



CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

BRANVILLE G. BARD, JR.
POLICE COMMISSIONER | BOARD MEMBER

GERARD E. MAHONEY
FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT
EXECUTIVE DIRECTOR

BOARD OF LICENSE COMMISSIONERS' MEETING MINUTES

Monday, November 9, 2020, 3:00 p.m.

This meeting was held by remote participation through Zoom, pursuant to Governor Baker's Executive Order of March 10, 2020, suspending certain provisions of M.G.L. ch. 30A due to the COVID-19 Pandemic.

Meeting started at approximately 3:04 p.m.

Board members in attendance: Chair Nicole Murati Ferrer (present); Commissioner Branville Bard (present); and Chief Gerard Mahoney (present).

Staff member in attendance: Elizabeth Y. Lint.

Note: All decisions/votes were by roll call vote, and 3-0, unless otherwise specified.

Executive Session:

This portion of the meeting was held by remote participation via Teams.

- 1) The License Commission will go into Executive Session for purposes of discussing litigation strategy with respect to the appeal of Fresh Pond Auto Sales, Inc. v. Cambridge License Commission, Middlesex Superior Court, Civil Action No. 1981-03873. [Time Stamp: 01:45]

Executive Session minutes are prepared separately and are not currently made public as disclosure/publication at this time would have a detrimental impact on the litigating position of the Board.

[Regular session resumed at 21:04.]

Noticed Matters:

- 2) Application #96468 Shirley Marks d/b/a Shirley Marks Psychic Readings, 149 Cambridge Street, has applied for a new Fortune Teller's License. [Time Stamp: 22:35]

Present: Shirley Marks and Attorney Anthony Gargano.

Documents Considered: Application and documents attached thereto.

Summary: Attorney Gargano stated that the fortune teller will be in a space attached to the law office, but isolated. Ms. Marks said she has been licensed as a fortune teller in Cambridge in the past without incident.

Decision: Granted pending submission of list of services being provided and prices.

3) Disciplinary SN KJ, Inc. d/b/a Beauty's Pizza, 187 Hampshire Street, Common Victualler Wine and Malt License #18674, to address allegations of violations of certain provisions of the law as they relate to the above-referenced license. Specifically, the hearing will address whether Beauty's Pizza is in violation of: (1) Permitting disorder, disturbance, or illegality on a licensed premise, to wit, Overcapacity on the outdoor patio, in violation of M.G. L. c. 138 §§ 23 and 64 and Rules and Regulations of the City of Cambridge Board of License Commissioners Rules 2.3, 2.5, 5.1, and 9; (2) Providing unlicensed entertainment in violation of M.G.L. c. 138, §§ 23 and Board's Rule 2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 2.8, 10.1, and 11 and (3) Operating after the posted closing hours of the patio in violation of Board's Rules 1.6, 2.2, 2.5, 5.3, 6.1, 6.2, and 6.3.

Decision: This matter was continued prior to the hearing.

4) Application #96704 HRB MA Holdings, LLC d/b/a Hyatt Regency Cambridge, 575 Memorial Drive, All Alcohol Innholder License #66021, for a Change of Manager to Edward Brogan.

Decision: This matter was continued to December 2, 2020, prior to the hearing.

5) Disciplinary Casablanca Services for allegedly operating leaf blowers on July 1, 2020 at approximately 9:00 a.m., July 8, 2020 at approximately 11:00 a.m. and July 15, 2020 at approximately 4:50 p.m. at 136 Irving Street in violation of Cambridge Municipal Code 8.16.081.1(b) and 8.16.081.2(c)-operating without a permit and 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 28:00]**

Present: Tyler Bubenik and Yacine Ibrahimi.

Documents Considered: Hearing notice and attachments.

Summary: The Board had considered and voted upon this matter on September 23, 2020. However, upon receipt of the Board's decision, Casablanca asked for a rehearing as no representative was able to join the previous hearing.

At this hearing, Investigator Bubenik testified that notice was received through See Click Fix that Casablanca Services was using leaf blowers at the American Academy of Arts and Science. Mr. Bubenik spoke with Geoff Jewett at the American Academy and learned that Casablanca performs all services for them. He also confirmed they were present at the times stated. Casablanca had been permitted to operate in Cambridge in the past but had failed to renew for this year. They have since renewed the permit. Mr. Ibrahimi admitted that he used the blower, but only once, at the beginning of July. They were shut down for 2 months due to COVID-19. He didn't realize the City was open so that he could renew his permit. He stated that the American Academy was having a roof put on and that the construction crew was using an unauthorized leaf blower (Red Max). The Academy had called them to come and start cleanup due to the construction. Once contacted by Mr. Bubenik, he ceased using the blowers. He stated that it was an honest mistake. The company was permitted through 2019. The renewal for 2020 was never submitted regardless of multiple notifications.

Decision: Board vacated/rescinded findings and vote of September 23, 2020. Board found no violation for the incidents of July 8 & 15, 2020. The Board found a violation for operating without a permit on July 1, 2020, and issued a warning, and also issued a violation for operating during a prohibited period on July 1, 2020 and issued a \$300 fine.

Administrative Matters:
[Time Stamp: 35:45]

6) Acknowledgement Bachire Sassine has transferred ownership of medallions 145 and 245 to Amir Sassine and has transferred his stock of East West trans, Inc. to Amir Sassine as well.

Decision: Acknowledged.

7) Application #95023 Julie Sutherland, on behalf of Guardian Cambridge Alewife, LLC doing business as Luxe at Alewife, has applied for a change of ownership from 88 Cambridge Park Ltd. to Guardian Cambridge Alewife, LLC.

Summary: This is an existing structure, it is the same type of operation, new ownership and management – 668 parking spaces Residential Garage parking plus that includes a central garage subject to easement agreement (condo).

Decision: Granted.

8) Application #98537 Ruth Hernandez, on behalf of Orale Mexican Grill, Inc. d/b/a Orale Paco's Mexican Grill, 847 Cambridge Street, has applied for a new Common Victualler license with 18 seats and hours from 10:00 a.m. to 10:00 p.m. all days (previously licensed location).

Documents Considered: Application and documents attached thereto; and letter in support from Councilor Toomey.

Summary: The floor plan submitted is for 19 seats with an ADA table which would bring them up to 20 seats.

Decision: Granted pending submission of the Certificate of Inspection.

Applications 9 through 30 were considered together:

9) Application #98270 Walid Nakhoul has applied to change the corporate name of medallion #1 from MIT Cab, Inc to Taxi Management, Inc.

10) Application #98271 Walid Nakhoul has applied to change the corporate name of medallion #62 from MIT Cab, Inc to Taxi Management, Inc.

- 11) Application #98273 Walid Nakhoul has applied to change the corporate name of medallion #118 from MIT Cab, Inc to Taxi Management, Inc.
- 12) Application #98274 Walid Nakhoul has applied to change the corporate name of medallion #103 from Elizabeth Cab, Inc to Taxi Management, Inc.
- 13) Application #98275 Walid Nakhoul has applied to change the corporate name of medallion #103 from Elizabeth Cab, Inc to Taxi Management, Inc.
- 14) Application #98276 Walid Nakhoul has applied to change the corporate name of medallion #93 from A. Tammy Cab, Inc to Taxi Management, Inc.
- 15) Application #98279 Walid Nakhoul has applied to change the corporate name of medallion #75 from A. Tammy Cab, Inc to Taxi Management, Inc.
- 16) Application #98280 Walid Nakhoul has applied to change the corporate name of medallion #77 from ABCD Taxi, Inc to Taxi Management, Inc.
- 17) Application #98282 Walid Nakhoul has applied to change the corporate name of medallion #80 from ABCD Taxi, Inc to Taxi Management, Inc.
- 18) Application #98283 Walid Nakhoul has applied to change the corporate name of medallion #14 from AAA Cab, Inc to Taxi Management, Inc.
- 19) Application #98284 Walid Nakhoul has applied to change the corporate name of medallion #91 from AAA Cab, Inc to Taxi Management, Inc.
- 20) Application #98285 Walid Nakhoul has applied to change the corporate name of medallion #248 from AAA Cab, Inc to Taxi Management, Inc.
- 21) Application #98286 Walid Nakhoul has applied to change the corporate name of medallion #12 from Harvard Square Cab, Inc to Cambridge Transportation Services, Inc.
- 22) Application #98288 Walid Nakhoul has applied to change the corporate name of medallion #30 from Harvard Square Cab, Inc to Cambridge Transportation Services, Inc.
- 23) Application #98289 Walid Nakhoul has applied to change the corporate name of medallion #93 from Harvard Square, Inc to Cambridge Transportation Services, Inc.
- 24) Application #98462 Walid Nakhoul has applied to change the corporate name of medallion #58 from Vette Taxi, Inc. to Cambridge Transportation Services, Inc.
- 25) Application #98465 Walid Nakhoul has applied to change the corporate name of medallion #243 from Vette Taxi, Inc. to Cambridge Transportation Services, Inc.

- 26) Application #98467 Walid Nakhoul has applied to change the corporate name of medallion #21 from Vette Taxi, Inc. to Cambridge Transportation Services, Inc.
- 27) Application #98473 Walid Nakhoul has applied to change the corporate name of medallion #191 from First Street Cab, Inc. to Cambridge Transportation Services, Inc.
- 28) Application #98474 Walid Nakhoul has applied to change the corporate name of medallion #5 from Central Square Cab, Inc. to Cambridge Transportation Services, Inc.
- 29) Application #98476 Walid Nakhoul has applied to change the corporate name of medallion #65 from Central Square Cab, Inc. to Cambridge Transportation Services, Inc.
- 30) Application #98477 Walid Nakhoul has applied to change the corporate name of medallion #9 from Central Square Cab, Inc. to Cambridge Transportation Services, Inc.

Summary: Walid Nakhoul owns the medallions under different corporate names and is seeking to consolidate ownership into two corporations Taxi Management, Inc. and Cambridge Transportation Services, Inc. to avoid unnecessary operational costs. There is no change in ownership with regard to the sole beneficial interest in each corporation, which is Walid Nakhoul.

Decision: Approved as to all.

- 31) Ratifications of approvals of Temporary Extensions of Licensed Premises to Outdoor Area Due to COVID-19, pursuant to Boards' vote of June 8, 2020: See attached list.

Decision: Ratified.

- 32) **[Submission After Posting of Agenda]** Application #98955 Frederick York, on behalf of Phoenix Communications has applied for a Special Noise Variance for November 12 through 13, 2020 at the corner of Bent and 6th Streets from 6:00 p.m. to 3:00 a.m. for cable splicing with an idling vehicle. This work is an extension of #95870 which was approved on October 20, 2020 but the work could not be done due to illness.

Decision: Granted.

- 33) **[Submission After Posting of Agenda]** Minutes for July 9, 2020.

Decision: Approved.

NMF NMF/E

Minutes Approved: JAN 27 2020

GEM GEM/E

Minutes Posted: JAN 28 2020

BGB BGB/E