

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

Michael P. Gardner, Chairman
Christopher Burke, Superintendent
Robert Haas, Police Commissioner

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

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

Thursday, October 27, 2011

10:15 a.m.

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P R O C E E D I N G S

ELIZABETH LINT: License Commission
Decision Making Hearing, Thursday, October
27, 2011. It's 10:15 a.m. We're in the
Michael J. Lombardi Municipal Building, 831
Mass. Ave. basement conference room.

Before you are the Commissioners:
Chairman Michael Gardner, Commissioner Robert
Haas, and Superintendent Chris Burke.

We have two matters left from October
4th. Application of Floating Rock Restaurant
for a two a.m. I would like to correct the
record. At the original hearing I said that
Middlesex only had a one a.m., but they do in
fact have a two a.m.

MICHAEL GARDNER: Superintendent,
any thoughts on this?

CHRISTOPHER BURKE: Well, given that
the other establishments have a two a.m.
license, and we have no negative reports of
activity at this establishment, I would be

1 inclined to consider it.

2 MICHAEL GARDNER: Ms. Lint, again, I
3 believe from the original hearing, there were
4 no complaints with respect to this premises
5 so far?

6 ELIZABETH LINT: That's correct.

7 MICHAEL GARDNER: And that remains
8 the case?

9 ELIZABETH LINT: Yes.

10 MICHAEL GARDNER: And how long have
11 they been open?

12 ELIZABETH LINT: I believe since
13 April. Yes.

14 MICHAEL GARDNER: Okay. Could you
15 remind us what the rules say, or if you've
16 got a citation to the rules, you can point
17 out to me?

18 ELIZABETH LINT: Our rules and
19 regulations say that you need to be in
20 business for at least six months before you
21 apply for a two a.m.

1 MICHAEL GARDNER: I guess in a
2 general sense my view of it is that I would
3 actually prefer a longer period of operation
4 before making such a move; something closer
5 to a year myself, but I think I'm prepared by
6 simply putting that issue in the record for
7 possible consideration by the Commission in
8 the future. I'm prepared, based upon the
9 location, the proximity to other two a.m.
10 licenses in the area, and the nature and type
11 and specialty of the business and the lack of
12 complaints and a good record, I would be
13 prepared to support the two a.m. license now
14 with substantial reservations. And with an
15 indication of the preference to at least
16 review the matter of the policy with respect
17 to six months in the future. But having
18 provided those caveats, I don't particularly
19 think it's appropriate to try to act on that
20 with respect to this particular application.

21 So, I would make the motion that we

1 approve the two a.m. license to be effective
2 after six months of -- at least six months of
3 continuous operation.

4 So if you say October, I don't know if
5 you have a date in October?

6 ELIZABETH LINT: No, April.

7 MICHAEL GARDNER: I'm sorry, April.

8 ELIZABETH LINT: What date did you
9 open?

10 UNIDENTIFIED FEMALE: April 14th.

11 ELIZABETH LINT: 14th?

12 UNIDENTIFIED FEMALE: Yes, Ma'am.

13 MICHAEL GARDNER: So under our
14 current customs, could this be effective as
15 soon as this weekend?

16 ELIZABETH LINT: Yes.

17 MICHAEL GARDNER: And it is a
18 Thursday, Friday, Saturday?

19 ELIZABETH LINT: Thursday, Friday,
20 Saturday, and the night before a Monday
21 holiday.

1 general reservations about two a.m. than it
2 does about anything particular with respect
3 to this business, but I will amend my motion
4 to include a six-month review.

5 CHRISTOPHER BURKE: And I would
6 second that amendment.

7 MICHAEL GARDNER: All right.

8 So present at the October 4th hearing
9 was it?

10 ELIZABETH LINT: Yes.

11 MICHAEL GARDNER: That we were --
12 Superintendent Burke, myself, and fire chief
13 Reardon, correct?

14 ELIZABETH LINT: Yes.

15 MICHAEL GARDNER: So the two of us
16 here present are able to vote.

17 All those in favor signify by saying
18 "Aye."

19 CHRISTOPHER BURKE: Aye.

20 MICHAEL GARDNER: Aye.

21 None opposed. So the application for

1 the two a.m., subject to a six-month review,
2 is approved.

3 I wish the business well.

4 UNIDENTIFIED FEMALE: Thank you.

5 * * * * *

6 ELIZABETH LINT: The other matter
7 left was the application for St. George
8 Livery, the 398 Rindge Ave.

9 MICHAEL GARDNER: Have had any more
10 contact with the applicant --

11 ELIZABETH LINT: I have not.

12 MICHAEL GARDNER: -- since that
13 date?

14 ELIZABETH LINT: No.

15 MICHAEL GARDNER: As I recall at the
16 hearing, he demonstrated some lack of basic
17 information about how a livery service can
18 operate, as I recall, indicating that part of
19 his business model was to plan to go to the
20 hotels in search of business, for example, to
21 the airports. Am I remembering that right

1 according to your memory?

2 CHRISTOPHER BURKE: I do recall he
3 indicated that that would be a portion of his
4 business.

5 ELIZABETH LINT: But I believe we
6 also advised him that it had to be
7 pre-arranged at least eight hours in advance.

8 MICHAEL GARDNER: Oh, yes, we made
9 that correction for him.

10 And there was conversation about his
11 hope to be able to do pick-ups from the
12 airport --

13 ELIZABETH LINT: Yes.

14 MICHAEL GARDNER: -- as I recall?

15 ELIZABETH LINT: Yes.

16 MICHAEL GARDNER: And we advised him
17 that he needed to obtain and review that
18 matter with Massport?

19 ELIZABETH LINT: Correct.

20 MICHAEL GARDNER: I think that from
21 my point of view, the appropriate thing to do

1 here, because I'm not at all interested in
2 squelching an entrepreneurial opportunity for
3 someone who could actually provide services
4 for residents and visitors to the city, but I
5 am concerned about the relatively vague
6 nature of his plans for the business that my
7 preference, I think, here would be to defer
8 any action on that and make a request for him
9 to come forward with an update on his plans
10 before we pass any final judgment.

11 Superintendent, how does that sound to
12 you?

13 CHRISTOPHER BURKE: I think I would
14 agree. Mr. Jifara really did not exhibit a
15 clear understanding of how he was going to
16 operate. I think he had a premises of how
17 the business was going to operate, but I
18 think that really wasn't consistent with
19 other requirements in that the conflict that
20 could be created with the Hackney drivers. I
21 also really looked to weigh the public needed

1 good to the citizens and visitors of
2 Cambridge, and I think that Mr. Jifara really
3 didn't clearly express that. So I think I
4 would support that this be deferred.

5 MICHAEL GARDNER: I would make a
6 motion that we take no action on the
7 application today, but rather request that
8 the applicant come to a future hearing of the
9 Commission and give us an update on his
10 business plan, including how he hopes to
11 handle airport pick-ups and returns here.

12 Okay?

13 CHRISTOPHER BURKE: I would agree
14 with that.

15 MICHAEL GARDNER: So I made that
16 motion. All those in favor signify by saying
17 "Aye."

18 CHRISTOPHER BURKE: Aye.

19 MICHAEL GARDNER: Aye.

20 None opposed. So that motion passes.

21 * * * * *

1 MICHAEL GARDNER: We have one more
2 item of business today?

3 ELIZABETH LINT: We do.

4 MICHAEL GARDNER: Okay, and will you
5 just for the purposes of the record,
6 summarize what this matter is?

7 ELIZABETH LINT: This is an
8 application for a new restaurant in the
9 basement of 288 Green Street, which is the
10 location of the Greek-American Club. Part of
11 the issue is getting clarified what the
12 capacities are on each level. And, actually,
13 we will be having that on the next agenda, to
14 clarify for the club exactly what's what.

15 So, I checked with Inspectional
16 Services, the capacity of the second floor is
17 257 if there are tables and chairs. It's 340
18 if there are no tables and chairs. The first
19 floor of the capacity is 200, and the
20 basement is 100.

21 MICHAEL GARDNER: And just to make

1 sure my memory is right, the second floor
2 currently operates as a salsa dancing
3 arrangement?

4 ELIZABETH LINT: The second floor.

5 MICHAEL GARDNER: The second floor,
6 yes, right. The first floor is the club, and
7 the basement is where the application is.

8 ELIZABETH LINT: Correct. However,
9 the application is for 150, and ISD caps it
10 at 100.

11 MICHAEL GARDNER: So I guess I would
12 have a question as to would that not have
13 been part of our regular review and our have
14 gotten a sign-off from ISD in advance or not?

15 ELIZABETH LINT: Well, we have the
16 sign-off from ISD. It says 257. I think
17 there was confusion, because when the Greek
18 Club got the restaurant license, it was
19 specifically for the second floor, and that
20 was the capacity for the second floor. So, I
21 think even ISD was confused whenever anyone

1 went for a sign-off, they were just saying
2 257, but that was not correct.

3 MICHAEL GARDNER: So, we have the
4 potential for 557 people in the building?

5 ELIZABETH LINT: Actually, 640.

6 MICHAEL GARDNER: 640 if there's no
7 tables upstairs?

8 ELIZABETH LINT: Yes.

9 MICHAEL GARDNER: Mr. Panico is here
10 representing the applicant as I recall.

11 ATTORNEY VINCENT PANICO: Yes, sir.

12 MICHAEL GARDNER: When we discussed
13 this last, we expressed some reservations
14 about additional licensing in the basement
15 when it appeared like the first floor club
16 application wasn't particularly being fully
17 utilized, the police commissioner expressed
18 some concern about the potential number of
19 people, even well-behaved restaurant
20 connoisseurs leaving late in the evening and
21 pouring out onto Green Street. And as I

1 recall, that you were at least going to
2 re-review the status of things. And I wonder
3 if you might be willing to come forward to
4 the table, introduce, state and spell your
5 name for the record, and advise us as to any
6 additional information, if any, you've got
7 for us.

8 ATTORNEY VINCENT PANICO: My name is
9 Vincent Panico. I am an attorney and I
10 represent the petitioner. To the members of
11 the Board, I did submit a letter to the Board
12 indicating that the Greek-American Political
13 Club would be willing to release 50 seats to
14 the basement, give them up, because of the
15 diminishing membership and the reduced usage.

16 Now, can I also clarify the Certificate
17 of Occupancy of 100 which is on record for
18 the basement, which I furnished to the Board,
19 the Commission. That was asked for -- that's
20 what they asked for for the youth club.

21 Remember they had proposed putting a youth

1 club in the basement to see if they could
2 stir the young Greek members to come in
3 there? And that fell through.

4 But all they asked for was 100. And we
5 will furnish, if you wish, an architect
6 certification that the building under the
7 state building code, the capacity for the
8 basement is 174. And that's actually how
9 these things are determined. I had a talk
10 with the Superintendent of Buildings Ranjit,
11 and Ranjit said this is guided. You may say
12 look, we don't care what the building code
13 says, this is what we're going to allow on
14 that floor. But on the issue of what is the
15 actual capacity, the actual capacity is 174,
16 and we will furnish an Affidavit from an
17 architect to that affect.

18 ROBERT HAAS: So, Mr. Chair, my
19 question I guess in light of Ms. Lint's
20 research into this, does this have to go back
21 to ISD again just to make sure that they can

1 reaffirm the fact that they can go to 150
2 since they're now telling us the capacity is
3 100? So I don't see how we can take any
4 action at this point in time in light of
5 that.

6 MICHAEL GARDNER: Well, I suppose if
7 I may just think out loud as we sometimes do,
8 we have the authority to grant up to 100
9 seats; 50 off the existing license and 50 new
10 no value/no transfer seats. That we have the
11 authority to do.

12 ELIZABETH LINT: Yes.

13 MICHAEL GARDNER: Okay.

14 ROBERT HAAS: So do we need to -- I
15 guess right now I think there's some
16 confusion on the part of ISD in terms of the
17 capacity of that particular area, and I'm
18 just wondering if we, again, I think the
19 other thing is to make sure it's in a line
20 with one another. I think we need to have
21 some kind of confirmation from ISD that they

1 agree that an adjustment of 100 seats would
2 be appropriate since they're telling us
3 that's what they are viewing the capacity is.
4 And if you want to go back and try to, with
5 the architectural drawings, demonstrate that
6 there's a greater capacity, it seems to me
7 you would have to go back to ISD to do that
8 before you can come back to us.

9 ATTORNEY VINCENT PANICO: ISD is
10 only going on a Certificate of Occupancy that
11 was issued when the Greek Club requested
12 usage in that basement. Okay?

13 ROBERT HAAS: Yes.

14 ATTORNEY VINCENT PANICO: This is my
15 understanding.

16 ROBERT HAAS: Yes, yes.

17 ATTORNEY VINCENT PANICO: They're
18 not saying that that's the capacity. In
19 fact, they do not determine the capacity.
20 They could make a decision that the capacity
21 is 300, and if it's not in line with the

1 state building code, they cannot have 300.

2 ROBERT HAAS: Well, my understanding
3 in terms of the renderings and I guess the
4 initial application, they misunderstood the
5 capacity of that area to be 257. So I think
6 in my view, I think we need to get some
7 clarification so that we make sure both
8 bodies are in line and on the same page with
9 one other. Because right now you've got ISD
10 that's mistakenly that the capacity for the
11 basement area could be up to 257. We know
12 it's less than that. And then we have
13 another document that you've provided that
14 says it was once approved for 100 seats. So
15 there seems to be -- and my sense is your
16 market plan is looking to get at least 150
17 seats in that basement area as you're
18 proposing. And if you're going to make that
19 kind of investment, and we're talking about
20 \$250,000 in renovations to that area, so I
21 think just to make things transparent and

1 also to make sure everything reconciles with
2 one another, it seems to me that we may have
3 to take a step back, just clarify with ISD
4 that first of all, the capacity is not 257.
5 And secondly, that it does have an
6 architectural plan that's suggested in as
7 much as 174, and that you're seeking 150
8 seats for that restaurant unless you -- even
9 if you came back to me and said you want to
10 do 100 seats, I still think there's a
11 disconnect and I think that's got to get
12 rectified first.

13 ELIZABETH LINT: I would just concur
14 with that. I would say that we would still
15 need a corrected sign-off for the file
16 because the one we have is not correct for
17 the application.

18 ATTORNEY VINCENT PANICO: Is it
19 possible that you could make a decision today
20 contingent upon ISD confirming that the
21 capacity in the basement is at least 150?

1 MICHAEL GARDNER: Well, and I
2 appreciate your frustration about this. I
3 would say that we're frustrated about it,
4 too. But I think that the Commissioner's
5 concerns are valid in terms of getting the
6 paperwork squared away. I do wonder whether
7 you would be in a position to have whatever
8 you need to submit to ISD, submitted and
9 reviewed by them prior to our next meeting
10 which is November 1st?

11 ELIZABETH LINT: Yes, Tuesday.

12 MICHAEL GARDNER: And I don't know
13 if that's possible. The meeting after that
14 is the 15th?

15 ELIZABETH LINT: Yes.

16 MICHAEL GARDNER: The meetings we
17 have in November are the 1st, the 15th and
18 then a decision hearing on the 22nd.

19 ATTORNEY VINCENT PANICO: So if we
20 were able to obtain that information by
21 November 1st, would you vote at that meeting

1 to approve?

2 ROBERT HAAS: Mr. Chair, the other
3 issue that I don't think has been resolved,
4 to my understanding anyway, is we've had a
5 discussion around the closing time around one
6 and two o'clock. And I'm not clear where the
7 applicant is in terms of entertaining a
8 notion of actually bringing the hours back a
9 bit just to kind of mitigate some of the
10 concerns that the neighborhood has with
11 respect to -- I know people can be in the
12 street at any given time. So I really
13 haven't heard whether that was a viable
14 alternative for the applicant or are they
15 still looking to have a license that goes to
16 two o'clock in the morning.

17 ATTORNEY VINCENT PANICO: If the
18 Commissioner is suggesting that the sense of
19 the Board is that a one o'clock would be more
20 appropriate, it would be, I would say that
21 the conclusion would be --

1 ELIZABETH LINT: It would be the
2 same situation. They're asking for a two
3 a.m. but they haven't been open. So there's
4 no track record.

5 ROBERT HAAS: Right.

6 ATTORNEY VINCENT PANICO: Did I
7 answer that question?

8 ROBERT HAAS: No, I think you did.

9 MICHAEL GARDNER: So the question on
10 the table is would we be prepared to vote on
11 November the 1st if we had what we thought
12 was a clear, accurate, and considerate
13 sign-off by ISD? I think that was your
14 question, was it not, sir?

15 ATTORNEY VINCENT PANICO: Assuming
16 that the --

17 ROBERT HAAS: And a firm
18 understanding that if the Board was to
19 entertain the application, that it would be
20 with the stipulation of a one o'clock closing
21 time.

1 MICHAEL GARDNER: Well, I mean, I
2 think I would be prepared to vote on November
3 1st.

4 ROBERT HAAS: I would be as well.
5 You just need the fire chief.

6 ATTORNEY VINCENT PANICO: You do
7 have my sense I think.

8 ROBERT HAAS: No, we do. I mean,
9 I'm just looking at my notes, and I think
10 that's really the only other issue that I had
11 with respect through some concerns that were
12 voiced by the neighborhood and some of my own
13 concerns just because of the congestion of
14 the area. It's stepped back away from
15 Central Square, so I think it's just dealing
16 with some of those issues.

17 MICHAEL GARDNER: Yes. I would say
18 I'm a little underwhelmed by the offer of 50.
19 I don't really know exactly how many spaces
20 the club actually needs at peak moments on
21 the first floor. I mean, it does seem to me

1 that this is an action being taken in part to
2 help the club retain viability and I'm a
3 little uncomfortable about adding as many as
4 100 new seats. It was 50 that got
5 transferred, we're adding -- and you're still
6 looking for 150. You're adding 100. I'm
7 still somewhat concerned about that and
8 whether -- and do wonder whether or not in
9 any imaginable future you in fact need 150 on
10 the first floor. And if you do, I suppose
11 that's good for the club, but I would be
12 prepared to vote on Tuesday.

13 ATTORNEY VINCENT PANICO: I cannot
14 speak for the club, but fortunately their
15 attorney is here. But I think as a practical
16 matter, the possibility of the club, first
17 floor Greek-American Cultural Club expanding
18 their usage in the future is highly remote.
19 I think it is an aging club. The membership
20 has been decreasing. The usage has been
21 decreasing. So I don't think that's going to

1 be a problem fortunately.

2 MICHAEL GARDNER: Well, I just see
3 it as kind of there's 200 seats upstairs that
4 are not really being utilized. It doesn't
5 seem to me that it is unreasonable in terms
6 of the business plan to have some of those
7 seats put into the new venture which, you
8 know, sounds like it offers exciting
9 possibilities. And I understand that you
10 sort have gone a third of the way with
11 respect to the 150. Well, those are just my
12 musings about the situation and there are
13 three of us on the Commission.

14 ATTORNEY VINCENT PANICO: Well, as I
15 say, beyond agreeing to the transfer of 50 to
16 the usage in the basement, I couldn't speak
17 for the club.

18 MICHAEL GARDNER: No, I understand.
19 And we're not asking you to.

20 ROBERT HAAS: Mrs. Lint, this is
21 tangential but not directly to the

1 applicant's purpose. So the club's going to
2 come back in again and talk about
3 reorganization of seats and things like that?

4 ELIZABETH LINT: Yes. Well, just to
5 clarify it on the current license because
6 it's not correct the way it is.

7 ROBERT HAAS: And if I'm
8 understanding Mr. Panico, they're willing to
9 transfer?

10 ELIZABETH LINT: Correct.

11 ROBERT HAAS: Do I understand that
12 correctly?

13 ATTORNEY VINCENT PANICO: That's
14 correct.

15 MICHAEL GARDNER: Well, actually
16 they are no value/no transfer seats, aren't
17 they or are they not?

18 ROBERT HAAS: Well, by virtue of the
19 fact that we can reduce the seats.

20 ELIZABETH LINT: We can reduce it.

21 MICHAEL GARDNER: Right, yes, I

1 understand. But it actually isn't a
2 transfer.

3 ROBERT HAAS: Right.

4 MICHAEL GARDNER: It would
5 essentially amount to a voluntary surrender.

6 ELIZABETH LINT: Right.

7 MICHAEL GARDNER: Mr. Goldberg, I
8 see you're here. I don't know if you have
9 anything you care to add to help us today or
10 not.

11 ATTORNEY BERNARD GOLDBERG: The only
12 thought that I had was the awareness, you
13 know, of the fact that the club would give up
14 the 50, although there has been a great deal
15 of discussion with regard to it. So as
16 Attorney Panico has mentioned, they will have
17 to take that up before the Board.

18 And I do know that there is a meeting
19 this Sunday, and perhaps we can add it to the
20 agenda and come up with a positive view after
21 the meeting, and I can relay that to Attorney

1 Panico and the Board.

2 ROBERT HAAS: So Mr. Goldberg,
3 you're saying the Executive Board's probably
4 going to meet on Sunday to take up this
5 matter?

6 ATTORNEY BERNARD GOLDBERG: The
7 club.

8 ROBERT HAAS: The club. Well, The
9 board or the club, right.

10 ATTORNEY BERNARD GOLDBERG: I know
11 they have a meeting on Sunday. Not to take
12 this --

13 MICHAEL GARDNER: A general body
14 meeting of the club is what I heard you say.

15 ROBERT HAAS: Oh, okay.

16 MICHAEL GARDNER: Is that right,
17 Mr. Goldberg? He said executive board
18 meeting, and I thought I heard a meeting of
19 the club itself.

20 ATTORNEY BERNARD GOLDBERG: It's the
21 general assembly. And that would be a

1 meeting of the club, not the executive board.
2 And they would have the power to make a
3 decision, if I present it to them when
4 there's sufficient time, and whether or not
5 there's requirement of notification to the
6 members of this particular addition, and
7 that's something that has to be decided upon.

8 ROBERT HAAS: Not that I would be
9 distrustful, but I think it would help me a
10 great deal if in fact there was confirmation
11 by the club if they're willing to reduce
12 their license by 50 seats in writing and
13 submit it to us so that --

14 ATTORNEY BERNARD GOLDBERG: Sure.

15 ROBERT HAAS: -- there's no
16 confusion later on like we're having right
17 now with respect to the capacity of the
18 building and things like that. The question,
19 though, is that going to happen before
20 November 1st because that's going to holdup
21 the applicant to some degree. And that's

1 probably something you can't answer at this
2 point.

3 ATTORNEY BERNARD GOLDBERG: I can't.

4 ROBERT HAAS: Yes, so.

5 ATTORNEY BERNARD GOLDBERG: Perhaps
6 the later date. And I know Mr. Panico is
7 eager, but if that's a decision-making
8 decision, then perhaps we can continue it to
9 the 15th.

10 MICHAEL GARDNER: We would like to
11 dispose of this matter --

12 ATTORNEY BERNARD GOLDBERG: As soon
13 as possible.

14 MICHAEL GARDNER: -- as
15 expeditiously as we can and as accurately as
16 we can. We have the capacity to do that
17 potentially on the 1st, perhaps more probably
18 on the 15th.

19 ATTORNEY BERNARD GOLDBERG: Well,
20 let me pursue it further and I can give you
21 an answer before the 1st to Ms. Lint, and if

1 there is a meeting on the 1st, then perhaps
2 we can arrange for it to be.

3 ATTORNEY VINCENT PANICO: There has
4 been an uncertainty here by my
5 representations to the Board. The president
6 of the Board has attended these hearings and
7 in my discussion --

8 MICHAEL GARDNER: The president of
9 the club?

10 ATTORNEY VINCENT PANICO: The
11 president of the Greek-American Political
12 Club. And in all my discussions with him, he
13 has indicated that they are willing to.
14 Perhaps he overspoke without full authority,
15 but I just wanted the Board to know that I'm
16 not making a casual representation.

17 ROBERT HAAS: I'm not interpreting
18 it that way, believe me. I just want to make
19 sure. We've gotten this far and we've had
20 some confusion over this issue, and I just
21 want to make sure that we kind of get the

1 record straight, and there's no confusion on
2 anybody's part. And I think, I think the
3 Greek-American Club has every intention of
4 reducing the license by 50. But I think to
5 your point, Mr. Panico, you have to go back
6 to the body or assembly just to make sure
7 they're all in concurrence with that. I
8 don't want to take a chance with that if
9 somebody somehow says we're not going to do
10 that because what happens in the future and
11 things like that. I think just to resolve
12 everything at this point in time and make
13 sure that we're on solid footing, that will
14 help me a great deal in knowing that that's
15 the wishes of the club in terms of going
16 forward. And I think more than likely that's
17 what's going to happen. I don't have any
18 doubts it's not, but just to kind of....

19 ATTORNEY VINCENT PANICO: Yes.

20 MICHAEL GARDNER: We do have one
21 member of the public who indicated he'd like

1 to be heard. Now, I'm not -- with these
2 decision hearings we generally don't
3 necessarily do that.

4 ELIZABETH LINT: He's the applicant.

5 MICHAEL GARDNER: Yes, I know.

6 Well, you are a member of the public as well,
7 but I knew you were the applicant, sir. If
8 you've got something to say, I'd be happy to
9 hear it.

10 NICHOLAS HAMOURGAS: Thank you.

11 MICHAEL GARDNER: Why don't you just
12 come forward, though, and state and spell
13 your name for the record.

14 NICHOLAS HAMOURGAS: My name is
15 Nicholas H-a-m-o-u-r-g-a-s. I'm the
16 applicant.

17 It was a meeting about this matter and
18 I was present and they decided that they're
19 going to give me 50 seats.

20 MICHAEL GARDNER: Okay, thank you
21 very much.

1 So I make a motion to defer this matter
2 either to November 1st or November 15th based
3 on the applicant's representations as to
4 whether they're ready to present.

5 ATTORNEY VINCENT PANICO: And I will
6 report to Ms. Lint that yes, we will come in
7 on the 1st or the 15th if that's okay?

8 ELIZABETH LINT: Yes.

9 ROBERT HAAS: Well, just before I
10 second. So there's really three issues on
11 the table right now;

12 To reconcile and resolve the issues
13 with ISD over the capacity of the seating
14 downstairs.

15 Just some verification that the
16 Greek-American Club is willing to reduce its
17 current license by 50 seats.

18 And then lastly, there's this
19 concurrence on the part of the applicants,
20 which I'm assuming there is, that there's an
21 understanding that the closing time of that

1 license is one o'clock.

2 That's my understanding of the three
3 issues that I at least want to hear about
4 whether we hear it on November 1st or the
5 15th.

6 ATTORNEY VINCENT PANICO:
7 Commissioner, I think as I indicated, the
8 sense of the Board is one a.m.

9 ROBERT HAAS: Yes. I just want
10 to --

11 ATTORNEY VINCENT PANICO: I'm a
12 practical man.

13 ROBERT HAAS: Sure. So I'll second
14 the motion.

15 MICHAEL GARDNER: All those in favor
16 signify my by saying "Aye."

17 CHRISTOPHER BURKE: Aye.

18 ROBERT HAAS: Aye.

19 MICHAEL GARDNER: Aye.

20 ATTORNEY VINCENT PANICO: Thank you.

21 MICHAEL GARDNER: So we'll defer the

1 matter to your calendar of either the 1st or
2 the 15th.

3 * * * * *

4 ELIZABETH LINT: Want to approve
5 some minutes?

6 October 4th. And I can report that we,
7 what we are doing now when there are issues
8 with corrections, we're putting them on an
9 errata page and including it in the back of
10 the agenda, so that's from here on out.

11 MICHAEL GARDNER: Okay.

12 ELIZABETH LINT: So everything's
13 been correct.

14 MICHAEL GARDNER: That raises at
15 least in my mind the question, were there
16 never corrections before?

17 ELIZABETH LINT: From time to time I
18 would find some and the corrections are made.

19 MICHAEL GARDNER: Okay.

20 I have reviewed the November 4th
21 minutes with the corrections.

1 ELIZABETH LINT: October.

2 MICHAEL GARDNER: I'm sorry, October
3 4th minutes. They seem in order to me.

4 CHRISTOPHER BURKE: I've reviewed
5 them also and they are in order.

6 MICHAEL GARDNER: Motion to approve
7 the minutes of October 4th as corrected?

8 CHRISTOPHER BURKE: Second that
9 motion.

10 MICHAEL GARDNER: All those in favor
11 signify by saying "Aye."

12 CHRISTOPHER BURKE: Aye.

13 MICHAEL GARDNER: None opposed so
14 minutes are approved.

15 * * * * *

16 ELIZABETH LINT: And October 18th, I
17 don't know if you've had an opportunity to
18 look at them. I think they came in
19 yesterday.

20 ROBERT HAAS: I haven't seen them.

21 MICHAEL GARDNER: I haven't seen

1 them.

2 ELIZABETH LINT: I reviewed them.
3 They look to me, except for a spelling
4 mistake on the name of a restaurant, but
5 that's it.

6 MICHAEL GARDNER: Is that all that's
7 still out there?

8 ELIZABETH LINT: That's it.

9 MICHAEL GARDNER: Well, we can
10 potentially do that on the 1st.

11 ELIZABETH LINT: Yes.

12 MICHAEL GARDNER: Any other business
13 before the Board?

14 ROBERT HAAS: Do you want to discuss
15 this letter?

16 ELIZABETH LINT: Do you have the
17 corrected one?

18 ROBERT HAAS: This is the last one
19 that I was able to pull up.

20 MICHAEL GARDNER: So I e-mailed --
21 well, that's it.

1 ROBERT HAAS: This is it?

2 MICHAEL GARDNER: That would be it
3 because it's got the signatures on it. And
4 essentially I added a thank you and a
5 reference to lives being saved.

6 ELIZABETH LINT: So that is okay
7 with you, I had Chris get them all ready for
8 signatures.

9 ROBERT HAAS: Okay.

10 ELIZABETH LINT: And that would be
11 all I have.

12 ROBERT HAAS: I read it. I think
13 it's adequate. I think it expresses our
14 concerns that we ask our life saving body to
15 take that into mind when the issue comes up,
16 they're probably going to vote on it.

17 MICHAEL GARDNER: Okay.

18 So we last time had voted to request
19 Ms. Lint to draft the document for our
20 signature. The document having been drafted
21 and reviewed, will entertain a motion.

1 ROBERT HAAS: Well, the only
2 question I have, Mr. Chair, since it's
3 looking for all three commissioners to sign
4 the letter, it would be appropriate to make
5 sure that Chief Reardon concurs with the
6 letter as well. I mean, for us to vote and
7 then to make him sign the letter when he's
8 not had an opportunity to weigh in on it
9 might be a problem. I think we can wait
10 until November 1st.

11 ELIZABETH LINT: Sure.

12 MICHAEL GARDNER: Yes, the question
13 is I have no idea how fast the conference
14 committee's going.

15 ROBERT HAAS: Yes, I know.

16 MICHAEL GARDNER: All right. Okay.
17 So there's no action to be taken on that.

18 Anything else?

19 ELIZABETH LINT: Nothing.

20 MICHAEL GARDNER: A motion to
21 adjourn is always in order.

1 CHRISTOPHER BURKE: Second that
2 motion.

3 ROBERT HAAS: I was waiting for you
4 to make the motion. You make it. I was
5 looking for you to make the motion.

6 CHRISTOPHER BURKE: He made it.

7 MICHAEL GARDNER: No, I didn't. I
8 solicited --

9 CHRISTOPHER BURKE: Oh, okay. I
10 make a motion that we adjourn.

11 ROBERT HAAS: Second.

12 MICHAEL GARDNER: Those in favor
13 signify by saying "Aye."

14 CHRISTOPHER BURKE: Aye.

15 ROBERT HAAS: Aye.

16 MICHAEL GARDNER: Aye.

17 So the meeting closes at approximately
18 10:50 in the morning of October 27th.

19 (Whereupon, at 10:50 a.m., the
20 Decision Hearing Meeting of the
21 Licensing Board adjourned.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction to same and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Refer to Page 45 of the transcript for Errata Sheet distribution instructions.

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BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
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I am not related to any of the parties
in this matter by blood or marriage and that
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this matter.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 3rd day of November 2011.

Catherine L. Zelinski
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