation out. And it's fairly
19 common in a meeting like tonight that some of
20 the matters are deferred for a decision
21 hearing. We have it structurally setup so

1 there's the evening meeting, and then when
2 issues that we don't feel we can vote on that
3 night because we want more information, we
4 defer to the Thursday morning meeting.

5 SUSAN PRESTI: So, is it fair for me
6 to ask what would help me to make sure that
7 the license will be able to go through?
8 Like, is there -- I mean, other than working
9 with the management to make sure that this
10 issue will be addressed, is there anything
11 specific that you would like me to
12 accomplish?

13 MICHAEL GARDNER: You made some
14 indications earlier of being willing to enter
15 some agreement that your dumpster would be
16 latched.

17 SUSAN PRESTI: Yes.

18 MICHAEL GARDNER: I think the kinds
19 of representations that you have about to the
20 extent to which the things that are within
21 your own control, you can give us assurances

1 of. And as Commissioner Haas indicated,
2 conversations with your neighbors.

3 SUSAN PRESTI: Okay.

4 MICHAEL GARDNER: So that you are
5 both more familiar with and you can report
6 back to us on what you -- your experience --
7 what you've learned and the ways in which
8 you're going to be seeking the cooperation of
9 your neighbors to protect the integrity of
10 your business for the common good of all of
11 all of you.

12 SUSAN PRESTI: Okay. Will there
13 also again be another legal notice?

14 ELIZABETH LINT: No.

15 SUSAN PRESTI: I just wanted to know
16 if I had to send out another letter or
17 something certified.

18 ELIZABETH LINT: No.

19 JOSEPH PRESTI: We can still
20 continue doing the regular --

21 SUSAN PRESTI: Work inside.

1 MICHAEL GARDNER: You can't open,
2 but yes.

3 SUSAN PRESTI: No. We understand
4 that. Thank you.

5 * * * * *

6 ELIZABETH LINT: Application:
7 Continued from January 11, 2011, Central
8 Square Theatre, Incorporated. Tracey Clarke,
9 manager, holder of a wine and malt beverages
10 as a restaurant license at 450 Massachusetts
11 Avenue has applied for a change of manager
12 from Tracey Clarke to Deborah Wise.

13 DEBORAH WISE: Hello. I'm Deborah
14 Wise, director of Underground Railway Theatre
15 which is one of the two companies in
16 residence at the Central Square Theatre.

17 CATHERINE CARR KELLY: I'm Cathy
18 Carr Kelly. I'm the executive director of
19 Central Square Theatre. We're applying to --
20 our operations director was our manager and
21 she's left the organization and now we are

1 going to put Deborah Wise in that position as
2 she's one of the founders of the
3 organization. And that's probably not turn
4 over. At least we hope not. And that's why
5 we're here. And I guess we've had our
6 license two years maybe. I think two years.
7 We moved, we're at 450 Mass. Ave. and this is
8 the new building. This is our third season.

9 DEBORAH WISE: I've also lived in
10 the neighborhood in Central Square since 1979
11 except for one year.

12 MICHAEL GARDNER: And the kind of
13 experience that you've had in managing an
14 operation like this?

15 DEBORAH WISE: In managing an
16 operation like this, meaning --

17 MICHAEL GARDNER: Meaning --

18 DEBORAH WISE: -- a liquor license?

19 CATHERINE CARR KELLY: Should we
20 talk about our liquor license? What's
21 different about -- we're a theatre.

1 DEBORAH WISE: We have a beer and
2 wine license. We sell -- we open an hour
3 before the production. The production
4 begins, then we have 15-minute intermission
5 where we can sell beer and wine. And then we
6 close at the end of the production unless
7 there's a post-performance conversation, we
8 would be open for that maybe ten minutes in
9 between. So we have under two hours to
10 actually sell beer or wine on any given
11 performance.

12 I'm there for a great number of
13 performances, and I certainly am involved in
14 helping to oversee the staff. Being the
15 artistic director, it's true that I am in
16 conversation with our operations director who
17 is the one who really oversees the front of
18 house staff. But we all make sure that all
19 of our front of house staff, anyone who would
20 be serving wine or beer are TIPS trained. We
21 also have had, just to give you a history, we

1 have had no history of any real interest of
2 most people, but I think we figured most of a
3 third of people in our audience at the very
4 most might buy.

5 CATHERINE CARR KELLY: At full
6 capacity, a third might buy a glass of wine
7 or beer.

8 DEBORAH WISE: And hardly anybody
9 comes back for a second.

10 CATHERINE CARR KELLY: Less than two
11 percent come back for another drink in that
12 sitting. It's not a huge --

13 DEBORAH WISE: Yeah. We have not
14 big consumers over there.

15 CATHERINE CARR KELLY: We've never
16 had to turn anyone away or shut anyone off.

17 MICHAEL GARDNER: What's your
18 experience with doing ID checks?

19 CATHERINE CARR KELLY: All of our
20 staff are trained in ID checks. They're TIPS
21 trained, which is a big part of that as well.

1 So, and there's procedures on what to do in
2 case they need to turn someone down or in
3 case someone is behaving as if they may have
4 had too much to drink. What the steps are
5 for that or -- and/or removal of a person. I
6 have had extensive experience in restaurants
7 and bar. So I'm the executive director of --
8 the operations director has had experience as
9 well. So and, again, all of our front of
10 house -- I'd say right now they're all TIPS
11 trained. I'd say at least two of the three
12 staff have worked in either waitressing or
13 bartending prior to this experience.

14 ROBERT C. HAAS: So how is the fact
15 that you're now able to sell beer and wine
16 change the operation of the theatre?

17 DEBORAH WISE: Well, when we moved
18 into the theatre, I think we had our license
19 before we moved in? Or since we moved in?
20 Yes. So we've never had a change. We've
21 never -- the Underground Railway Theatre for

1 instance, I should just -- there are two
2 resident theatre companies there. Right?

3 ROBERT C. HAAS: Right.

4 DEBORAH WISE: And the Underground
5 Railway Theatre was a touring company for 30
6 years, based here most of the time before we
7 moved into this, our first theatre home. So
8 everything's new for us. There has been
9 no -- so there was nothing that existed
10 before that's gone through a change. We've
11 always had this same license.

12 ROBERT C. HAAS: Okay.

13 CATHERINE CARR KELLY: We were the
14 first in the building.

15 MICHAEL GARDNER: So, I take it that
16 the answer to the question about what
17 experience you've had in managing an
18 operation like this is either none or not
19 much?

20 DEBORAH WISE: Right. I mean, I've
21 had experience managing a non-profit arts

1 organization for years. And as an
2 individual, I've waited tables a lot like
3 most actors in my generation have. But, in
4 terms of managing, the specifics other than
5 what I understand to be the regulations and
6 making sure in staff meetings that these
7 regulations are adhered to, and being
8 absolutely able to take responsibility for
9 them being adhered to. Other than that I
10 rely on working with my colleagues.

11 Catherine.

12 CATHERINE CARR KELLY: There's a
13 chain of authority.

14 DEBORAH WISE: Yeah.

15 CATHERINE CARR KELLY: So just like
16 anywhere else.

17 She also lives across the street.
18 She's -- as she said, she's lift in the
19 square for many, many years. She's in the
20 actual theatre space more than our operations
21 director would be in terms of being around

1 weekdays, weekends. So in that sense too,
2 she's also the appropriate person in that
3 she's easily available.

4 DEBORAH WISE: I can be on call.

5 MICHAEL GARDNER: Did you have much
6 interaction with Ms. Clarke while she was
7 managing?

8 DEBORAH WISE: Oh, sure. She worked
9 with Underground Railway Theatre before we
10 moved to Central Square Theatre when she
11 became operations manager for Central Square
12 Theatre. So, yeah, we were close colleagues
13 the whole time she was there.

14 MICHAEL GARDNER: And what's your
15 sense of the most substantial challenges you
16 will have in managing this, in addition to
17 your other responsibilities?

18 DEBORAH WISE: I think, I think just
19 keeping all the regulations firmly in mind
20 and in front of me and printed materials, and
21 being in constant communication with our

1 operations manager in front of house staff.
2 We have weekly staff meetings where we check
3 on procedures that have to deal with all
4 these in front of house issues. Beer and
5 wine being one of them. We haven't had any
6 issues to date, but we discussed our
7 procedures together.

8 MICHAEL GARDNER: So, if
9 approximately a third of the patrons might be
10 purchasing, what sort of the volume are we
11 talking about for a typical performance in
12 terms of the unit number of units sold?

13 DEBORAH WISE: If we sell out the
14 house it's about --

15 CATHERINE CARR KELLY: But that's
16 not --

17 DEBORAH WISE: Yeah.

18 CATHERINE CARR KELLY: The average
19 would be -- the average would be we don't --
20 I'm going to say the average, so the average
21 is 80. So about less than 20 people.

1 DEBORAH WISE: I was trying to come
2 up with a maximum number that would be
3 possible.

4 CATHERINE CARR KELLY: Yeah.

5 DEBORAH WISE: The maximum number
6 that would be possible I suppose would be a
7 third.

8 CATHERINE CARR KELLY: Well,
9 everyone could buy a drink if they wanted to
10 legally. So, they don't. But it's more of
11 a, the ability to serve beer and wine is a --
12 what's the word.

13 ROBERT C. HAAS: Enhancement.

14 CATHERINE CARR KELLY: Yeah, I mean,
15 we do theatre. Yeah, it's an enhancement.
16 Yeah. It adds value. It's not a big revenue
17 producer for us, but it is an enhancement.
18 And our audiences answered a survey saying
19 before we moved in that that's something they
20 would want. You know, that's part of the
21 experience.

1 MICHAEL GARDNER: So you sell before
2 the performance, at the intermission and then
3 if there's an after performance event in the
4 interim?

5 DEBORAH WISE: Right. But we often
6 have people lead post-performance
7 conversations. So perhaps half to two-thirds
8 of the audience will leave. The remaining
9 folks, we keep the sessions open for a little
10 while longer so if they want to have
11 refreshments and bring them back to the
12 theatre, they can.

13 MICHAEL GARDNER: That's supposed to
14 keep the glasses outside the theatre area or
15 they bring them in?

16 CATHERINE CARR KELLY: No. They're
17 allowed to bring them into the theatre. We
18 don't use glassware but we do allow -- and
19 that was, again, another study. You know,
20 what's one of the things -- for our patrons,
21 what's one of the things that is difficult or

1 bothersome? And one of the things is having
2 to get a glass of wine and then chug it and
3 then go into the theatre. Which really isn't
4 good for anybody. So no, we allow that. And
5 it's gone really well actually. It's not --
6 no messes.

7 MICHAEL GARDNER: Paper or plastic?

8 DEBORAH WISE: Plastic. Most
9 theatres in town in the Greater Boston area
10 do that now.

11 ROBERT C. HAAS: So you both
12 mentioned TIPS training. You know, Cambridge
13 is 21-Proof training you're going to need to
14 take that.

15 DEBORAH WISE: You know, I heard you
16 mention that. I heard you mention that. And
17 I had only heard Tracey and my colleagues
18 mention TIPS training. So if there's
19 additional training --

20 ELIZABETH LINT: Tracey did
21 21-Proof.

1 DEBORAH WISE: She did? She just
2 kept calling it TIPS. Maybe we should be
3 interviewing you.

4 ROBERT C. HAAS: You're going to
5 need it anyway regardless as a new manager.

6 DEBORAH WISE: All right. I'm
7 ready.

8 CATHERINE CARR KELLY: Who do people
9 usually have -- I just have a question. In
10 this position, I mean, who do people usually
11 have as their manager? And I assume they
12 don't want to have to come every year or any
13 time there's a turn over. Do they usually
14 have a --

15 ELIZABETH LINT: There's always a
16 turn over.

17 CATHERINE CARR KELLY: Oh, okay.

18 DEBORAH WISE: We figured this was a
19 good arrangement because of the --

20 ROBERT C. HAAS: So if you ever get
21 the question next time, have you ever been a

1 manager of record of alcohol, you can answer
2 the question yes now.

3 MICHAEL GARDNER: There may be turn
4 over because you'll find there's a whole new
5 career out there for you.

6 DEBORAH WISE: My god. In these
7 turbulent times we all need that backup.

8 ROBERT C. HAAS: I would suggest if
9 you're going through the 21-Proof training it
10 might make it worth your while that everyone
11 that's serving should take advantage of the
12 training, even if they've had it before, just
13 kind of as a refresher.

14 DEBORAH WISE: Okay, good.

15 ROBERT C. HAAS: That's a, you know,
16 an ounce of prevention.

17 ELIZABETH LINT: We'll send you all
18 the information.

19 DEBORAH WISE: Great, thank you.

20 MICHAEL GARDNER: Any more
21 questions?

1 ROBERT C. HAAS: No more questions.

2 MICHAEL GARDNER: I forgot to ask
3 before: Are there any members of the
4 audience who'd like to speak on this issue?

5 (No Response.)

6 MICHAEL GARDNER: Hearing none.

7 ROBERT C. HAAS: I'll make a motion
8 to approve the application.

9 MICHAEL GARDNER: I'll second. I'll
10 call for the vote.

11 ROBERT C. HAAS: On the condition
12 that you get the 21-Proof training.

13 DEBORAH WISE: Right. Very good.

14 MICHAEL GARDNER: All those in
15 favor?

16 (Aye: Gardner and Haas.)

17 MICHAEL GARDNER: Opposed? No,
18 none. Ayes have it. Good luck.

19 CATHERINE CARR KELLY: Come visit us
20 at the theatre.

21 ELIZABETH LINT: Don't go away.

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ELIZABETH LINT: Application:

Central Square Theatre, Incorporated has applied for a charity wine pouring license for the following dates: February 13th, February 24th, March 2nd, April 10th, April 12th, April 21st, May 4th, May 22nd, June 1st and June 2nd.

CATHERINE CARR KELLY: Those are all of our opening receptions I would assume. And also you said April 12th?

ELIZABETH LINT: Yes.

CATHERINE CARR KELLY: That's our gala.

DEBORAH WISE: That's our annual benefit.

ROBERT C. HAAS: So remind me what a charity wine pouring is?

ELIZABETH LINT: Okay. This is a new thing that the ABCC has put into effect. So there is donated wine. So it's like a

1 fundraiser. So it has to be outside of their
2 regular license. On their regular license
3 they cannot accept donated wine. So they
4 have to get special one-day licenses for
5 charity purposes according to the ABCC.

6 MICHAEL GARDNER: So, what's the
7 charity?

8 CATHERINE CARR KELLY: We are.

9 ELIZABETH LINT: They are.

10 DEBORAH WISE: We're non-profit.

11 MICHAEL GARDNER: Okay, I see. So
12 somebody donates wine to you, you sell it and
13 keep the money.

14 DEBORAH WISE: Actually, at those
15 events we don't sell it.

16 CATHERINE CARR KELLY: No, we don't
17 sell it.

18 MICHAEL GARDNER: Oh, you give it.

19 DEBORAH WISE: For instance, the
20 opening reception, we invite --

21 MICHAEL GARDNER: So, you have free

1 wine to provide --

2 CATHERINE CARR KELLY: To give away,
3 not sell.

4 MICHAEL GARDNER: -- and that
5 generates potentially more traffic sales
6 of --

7 ELIZABETH LINT: Donations.

8 MICHAEL GARDNER: -- tickets for the
9 performance?

10 DEBORAH WISE: Right exactly.

11 ROBERT C. HAAS: It's a further
12 enhancement.

13 DEBORAH WISE: For the opening
14 receptions. It's to thank the audience for
15 coming to the first performance. It's a
16 creative celebratory atmosphere for all the
17 hard work that's gone into that production.

18 For the galla, now, that is a
19 fundraiser. But the wine is not sold.

20 CATHERINE CARR KELLY: No.

21 ELIZABETH LINT: Okay. Just the

1 same any time anything is donated it needs a
2 separate license because they have a license
3 to sell. So normally if someone donated and
4 you were giving it away, you wouldn't need a
5 license.

6 DEBORAH WISE: Interesting.

7 ELIZABETH LINT: But you have a
8 license. So it's the ABCC.

9 MICHAEL GARDNER: Okay.

10 ROBERT C. HAAS: So what happens to
11 the donated wine after the event's over?
12 Does it go back to the person that's donated
13 or do you keep it?

14 CATHERINE CARR KELLY: No, we just
15 keep it for the next event typically.

16 ROBERT C. HAAS: So, then are you
17 able to sell it after that if you have a
18 stock pile?

19 ELIZABETH LINT: No.

20 ROBERT C. HAAS: What happens to the
21 excess wine?

1 DEBORAH WISE: We use it for the
2 next event.

3 ROBERT C. HAAS: Yes, but once
4 you're done here --

5 CATHERINE CARR KELLY: That's just a
6 season. We're not actually ever done.

7 ROBERT C. HAAS: Well, yes, but you
8 have this event on certain specific dates?

9 CATHERINE CARR KELLY: Right. Then
10 the next event would be the next show. For
11 example, you have through June. But then we
12 have a whole other season. So I guess we
13 would submit --

14 MICHAEL GARDNER: So you would hold
15 over whatever's left over of the donated wine
16 in a separate stock pile?

17 DEBORAH WISE: I'm assuming that's
18 what Amy does. I guess we should make sure
19 that the two things don't get mixed up.

20 MICHAEL GARDNER: So, as the
21 manager, you'll have to do more than assume

1 about Amy. You will be to be responsible.

2 DEBORAH WISE: You're right.

3 MICHAEL GARDNER: And these dates
4 are typically, except for the April 12th,
5 openings of new productions?

6 CATHERINE CARR KELLY: Right. The
7 first Sunday of every new production.

8 And so does that make sense that we'll
9 give -- so as soon as we know our schedule
10 for the next year, we'll have to give you --
11 we'll give you the next year's worth of
12 dates?

13 ELIZABETH LINT: Yes.

14 DEBORAH WISE: I think there were
15 additional dates there more than just the
16 first Sundays. I think there are some
17 scholar socials.

18 MICHAEL GARDNER: I mean, June 1st
19 and 2nd are a Wednesday and Thursday.

20 DEBORAH WISE: So we do have events
21 that we call scholar socials where we invite

1 -- usually academic from MIT or Harvard to
2 help lead a conversation afterwards. And,
3 again, for our audience members, maybe 30
4 people would stay afterwards as a
5 complimentary kind of opportunity for them.
6 Some take advantage of it, some don't. And
7 then we also have something we call -- what
8 do we call our envisioning sessions now? We
9 invite members of the Community Central who
10 are at the Central Salon who are attending
11 performances, to talk with folks from the
12 theatre about the kinds of things they'd like
13 to see at the Central Square Theatre after a
14 performance. So it's our attempt to just,
15 you know, build community.

16 CATHERINE CARR KELLY: It's pretty
17 minimal, too. I mean, It's a regular cup,
18 but it's (indicating).

19 DEBORAH WISE: Yeah, we're kind of
20 cheap.

21 CATHERINE CARR KELLY: It's not

1 much.

2 ROBERT C. HAAS: What's been your
3 experience, not you specifically, but I'm
4 assuming you've done this before?

5 CATHERINE CARR KELLY: Yeah.

6 ROBERT C. HAAS: Have you had any
7 problems with people?

8 CATHERINE CARR KELLY: No.

9 DEBORAH WISE: No.

10 ROBERT C. HAAS: Okay.

11 MICHAEL GARDNER: You have a salon
12 clientele, right?

13 CATHERINE CARR KELLY: What?

14 MICHAEL GARDNER: You have a salon
15 clientele?

16 CATHERINE CARR KELLY: A salon
17 clientele, you're right. It's true.

18 ELIZABETH LINT: It's not the
19 nature.

20 CATHERINE CARR KELLY: Or they just
21 -- yeah. God. They'd be up on stage or

1 something, it would be terrible.

2 DEBORAH WISE: I know this has
3 nothing to do with this --

4 ELIZABETH LINT: You didn't vote on
5 them.

6 MICHAEL GARDNER: No, I know. This
7 matter is still pending.

8 DEBORAH WISE: Very, very briefly.
9 When we were on tour once with the Detroit
10 Symphony Orchestra, a gentleman -- we had our
11 costumes back stage for the next day for a
12 children's show. And a gentleman who came to
13 the evening performance at the Detroit
14 symphony was so sloshed, apparently, that he
15 went back stage to look for friends. Took
16 some of our animal costumes, he and his
17 friend. Wore them out of the theatre because
18 they thought it was funny. So, the next day
19 when we arrived for our costumes, they
20 weren't there. We were scouring all the
21 ballet schools in town. Anyway. And they

1 came back all chagrined, you know, all
2 sheepish with their bird masks. That's my
3 only --

4 MICHAEL GARDNER: So, you have more
5 experience now than you actually --

6 DEBORAH WISE: See, more experience.
7 I didn't serve those gentlemen.

8 MICHAEL GARDNER: So, I think we're
9 looking for a motion here.

10 ROBERT C. HAAS: I would make a
11 motion to approve the dates specified within
12 the application.

13 MICHAEL GARDNER: I'll second it.
14 And all those in favor?

15 (Aye: Gardner and Haas.)

16 MICHAEL GARDNER: Good luck with
17 your charity events and good luck to you in
18 your new career here.

19 * * * * *

20 ELIZABETH LINT: Ratifications:
21 Medallion 121, 123, 53, 02, 205, 231 and 186.

1 I am assuming the paperwork was in order
2 because I was not here. But I was told that
3 one was kicked back to me.

4 ROBERT C. HAAS: So you knew
5 somebody was looking at them.

6 ELIZABETH LINT: So I knew somebody
7 was looking at them.

8 ROBERT C. HAAS: I make a motion to
9 accept.

10 MICHAEL GARDNER: Second.

11 All those in favor?

12 (Aye: Gardner and Haas.)

13 * * * * *

14 ROBERT C. HAAS: Do we have to vote
15 on the January 11th meeting minutes? I know
16 we did that at the beginning for the meeting.

17 MICHAEL GARDNER: I actually haven't
18 looked at them. So, can we defer that to the
19 3rd?

20 And they are posted now?

21 ELIZABETH LINT: They are.

1 MICHAEL GARDNER: I haven't gotten
2 them.

3 ELIZABETH LINT: I'll make sure you
4 get them.

5 ROBERT C. HAAS: I got an e-mail and
6 I think you're on the feed.

7 MICHAEL GARDNER: If I was, I didn't
8 understand what I was getting because I
9 didn't read it.

10 A motion to adjourn is always in order.

11 ROBERT C. HAAS: I make a motion to
12 adjourn.

13 MICHAEL GARDNER: All those in
14 favor?

15 (Aye: Gardner and Haas.)

16 (Whereupon, at 8:00 p.m. the
17 meeting adjourned.)

18

19

20

21

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 2nd day of February 2011.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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My Commission Expires:
April 23, 2015

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